

1 AN ACT relating to sanctuary policies.

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

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

5 *As used in Sections 1 to 8 of this Act, unless context otherwise requires:*

6 *(1) "Applicable criminal case" means a criminal case in which the judgment*
7 *requires the defendant to be confined in a secure correctional facility and the*
8 *record of the case indicates that the defendant is subject to an immigration*
9 *detainer or is otherwise subject to a transfer to federal custody;*

10 *(2) "Federal immigration agency" means the United States Department of Justice,*
11 *United States Department of Homeland Security, United States Immigration and*
12 *Customs Enforcement, United States Customs and Border Protection, and any*
13 *other federal agency or successor agency charged with the enforcement of*
14 *immigration law;*

15 *(3) "Immigration detainer" means a facially sufficient written or electronic request*
16 *issued by a federal immigration agency using that agency's official form to*
17 *request that another law enforcement agency detain a person because there is*
18 *probable cause to believe that the person to be detained is a removable alien*
19 *under federal immigration law, including detainers issued pursuant to 8 U.S.C.*
20 *secs. 1226 and 1357 along with a warrant described in paragraph (b) of this*
21 *subsection. For purposes of this subsection, an immigration detainer is deemed*
22 *facially sufficient if:*

23 *(a) 1. The federal immigration agency's official form is complete and*
24 *indicates on its face that the federal immigration official has probable*
25 *cause to believe that the person to be detained is a removable alien*
26 *under federal immigration law; or*

27 *2. The federal immigration agency's official form is incomplete and fails*

- 1 to indicate on its face that the federal immigration official has
2 probable cause to believe that the person to be detained is a removable
3 alien under federal immigration law, but is supported by an affidavit,
4 order, or other official documentation that indicates that the federal
5 immigration agency has probable cause to believe that the person to be
6 detained is a removable alien under federal immigration law; and
- 7 **(b) The federal immigration agency supplies with its detention request a Form**
8 **I-200 Warrant for Arrest of Alien, a Form I-205 Warrant of**
9 **Removal/Deportation, or a successor warrant or other warrant authorized**
10 **by federal law;**
- 11 **(4) "Inmate" means a person in the custody of a law enforcement agency;**
- 12 **(5) "Law enforcement agency" means:**
- 13 **(a) Any public agency that employs a police officer as defined in KRS**
14 **15.420(2)(a) or a special law enforcement officer as defined in KRS**
15 **61.900(6)(a) to (e);**
- 16 **(b) Any public agency that is composed of or employs other public peace**
17 **officers;**
- 18 **(c) Jailers;**
- 19 **(d) Metropolitan correctional services departments operating under KRS**
20 **Chapter 67B;**
- 21 **(e) The Department of Corrections as organized under KRS Chapter 196 or any**
22 **of its subunits;**
- 23 **(f) A campus security authority as defined in KRS 164.948 of a public**
24 **institution operating under KRS Chapter 164; and**
- 25 **(g) Any other agency in this state charged with enforcement of state, county,**
26 **municipal, or federal laws or with managing custody of detained persons in**
27 **this state;**

1 (6) "Local government" means a city, county, charter county government,
 2 consolidated local government, urban-county government, or unified local
 3 government;

4 (7) "Sanctuary policy" means a law, policy, practice, procedure, or custom adopted
 5 or allowed by a state entity or local government which prohibits or impedes a law
 6 enforcement agency from complying with 8 U.S.C. sec. 1373 or which prohibits
 7 or impedes a law enforcement agency from communicating or cooperating with a
 8 federal immigration agency that acts to limit or prohibit a law enforcement
 9 agency from:

10 (a) Complying with an immigration detainer;

11 (b) Complying with a request from a federal immigration agency to notify the
 12 agency before the release of an inmate or detained person in the custody of
 13 the law enforcement agency;

14 (c) Providing a federal immigration agency access to an inmate for interview;

15 (d) Participating in any program or agreement authorized under 8 U.S.C. sec.
 16 1357(g); or

17 (e) Providing a federal immigration agency with an inmate's incarceration
 18 status or release date; and

19 (8) "State entity" means the state or any office, board, bureau, commission,
 20 department, branch, division, cabinet, or institution thereof, including public
 21 institutions operating under KRS Chapter 164.

