Session of 2026

Senate Substitute for HOUSE BILL No. 2372

By Committee on Federal and State Affairs

3-10

AN ACT concerning immigration; relating to the enforcement of detainers issued by the United States immigration and customs enforcement by a county sheriff operating a county jail; requiring municipal insurance pools to provide coverage of law enforcement agencies enforcing federal law; requiring the state to pay certain judgments in federal civil actions and provide legal representation by the attorney general; exempting section 287(g) agreements from certain provisions of the interlocal cooperation act; amending K.S.A. 12-2904 and repealing the existing section.

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

New Section 1. (a) Any sheriff operating a jail pursuant to K.S.A. 19-1901, and amendments thereto, has authority to detain a person with:

(1) A facially sufficient immigration detainer request issued by the United States immigration and customs enforcement (ICE) on form I-247A issued pursuant to 8 U.S.C. §§ 1226 and 1357 and hold such person without criminal charges for the purpose of transferring custody to the United States immigration and customs enforcement; or

(2) a warrant as described in subsection (c).

(b) An immigration detainer request form I-247A presented to a jail as provided in subsection (a)(1) is deemed facially sufficient if either of the following applies:

(1) The United States immigration and customs enforcement form I-247A presented to law enforcement:

(A) Clearly states the identity of the person to be detained;

(B) has box 1, statement of probable cause, or box 2, transfer of custody, completed; and

(C) is signed by a United States immigration and customs enforcement official; or

(2) the United States immigration and customs enforcement form I-247A meets the requirements of subsections (b)(1)(A) and (C) but not subsection (b)(1)(B) and is supported by a signed warrant as described in subsection (c) or other affidavit or official documentation provided to the sheriff stating the United States immigration and customs enforcement has probable cause to believe that the person to be detained is unlawfully present in the United States.

(c) A warrant shall satisfy subsection (a)(2) or (b)(2) if it includes:

(1) A United States department of homeland security form I-200, warrant for arrest of alien; or

(2) a United States immigration and customs enforcement form I-205, warrant of removal or a successor warrant or other warrant authorized by federal law.

(d) After reviewing the form I-247A and finding that such form complies with the requirements of subsection (b), a sheriff operating a jail having custody of a person under the authority of subsection (a) shall:

(1) Inform the person that such person is being held pursuant to an immigration detainer request issued by the United States immigration and customs enforcement;

(2) provide a copy of the form I-247A to the person being held as soon as practicable;

(3) inform the United States immigration and customs enforcement that such person is in the custody of the sheriff on an immigration detainer; and

(4) complete the law enforcement agency section of the form I-247A and submit such form to the United States immigration and customs enforcement.

(e) The sheriff operating a jail shall release a person being held under subsection (a) upon:

(1) The receipt of a subsequent form I-247A with the box checked canceling the detainer request;

(2) a finding that the detainer does not meet the requirements of subsection (b); or

(3) the person who is being held provides proof of citizenship of the United States or has been confirmed by the United States immigration and enforcement as being a person lawfully present in the United States.

(f) As used in this section, "proof of citizenship" includes:

(1) A birth certificate;

(2) a United States passport indicating citizenship;

(3) an official United States document showing completed naturalization of citizenship;

(4) a court order declaring a person's United States citizenship; or

(5) any other official document of the United States or the state of Kansas indicating the person is a United States citizen.

New Sec. 2. Any municipal insurance pool issuing liability coverage for law enforcement under the Kansas municipal group-funded pool act shall continue such coverage and include coverage for law enforcement operations authorized by the covered agency enforcing federal law in cooperation with federal agencies to the same extent of the coverage for enforcing state and local law regardless of whether the cooperation is

under a written agreement and whether the officers involved are deputized by the federal agency. If the United States department of justice or the Kansas office of the attorney general does not provide legal representation in an action against the covered local law enforcement agency, the municipal insurance pool coverage shall provide the legal representation. The municipal insurance pool may also provide legal representation to protect its interest in a case in which the United States department of justice or the Kansas office of the attorney general is providing legal representation.

New Sec. 3. (a) In any federal civil action against a law enforcement agency or an officer working under an agreement with the United States immigration and customs enforcement for a section 287(g) program authorized by 8 U.S.C. § 1357(g), if a judgment is rendered against such agency or such officer of the agency and the agency or officer was acting in good faith, the state shall pay such judgment costs or any portion thereof that the United States department of justice has failed to cover.

