

SENATE BILL No. 178

By Committee on Federal and State Affairs

2-4

1 AN ACT concerning law enforcement agencies; relating to enforcement of
2 immigration laws; requiring certain law enforcement agencies to apply
3 for and enter into agreements with United States immigration and
4 customs enforcement; providing a cause of action and penalties for
5 failure to comply.
6

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

8 Section 1. (a) As soon as practicable after the effective date of this
9 act, each law enforcement agency shall submit a request to United States
10 immigration and customs enforcement pursuant to the federal immigration
11 and nationality act, 8 U.S.C. § 1357(g), to enter into an agreement with
12 United States immigration and customs enforcement to designate certain
13 law enforcement officers employed by such law enforcement agency to be
14 authorized to assist in the enforcement of federal immigration laws. Each
15 law enforcement agency that is offered such an agreement by the director
16 of United States immigration and customs enforcement shall enter into
17 such agreement. Any such agreement shall include a description of the
18 scope of and the limitations on the authority granted to the designated law
19 enforcement officers. A copy of any such agreement shall be submitted to
20 the attorney general upon execution.

21 (b) Any law enforcement agency that fails to enter an agreement as
22 required by this section shall submit written notice to the attorney general
23 of such failure. Such written notice shall include documentation
24 establishing that a request was properly submitted to United States
25 immigration and customs enforcement but that no agreement was offered
26 to such law enforcement agency.

27 (c) The attorney general shall send written notice to each law
28 enforcement agency that does not timely enter into an agreement or submit
29 a written notice of failure to enter into an agreement. A law enforcement
30 agency that receives a written notice pursuant to this subsection shall
31 become compliant with this section within 30 days after receipt of such
32 notice.

33 (d) The attorney general may bring a cause of action against any law
34 enforcement agency that fails to comply with this section after the time
35 period specified in subsection (c). Such action shall be brought in the
36 district court of Shawnee county. The attorney general may seek injunctive

1 relief to bring the law enforcement agency into compliance with this
2 section and such other relief as the attorney general deems necessary. The
3 court may award reasonable expenses, including attorney fees, court costs,
4 witness fees, deposition costs and other investigatory costs, if the attorney
5 general is the prevailing party.

6 (e) Upon a final, nonappealable decision by a court of competent
7 jurisdiction that a law enforcement agency failed to comply with the
8 provisions of this section, such law enforcement agency shall be ineligible
9 to receive any state grant moneys that may be awarded but as yet are
10 unpaid to such law enforcement agency, and no state grant moneys shall be
11 awarded or paid to such law enforcement agency during the ensuing fiscal
12 year. The attorney general shall send a copy of any such judicial order to
13 the state treasurer, the director of the budget and the director of the
14 legislative research. Upon receipt of such order, the director of budget
15 shall certify to the director of accounts and reports an amount to be lapsed
16 or reduced from an expenditure limitation.

17 (f) As used in this section:

18 (1) "Law enforcement agency" means a city police department, a
19 county sheriff's department, a county law enforcement department
20 established pursuant to K.S.A. 19-4401 et seq., and amendments thereto, a
21 law enforcement agency established pursuant to the consolidated city-
22 county powers in K.S.A. 12-345, and amendments thereto, a county police
23 department or any other law enforcement department of a taxing political
24 subdivision of the state; and

25 (2) "state grant moneys" means financial aid, gifts, grants or other
26 payments to a law enforcement agency made by a state agency pursuant to
27 a written agreement whether such money is derived from state or federal
28 revenue sources.

29 Sec. 2. This act shall take effect and be in force from and after its
30 publication in the Kansas register.