



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;
  - Sending information to or requesting information from the United States Citizenship and Immigration Services, U.S. Immigration and Customs Enforcement, or any other federal agency;
  - Exchanging information with another local, state, or federal governmental entity.
- 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 or taking any action which prohibits or discourages the enforcement of immigration laws. Any local government that does so 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.

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.

No later than January 1, 2020, each state and local law enforcement agency shall formalize in writing any unwritten or informal policies relating to immigration law enforcement, update all policies to be consistent with this legislation, and to require each law enforcement officer or other employee to comply with these policies, nor keep other employees from complying with these policies.

**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 allows for any state resident to file a complaint with a member of the General Assembly regarding an institution at which time the member may or may not forward the complaint to the Justice and Public Safety Cabinet for an administrative hearing. If it is determined that the institution failed to adhere to these policies, the Finance and Administration Cabinet may withhold or intercept a proportional amount of state funds not yet disbursed based on the number of days the institution was not in compliance. Information regarding noncompliant institutions will be made public.

To qualify for in-state tuition rates, a Kentucky resident must be a United States' citizen, a lawful permanent resident of the United States registered with the US Citizenship and Immigration Service, or be authorized by the US Immigration and Customs Enforcement to study at postsecondary institutions.

**The fiscal impact of HB 38 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**

The Part II section above pertains to the bill as drafted and there are not any prior versions of the bill to complete the Part III section.

**Data Source(s):** LRC Staff

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