

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

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

SENATE BILL 14

By: Senator G. Stubblefield

For An Act To Be Entitled

AN ACT PROHIBITING MUNICIPAL SANCTUARY POLICIES; AND
FOR OTHER PURPOSES.

Subtitle

PROHIBITING MUNICIPAL SANCTUARY POLICIES.

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

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

14-1-103. Sanctuary policies prohibited – Definitions.

(a) As used in this section:

(1) “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 or of the ordinances of municipalities;

(2) “Municipality” means a city of the first class, a city of the second class, or an incorporated town;

(3) “Municipal official” means an elected or appointed official serving a municipality; and

(4) “Sanctuary policy” means an order, ordinance, or law enforcement policy, whether formally enacted or informally adopted, that:

(A) 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;

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



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

(D) 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;

(E) Requires United States Immigration and Customs Enforcement to 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 from asking a person about his or her citizenship or immigration status.

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

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is ineligible for moneys provided through funds or grants administered by the state until the sanctuary policy is repealed or no longer in effect.

(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 violates 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 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 moneys under this section is ineligible to receive 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)(1) The governing body or chief of police of each municipality

shall provide each law enforcement officer of the municipality with 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.

(2) Each state agency with law enforcement powers shall provide each law enforcement officer of the state agency with 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.

(f) A state agency shall not enact or adopt a sanctuary policy.

(g) 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.

SECTION 2. DO NOT CODIFY. Effective date. Section 1 of this act is effective on and after January 1, 2018.