## SENATE BILL No. 158

By Committee on Federal and State Affairs

2-6

AN ACT concerning immigration; relating to sanctuary policies and the prohibition thereof; duty of law enforcement to cooperate in immigration enforcement; litigation against municipalities; defense by attorney general; claims against the state.

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Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) As used in this section:

- (1) "Law enforcement officer" means any person who, by virtue of office or public employment, is vested by law with a duty to maintain public order and to make arrests for violation of the laws of the state of Kansas or the ordinances or resolutions of any municipality thereof.
  - (2) "Municipality" means a county or a city.
- (3) "Municipality official" means any person holding a municipal office either by election or appointment, or any law enforcement officer employed by a municipality.
- (4) "Sanctuary policy" means any order, ordinance, resolution or law enforcement policy, whether formally enacted or informally adopted, that:
- (A) Limits or prohibits any municipality official or person employed by a municipality from communicating or cooperating with federal agencies or officials to verify or report the immigration status of any alien within such municipality;
- (B) grants to aliens unlawfully present in the United States the right to lawful presence within the boundaries of a municipality in violation of federal law:
  - (C) violates any provision of 8 U.S.C. § 1373;
- (D) restricts in any way, or imposes any conditions on, a municipality's cooperation or compliance with detainers or other requests from United States immigration and customs enforcement to maintain custody of any alien or to transfer any alien to the custody of United States immigration and customs enforcement;
- (E) requires United States immigration and customs enforcement to obtain a warrant or demonstrate probable cause before complying with detainers or other requests from United States immigration and customs enforcement to maintain custody of any alien or to transfer any alien to the custody of United States immigration and customs enforcement; or
  - (F) prevents a municipality's law enforcement officers from inquiring

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as to the citizenship or immigration status of any person.

- (5) "State agency" means any state office or officer, department, board, commission, institution, bureau or any agency, division or unit within any office, department, board, commission or other state authority.
- (b) No municipality shall enact or adopt any sanctuary policy. Any municipality that enacts or adopts a sanctuary policy shall be ineligible to receive any moneys that would otherwise be remitted to such municipality by a state agency. A municipality shall remain ineligible to receive such moneys until such time as the sanctuary policy is repealed or is no longer in effect.
- (c) (1) The attorney general shall receive complaints regarding any violation of this section. The complaints may be submitted by any resident of this state, and shall be submitted in writing in the form and manner as prescribed by the attorney general. In lieu of submitting a complaint, any member of the legislature may request, at any time, that the attorney general investigate and issue an opinion as to whether a municipality has enacted or adopted a sanctuary policy in violation of this section.
- (2) Upon receiving a complaint or request, the attorney general shall investigate and determine whether a violation of this section has occurred. The attorney general shall issue an opinion stating whether the municipality that is the subject of the complaint or request has enacted or adopted a sanctuary policy in violation of this section. Upon the issuance of an opinion by the attorney general that a municipality has enacted or adopted a sanctuary policy in violation of this section, the municipality shall become ineligible to receive any moneys that would otherwise be remitted to the municipality by a state agency. Such ineligibility shall commence on the date the opinion is issued, and shall continue until such time as the attorney general certifies that the sanctuary policy is repealed or is no longer in effect.
- (3) The attorney general shall send to the municipality that was the subject of the investigation and to the director of accounts and reports a copy of any opinion issued pursuant to this section and any certification by the attorney general that a sanctuary policy is repealed or no longer in effect.
- (d) The governing body of each municipality, or the chief law enforcement officer thereof, shall provide each law enforcement officer with a printed copy of this section and written notice of the officer's duty to cooperate with state and federal agencies and officials on matters pertaining to the enforcement of state and federal laws governing immigration. Each state agency vested with law enforcement authority shall provide each law enforcement officer employed by the agency with a printed copy of this section and written notice of the officer's duty to cooperate with state and federal agencies and officials on matters

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pertaining to the enforcement of state and federal laws governing immigration.

- (e) No state agency shall enact or adopt a sanctuary policy.
- (f) If a city or county is a defendant in litigation arising from enforcing the federal immigration laws to the full extent permitted by federal law, the attorney general shall, at the request of the city or county, defend the city or county in the litigation. All costs incurred by the attorney general to defend a city or county as provided in this subsection, including payment of court costs, shall be paid from the state general fund.
- (g) If a city or county incurs liability for enforcing the federal immigration laws to the full extent permitted by federal law, the city or county responsible for the costs incurred shall be reimbursed for such costs by filing a claim against the state pursuant to article 9 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto.
- (h) On or before January 1, 2018, the attorney general shall adopt rules and regulations necessary to implement the provisions of this section.
- Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.