

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H1/27/17 H2/1/17
A Bill

HOUSE BILL 1042

By: Representative B. Smith

For An Act To Be Entitled

AN ACT TO PROHIBIT SANCTUARY POLICIES AT STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION; AND FOR OTHER PURPOSES.

Subtitle

TO PROHIBIT SANCTUARY POLICIES AT STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION.

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

SECTION 1. Arkansas Code Title 6, Chapter 60, Subchapter 1, is amended to add an additional section to read as follows:

6-60-111. Sanctuary policies prohibited – Definitions.

(a) As used in this section:

(1) "Campus security officer" means a security officer employed by or contracting with a state-supported institution of higher education to provide security on the campus of the state-supported institution of higher education;

(2) "Law enforcement officer" means an appointed law enforcement officer who is responsible for the prevention and detection of crime and the enforcement of the laws of the state on the campus of a state-supported institution of higher education; and

(3) "Sanctuary policy" means a policy formally enacted by a governing board of trustees that knowingly:

(A) Limits or prohibits a person employed by or contracting with a state-supported institution of higher education from



communicating or cooperating with federal agencies or officials to verify or report the immigration status of a person on the campus of the state-supported institution of higher education;

(B) Grants to illegal immigrants the right to *unlawful* presence or status on the campus of the state-supported institution of higher education in violation of federal law;

(C) Violates 8 U.S.C. § 1373, as in effect on January 1, 2016;

(D) Restricts or imposes *any unlawful conditions* upon the state-supported institution of higher education'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;

(E) Requires United States Immigration and Customs Enforcement to *unlawfully obtain* a warrant or demonstrate probable cause before complying 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; or

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

(b) A state-supported institution of higher education shall not enact or adopt a sanctuary policy.

(c)(1) *Annually, a state-supported institution of higher education shall certify to the Department of Higher Education on a timetable developed by the department that the state-supported institution of higher education does not have a sanctuary policy in place.*

(2) *The department shall annually submit a report to the Legislative Council listing the certifications received by the department under subdivision (c)(1) of this section.*

(3) *A state-supported institution of higher education that does not make the certification under subdivision (c)(1) of this section shall not be eligible to accept state aid from the Higher Education Grants Fund Account on behalf of a student.*

(d) The board of trustees or other governing board of each state-

supported institution of higher education shall provide each law enforcement officer and campus security officer *employed by or contracted with* the state-supported institution of higher education a printed copy of this section with written notice of his or her duty to cooperate with state and federal agencies and officials on matters of enforcement of state and federal laws governing immigration.

/s/B. Smith