

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

State of Arkansas
93rd General Assembly
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As Engrossed: S3/29/21
A Bill

SENATE BILL 545

By: Senator T. Garner

For An Act To Be Entitled

AN ACT TO ESTABLISH A GRANT PROGRAM FOR LOCAL LAW ENFORCEMENT AGENCIES DESIGNED TO ENCOURAGE TRAINING IN AND AWARENESS OF FEDERAL IMMIGRATION ASSISTANCE AND ENFORCEMENT; TO CREATE THE IMMIGRATION ENFORCEMENT TRAINING GRANT PROGRAM FUND; TO CREATE A TAX ON CERTAIN ELECTRONIC MONEY TRANSFERS; TO PROVIDE FOR THE DISTRIBUTION OF THE FUNDS GENERATED BY THE TAX ON CERTAIN MONEY TRANSFERS; AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH A GRANT PROGRAM FOR LAW ENFORCEMENT AGENCIES DESIGNED TO ENCOURAGE TRAINING IN AND AWARENESS OF FEDERAL IMMIGRATION ENFORCEMENT; AND TO CREATE THE IMMIGRATION ENFORCEMENT TRAINING GRANT PROGRAM FUND.

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

SECTION 1. DO NOT CODIFY. Legislative intent.

(a) It is the intent of the General Assembly to reiterate how illegal immigration hurts our economy and how it is the responsibility of the General Assembly to protect and serve the citizens of Arkansas by putting in place measures designed to stop the illegal drug trade coming from outside of the United States.

(b) The General Assembly also intends for the agencies that receive



these funds to use the resources to acquire training and equipment to address the problems of illegal immigration.

SECTION 2. Arkansas Code Title 12, Chapter 6, Subchapter 7, is amended to add an additional section to read as follows:

12-6-702. Immigration Enforcement Training Grant Program.

(a)(1) There is created within the Department of Public Safety the Immigration Enforcement Training Grant Program to be administered by the Secretary of the Department of Public Safety.

(2) The secretary may hire personnel necessary to carry out the duties of administering the program.

(3) The secretary has exclusive authority to award grants under the program.

(b)(1) The secretary shall award grants under the program to law enforcement agencies to assist in training in and awareness of federal immigration laws and enforcement.

(2) Grants shall be distributed by the secretary to law enforcement agencies based on a showing of the greatest need for training in and awareness of federal immigration laws and enforcement.

(3)(A) As a condition for receiving a grant under this section, a law enforcement agency shall submit a comprehensive plan to address enforcement of federal immigration laws as well as a plan to assist in enforcing federal immigration laws.

(B) A comprehensive plan under subdivision (b)(3)(A) of this section shall include without limitation:

(i) Training regarding immigration laws and procedures;

(ii) Communications with federal immigration enforcement agencies; and

(iii) Plans for using federal grants and resources to assist with immigration enforcement.

(4) As a part of the grant application process, the secretary may:

(A) Design procedures and criteria for awarding grants under this section;

(B) Receive and review applications for grants under this

section;

(C) Prescribe the form, nature, and extent of the information that shall be contained in an application for a grant under this section;

(D) Audit and inspect the records of grant recipients; and

(E) Require reports from grant recipients.

SECTION 3. Arkansas Code Title 19, Chapter 5, Subchapter 12, is amended to add an additional section to read as follows:

19-5-1269. Immigration Enforcement Training Grant Program Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the "Immigration Enforcement Training Grant Program Fund".

(b) The fund shall consist of:

(1) General revenues authorized by law;

(2) Moneys obtained from private grants or other sources that are designated to be credited to the fund; and

(3) Any other revenues authorized by law.

(c) The fund shall be used by the Secretary of the Department of Public Safety as provided in § 12-6-702.

SECTION 4. Arkansas Code § 19-6-404, concerning the sources of funding for the Division of Arkansas State Police Fund, is amended to add an additional subdivision to read as follows:

(6) Any special revenues from the electronic money transfer tax levied under § 26-63-501 et seq.

SECTION 5. Arkansas Code § 19-6-840(b), concerning the sources of funding for the Law Enforcement Training Fund, is amended to read as follows:

(b) The fund shall consist of such revenues as may be collected under § 12-41-505, the electronic money transfer tax levied under § 26-63-501 et seq., or as otherwise authorized by law.

SECTION 6. Arkansas Code Title 26, Chapter 63, is amended to add an additional subchapter to read as follows:

Subchapter 5 – Electronic Money Transfer Tax26-63-501. Definition.

(a) As used in this subchapter, “electronic money transfer” means a service provided by a business in which the business charges a fee to:

(1) Receive the order of a customer located in Arkansas to transfer cash to a third person;

(2) Accept a customer’s cash payment for purposes of the transfer; and

(3) Transfer the customer’s cash payment, less any fees, to a third person located outside the United States by making the money available for the third person to collect in person.

(b) “Electronic money transfer” does not mean a transfer of money conducted by an entity whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration.

26-63-502. Electronic money transfer tax.

(a) There is levied a tax on an electronic money transfer to be calculated as follows:

(1) Five dollars (\$5.00) per electronic money transfer; and

(2) One percent (1%) of the amount of an electronic money transfer that exceeds five hundred dollars (\$500).

(b)(1) The business that conducts the electronic money transfer shall remit the taxes collected under this section to the Department of Finance and Administration in accordance with rules established by the department.

(2) The tax under this section is not levied against the business that facilitates the electronic money transfer.

(c) The moneys generated from the tax under this section are special revenues and shall be distributed as follows:

(1) One-third (1/3) shall be deposited into the Immigration Enforcement Training Grant Program Fund under § 19-5-1269;

(2) One-third (1/3) shall be deposited into the Division of Arkansas State Police Fund under § 19-6-404; and

(3) One-third (1/3) shall be deposited into the Law Enforcement Training Fund under § 19-6-840.

SECTION 7. EFFECTIVE DATE. Section 6 of this act is effective on the first day of the second calendar month following the effective date of this act.

/s/T. Garner