

HOUSE BILL No. 2587

By Committee on Federal and State Affairs

2-2

1 AN ACT concerning immigration; relating to sanctuary policies and the
2 prohibition thereof; relating to the duty of law enforcement to
3 cooperate in immigration enforcement.
4

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

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

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

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

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

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

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

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

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

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

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

35 (F) prevents a municipality's law enforcement officers from inquiring
36 as to the citizenship or immigration status of any person.

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

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

10 (c) (1) The attorney general shall receive complaints regarding any
11 violation of this section. Such complaints may be submitted by any
12 resident of this state, and shall be submitted in writing in such form and
13 manner as prescribed by the attorney general. In lieu of submitting a
14 complaint, any member of the legislature may request, at any time, that the
15 attorney general investigate and issue an opinion as to whether a
16 municipality has enacted or adopted a sanctuary policy in violation of this
17 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, which is the subject of the complaint or request, has enacted
22 or adopted a sanctuary policy in violation of this section. Upon the
23 issuance of an opinion by the attorney general that a municipality has
24 enacted or adopted a sanctuary policy in violation of this section, such
25 municipality shall become ineligible to receive any moneys that would
26 otherwise be remitted to such municipality by a state agency. Such
27 ineligibility shall commence on the date such opinion is issued, and shall
28 continue until such time as the attorney general certifies that the sanctuary
29 policy is repealed 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 such 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 such agency with
42 a printed copy of this section and written notice of such 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) On or before January 1, 2017, the attorney general shall adopt
5 rules and regulations necessary to implement the provisions of this section.

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