

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: S4/3/19

A Bill

SENATE BILL 411

By: Senator G. Stubblefield

For An Act To Be Entitled

AN ACT TO PROHIBIT MUNICIPAL SANCTUARY POLICIES; AND
FOR OTHER PURPOSES.

Subtitle

TO PROHIBIT MUNICIPAL SANCTUARY POLICIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Effective January 1, 2020, Arkansas Code Title 14, Chapter 1, Subchapter 1, is amended to add an additional section to read as follows:

14-1-103. Sanctuary policies prohibited.

(a)(1) A municipality shall not enact or adopt a sanctuary policy.

(2) A municipality that enacts or adopts a sanctuary policy is ineligible for discretionary moneys provided through funds or grants administered by the state until the sanctuary policy is repealed or no longer in effect.

(b) As used in this section, "sanctuary policy" means an order, ordinance, or law enforcement policy, whether formally enacted or informally adopted by custom or practice, that:

(1) Limits or prohibits a municipal official or person employed by the municipality from communicating or cooperating with federal agencies or officials to verify or report the immigration status of a person within the municipality;

(2) Grants to illegal immigrants the right to lawful presence or status within the municipality in violation of federal law;

(3) Violates 8 U.S.C. § 1373, as in effect January 1, 2019;

(4) Restricts or imposes any conditions upon the municipality's



cooperation or compliance with detainers or other requests from United States Immigration and Customs Enforcement to maintain custody of an immigrant or to transfer an immigrant to the custody of United States Immigration and Customs Enforcement;

(5) Requires United States Immigration and Customs Enforcement to obtain a warrant or demonstrate more than probable cause before complying with detainers or other legal and valid requests from United States Immigration and Customs Enforcement to maintain custody of an immigrant or to transfer an immigrant to the custody of United States Immigration and Customs Enforcement; or

(6) Prevents law enforcement officers from asking a person about his or her citizenship or immigration status.

(c)(1) Upon receiving a complaint from a resident of the state of a violation of this section by a municipality, the Attorney General shall issue an opinion stating whether the municipality is in violation of this section.

(2) If the Attorney General issues an opinion stating that the municipality has enacted or adopted a sanctuary policy that violates this section, the municipality is ineligible to receive discretionary moneys provided through funds or grants administered by the state until the Attorney General certifies that the sanctuary policy is repealed or no longer in effect.

(d)(1) Before the provision of funds or the award of grants is made to a municipality, a member of the General Assembly may request that the Attorney General issue an opinion stating whether the municipality has current policies in violation of this section.

(2) A municipality deemed ineligible for discretionary moneys under this section is ineligible to receive discretionary moneys provided through funds or grants administered by the state until the Attorney General certifies that the municipality is in full compliance with this section.

(e) A municipality may appeal a decision of the Attorney General under this section to the Pulaski County Circuit Court.

(f) Records created in connection with administrative investigations related to this section are not subject to the Freedom of Information Act of 1967, § 25-19-101 et seq.

As Engrossed: S4/3/19

SB411

/s/G. Stubblefield

APPROVED: 4/17/19