

committed while in the country illegally – Definition.

(a) As used in this section, “serious felony involving violence”

means:

(1) Murder in the first degree, § 5-10-102;

(2) Murder in the second degree, § 5-10-103;

(3) Battery in the first degree, § 5-13-201;

(4) Aggravated assault, § 5-13-204;

(5) Terroristic threatening, § 5-13-301, if a felony;

(6) Terroristic act, § 5-13-310;

(7) Rape, § 5-14-103;

(8) Causing a catastrophe, § 5-38-202(a);

(9) Arson, § 5-38-301;

(10) Terrorism, § 5-54-205;

(11) A felony offense under § 5-54-201 et seq.;

(12) Criminal use of prohibited weapons, § 5-73-104, involving an activity making the offense punishable by a Class B felony;

(13) Unlawful discharge of a firearm from a vehicle, § 5-74-107;

or

(14) A felony attempt, solicitation, or conspiracy to commit an offense listed in this subsection, if the attempt, solicitation, or conspiracy constitutes a felony.

(b) A person is subject to an enhanced penalty for a serious felony involving violence in this state if the person was illegally or unlawfully in the United States at the time that the serious felony involving violence was committed in this state.

(c) The enhanced penalty under this section is as follows:

(1) If the person is convicted of a Class D felony or an unclassified felony with a maximum authorized term of imprisonment that does not exceed six (6) years, the enhanced penalty shall be an additional term of years not to exceed four (4) years;

(2) If the person is convicted of a Class C felony, a Class B felony, a Class A felony, or an unclassified felony with a maximum authorized term of imprisonment that is greater than six (6) years, but does not exceed thirty (30) years, the enhanced penalty shall be an additional term of years not to exceed ten (10) years; and

(3) If the person is convicted of a Class Y felony or an

unclassified felony with a maximum authorized term of imprisonment that exceeds thirty (30) years or that includes a life sentence, the enhanced penalty shall be an additional term of years not to exceed twenty (20) years.

(d)(1) To seek an enhanced penalty established in this section, a prosecuting attorney shall notify the defendant in writing that the defendant is subject to the enhanced penalty.

(2) If the defendant is charged by information or indictment, the prosecuting attorney may include the written notice in the information or indictment.

(e) The enhanced portion of the sentence is consecutive to any other sentence imposed.

(f) Any person convicted under this section is not eligible for early release on parole, transfer to post-release supervision, or community correction transfer for the enhanced portion of the sentence.

SECTION 3. Arkansas Code Title 12, Chapter 27, Subchapter 1, is amended to add an additional section to read as follows:

12-27-152. Division of Correction participation in the Warrant Service Officer Program – Definition.

(a) As used in this section, "Warrant Service Officer Program" means the program of the United States Immigration and Customs Enforcement authorizing state and local law enforcement officers to serve and execute administrative warrants under the Immigration and Nationality Act, 8 U.S.C. § 1357(g), as it existed on January 1, 2025.

(b) The Division of Correction shall:

(1) Apply to participate in the Warrant Service Officer Program;

(2) Upon a successful application, enter into an agreement with United States Immigration and Customs Enforcement for participation in the Warrant Service Officer Program; and

(3) Renew the agreement upon the expiration of the agreement.

(c) If the division applies to participate in the Warrant Service Officer Program and is denied, the division shall:

(1) Ascertain from the United States Customs and Immigration Enforcement the reason for the denial of the division's application;

(2) Make a good faith effort to address and remedy the reason for the denial of the application; and

(3) Reapply to participate in the Warrant Service Officer Program.

(d)(1) If the division applies to participate in the Warrant Service Officer Program and is continually denied, the division may apply for a waiver from the state.

(2) The Division of Correction shall promulgate rules for the process of obtaining a waiver from the state under subdivision (d)(1) of this section.

SECTION 4. Arkansas Code Title 12, Chapter 41, Subchapter 5, is amended to add an additional section to read as follows:

12-41-512. Participation in Warrant Service Officer Program by county sheriff in charge of a county jail – Definition.

(a) As used in this section:

(1) "Jail Enforcement Model" means a model of the United States Immigration and Customs Enforcement authorizing deputized state and local law enforcement officers to interrogate a person for information relating to the person's immigration status and to issue an immigration detainer under the Immigration and Nationality Act, 8 U.S.C. § 1357(g), as it existed on January 1, 2025; and

(2) "Warrant Service Officer Program" means the program of the United States Immigration and Customs Enforcement authorizing state and local law enforcement officers to serve and execute administrative warrants under the Immigration and Nationality Act, 8 U.S.C. § 1357(g), as it existed on January 1, 2025.

(b) A county sheriff in charge of a county jail shall:

(1) Apply to participate in the Warrant Service Officer Program;

(2) Upon a successful application, enter into an agreement with United States Immigration and Customs Enforcement for participation in the Warrant Service Officer Program; and

(3) Renew the agreement upon the expiration of the agreement.

(c)(1) A county sheriff in charge of a county jail may choose to participate in the Jail Enforcement Model.

(2) If a county sheriff in charge of a county jail participates in the Jail Enforcement Model, the county sheriff in charge of a county jail is exempt from the requirements under this section to participate in the

Warrant Service Officer Model or the Warrant Service Officer Program.

(d) If a county sheriff in charge of a county jail applies to participate in the Warrant Service Officer Program and is denied, he or she shall:

(1) Ascertain from the United States Customs and Immigration Enforcement the reason for the denial of his or her application;

(2) Make a good faith effort to address and remedy the reason for the denial of the application; and

(3) Apply again to participate in the Warrant Service Officer Program.

(e)(1) If a county sheriff in charge of a county jail applies to participate in the Warrant Service Officer Program and is continually denied, he or she may apply for a waiver from the state.

(2) The Division of Correction shall promulgate rules for the process of obtaining a waiver from the state under subdivision (e)(1) of this section.

SECTION 5. Arkansas Code § 14-1-103 is amended to read as follows:
14-1-103. Sanctuary policies prohibited – Definition.

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

(2) A ~~municipality~~ local government 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:

(1) "Local government" means:

(A) A county;

(B) A city of the first class, a city of the second class, or an incorporated town; or

(C) Any other political subdivision of the state; and

(2) "Sanctuary Sanctuary policy" means an order, ordinance, or law enforcement policy, whether formally enacted or informally adopted by custom or practice, that:

(1)(A) Limits or prohibits a ~~municipal~~ local government official or person employed by the ~~municipality~~ local government from communicating or

cooperating with federal agencies or officials to verify or report the immigration status of a person within the ~~municipality~~ local government;

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

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

~~(4)~~(D) Restricts or imposes any conditions upon the ~~municipality's~~ local government'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)~~(E) 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)~~(F) 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~~ local government, the Attorney General shall issue an opinion stating whether the ~~municipality~~ local government is in violation of this section.

(2) If the Attorney General issues an opinion stating that the ~~municipality~~ local government has enacted or adopted a sanctuary policy that violates this section, the ~~municipality~~ local government 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~~ local government, a member of the General Assembly may request that the Attorney General issue an opinion stating whether the ~~municipality~~ local government has current policies in violation of this section.

(2) A ~~municipality~~ local government 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~~ local government is in full compliance with this section.

(e) A ~~municipality~~ local government 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.

/s/Hester