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

24 A state entity, law enforcement agency, or local government shall not adopt or have in
 25 effect a sanctuary policy regarding aliens unlawfully present in the United States.

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

1 (1) A law enforcement agency shall use all resources reasonably available to it to
2 support the enforcement of federal immigration law.

3 (2) Except as otherwise expressly prohibited by federal law, a state entity, law
4 enforcement agency, or local government, or an employee, agent, or
5 representative of a state entity, law enforcement agency, or local government
6 shall not prohibit or in any way restrict a law enforcement agency from taking
7 any of the following actions with respect to information regarding a person's
8 immigration status:

9 (a) Sending to or requesting, receiving, or reviewing information from a federal
10 immigration agency for the purposes set out in Sections 1 to 8 of this Act;

11 (b) Recording and maintaining information for the purposes set out in Sections
12 1 to 8 of this Act;

13 (c) Exchanging information with a federal immigration agency or another state
14 entity, law enforcement agency, or local government for the purposes set out
15 in Sections 1 to 8 this Act;

16 (d) Using information to comply with an immigration detainer; or

17 (e) Using information to confirm the identity of a person who is detained by a
18 law enforcement agency.

19 (3) This section shall apply to an official, representative, agent, or employee of a state
20 entity, law enforcement agency, or local government only when he or she is
21 acting within the scope of his or her official duties or employment.

22 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO
23 READ AS FOLLOWS:

24 (1) In an applicable criminal case, when a judge sentences a defendant to
25 confinement at a secure correctional facility, the secure correctional facility shall
26 comply with federal requirements to effectuate the transfer of the inmate to
27 federal custody.

1 (2) When a secure correctional facility receives verification from a federal
2 immigration agency or otherwise verifies that an inmate sentenced as part of an
3 applicable criminal case is in the custody of the secure correctional facility and
4 the inmate was not convicted of an offense that would classify the inmate as a
5 violent offender under KRS 439.3401, the facility:

6 (a) 1. Shall notify a federal immigration agency of the anticipated date of
7 discharge of the inmate from confinement; and

8 2. If the detainee remains in the custody of the secure correctional
9 facility, shall notify a federal immigration agency of any change to the
10 anticipated date of discharge of the inmate;

11 (b) Shall cooperate in the transfer of the inmate to federal custody, and may
12 transfer an inmate to federal custody prior to the conclusion of the inmate's
13 sentence if a federal immigration agency so requests; and

14 (c) May securely transport the inmate to a federal facility in this state or to
15 another point of transfer to federal custody outside the jurisdiction of the
16 secure correctional facility. A secure correctional facility shall obtain
17 judicial authorization before securely transporting an inmate to a point of
18 transfer outside of this state.

19 (3) When a secure correctional facility receives verification from a federal
20 immigration agency or otherwise verifies that an inmate sentenced as part of an
21 applicable criminal case is in the custody of the secure correctional facility, and
22 the inmate was convicted of an offense that would classify the inmate as a violent
23 offender under KRS 439.3401, the facility:

24 (a) 1. Shall notify a federal immigration agency of the anticipated date of
25 discharge of the inmate from confinement no later than thirty (30)
26 days prior to that date; and

27 2. Shall notify a federal immigration agency of any change to the

- 1 anticipated date of discharge of the inmate;
 2 **(b) Shall cooperate in the transfer of the inmate to federal custody upon**
 3 **completion of the inmate's sentence, if a federal immigration agency so**
 4 **requests; and**
 5 **(c) May securely transport the inmate to a federal facility in this state or to**
 6 **another point of transfer to federal custody outside the jurisdiction of the**
 7 **secure correctional facility upon the completion of the inmate's sentence. A**
 8 **secure correctional facility shall obtain judicial authorization before**
 9 **securely transporting an inmate to a point of transfer outside of this state.**

10 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO
 11 READ AS FOLLOWS:

