

1 AN ACT relating to sanctuary cities and universities.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 65.133 is amended to read as follows:

- 4 (1) Each local law enforcement agency and the Department of Kentucky State Police  
5 shall each have the responsibility for enforcing the provisions of sex offender  
6 registration laws **and cooperating with all federal law enforcement agencies for**  
7 **the enforcement of any state or federal law.**
- 8 (2) Law enforcement agencies may enter into written agreements for joint investigation  
9 and enforcement of violations of **all laws, including** sex offender registration laws.  
10 These agreements may include other local law enforcement agencies and may  
11 include the Department of Kentucky State Police.

12 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO  
13 READ AS FOLLOWS:

14 **(1) As used in this section:**

15 **(a) "Illegal alien" means any person, not a citizen or national of the United**  
16 **States, who is in the United States unlawfully and:**

17 **1. Whose most recent entry into the United States was without**  
18 **inspection; or**

19 **2. Whose most recent admission to the United States was as a**  
20 **nonimmigrant and whose period of authorized stay as a**  
21 **nonimmigrant expired;**

22 **(b) "Law enforcement officer" has the same meaning as in KRS 15.310;**

23 **(c) "Local government" means any county, city, charter county, urban county,**  
24 **consolidated local, or unified local government;**

25 **(c) "Local government official" means any elected or appointed official or any**  
26 **law enforcement officer serving the local government;**

27 **(e) "Sanctuary" means any local government having a sanctuary policy, as**

- 1                   determined by an administrative hearing; and
- 2           (f) "Sanctuary policy" means any local government's order or ordinance,
- 3           enacted or followed that:
- 4           1. Limits in any way or prohibits any local government official or person
- 5           employed by the local government from:
- 6           a. Communicating or cooperating with federal agencies or officials
- 7                   to verify or report the immigration status of any illegal alien
- 8                   within the local government's geographic boundaries;
- 9           b. Undertaking any law enforcement action for the purpose of
- 10                   detecting the presence of illegal aliens or verifying immigration
- 11                   status, including:
- 12                   i. Entering into agreements under 8 U.S.C. sec. 1357 with
- 13                           United States Immigration and Customs Enforcement; and
- 14                   ii. Questioning any person about his or her immigration
- 15                           status;
- 16           c. Questioning, arresting, or detaining any person for violations of
- 17                   federal civil immigration laws, regardless of whether
- 18                   immigration status is an element of the crime or whether 8
- 19                   U.S.C. sec. 1324(c) is being enforced;
- 20           d. Using local government resources or personnel for the purpose
- 21                   of detecting or apprehending illegal aliens; or
- 22           e. Doing any of the following with respect to information relating
- 23                   to the immigration status, lawful or unlawful, of any person
- 24                   under a lawful detention or under arrest, including information
- 25                   regarding the person's place of birth:
- 26                   i. Sending the information to or requesting or receiving the
- 27                           information from United States Citizenship and

1 Immigration Services, United States Immigration and  
2 Customs Enforcement, or any other federal agency;

3 ii. Maintaining the information; or

4 iii. Exchanging the information with another local  
5 government or a federal or state governmental entity; or

6 2. Grants to illegal aliens the right to lawful presence or status within the  
7 local government's geographic boundaries in violation of federal law.

8 (2) No local government shall enact or adopt any sanctuary policy or take any other  
9 action under which the local government prohibits or discourages the  
10 enforcement of immigration laws. Any local government that does so shall be  
11 ineligible for any moneys administered by any state agency or department until  
12 the sanctuary policy is repealed or is no longer in effect. If any local government  
13 becomes eligible after being ineligible, the local government shall not receive  
14 funds to replace funds lost due to ineligibility.

15 (3) Upon the complaint of any state resident regarding a local government or prior to  
16 the provision of funds or awarding of any grants to a local government, any  
17 member of the General Assembly may request that the secretary of the Justice  
18 and Public Safety Cabinet hold an administrative hearing pursuant to subsection  
19 (4) of this section.

20 (4) (a) Upon request by a member of the General Assembly, the secretary of the  
21 Justice and Public Safety Cabinet shall hold an administrative hearing,  
22 open to the public, to determine whether the local government has current  
23 policies in contravention of this section.

24 (b) Notwithstanding any exemptions in KRS 13B.020, the administrative  
25 hearing shall be governed by KRS Chapter 13B.

26 (c) A copy of the final order shall be transmitted to the Governor of the  
27 Commonwealth of Kentucky, the member of the General Assembly

1           requesting the hearing, the Speaker of the House of Representatives, and  
2           the President of the Senate. The secretary of the Justice and Public Safety  
3           Cabinet shall make the final order publicly available and shall publish it in  
4           a conspicuous place on its Web site.

5           (5) The Justice and Public Safety Cabinet shall publish a list of all local  
6           governments determined to be sanctuaries.

7           (6) The governing body, sheriff, or chief of police of each local government shall  
8           provide each law enforcement officer with written notice of their duty to  
9           cooperate with state and federal agencies and officials on matters pertaining to  
10           enforcement of state and federal laws governing immigration.

11           (7) No later than January 1, 2020, each state or local law enforcement agency shall:

12           (a) Formalize in writing any unwritten, informal policies relating to the  
13           enforcement of immigration laws; and

14           (b) Update the agency's policies to be consistent with this chapter, to require  
15           each law enforcement officer or other employee of the law enforcement  
16           agency to fully comply with this chapter, and to prohibit a law enforcement  
17           officer or other employee of the law enforcement agency from preventing  
18           law enforcement agency personnel from fully complying with this chapter.

