

1 AN ACT relating to sanctuary cities and universities.

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

3 ➔Section 1. KRS 65.133 is amended to read as follows:

- 4 (1) Each local law enforcement agency and the Department of Kentucky State Police
5 shall each have the responsibility for enforcing the provisions of sex offender
6 registration laws ***and cooperating with all federal law enforcement agencies for***
7 ***the enforcement of any state or federal law.***
- 8 (2) Law enforcement agencies may enter into written agreements for joint investigation
9 and enforcement of violations of ***all laws, including*** sex offender registration laws.
10 These agreements may include other local law enforcement agencies and may
11 include the Department of Kentucky State Police.

12 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO
13 READ AS FOLLOWS:

14 ***(1) As used in this section:***

15 ***(a) "Illegal alien" means any person, not a citizen or national of the United***
16 ***States, who is in the United States unlawfully and:***

17 ***1. Whose most recent entry into the United States was without***
18 ***inspection; or***

19 ***2. Whose most recent admission to the United States was as a***
20 ***nonimmigrant and whose period of authorized stay as a***
21 ***nonimmigrant expired;***

22 ***(b) "Law enforcement officer" has the same meaning as in KRS 15.310;***

23 ***(c) "Local government" means any county, city, charter county, urban county,***
24 ***consolidated local, or unified local government;***

25 ***(c) "Local government official" means any elected or appointed official or any***
26 ***law enforcement officer serving the local government;***

27 ***(e) "Sanctuary" means any local government having a sanctuary policy, as***

- 1 determined by an administrative hearing; and
- 2 (f) "Sanctuary policy" means any local government's order or ordinance,
- 3 enacted or followed that:
- 4 1. Limits in any way or prohibits any local government official or person
- 5 employed by the local government from:
- 6 a. Communicating or cooperating with federal agencies or officials
- 7 to verify or report the immigration status of any alien within the
- 8 local government's geographic boundaries;
- 9 b. Undertaking any law enforcement action for the purpose of
- 10 detecting the presence of illegal aliens or verifying immigration
- 11 status, including:
- 12 i. Entering into agreements under 8 U.S.C. sec. 1357 with
- 13 United States Immigration and Customs Enforcement; and
- 14 ii. Questioning any person about his or her immigration
- 15 status;
- 16 c. Questioning, arresting, or detaining any person for violations of
- 17 federal civil immigration laws, regardless of whether
- 18 immigration status is an element of the crime or whether 8
- 19 U.S.C. sec. 1324(c) is being enforced;
- 20 d. Using local government resources or personnel for the purpose
- 21 of detecting or apprehending illegal aliens; or
- 22 2. Grants to illegal aliens the right to lawful presence or status within the
- 23 local government's geographic boundaries in violation of federal law.
- 24 (2) No local government shall enact or adopt any sanctuary policy. Any local
- 25 government that enacts or adopts a sanctuary policy shall be ineligible for any
- 26 moneys administered by any state agency or department until the sanctuary
- 27 policy is repealed or is no longer in effect. If any local government becomes

1 eligible after being ineligible, the local government shall not receive funds to
2 replace funds lost due to ineligibility.

3 (3) Upon the complaint of any state resident regarding a local government or prior to
4 the provision of funds or awarding of any grants to a local government, any
5 member of the General Assembly may request that the secretary of the Justice
6 and Public Safety Cabinet hold an administrative hearing pursuant to subsection
7 (4) of this section.

8 (4) (a) Upon request by a member of the General Assembly, the secretary of the
9 Justice and Public Safety Cabinet shall hold an administrative hearing,
10 open to the public, to determine whether the local government has current
11 policies in contravention of this section.

12 (b) Notwithstanding any exemptions in KRS 13B.020, the administrative
13 hearing shall be governed by KRS Chapter 13B.

14 (c) A copy of the final order shall be transmitted to the Governor of the
15 Commonwealth of Kentucky, the member of the General Assembly
16 requesting the hearing, the Speaker of the House of Representatives, and
17 the President of the Senate. The secretary of the Justice and Public Safety
18 Cabinet shall make the final order publicly available and shall publish it in
19 a conspicuous place on its Web site.

20 (5) The Justice and Public Safety Cabinet shall publish a list of all local
21 governments determined to be sanctuaries.

22 (6) Any local government official of a sanctuary, other than law enforcement
23 officers, shall be jointly and severally liable for any tort committed by an illegal
24 alien residing in the sanctuary during the course of a felony committed within the
25 Commonwealth. Local government officials of sanctuaries, other than law
26 enforcement officers, shall be strictly liable for these torts. However, no local
27 government official who has taken affirmative steps to stop the sanctuary policy,

1 by voting against it or otherwise, shall be liable for these torts.

2 (7) The governing body, sheriff, or chief of police of each local government shall
3 provide each law enforcement officer with written notice of their duty to
4 cooperate with state and federal agencies and officials on matters pertaining to
5 enforcement of state and federal laws governing immigration.

