

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2018 Regular Session**

Part I: Measure Information

Bill Request #: 391

Bill #: HB 240

Document ID #: 2813

Bill Subject/Title: AN ACT relating to sanctuary cities and universities.

Sponsor: Representative Lynn Belcher

Unit of Government: City County Urban-County
 Charter County Consolidated Local Unified Local
Government

Office(s) Impacted: Law Enforcement

Requirement: Mandatory Optional

Effect on
Powers & Duties: Modifies Existing Adds New Eliminates Existing

**Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local
Government**

HB 240 forbids local governments from enacting or adopting sanctuary policies and prohibits those local governments from receiving any moneys administered by any state agency or department until those policies are repealed or no longer in effect. .

Section 1:

Requires local law enforcement to cooperate with all federal law enforcement agencies for the enforcement of any state or federal law.

Section 2:

Defines “illegal alien” as any person who is not a United States citizen or national, who is in the United States unlawfully, and whose entry was without inspection or whose admission was as a nonimmigrant and the period of authorized stay as a nonimmigrant has expired.

Defines “Sanctuary” as any local government having a “sanctuary policy” defined as any ordinance which:

- Limits or prohibits a local government official or employee from:
 - Communicating or cooperating with federal agencies or officials to verify or report the immigration status of any alien within the local government’s geographical boundaries;
 - Undertaking any law enforcement action for the purpose of detecting the presence of illegal aliens or verifying immigration status, including entering into agreements with the United State Immigration and Customs Enforcement and questioning any person about his or her immigration status;
 - Questioning, arresting, or detaining any person for violations of federal civil immigration laws, regardless of whether immigration status is an element of the crime;
 - Using local government resources or personnel for the purposes of detecting or apprehending illegal aliens; or
- Grants to illegal aliens the right to lawful presence or status within the local government’s geographical boundaries in violation of federal law.

Prohibits a local government from enacting or adopting sanctuary policies. Any local government that adopts sanctuary policies shall be ineligible for moneys administered by any state agency or department.

Upon the complaint of any state resident and prior to the awarding of funds or grants, any member of the General Assembly may request the Justice and Public Safety Cabinet (JPSC) to hold a public hearing to determine whether a local government has sanctuary policies.

The JPSC shall publish a list of all local governments determined to be sanctuaries.

Any local government official except for law enforcement officers shall be liable for any tort committed by an illegal alien residing in the sanctuary during the course of a felony committed within the Commonwealth. However, no local government official who has taken affirmative steps to stop the sanctuary policy, by voting against it or otherwise, shall be liable for these torts.

The local government shall provide each law enforcement officer with written notice of their duty to cooperate with state and federal agencies and official on matters pertaining to enforcement of state and federal laws governing immigration.

Section 3:

Establishes a new section of KRS chapter 164 to prohibit an institution of higher education from enrolling, employing, or contracting with any illegal alien. The new section creates guidelines that an institution shall follow and stipulates that any president, provost, or board member shall be liable for any tort committed within the

Commonwealth during the course of a felony by any illegal alien enrolled at, employed by, or contracting with the institution. However, no provost who does not have policy-making authority and no provost of board member who has taken affirmative steps to stop the sanctuary policy, by voting against it or otherwise, shall be liable for these torts.

The fiscal impact of HB 240 on local governments is expected to be minimal.

There will be minimal cost involved in disseminating any new policies and training due to the encouraged relationship with federal agencies and officials.

Additionally, there may be cost involved in regards to any hearings held by the Cabinet of Justice and Public Safety and required of local officials and employees to attend.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II above pertains to the bill as introduced. There are not any prior introduced versions of the bill necessitating completion of the Part III section.

Data Source(s): LRC Staff

Preparer: Wendell F. Butler **Reviewer:** KHC **Date:** 1/29/18