AN ACT concerning municipalities; relating to law enforcement agencies and cooperation with federal officials regarding citizenship, immigration status and enforcement of federal immigration laws; requiring any municipal identification card to state it is not valid for state identification; amending K.S.A. 8-1327 and repealing the existing section.

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

New Section 1. As used in K.S.A. 8-1327, and amendments thereto, and sections 1 through 6, and amendments thereto:

(a) "Law enforcement agency" means a city police department, a county sheriff's department, a county police department or any law enforcement department of a taxing subdivision of the state.

(b) "Law enforcement officer" means a full-time or part-time officer or employee of a city, county or taxing subdivision of the state whose duties include the prevention or detection of crime and the enforcement of criminal and traffic laws of the state or of any municipality.

(c) "Municipal identification card" means any document, card or other instrument authorized or issued by or on behalf of a city or county and bearing a name, photograph or other descriptive information of any individual and intended for use as a form of identification.

(d) "Municipality" means a city, county or any taxing subdivision of the state that employs law enforcement officers.

New Sec. 2. (a) No municipality shall enact, implement or enforce an ordinance, resolution, rule or policy that prohibits or in any way restricts a law enforcement officer, local official or local government employee, from taking the following actions with regard to information of the citizenship or immigration status, lawful or unlawful, of an individual:

(1) Communicating or cooperating with federal officials;

(2) sending to or receiving information from the United States department of homeland security;

(3) obtaining or maintaining information; or

(4) exchanging information with another federal, state, or local government entity.

(b) Any ordinance, resolution, rule or policy that violates subsection (a) is null and void.
New Sec. 3. (a) A municipality shall not limit or restrict the enforcement of federal immigration laws.
(b) Every law enforcement agency shall provide each law enforcement officer with a written notice that the law enforcement officer has a duty to cooperate with state and federal agencies and officials on matters pertaining to enforcement of state and federal laws governing immigration.

New Sec. 4. A municipal identification card shall not be used to satisfy any requirement of state law for proof of identity and each municipal identification card shall state on its face the statement "Not valid for state ID".

New Sec. 5. The enforcement of federal law and communications with federal agencies shall be done without regard to race, religion, gender, ethnicity or national origin.

New Sec. 6. The attorney general or county or district attorney may bring an action to compel compliance with sections 2 through 5, and amendments thereto, and if a court finds that a municipality or any other person or entity has violated, is violating or is about to violate any provision of this act the court shall enjoin the municipality, person or entity to comply with this act.

Sec. 7. K.S.A. 8-1327 is hereby amended to read as follows: 8-1327.
(a) It shall be unlawful for any person, for any purpose, to:
(1) Display, cause or permit to be displayed, or have in possession, any fictitious, fraudulently altered or fraudulently obtained identification card.
(2) Lend any identification card to any other person or knowingly permit the use thereof by another.
(3) Display or represent any identification card not issued to the person as being the person's card.
(4) Permit any unlawful use of an identification card issued to the person.
(5) Use a false or fictitious name in any application for an identification card, or any renewal or replacement thereof, or knowingly conceal a material fact or otherwise commit a fraud in any such application.
(6) Display or possess any photograph, photostat, duplicate, reproduction or facsimile of an identification card unless authorized by the provisions of this act.
(7) Photograph, photostat, duplicate or in any way reproduce any identification card or facsimile thereof in such a manner that it could be mistaken for a valid identification card or display or have in possession any such photograph, photostat, duplicate, reproduction or facsimile unless authorized by law.
(8) Fail or refuse to surrender to the division upon its lawful demand any identification card which has been canceled.

(9) Display or cause or permit to be displayed any canceled identification card.

(b) Violation of paragraphs (1) or (9) of subsection (a) subsections (a)(1) through (a)(9) is a class B nonperson misdemeanor. Violation of paragraphs (2), (3), (4), (6), (7) or (8) of subsection (a) subsections (a)(2), (a)(3), (a)(4), (a)(6), (a)(7) or (a)(8) is a class A nonperson misdemeanor. Violation of paragraph (5) of subsection (a) subsection (a)(5) is a severity level 9, nonperson felony.

(c) It shall be unlawful for any person to:

(1) Lend any identification card to or knowingly permit the use of any identification card by any person under 21 years of age for use in the purchase of any alcoholic liquor.

(2) Lend any identification card to or knowingly permit the use of any identification card by any person under the legal age for consumption of cereal malt beverage for use in the purchase of any cereal malt beverage.

(3) Lend any identification card, driver's license or other form of identification to aid another person in obtaining an identification card or replacement identification card.

(4) Display or cause to be displayed or have in possession any fictitious or fraudulently altered identification card by any person under 21 years of age for use in the purchase of any alcoholic liquor or cereal malt beverage.

(d) (1) Upon a first conviction of a violation of any provision of subsection (c) a person shall be guilty of a class B nonperson misdemeanor and shall be sentenced to not less than 100 hours of public service and fined not less than $200 nor more than $500.

(2) On a second or subsequent conviction of a violation of any provision of subsection (c), a person shall be guilty of a class A nonperson misdemeanor.

(e) The provisions of this section shall apply to any identification card, driver's license or other form of identification whether issued under the laws of this state or issued under the laws of another state or jurisdiction and to any municipal identification card as defined by section 1, and amendments thereto.

Sec. 8. K.S.A. 8-1327 is hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the statute book.