- 12 **(1) A law enforcement agency that has custody of a person subject to an immigration**
 13 **detainer issued by a federal immigration agency shall:**
 14 **(a) Provide notice to the judge authorized to grant or deny the person's release**
 15 **on bail that the person is subject to an immigration detainer; and**
 16 **(b) Record in the person's case file that the person is subject to an immigration**
 17 **detainer and comply with the requests made in the immigration detainer.**
 18 **(2) A law enforcement agency is not required to perform the duty set out in**
 19 **subsection (1) of this section with respect to a person who is transferred to the**
 20 **custody of the agency by another law enforcement agency if the transferring**
 21 **agency performed that duty before the transfer.**
 22 **(3) A judge who receives notice that a person is subject to an immigration detainer**
 23 **shall cause the fact to be recorded in the court record, regardless of whether the**
 24 **notice is received before or after a judgment in the case.**

25 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO
 26 READ AS FOLLOWS:

- 27 **Each county shall endeavor to enter into an agreement or agreements with a federal**

1 immigration agency for temporarily housing persons who are the subject of
2 immigration detainers and for the payment of the costs of housing and detaining those
3 persons in a county jail. A compliant agreement may include any contract between a
4 county and a federal immigration agency for housing or detaining persons subject to
5 immigration detainers, such as basic ordering agreements in effect on or after July 1,
6 2019, agreements authorized by 8 U.S.C. sec. 1357(g), or successor agreements and
7 other similar agreements authorized by federal law.

8 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO
9 READ AS FOLLOWS:

10 (1) There shall be a rebuttable presumption that any state or local officer who
11 intentionally violates his or her duties under Sections 1 to 8 of this Act has
12 committed malfeasance and neglect of duty. Any state or local officer who
13 intentionally violates his or her duties under Sections 1 to 8 of this Act shall be
14 subject to impeachment.

15 (2) (a) If the Attorney General determines that a local government has violated any
16 provision of Sections 1 to 8 of this Act, he or she shall issue a written
17 finding setting out the violation. The Attorney General shall then forward
18 the written finding to the local government that has committed the violation
19 along with a demand that it cease the violation.

20 (b) If, following receipt of the initial written finding of the Attorney General, a
21 local government fails to cease violation of any provision of Sections 1 to 8
22 of this Act, the Attorney General shall issue a written finding that the entity
23 has willfully violated Sections 1 to 8 of this Act. The Attorney General shall
24 then forward the finding to the state agency responsible for administering
25 road aid to the entity that is the subject of the written finding for suspension
26 under subsection (6) of Section 9 of this Act or subsection (9) of Section 10
27 of this Act.

1 (c) No later than six (6) months following a finding that a local government
2 has willfully violated any provision of Sections 1 to 8 of this Act, the
3 Attorney General shall conduct a review to determine if the entity subject to
4 the written finding has ceased violating Sections 1 to 8 this Act. If the
5 Attorney General determines that the entity is in compliance with Sections 1
6 to 8 of this Act, the Attorney General shall notify any state agency that he or
7 she forwarded written findings to pursuant to paragraph (b) of this
8 subsection, that the entity is in compliance with Sections 1 to 8 of this Act so
9 that municipal road aid money may be reinstated.

10 (3) (a) If a person subject to a United States Immigration and Customs
11 Enforcement detainer is released from custody on or after the effective date
12 of this Act as a result of a sanctuary policy, and that person subsequently
13 commits an offense which would classify the person as a violent offender
14 under KRS 439.3401, the victim, or the victim's family if the victim of the
15 crime dies or sustains serious physical injury as defined in KRS 500.080 as
16 a result of the crime, may file a civil action against the local government or
17 local law enforcement agency in a court of competent jurisdiction for
18 compensatory damages, punitive damages, costs, and attorney's fees.

19 (b) Sovereign, governmental, and qualified immunities afforded to local
20 governments and local law enforcement agencies, including but not limited
21 to immunity under the Eleventh Amendment to the Constitution of the
22 United States, are waived for purposes of this subsection.

23 ➔SECTION 8. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO
24 READ AS FOLLOWS:

25 (1) Section 1 to 8 of this Act shall not:

26 (a) Require a state entity, law enforcement agency, or local government to
27 provide a federal immigration agency with information related to a victim of

1 or a witness to a criminal offense if the victim or witness timely and in good
 2 faith responds to the entity or agency's request for information and
 3 cooperation in the investigation or prosecution of the offense; or

4 **(b) Authorize a law enforcement agency to detain an alien unlawfully present**
 5 **in the United States pursuant to an immigration detainer solely because the**
 6 **alien witnessed or reported a crime, was a victim of a criminal offense, or**
 7 **has been issued an order of protection by a family court or other court of**
 8 **competent jurisdiction.**

