

SENATE BILL No. 158

By Committee on Federal and State Affairs

2-6

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

5
6 *Be it enacted by the Legislature of the State of Kansas:*

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

8 (1) "Law enforcement officer" means any person who, by virtue of
9 office or public employment, is vested by law with a duty to maintain
10 public order and to make arrests for violation of the laws of the state of
11 Kansas or the ordinances or resolutions of any municipality thereof.

12 (2) "Municipality" means a county or a city.

13 (3) "Municipality official" means any person holding a municipal
14 office either by election or appointment, or any law enforcement officer
15 employed by a municipality.

16 (4) "Sanctuary policy" means any order, ordinance, resolution or law
17 enforcement policy, whether formally enacted or informally adopted, that:

18 (A) Limits or prohibits any municipality official or person employed
19 by a municipality from communicating or cooperating with federal
20 agencies or officials to verify or report the immigration status of any alien
21 within such municipality;

22 (B) grants to aliens unlawfully present in the United States the right
23 to lawful presence within the boundaries of a municipality in violation of
24 federal law;

25 (C) violates any provision of 8 U.S.C. § 1373;

26 (D) restricts in any way, or imposes any conditions on, a
27 municipality's cooperation or compliance with detainers or other requests
28 from United States immigration and customs enforcement to maintain
29 custody of any alien or to transfer any alien to the custody of United States
30 immigration and customs enforcement;

31 (E) requires United States immigration and customs enforcement to
32 obtain a warrant or demonstrate probable cause before complying with
33 detainers or other requests from United States immigration and customs
34 enforcement to maintain custody of any alien or to transfer any alien to the
35 custody of United States immigration and customs enforcement; or

36 (F) prevents a municipality's law enforcement officers from inquiring

1 as to the citizenship or immigration status of any person.

2 (5) "State agency" means any state office or officer, department,
3 board, commission, institution, bureau or any agency, division or unit
4 within any office, department, board, commission or other state authority.

5 (b) No municipality shall enact or adopt any sanctuary policy. Any
6 municipality that enacts or adopts a sanctuary policy shall be ineligible to
7 receive any moneys that would otherwise be remitted to such municipality
8 by a state agency. A municipality shall remain ineligible to receive such
9 moneys until such time as the sanctuary policy is repealed or is no longer
10 in effect.

11 (c) (1) The attorney general shall receive complaints regarding any
12 violation of this section. The complaints may be submitted by any resident
13 of this state, and shall be submitted in writing in the form and manner as
14 prescribed by the attorney general. In lieu of submitting a complaint, any
15 member of the legislature may request, at any time, that the attorney
16 general investigate and issue an opinion as to whether a municipality has
17 enacted or adopted a sanctuary policy in violation of this section.

18 (2) Upon receiving a complaint or request, the attorney general shall
19 investigate and determine whether a violation of this section has occurred.
20 The attorney general shall issue an opinion stating whether the
21 municipality that is the subject of the complaint or request has enacted or
22 adopted a sanctuary policy in violation of this section. Upon the issuance
23 of an opinion by the attorney general that a municipality has enacted or
24 adopted a sanctuary policy in violation of this section, the municipality
25 shall become ineligible to receive any moneys that would otherwise be
26 remitted to the municipality by a state agency. Such ineligibility shall
27 commence on the date the opinion is issued, and shall continue until such
28 time as the attorney general certifies that the sanctuary policy is repealed
29 or is no longer in effect.

30 (3) The attorney general shall send to the municipality that was the
31 subject of the investigation and to the director of accounts and reports a
32 copy of any opinion issued pursuant to this section and any certification by
33 the attorney general that a sanctuary policy is repealed or no longer in
34 effect.

35 (d) The governing body of each municipality, or the chief law
36 enforcement officer thereof, shall provide each law enforcement officer
37 with a printed copy of this section and written notice of the officer's duty
38 to cooperate with state and federal agencies and officials on matters
39 pertaining to the enforcement of state and federal laws governing
40 immigration. Each state agency vested with law enforcement authority
41 shall provide each law enforcement officer employed by the agency with a
42 printed copy of this section and written notice of the officer's duty to
43 cooperate with state and federal agencies and officials on matters

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

3 (e) No state agency shall enact or adopt a sanctuary policy.

4 (f) If a city or county is a defendant in litigation arising from
5 enforcing the federal immigration laws to the full extent permitted by
6 federal law, the attorney general shall, at the request of the city or county,
7 defend the city or county in the litigation. All costs incurred by the
8 attorney general to defend a city or county as provided in this subsection,
9 including payment of court costs, shall be paid from the state general fund.

10 (g) If a city or county incurs liability for enforcing the federal
11 immigration laws to the full extent permitted by federal law, the city or
12 county responsible for the costs incurred shall be reimbursed for such costs
13 by filing a claim against the state pursuant to article 9 of chapter 46 of the
14 Kansas Statutes Annotated, and amendments thereto.

15 (h) On or before January 1, 2018, the attorney general shall adopt
16 rules and regulations necessary to implement the provisions of this section.

17 Sec. 2. This act shall take effect and be in force from and after its
18 publication in the statute book.