

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2020 REGULAR SESSION
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Amend printed copy of **SB 1/GA**

By deleting Sections 1 to 3 in their entirety and by inserting the following:

"➔SECTION 1. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ
AS FOLLOWS:

(1) As used in this section:

**(a) "Employee" means a person who is employed by a law enforcement agency who is
not otherwise a law enforcement official;**

(b) "Law enforcement agency" means:

**1. Any local government that employs a police officer as defined in KRS
15.420(2)(a)1.a.i. or a special law enforcement officer as defined in KRS
61.900(6)(a) to (d);**

2. Sheriffs;

3. Jailers;

4. Constables; and

**5. Metropolitan correctional services departments operating under KRS Chapter
67B;**

**(c) "Law enforcement official" means an elected or appointed officer, peace officer, or
other employee that oversees or serves within a law enforcement agency within the
Commonwealth of Kentucky;**

Amendment No. _____

Rep. Rep. Nima Kulkarni _____

Committee Amendment _____

Floor Amendment _____

Adopted: _____

Rejected: _____

Signed: _____

LRC Drafter: _____

Date: _____

Doc. ID: XXXX _____

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- (d) "Local government" means a city, county, urban-county government, charter county government, consolidated local government, or unified local government; and
- (e) "Sanctuary policy" means an order, ordinance, resolution, or policy, whether written or unwritten, that:
1. Limits or prohibits a law enforcement official or employee of a law enforcement agency from communicating or cooperating with federal agencies or federal law enforcement officers or another state or local law enforcement agency or law enforcement official pursuant to a legal and valid request from United States Immigration and Customs Enforcement, to verify or report the immigration status of a person within the state;
 2. Grants to illegal immigrants the right to lawful presence or status within the boundaries of this state in violation of federal law;
 3. Violates 8 U.S.C. sec. 1373 or sec. 1644;
 4. Restricts or imposes any conditions upon the law enforcement agency's cooperation or compliance 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 another federal agency or federal law enforcement officer, if the detainers or other legal and valid requests are accompanied by a lawful court order or administrative warrant establishing United States Immigration and Customs Enforcement's or another federal agency's authority to detain an individual;
 5. Except as provided in subsection (4)(c) of this section, prevents law enforcement officials or employees of a law enforcement agency from asking

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a person about his or her citizenship or immigration status unless the policy is supported in writing by agency-specific operational and implementational justifications; or

6. Prohibits a federal immigration officer, or other federal law enforcement officer or a law enforcement official, from entering and conducting enforcement activities at a jail or other correctional facility to enforce federal immigration laws, except those prohibitions that are required by state or federal law, that are designed to ensure the safety of jail or other correctional facility staff, inmates, and other persons.

(2) No law enforcement agency, or law enforcement official or employee of a law enforcement agency, or any local government shall enact, adopt, or otherwise enforce any sanctuary policy.

(3) (a) Upon a request for assistance, and only to the extent that resources are available and as required by federal immigration law, law enforcement agencies and law enforcement officials shall use their best efforts to assist, in response to valid and legal requests from federal law enforcement agencies and federal law enforcement officers or other law enforcement officials, in the enforcement of federal immigration law.

(b) This subsection applies to law enforcement officials only when federal law enforcement agencies specifically request the assistance of law enforcement officials, and only when those law enforcement officials are acting within the scope of their official duties or employment with the law enforcement agency.

(c) All law enforcement agencies and all law enforcement officials shall conduct any enforcement of federal immigration laws in compliance with federal law and the laws of the Commonwealth of Kentucky.

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(d) This section shall not be construed to create an obligation on the part of any law enforcement agency or law enforcement official to take any law enforcement action, including but not limited to pursuit, detention, arrest, and interrogation, related to the enforcement of federal immigration law.

(4) Notwithstanding subsection (2) or (3) of this section, a law enforcement agency and its law enforcement officials and employees:

(a) Shall not be required to perform any duty related to the illegal immigration status of a person that may be imposed as a result of this section with respect to a person who has provided verified proof that the person is a citizen of the United States or that the person is otherwise in the United States in conformity with applicable state and federal laws;

(b) Shall not consider race, color, religion, language, or national origin while performing any duty that may be imposed as a result of this section, except to the extent permitted by the Constitution of the United States and the Constitution of Kentucky; and

(c) May adopt a policy that permits the law enforcement officials and employees of the law enforcement agency to inquire and collect information as to the nationality or immigration status of a victim of or witness to a crime only when the official or employee of the law enforcement agency determines that the inquiry is pertinent to the investigation of the alleged public offense, or for the purposes of providing the victim or witness with information about federal visas designed to protect individuals providing assistance to law enforcement.

➔ SECTION 2. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

Any sanctuary policy adopted prior to or after the effective date of this Act in violation of

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Section 1 of this Act shall be invalid, void, and unenforceable.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

Sections 1 and 2 of this Act may be cited as the Federal Immigration Cooperation Act of 2020.