

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 immigration laws.***

7 (2) Law enforcement agencies may enter into written agreements for joint investigation
8 and enforcement of violations of sex offender registration laws ***and immigration***
9 ***laws.*** These agreements may include other local law enforcement agencies and may
10 include the Department of Kentucky State Police.

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

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

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

15 ***(b) "Local government" means any county, city, charter county, urban county,***
16 ***consolidated local, or unified local government;***

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

19 ***(d) "Sanctuary" means any local government having a sanctuary policy, as***
20 ***determined by an administrative hearing; and***

21 ***(e) "Sanctuary policy" means any local government's order or ordinance,***
22 ***enacted or followed that:***

23 ***1. Limits or prohibits any local government official or person employed***
24 ***by the local government from communicating or cooperating with***
25 ***federal agencies or officials to verify or report the immigration status***
26 ***of any alien within the local government's geographic boundaries; or***

27 ***2. Grants to illegal aliens the right to lawful presence or status within the***

- 1 local government's geographic boundaries in violation of federal law.
- 2 (2) No local government shall enact or adopt any sanctuary policy. Any local
3 government that enacts or adopts a sanctuary policy shall be ineligible for any
4 moneys administered by any state agency or department until the sanctuary
5 policy is repealed or is no longer in effect. If any local government becomes
6 eligible after being ineligible, the local government shall not receive funds to
7 replace funds lost due to ineligibility.
- 8 (3) Upon the complaint of any state resident regarding a local government or prior to
9 the provision of funds or awarding of any grants to a local government, any
10 member of the General Assembly may request that the secretary of the Justice
11 and Public Safety Cabinet hold an administrative hearing pursuant to subsection
12 (4) of this section.
- 13 (4) (a) Upon request by a member of the General Assembly, the secretary of the
14 Justice and Public Safety Cabinet shall hold an administrative hearing,
15 open to the public, to determine whether the local government has current
16 policies in contravention of this section.
- 17 (b) Notwithstanding any exemptions in KRS 13B.020, the administrative
18 hearing shall be governed by KRS Chapter 13B.
- 19 (c) A copy of the final order shall be transmitted to the Governor of the
20 Commonwealth of Kentucky, the member of the General Assembly
21 requesting the hearing, the Speaker of the House of Representatives, and
22 the President of the Senate. The secretary of the Justice and Public Safety
23 Cabinet shall make the final order publicly available and shall publish it in
24 a conspicuous place on its Web site.
- 25 (5) The Justice and Public Safety Cabinet shall publish a list of all local
26 governments determined to be sanctuaries.
- 27 (6) Any local government official of a sanctuary, other than law enforcement

1 officers, shall be jointly and severally liable for any tort committed by an illegal
 2 alien residing in the sanctuary during the course of a felony committed within the
 3 Commonwealth. Local government officials of sanctuaries, other than law
 4 enforcement officers, shall be strictly liable for these torts.

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

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

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

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

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

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

21 (c) In the case of a naturalized United States Citizen, a Certificate of
 22 Naturalization issued by the United States Citizenship and Immigration
 23 Services;

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

27 (2) Upon the complaint of any state resident regarding an institution or prior to the

1 provision of funds or awarding of any grants to an institution, any member of the
2 General Assembly may request that the secretary of the Justice and Public Safety
3 Cabinet hold an administrative hearing pursuant to subsection (3) of this section.

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

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

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

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

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

16 3. a. If the enrollment, employment, or contract has ended, how many
17 days the institution enrolled, employed, or contracted with the
18 illegal alien; or

19 b. If the enrollment, employment, or contract is ongoing, the date
20 that the enrollment, employment, or contract started.

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

27 (e) If the final order determines that the institution enrolled, employed, or

1 contracted with any illegal alien, the secretary of the Justice and Public
2 Safety Cabinet shall notify the secretary of the Finance and Administration
3 Cabinet in writing and request that the Finance and Administration
4 Cabinet withhold or intercept from the governing board of the institution a
5 portion of any appropriated state funds not yet disbursed to the institution.

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

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

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

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

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

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

27 (5) Any president, provost, or board member of an institution that enrolls, employs,

1 or contracts with an illegal alien, shall be jointly and severally liable for any tort
2 committed during the course of a felony within the Commonwealth by an illegal
3 alien enrolled at, employed by, or contracting with the institution, regardless of
4 whether the tort is related to the illegal alien's enrollment, employment, or
5 contract. Presidents, provosts, and board members of institutions that enroll,
6 employ, or contract with illegal aliens shall be strictly liable for these torts.