19           ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO  
20 READ AS FOLLOWS:

21           (1) As used in this section, "illegal alien" has the same meaning as in Section 2 of  
22           this Act.

23           (2) No institution shall enroll, employ, or contract with any illegal alien.

24           (3) Every institution located in, transacting any business in, or contracting to supply  
25           services or goods in this Commonwealth shall keep records of at least one (1) of  
26           the following for each student enrolled at the institution, employee employed by  
27           the institution, and person contracting with the institution:

- 1        (a) In the case of a natural-born United States citizen born in the United States,  
2        a certified or original birth certificate issued by a possession of the United  
3        States;
- 4        (b) In the case of a natural-born United States citizen born outside the United  
5        States, a United States Consular Report of Birth Abroad;
- 6        (c) In the case of a naturalized United States Citizen, a Certificate of  
7        Naturalization issued by the United States Citizenship and Immigration  
8        Services; or
- 9        (d) In the case of a foreign national, an unexpired visa authorizing the foreign  
10       national to study or work in the United States or a United States Permanent  
11       Resident Card.
- 12      (4) (a) Any state resident may contact any member of the General Assembly to  
13       request that the member refer an institution to the Justice and Public Safety  
14       Cabinet for an administrative hearing in accordance with subsection (5) of  
15       this section.
- 16       (b) Upon receipt of a request by a state resident, the member of the General  
17       Assembly may choose whether or not to refer the institution to the Justice  
18       and Public Safety Cabinet for an administrative hearing in accordance with  
19       subsection (5) of this section.
- 20      (5) (a) Upon request by a member of the General Assembly, the secretary of the  
21       Justice and Public Safety Cabinet shall hold an administrative hearing,  
22       open to the public, to determine whether the institution has enrolled,  
23       employed, or contracted with any illegal alien.
- 24       (b) Notwithstanding any exemptions in KRS 13B.020, the administrative  
25       hearing shall be governed by KRS Chapter 13B.
- 26       (c) The final order shall contain a determination of:
- 27       1. Whether or not the institution enrolled, employed, or contracted with

- 1                   any illegal alien;
- 2                   2. If the institution did enroll, employ, or contract with an illegal alien,
- 3                   whether the enrollment, employment, or contract has ended or is
- 4                   ongoing; and
- 5                   3. a. If the enrollment, employment, or contract has ended, how many
- 6                   days the institution enrolled, employed, or contracted with the
- 7                   illegal alien; or
- 8                   b. If the enrollment, employment, or contract is ongoing, the date
- 9                   that the enrollment, employment, or contract started.
- 10                  (d) A copy of the final order shall be transmitted to the Governor of the
- 11                  Commonwealth of Kentucky, the member of the General Assembly
- 12                  requesting the hearing, the Speaker of the House of Representatives, and
- 13                  the President of the Senate. The secretary of the Justice and Public Safety
- 14                  Cabinet shall make the final order publicly available and shall publish it in
- 15                  a conspicuous place on its Web site.
- 16                  (e) If the final order determines that the institution enrolled, employed, or
- 17                  contracted with any illegal alien, the secretary of the Justice and Public
- 18                  Safety Cabinet shall notify the secretary of the Finance and Administration
- 19                  Cabinet in writing and request that the Finance and Administration
- 20                  Cabinet withhold or intercept from the governing board of the institution a
- 21                  portion of any appropriated state funds not yet disbursed to the institution.
- 22                  (f) Upon receipt of the request, the secretary of the Finance and
- 23                  Administration Cabinet shall remit payment of the portion to the general
- 24                  fund from the appropriation to the institution.
- 25                  (g) The portion shall be equal to the total amount of state funds appropriated to
- 26                  the institution in the fiscal year the final order is issued multiplied by the
- 27                  number of days the institution enrolled, employed, or contracted with the

- 1           illegal alien divided by three hundred sixty-five (365).
- 2           (h) If the final order determined that the enrollment, employment, or
- 3           contracting was ongoing:
- 4           1. The number of days the institution enrolled, employed, or contracted
- 5           with the illegal alien shall be deemed to be the number of days from
- 6           the date that the enrollment, employment, or contracting started to the
- 7           date of the request from the secretary of the Justice and Public Safety
- 8           Cabinet; and
- 9           2. The secretary of the Finance and Administration cabinet shall
- 10           withhold all allotments of the institution's appropriation and instead
- 11           remit those allotments to the general fund until the secretary of the
- 12           Justice and Public Safety Cabinet certifies that the institution is no
- 13           longer enrolling, employing, or contracting with any illegal alien.
- 14           (6) The Justice and Public Safety Cabinet shall publish a list of all institutions that
- 15           have been determined to have enrolled, employed, or contracted with illegal
- 16           aliens.

17           ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO

18 READ AS FOLLOWS:

19           No person shall be considered a Kentucky resident for the purpose of receiving in-state

20           tuition rates unless he or she is:

- 21           (1) A citizen of the United States;
- 22           (2) A lawful permanent resident of the United States registered with the United States
- 23           Citizenship and Immigration Services; or
- 24           (3) A nonimmigrant, lawfully present in the United States, who is authorized by the
- 25           United States Immigration and Customs Enforcement to study at a postsecondary
- 26           institution.