9 **(2) A state entity, law enforcement agency, or local government that withholds**
 10 **information regarding the immigration status of a victim of or witness to a**
 11 **criminal offense pursuant to subsection (1) of this section shall document the**
 12 **victim or witness's cooperation in investigative records related to the offense and**
 13 **shall retain the records for at least ten (10) years for the purpose of audit,**
 14 **verification, or inspection by the Attorney General.**

15 ➔Section 9. KRS 177.360 is amended to read as follows:

16 (1) Except as provided in subsection (5) of this section, the Department of Rural and
 17 Municipal Aid shall allocate the funds set apart under KRS 177.320(1) for
 18 construction, reconstruction, and maintenance of state-maintained secondary and
 19 rural highways as follows:

20 (a) One-fifth (1/5) shall be apportioned equally among the one hundred twenty
 21 (120) counties;

22 (b) One-fifth (1/5) shall be apportioned among the one hundred twenty (120)
 23 counties on the basis of the ratio which the rural population of each county
 24 bears to the total rural population of the state. "Rural population" as used here
 25 means the population in a county outside cities, towns, and urban areas having
 26 a population of twenty-five hundred (2,500) or more as shown by the most
 27 recent decennial census of the United States Bureau of the Census, and county

1 population shall be determined by the most recent decennial census of the
2 United States Bureau of the Census;

3 (c) One-fifth (1/5) shall be apportioned among the one hundred twenty (120)
4 counties on the basis of the ratio that the public road mileage outside of cities,
5 towns, and urban areas having a population of twenty-five hundred (2,500) or
6 more bears to the total mileage of such roads for the entire state; and

7 (d) Two-fifths (2/5) shall be apportioned among the one hundred twenty (120)
8 counties on the basis of the ratio which the square-mile rural area of the
9 county bears to the total square-mile rural area of the state. "Rural area" as
10 used here means that area of the county outside of cities, towns, and urban
11 areas having a population of twenty-five hundred (2,500) or more and shown
12 by the most recent decennial census of the United States Bureau of the
13 Census.

14 (2) A sum not exceeding six percent (6%) of the allocation provided by KRS
15 177.320(1) to each county shall be deducted at the beginning of each fiscal year and
16 adjusted quarterly to cover the maintenance, administrative, engineering, and other
17 costs of the program.

18 (3) Of the total amount apportioned by the provisions of this section, a sum not
19 exceeding six percent (6%) may be deducted and placed by the Department of
20 Rural and Municipal Aid in a special emergency account to be expended at the
21 direction of the commissioner to meet unforeseen emergencies on rural and
22 secondary roads and bridges.

23 (4) Apportionments as required by the provisions of this section shall be made on the
24 basis of revenue estimates supplied by the Finance and Administration Cabinet and
25 adjusted quarterly in accordance with the most recent revision of the estimates by
26 the Finance and Administration Cabinet.

27 (5) Any county eligible to receive county road aid moneys in accordance with KRS

1 177.320 and this section shall be required to submit a uniform financial information
 2 report to the Department for Local Government in accordance with KRS 65.905
 3 before any payment of county road aid funds shall be made. The Department for
 4 Local Government shall notify the Department of Rural and Municipal Aid no later
 5 than March 1 annually of any county that has not submitted a uniform financial
 6 information report. The Department of Rural and Municipal Aid shall, upon
 7 notification by the Department for Local Government, immediately suspend all
 8 county road aid moneys to the county until the county complies with the provisions
 9 of KRS 65.900 to 65.925 and submits the uniform financial information report to
 10 the Department for Local Government. The Department for Local Government
 11 shall immediately notify the Department of Rural and Municipal Aid to reinstate
 12 county road aid moneys to any county affected by this subsection as soon as the
 13 county submits the uniform financial information report.

14 (6) **The Department of Rural and Municipal Aid upon receiving a written finding as**
 15 **set out in subsection (2)(b) of Section 7 of this Act shall immediately suspend all**
 16 **county road aid moneys to the local government that is the subject of the finding.**
 17 **The Department of Rural and Municipal Aid shall immediately reinstate**
 18 **municipal road aid moneys to any local government upon receiving the**
 19 **notification as set out in subsection (2)(c) of Section 7 of this Act.**

20 (7) In distributing county road aid funds received by a consolidated local government
 21 established under KRS Chapter 67C, a consolidated local government shall
 22 establish procedures to identify project needs in unincorporated areas that prioritize
 23 consideration of the following factors:

- 24 (a) Population growth;
- 25 (b) Population density; and
- 26 (c) Economic development potential.