6 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
7 READ AS FOLLOWS:

8 (1) No institution shall enroll, employ, or contract with any illegal alien.

9 (2) Every institution located in, transacting any business in, or contracting to supply
10 services or goods in this Commonwealth shall keep records of at least one (1) of
11 the following for each student enrolled at the institution, employee employed by
12 the institution, and person contracting with the institution:

13 (a) In the case of a natural-born United States citizen born in the United States,
14 a certified or original birth certificate issued by a possession of the United
15 States;

16 (b) In the case of a natural-born United States citizen born outside the United
17 States, a United States Consular Report of Birth Abroad;

18 (c) In the case of a naturalized United States Citizen, a Certificate of
19 Naturalization issued by the United States Citizenship and Immigration
20 Services;

21 (d) In the case of a foreign national, an unexpired visa authorizing the foreign
22 national to study or work in the United States or a United States Permanent
23 Resident Card.

24 (2) Upon the complaint of any state resident regarding an institution or prior to the
25 provision of funds or awarding of any grants to an institution, any member of the
26 General Assembly may request that the secretary of the Justice and Public Safety
27 Cabinet hold an administrative hearing pursuant to subsection (3) of this section.

1 (3) (a) Upon request by a member of the General Assembly, the secretary of the
2 Justice and Public Safety Cabinet shall hold an administrative hearing,
3 open to the public, to determine whether the institution has enrolled,
4 employed, or contracted with any illegal alien.

5 (b) Notwithstanding any exemptions in KRS 13B.020, the administrative
6 hearing shall be governed by KRS Chapter 13B.

7 (c) The final order shall contain a determination of:

8 1. Whether or not the institution enrolled, employed, or contracted with
9 any illegal alien;

10 2. If the institution did enroll, employ, or contract with an illegal alien,
11 whether the enrollment, employment, or contract has ended or is
12 ongoing; and

13 3. a. If the enrollment, employment, or contract has ended, how many
14 days the institution enrolled, employed, or contracted with the
15 illegal alien; or

16 b. If the enrollment, employment, or contract is ongoing, the date
17 that the enrollment, employment, or contract started.

18 (d) A copy of the final order shall be transmitted to the Governor of the
19 Commonwealth of Kentucky, the member of the General Assembly
20 requesting the hearing, the Speaker of the House of Representatives, and
21 the President of the Senate. The secretary of the Justice and Public Safety
22 Cabinet shall make the final order publicly available and shall publish it in
23 a conspicuous place on its Web site.

24 (e) If the final order determines that the institution enrolled, employed, or
25 contracted with any illegal alien, the secretary of the Justice and Public
26 Safety Cabinet shall notify the secretary of the Finance and Administration
27 Cabinet in writing and request that the Finance and Administration

1 Cabinet withhold or intercept from the governing board of the institution a
2 portion of any appropriated state funds not yet disbursed to the institution.

3 (f) Upon receipt of the request, the secretary of the Finance and
4 Administration Cabinet shall remit payment of the portion to the general
5 fund from the appropriation to the institution.

6 (g) The portion shall be equal to the total amount of state funds appropriated to
7 the institution in the fiscal year the final order is issued multiplied by the
8 number of days the institution enrolled, employed, or contracted with the
9 illegal alien divided by three hundred sixty-five (365).

10 (h) If the final order determined that the enrollment, employment, or
11 contracting was ongoing:

12 1. The number of days the institution enrolled, employed, or contracted
13 with the illegal alien shall be deemed to be the number of days from
14 the date that the enrollment, employment, or contracting started to the
15 date of the request from the secretary of the Justice and Public Safety
16 Cabinet; and

17 2. The secretary of the Finance and Administration cabinet shall
18 withhold all allotments of the institution's appropriation and instead
19 remit those allotments to the general fund until the secretary of the
20 Justice and Public Safety Cabinet certifies that the institution is no
21 longer enrolling, employing, or contracting with any illegal alien.

22 (4) The Justice and Public Safety Cabinet shall publish a list of all institutions
23 enrolling, employing, or contracting with illegal aliens.

24 (5) Any president, provost, or board member of an institution that enrolls, employs,
25 or contracts with an illegal alien, shall be jointly and severally liable for any tort
26 committed during the course of a felony within the Commonwealth by an illegal
27 alien enrolled at, employed by, or contracting with the institution, regardless of

1 whether the tort is related to the illegal alien's enrollment, employment, or
2 contract. Presidents, provosts, and board members of institutions that enroll,
3 employ, or contract with illegal aliens shall be strictly liable for these torts.
4 However, no provost who has does not have policy-making authority and no
5 provost or board member who has taken affirmative steps to stop the sanctuary
6 policy, by voting against it or otherwise, shall be liable for these torts.