



KANSAS APPLESEED  
*Justice for all.*

TESTIMONY OF BENET MAGNUSON  
EXECUTIVE DIRECTOR  
KANSAS APPLESEED CENTER FOR LAW AND JUSTICE  
BEFORE THE KANSAS SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

**IN OPPOSITION TO SENATE BILL 158**

FEBRUARY 15, 2017

My name is Benet Magnuson; I am the executive director of the Kansas Appleseed Center for Law and Justice, a nonprofit, nonpartisan organization that advocates for systemic solutions for the problems facing vulnerable or disadvantaged Kansans.

**Kansas Appleseed strongly opposes Senate Bill 158.** Senate Bill 158 is both unnecessary and unworkable.

The bill is unnecessary because no city or county in Kansas has any policy in effect that limits law enforcement's powers to enforce immigration laws or to gather and share information regarding immigration status.

The bill is unworkable because it risks imposing an unfunded mandate on Kansas communities that could be forced by the legislation to spend significant local tax dollars to enforce federal immigration laws, which is the responsibility of the federal government. The bill also ties the hands of communities in governing themselves as they seek to resolve unique local problems.

Many federal courts have found local governments financially liable when they incorrectly enforce immigration laws, meaning Senate Bill 158 may be opening Kansas communities up to costly waves of litigation. Courts have repeatedly ruled states and local governments are not required to enforce immigration detainers, but Senate Bill 158 would change the voluntary detainer requests into mandatory requirements on local law enforcement, opening them up, on one side, to litigation regarding any potential Fourth Amendment violations and, on the other side, to potential penalties from the state under the provisions of Senate Bill 158. In other words, Senate Bill 158 would push law enforcement between a rock and hard place without producing any benefits for our communities.

Senate Bill 158 is a solution in search of a problem that does not exist in Kansas, and in the process, the bill imposes an unfunded mandate on Kansas communities, hampers their ability to govern themselves, and opens them up to costly litigation. I urge you to oppose this legislation.

Respectfully submitted,

Benet Magnuson  
Executive Director  
Kansas Appleseed Center for Law and Justice