

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

SENATE BILL 411

5 By: Senator G. Stubblefield
6

For An Act To Be Entitled

8 AN ACT TO PROHIBIT MUNICIPAL SANCTUARY POLICIES; AND
9 FOR OTHER PURPOSES.
10

Subtitle

11 TO PROHIBIT MUNICIPAL SANCTUARY POLICIES.
12
13
14
15

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
17

18 SECTION 1. Arkansas Code Title 14, Subchapter 1, is amended to add an
19 additional section to read as follows:

20 14-1-103. Sanctuary policies prohibited – Definitions.

21 (a) As used in this section:

22 (1) “Law enforcement officer” means an appointed law enforcement
23 officer who is responsible for the prevention and detection of crime and the
24 enforcement of the laws of the state or of the ordinances of municipalities;

25 (2) “Municipality” means a city of the first class, a city of
26 the second class, or an incorporated town;

27 (3) “Municipal official” means an elected or appointed official
28 serving a municipality; and

29 (4) “Sanctuary policy” means an order, ordinance, or law
30 enforcement policy, whether formally enacted or informally adopted, that:

31 (A) Limits or prohibits a municipal official or person
32 employed by the municipality from communicating or cooperating with federal
33 agencies or officials to verify or report the immigration status of a person
34 within the municipality;

35 (B) Grants to illegal immigrants the right to lawful
36 presence or status within the municipality in violation of federal law;



1 (C) Violates 8 U.S.C. § 1373, as in effect on January 1,
2 2019;

3 (D) Restricts or imposes any conditions upon the
4 municipality's cooperation or compliance with detainers or other requests
5 from United States Immigration and Customs Enforcement to maintain custody of
6 an immigrant or to transfer an immigrant to the custody of United States
7 Immigration and Customs Enforcement;

8 (E) Requires United States Immigration and Customs
9 Enforcement to obtain a warrant or demonstrate probable cause before
10 complying with detainers or other requests from United States Immigration and
11 Customs Enforcement to maintain custody of an immigrant or to transfer an
12 immigrant to the custody of United States Immigration and Customs
13 Enforcement; or

14 (F) Prevents law enforcement officers from asking a person
15 about his or her citizenship or immigration status.

16 (b)(1) A municipality shall not enact or adopt a sanctuary policy.

17 (2) A municipality that enacts or adopts a sanctuary policy is
18 ineligible for moneys provided through funds or grants administered by the
19 state until the sanctuary policy is repealed or no longer in effect.

20 (c)(1) Upon receiving a complaint from a resident of the state of a
21 violation of this section by a municipality, the Attorney General shall issue
22 an opinion stating whether the municipality is in violation of this section.

23 (2) If the Attorney General issues an opinion stating that the
24 municipality has enacted or adopted a sanctuary policy that violates this
25 section, the municipality is ineligible to receive moneys provided through
26 funds or grants administered by the state until the Attorney General
27 certifies that the sanctuary policy is repealed or no longer in effect.

28 (d)(1) Before the provision of funds or the award of grants is made to
29 a municipality, a member of the General Assembly may request that the
30 Attorney General issue an opinion stating whether the municipality has
31 current policies in violation of this section.

32 (2) A municipality deemed ineligible for moneys under this
33 section is ineligible to receive moneys provided through funds or grants
34 administered by the state until the Attorney General certifies that the
35 municipality is in full compliance with this section.

36 (e)(1) The governing body or chief of police of each municipality

1 shall provide each law enforcement officer of the municipality with a printed
2 copy of this section with written notice of his or her duty to cooperate with
3 state and federal agencies and officials on matters of enforcement of state
4 and federal laws governing immigration.

5 (2) Each state agency with law enforcement powers shall provide
6 each law enforcement officer of the state agency with a printed copy of this
7 section with written notice of his or her duty to cooperate with state and
8 federal agencies and officials on matters of enforcement of state and federal
9 laws governing immigration.

10 (f) A state agency shall not enact or adopt a sanctuary policy.

11 (g) Records created in connection with administrative investigations
12 related to this section are not subject to the Freedom of Information Act of
13 1967, § 25-19-101 et seq.

14
15 SECTION 2. DO NOT CODIFY. Effective date. Section 1 of this act is
16 effective on and after January 1, 2020.

17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36