

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H1/27/17

A Bill

HOUSE BILL 1042

5 By: Representative B. Smith
6

For An Act To Be Entitled

8 AN ACT TO PROHIBIT SANCTUARY POLICIES AT STATE-
9 SUPPORTED INSTITUTIONS OF HIGHER EDUCATION; AND FOR
10 OTHER PURPOSES.
11

Subtitle

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14 TO PROHIBIT SANCTUARY POLICIES AT STATE-
15 SUPPORTED INSTITUTIONS OF HIGHER
16 EDUCATION.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 6, Chapter 60, Subchapter 1, is amended
22 to add an additional section to read as follows:

23 6-60-111. Sanctuary policies prohibited – Definitions.

24 (a) As used in this section:

25 (1) "Campus security officer" means a security officer employed
26 by or contracting with a state-supported institution of higher education to
27 provide security on the campus of the state-supported institution of higher
28 education;

29 (2) "Law enforcement officer" means an appointed law enforcement
30 officer who is responsible for the prevention and detection of crime and the
31 enforcement of the laws of the state on the campus of a state-supported
32 institution of higher education; and

33 (3) "Sanctuary policy" means a policy formally enacted that
34 knowingly:

35 (A) Limits or prohibits a person employed by or
36 contracting with a state-supported institution of higher education from



1 communicating or cooperating with federal agencies or officials to verify or
2 report the immigration status of a person on the campus of the state-
3 supported institution of higher education;

4 (B) Grants to illegal immigrants the right to *unlawful*
5 presence or status on the campus of the state-supported institution of higher
6 education in violation of federal law;

7 (C) Violates 8 U.S.C. § 1373, as in effect on January 1,
8 2016;

9 (D) Restricts or imposes *any unlawful conditions* upon the
10 state-supported institution of higher education's cooperation or compliance
11 with detainers or other requests from United States Immigration and Customs
12 Enforcement to maintain custody of an immigrant or to transfer an immigrant
13 to the custody of United States Immigration and Customs Enforcement;

14 (E) Requires United States Immigration and Customs
15 Enforcement to *unlawfully obtain* a warrant or demonstrate probable cause
16 before complying with detainers or other requests from United States
17 Immigration and Customs Enforcement to maintain custody of an immigrant or to
18 transfer an immigrant to the custody of United States Immigration and Customs
19 Enforcement; or

20 (F) Prevents law enforcement officers or campus security
21 officers from asking a person about his or her citizenship or immigration
22 status.

23 (b)(1) A state-supported institution of higher education shall not
24 enact or adopt a sanctuary policy.

25 (2) A state-supported institution of higher education that
26 enacts or adopts a sanctuary policy is ineligible for moneys provided through
27 funds or grants administered by the state until the sanctuary policy is
28 repealed or no longer in effect.

29 (c)(1) *Annually, a state-supported institution of higher education*
30 *shall certify to the Department of Higher Education on a timetable developed*
31 *by the department that the state-supported institution of higher education*
32 *does not have a sanctuary policy in place.*

33 (2) *The department shall annually submit a report to the*
34 *Legislative Council listing the certifications received by the department*
35 *under subdivision (c)(1) of this section.*

36 (3) *A state-supported institution of higher education that does*

1 not make the certification under subdivision (c)(1) of this section shall not
2 be eligible to accept state aid from the Higher Education Grants Fund Account
3 on behalf of a student.

4 (e) The board of trustees or other governing board of each state-
5 supported institution of higher education shall provide each law enforcement
6 officer and campus security officer employed by or contracted with the state-
7 supported institution of higher education a printed copy of this section with
8 written notice of his or her duty to cooperate with state and federal
9 agencies and officials on matters of enforcement of state and federal laws
10 governing immigration.

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12 /s/B. Smith
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