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MEMORANDUM

To: Chairperson Thompson
Members of the House Committee on Federal and State Affairs

From: The Office of Revisor of Statutes

Date: February 27, 2025

Subject: SB 254 – Prohibiting aliens who are unlawfully present in the United States from receiving any state or local public benefit in accordance with applicable federal law.

Senate Bill No. 254 (SB 254) prohibits aliens who are unlawfully present in the United States from receiving state or local public benefits. Under current federal law, 8 U.S.C. § 1621, individuals who are not lawfully present in the United States are ineligible to receive state and local public benefits. SB 254 would enact similar provisions in state law. The bill makes unlawfully present aliens ineligible for state and local public benefits except for: (1) Emergency medical care; (2) short-term, non-cash, in-kind emergency disaster relief; (3) public health immunizations; and (4) programs and services, such as soup kitchens, crisis counseling and intervention, and short-term shelter, as approved by the United States Attorney General. State and local public benefits include reduced tuition and fees at postsecondary educational institutions. However, public benefits do not include any license or identification care issued by the Division of Motor Vehicles.

SB 254 requires that any individual applying for public benefits must submit proof of citizenship, permanent residency, or lawful presence in the United States. Such proof includes those documents recognized by the Division of Motor Vehicles when processing driver's license applications. The bill also requires government agencies to verify that a benefit recipient who is an alien is lawfully present in the United States by using the systematic alien verification for entitlements program of the U.S. Department of Homeland Security.

Finally, SB 254 requires that the immigration status be verified for any alien who is charged with the crime. If such person is determined to unlawfully present in the United States,

then for purposes of granting or issuing an appearance bond, there will be a rebuttable presumption that the person is a flight risk.

If enacted, HB 254 would become effective on July 1, 2025.