(b) In any state civil action against a law enforcement agency or an officer acting in good faith pursuant to an agreement with the United States immigration and customs enforcement for a section 287(g) program authorized by 8 U.S.C. § 1357(g) or a detainer and takes a person into custody, such law enforcement agency or officer shall be entitled to immunity for any civil liability.

New Sec. 4. (a) If a federal civil action is brought against a law enforcement agency that has entered into an agreement with the United States immigration and customs enforcement for a section 287(g) program authorized by 8 U.S.C. § 1357(g) or an officer of such law enforcement agency who has been deputized under any such agreement and such law enforcement agency or officer was acting in good faith under the terms of such agreement, the attorney general shall represent or provide representation of the law enforcement agency and officer in such action.

(b) If a habeas corpus action is filed against a law enforcement agency that has entered into an agreement with the United States immigration and customs enforcement for a section 287(g) program authorized by 8 U.S.C. § 1357(g) and such law enforcement agency was acting in good faith to hold a person under authority of a detainer request issued by the United States immigration and customs enforcement, the attorney general shall provide legal representation at any habeas corpus hearing held in such action.

Sec. 5. K.S.A. 12-2904 is hereby amended to read as follows: 12-2904. (a) Subject to the limitations of subsection (g), any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state, including, but not limited to, those functions relating to economic development, public improvements, public utilities, police

protection, public security, public safety and emergency preparedness, including, but not limited to, intelligence, antiterrorism and disaster recovery, libraries, data processing services, educational services, building and related inspection services, flood control and storm water drainage, weather modification, sewage disposal, refuse disposal, park and recreational programs and facilities, ambulance service, fire protection, the Kansas tort claims act or claims for civil rights violations~~,~~ may be exercised and enjoyed jointly with any other public agency of this state or with any private agency~~,~~ and jointly with any public agency of any other state or of the United States to the extent that the laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of the state government when acting jointly with any public or private agency may exercise and enjoy all of the powers, privileges and authority conferred by this act upon a public agency.

(b) Any public agency may enter into agreements with one or more public or private agencies for joint or cooperative action pursuant to the provisions of this act. Appropriate action by ordinance, resolution or otherwise pursuant to law of the governing bodies of the participating public agencies shall be necessary before any such agreement may enter into force.

(c) *(1)* Any public agency may enter into agreements with Native American Indian tribes for joint or cooperative actions. Such agreements shall be considered to be an interlocal agreement and shall be subject to the procedures and limitations of the interlocal cooperation act.

(2) The provisions of this subsection shall not be construed as authorizing a public agency to enter into a gaming compact pursuant to the interlocal cooperation act.

(d) Any such agreement shall specify the following:

(1) Its duration~~.~~*;*

(2) the precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto~~.~~*;*

(3) its purpose or purposes~~.~~*;*

(4) the manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor~~.~~*;*

(5) the permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination~~.~~*; and*

(6) any other necessary and proper matters.

(e) In addition to the requirements of subsection (d), if the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement also shall contain the following:

(1) Provision for an administrator or a joint board or one of the

participating public agencies to be responsible for administering the joint or cooperative undertaking. In the case of a joint board public agencies party to the agreement shall be represented~~.~~*; and*

(2) the manner of acquiring, holding and disposing of real and personal property used in the joint or cooperative undertaking.

(f) No agreement made pursuant to this act shall relieve any public agency of any obligation or responsibility imposed upon it by law*,* except that to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made hereunder, such performance may be offered in satisfaction of the obligation or responsibility.

(g) Every agreement made hereunder, except: (1) Agreements between two or more public agencies establishing a council or other organization of local governments for the study of common problems of an area or region and for the promotion of intergovernmental cooperation; and (2) agreements entered into regarding joint or cooperative action that are subject to the oversight and regulation of a Kansas regulatory agency, prior to and as a condition precedent to its entry into force, shall be submitted to the attorney general*,* who shall determine whether the agreement is in proper form and compatible with the laws of this state. The attorney general shall approve any agreement submitted hereunder unless the attorney general shall find that ~~it~~ *such agreement* does not meet the conditions set forth herein and shall detail in writing addressed to the governing bodies of the public and private agencies concerned the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder within 90 days of its submission shall constitute approval thereof.

(h) For the purposes of entering an agreement with the United States immigration and customs enforcement for a section 287(g) program authorized by 8 U.S.C. § 1357(g), a sheriff shall be exempt from subsections (a), (b) and (c) and may sign such agreement without further authorization of the board of county commissioners.

Sec. 6. K.S.A. 12-2904 is hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.