

SESSION OF 2022

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2717

As Amended by House Committee on Federal
and State Affairs

Brief*

HB 2717, as amended, would prohibit municipalities from restricting law enforcement cooperation with federal authorities and would prohibit the use of municipal identification cards from being used to satisfy state proof of identity requirements, including for voter identification. The bill would also make technical changes.

Definitions

The bill would define the following terms:

- “Law enforcement agency” to mean a city police department, county sheriff’s department or police department, or any law enforcement department of a state taxing entity;
- “Law enforcement officer” to mean a full-time or part-time employee of a municipality whose duties include the prevention or detection of crime and enforcement of criminal and traffic laws;
- “Municipal identification card” to mean any document, card, or other instrument issued by a city or county and bearing a name, photograph, or descriptive information intended for an individual to use as a form of identification; and

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- “Municipality” to mean a city, county, or state taxing entity that employs law enforcement officers.

Prohibited Actions of Municipalities

The bill would prohibit municipalities from enacting, implementing, or enforcing an ordinance, resolution, rule, or policy that prohibits or restricts a law enforcement officer, local official, or local government employee from doing the following with information on a person’s citizenship or immigration status:

- Communicating or cooperating with federal officials;
- Sending to or receiving information from the U.S. Department of Homeland Security;
- Obtaining maintaining information; or
- Exchanging information with another federal, state, or local government entity.

The bill would state that any such ordinance, resolution, rule, or policy is null and void. Municipalities would also be prohibited from limiting or restricting the enforcement of federal immigration laws.

Municipal Identification Cards

The bill would prohibit municipal identification cards from being used to satisfy any state requirement for proof of identity, and would require each municipal identification card to state “Not valid for state ID” on its face.

The bill would amend current criminal law that makes illegal certain fraudulent acts using an identification card to include the fraudulent use of municipal identification cards.

The bill would also amend current election law to remove identification documents issued by a municipality, county, state, or federal government office or agency from the list of valid forms of identification to vote.

Racial or Other Biased Policing

The bill would make the use of racial or other biased-based policing for the enforcement of federal immigration law and communications with federal agencies unlawful.

The bill would use existing law to define “racial or other biased-based policing” as the unreasonable use of race, ethnicity, national origin, gender, or religion by a law enforcement officer in deciding to initiate an enforcement action.

The use of these characteristics would not be considered racial or other biased-based policing when used in combination with other identifying factors as part of a specific individual description to initiate an enforcement action.

A person believing they have been subjected to racial or other biased-based policing would be able to file a complaint with the applicable law enforcement agency or the Attorney General.

Cause of Action

The Attorney General, county attorney, or district attorney would be authorized to bring a court action to compel a municipality or person to comply with the provisions of the bill.

Background

The bill was introduced by the House Committee on Federal and State Affairs at the request of the Office of the Attorney General.

House Committee on Federal and State Affairs

In the House Committee hearing, the Attorney General; a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association; a representative of the Office of Secretary of State, and a private citizen provided **proponent** testimony. The proponents stated that the bill is a response to the Safe and Welcoming Act adopted by the Unified Government of Wyandotte County in February of 2022, and would prevent municipalities from enacting a patchwork of immigration policies.

Written-only proponent testimony was provided by two private citizens. No neutral testimony was provided.

Representatives of Advocates for Immigrant Rights and Reconciliation, Grandview Park Presbyterian Church, Kansas Appleseed Center for Law and Justice, Kansas Interfaith Action, Loud Light Civic Action, Metro Organization for Racial and Economic Equality, New Frontiers Project, Rosedale Development Association, Safe and Welcoming Wyandotte, Sisters of Charity of Leavenworth, Unified Food and Commercial Workers Union, the Unified Government of Wyandotte County, and five private citizens provided **opponent** testimony. The opponents generally discussed how immigrant populations have contributed to the economic and cultural revitalization of Kansas City, Kansas, and how the bill would infringe upon local government control.

Written-only opponent testimony was provided by 17 private citizens, 5 representatives of Douglas County, 3 representatives of the Unified Government of Wyandotte

County, 2 representatives of Advocates for Immigrant Rights and Reconciliation, 2 representatives of Cross Border Network, 2 representatives of Safe and Welcoming Roeland Park, and representatives of the ACLU of Kansas, American Immigration Lawyers Association, City of Lawrence, City of Roeland Park, El Centro, Kansas Action for Children, Mainstream Coalition, New Frontiers Project, Olivet Institutional Baptist Church, Plymouth Congregational Church, Sanctuary Alliance, Voter Rights Network of Wyandotte County, and Working Kansas Alliance.

The House Committee amended the bill to:

- Remove municipal identification documents from the list of valid forms of identification to vote; and
- Replace provisions prohibiting nondiscriminatory policing practices with provisions prohibiting racial or other biased-based policing, as defined in current law.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed in district courts, which would increase judicial and nonjudicial personnel costs. The bill would also result in the collection of additional docket fees in cases filed under the provisions of the bill. However, a fiscal effect cannot be determined.

The Office of the Attorney General indicates that any legal actions brought by it as a result of enactment of the bill could be handled within existing resources. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2023 Governor's Budget Report*.

The League of Kansas Municipalities indicates enactment of the bill could increase expenditures for cities to comply. However, a fiscal effect cannot be determined. The Kansas Association of Counties indicates the bill would not have a fiscal effect.

Sanctuary cities; immigration; citizenship; law enforcement; proof of identity; voting; municipal identification cards