

HOUSE BILL No. 2717

By Committee on Federal and State Affairs

2-22

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

7
8 *Be it enacted by the Legislature of the State of Kansas:*

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

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

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

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

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

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

- 29 (1) Communicating or cooperating with federal officials;
30 (2) sending to or receiving information from the United States
31 department of homeland security;
32 (3) obtaining or maintaining information; or
33 (4) exchanging information with another federal, state, or local
34 government entity.

35 (b) Any ordinance, resolution, rule or policy that violates subsection
36 (a) is null and void.

1 New Sec. 3. (a) A municipality shall not limit or restrict the
2 enforcement of federal immigration laws.

3 (b) Every law enforcement agency shall provide each law
4 enforcement officer with a written notice that the law enforcement officer
5 has a duty to cooperate with state and federal agencies and officials on
6 matters pertaining to enforcement of state and federal laws governing
7 immigration.

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

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

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

21 Sec. 7. K.S.A. 8-1327 is hereby amended to read as follows: 8-1327.

22 (a) It shall be unlawful for any person, for any purpose, to:

23 (1) Display, cause or permit to be displayed, or have in possession,
24 any fictitious, fraudulently altered or fraudulently obtained identification
25 card.

26 (2) Lend any identification card to any other person or knowingly
27 permit the use thereof by another.

28 (3) Display or represent any identification card not issued to the
29 person as being the person's card.

30 (4) Permit any unlawful use of an identification card issued to the
31 person.

32 (5) Use a false or fictitious name in any application for an
33 identification card, or any renewal or replacement thereof, or knowingly
34 conceal a material fact or otherwise commit a fraud in any such
35 application.

36 (6) Display or possess any photograph, photostat, duplicate,
37 reproduction or facsimile of an identification card unless authorized by the
38 provisions of this act.

39 (7) Photograph, photostat, duplicate or in any way reproduce any
40 identification card or facsimile thereof in such a manner that it could be
41 mistaken for a valid identification card or display or have in possession
42 any such photograph, photostat, duplicate, reproduction or facsimile unless
43 authorized by law.

1 (8) Fail or refuse to surrender to the division upon its lawful demand
2 any identification card which has been canceled.

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

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

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

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

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

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

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

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

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

32 (e) The provisions of this section shall apply to any identification
33 card, driver's license or other form of identification whether issued under
34 the laws of this state or issued under the laws of another state or
35 jurisdiction *and to any municipal identification card as defined by section*
36 *1, and amendments thereto.*

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

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