

SESSION OF 2025

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 254**

As Amended by Senate Committee on Federal  
and State Affairs

**Brief\***

SB 254, as amended, would prohibit any alien who is unlawfully present in the United States from receiving any state or local public benefit and would nullify current law that permits residents without lawful immigration status to be granted in-state tuition rates at postsecondary educational institutions, provided certain requirements are met. The bill would also amend criminal procedure law to require verification of a non-citizen criminal's immigration status and establish the rebuttable presumption that a criminal who is unlawfully present in the United States is a flight risk for the purposes of issuing appearance bonds.

***Public Benefits***

The bill would prohibit any alien who is unlawfully present in the United States from receiving any state or local public benefit, except for state or local benefits that are required to be offered by federal law.

In addition to providing proof of other eligibility requirements, at the time of application for any state or local public benefit, an applicant who is 18 years of age or older would be required to provide proof that the applicant is:

- A citizen or permanent resident of the United States; or

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

- An alien who is lawfully present in the United States.

Affirmative proof would include documentary evidence recognized by the Division of Vehicles when processing an application for a driver's license, as established in state law, as well as any document issued by the federal government that confirms an alien's lawful presence in the United States.

The bill would prohibit any state, county, or local agency from providing any public benefit to any alien without first verifying that the alien is lawfully present in the United States and a qualified alien.

The bill would require verification to occur through the Systematic Alien Verification for Entitlements (SAVE) Program, operated by the U.S. Department of Homeland Security.

State and local agencies administering public benefits in Kansas would be required to cooperate with the U.S. Department of Homeland Security in achieving verification of aliens' lawful presence in the United States.

### ***Definitions***

The bill would define the following terms:

- "Lawfully present in the U.S." would mean the same as defined in federal regulation;
- "Postsecondary educational institution" would mean any public university, municipal university, community college, technical college, and institute of technology, including any entity resulting from the consolidation or affiliation of any two or more postsecondary educational institutions, as defined in the Kansas Higher Education Coordination Act;

- “Qualified alien” would mean the same as defined in federal law;
- “State or local public benefit” would mean the same as defined in federal law, with the caveats that:
  - The definition does not include any license or identification card issued by the Division of Vehicles; but
  - The definition includes reduced tuition and fee amounts offered by postsecondary educational institutions to residents.

The bill would prohibit any alien who is unlawfully present in the United States from receiving reduced tuition and fee amounts under any circumstances. The bill would deem any provision of current law regarding immigrants qualifying for resident tuition and fees that would be contrary to the prohibitions of the bill to be void.

### ***Criminal Procedure***

The bill would amend criminal procedure law to require that, if the person charged with a crime is not a citizen or national of the United States, the person’s immigration status be verified with the federal government pursuant to federal law. For the purposes of determining the grant or issuance of an appearance bond, the bill would provide a rebuttable presumption that a person who has been determined to be an alien unlawfully present in the United States is a flight risk.

The bill would also clarify that a magistrate may determine that requiring sureties is not necessary only after a hearing at which the person charged is present, and that a person charged with a crime who is not a flight risk or a risk to public safety may be released upon certain conditions and the discretion of the court.

## **Background**

The bill was introduced by the Senate Committee on Federal and State Affairs at the request of Senator Thompson.

### ***Senate Committee on Federal and State Affairs***

In the Senate Committee hearing, **proponent** testimony was provided by the Attorney General, who stated that Kansas is violating federal laws that prohibit states from providing benefits and in-state tuition rates to undocumented immigrants. The Attorney General mentioned several surrounding states have passed similar legislation.

Written-only proponent testimony was provided by four private citizens.

**Opponent** testimony was provided by representatives of the American Civil Liberties Union of Kansas, El Centro, Kansas County Commissioners Association, Kansas Interfaith Action, Kansas National Education Association, New Frontiers, Sisters of Charity of Leavenworth, and two private citizens. The opponents generally expressed concern about the broad implications of the bill and stated that undocumented immigrants are already barred from non-emergency public assistance. Conferees emphasized the importance of access to education for all people and explained that removing the offer of in-state tuition rates would likely deter or exclude immigrants from higher education. Some opponents also discussed the presumption-of-flight-risk provision, saying it would create an unfair burden on undocumented individuals and would likely face legal challenges.

Written-only opponent testimony was provided by representatives of Advocates for Immigrant Rights and Reconciliation, Cross-Border Network for Justice and Solidarity, El Centro, Grandview Park Presbyterian Church,

Harvesters, Health Forward Foundation, Johnson County Community College, Johnson County Department of Health and Environment, Kansas Action for Children, Kansas Appleseed Center for Law and Justice, Kansas Hispanic & Latino American Affairs Commission, Kansas Latino Community Network, League of Kansas Municipalities, RevED, Sanctuary Alliance – Lawrence, Sisters of Charity of Leavenworth, State Board of Indigents’ Defense Services Legislative Committee, two local officials, and 66 private citizens.

Written-only neutral testimony was provided by representatives of the Kansas Association of Counties and Kansas Bail Agents Association. The representative of the Kansas Bail Agents Association recommended an amendment to move certain criminal procedure provisions to a different subsection and clarify the language so as to not deny bail to non-citizens, which could elicit legal challenges.

No other testimony was provided.

The Senate Committee amended the bill to:

- Move the criminal procedure provisions requiring immigration status verification and establishing the presumption of flight risk to a different subsection of statute;
- Clarify that a magistrate may determine that requiring sureties is not necessary only after a hearing at which the person charged is present; and
- Clarify that a person charged with a crime who is not a flight risk or a risk to public safety may be released upon certain conditions and the discretion of the court.

## **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration indicates that enactment of the bill could have a fiscal effect on Judicial Branch expenditures. The bill would require that courts verify immigration status with the U.S. Department of Homeland Security when determining and setting a bond. Nevertheless, until the courts have had an opportunity to operate under the provisions of the bill, an accurate estimate of the fiscal effect on Judicial Branch expenditures cannot be given. The bill would not have a fiscal effect on revenues to the Judicial Branch or State General Fund.

According to the Kansas Department of Labor and the Kansas Department of Health and Environment (KDHE), enactment of the bill would have no fiscal effect on either agency. The Department for Children and Families indicates that enactment of the bill would have a negligible fiscal effect on the agency.

The Kansas Department for Aging and Disability Services (KDADS) indicates that enactment of the bill would not directly affect KDADS. The Medicaid members receiving services under the agency's oversight go through the Medicaid eligibility determination process, which KDHE administers. Beneficiaries of other services funded by KDADS would process through providers or community partners, such as Area Agencies on Aging, Aging and Disability Resource Centers, Community Mental Health Centers, and Community Developmental Disability Organizations. The State Board of Regents indicates that enactment of the bill would have no fiscal effect on the Board. Any fiscal effect associated with the bill is not reflected in *The FY 2026 Governor's Budget Report*.

Immigration; alien; citizen; permanent resident; public benefits; education; in-state tuition