27 ➔Section 10. KRS 177.366 is amended to read as follows:

- 1 (1) Except as provided in subsection (8) of this section, on and after July 1, 1980, the
2 Finance and Administration Cabinet shall allocate to each incorporated city and
3 "unincorporated urban place" its pro rata share of the funds set apart for
4 construction, reconstruction, and maintenance of urban roads and streets on the
5 basis of the ratio which the population in the incorporated cities and in
6 "unincorporated urban places" bears to the total population in incorporated cities
7 and in "unincorporated urban places" of the state. "Unincorporated urban places" as
8 used here, means an area as defined in KRS 81.015, and any area outside of
9 incorporated cities, which area has a population of 2,500 or more as shown by the
10 most recent decennial census of the United States Bureau of the Census, and all
11 populations shall be determined by the most recent decennial census of the United
12 States.
- 13 (2) Any area which becomes incorporated after December 31, 1970, shall not be
14 eligible to participate in the Municipal Aid Program until the beginning of the
15 second fiscal year following its incorporation and population certification. It shall
16 be the responsibility of the newly incorporated area to provide the Finance and
17 Administration Cabinet with documentation from the United States Bureau of the
18 Census showing the population of the newly incorporated area as it existed at the
19 time of the last decennial census.
- 20 (3) In the event the newly incorporated area cannot obtain a population count from the
21 Bureau of the Census, it shall not be eligible to participate in the Municipal Aid
22 Program until the next decennial census.
- 23 (4) If an incorporated city, whose incorporation took place prior to December 31, 1970,
24 annexes additional area, the population of the annexed area will not be counted in
25 the allocation of municipal aid funds until the beginning of the second fiscal year
26 following annexation and population certification.
- 27 (5) It shall be the responsibility of the incorporated city to provide the Finance and

1 Administration Cabinet with documentation from the United States Bureau of the
2 Census showing the population for the annexed area as it existed at the time of the
3 last decennial census.

4 (6) If the incorporated area cannot obtain a population count from the Bureau of the
5 Census, the annexed area's population shall not be eligible to be counted in the
6 distribution of the municipal aid fund. However, the streets included in the annexed
7 areas shall be eligible to receive work through this program.

8 (7) Apportionments as required by the provisions of this section shall be made on the
9 basis of revenue estimates supplied by the Office of State Budget Director and shall
10 be adjusted quarterly in accordance with the most recent revision of the estimates
11 by the Office of State Budget Director.

12 (8) Any local government eligible to receive municipal road aid moneys pursuant to
13 KRS 177.365 to 177.369 shall be required to submit a uniform financial
14 information report to the Department for Local Government pursuant to KRS
15 65.905 before any payment of municipal road aid funds shall be made. The
16 Department for Local Government shall notify the Finance and Administration
17 Cabinet no later than March 1 annually of any local government that has not
18 submitted a uniform financial information report. The Finance and Administration
19 Cabinet shall, upon notification by the Department for Local Government,
20 immediately suspend all municipal road aid moneys to the local government until
21 the local government complies with the provisions of KRS 65.900 to 65.925 and
22 submits the uniform financial information report to the Department for Local
23 Government. The Department for Local Government shall immediately notify the
24 Finance and Administration Cabinet to reinstate municipal road aid moneys to any
25 local government affected by this subsection as soon as the local government
26 submits the uniform financial information report.

27 **(9) The Finance and Administration Cabinet, upon receiving a written finding as set**

1 out in subsection (2)(b) of Section 7 of this Act, shall immediately suspend all
2 municipal road aid moneys to the local government that is the subject of the
3 finding. The Finance and Administration Cabinet shall immediately reinstate
4 municipal road aid moneys to any local government upon receiving the
5 notification as set out in subsection (2)(c) of Section 7 of this Act.

6 ➔Section 11. This Act may be cited as the Lawful Immigration System Act of
7 2025.