Session of 2025

SENATE BILL No. 178

By Committee on Federal and State Affairs

2-4

AN ACT concerning law enforcement agencies; relating to enforcement of immigration laws; requiring certain law enforcement agencies to apply for and enter into agreements with United States immigration and customs enforcement; providing a cause of action and penalties for failure to comply.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) As soon as practicable after the effective date of this act, each law enforcement agency shall submit a request to United States immigration and customs enforcement pursuant to the federal immigration and nationality act, 8 U.S.C. § 1357(g), to enter into an agreement with United States immigration and customs enforcement to designate certain law enforcement officers employed by such law enforcement agency to be authorized to assist in the enforcement of federal immigration laws. Each law enforcement agency that is offered such an agreement by the director of United States immigration and customs enforcement shall enter into such agreement. Any such agreement shall include a description of the scope of and the limitations on the authority granted to the designated law enforcement officers. A copy of any such agreement shall be submitted to the attorney general upon execution.

(b) Any law enforcement agency that fails to enter an agreement as required by this section shall submit written notice to the attorney general of such failure. Such written notice shall include documentation establishing that a request was properly submitted to United States immigration and customs enforcement but that no agreement was offered to such law enforcement agency.

(c) The attorney general shall send written notice to each law enforcement agency that does not timely enter into an agreement or submit a written notice of failure to enter into an agreement. A law enforcement agency that receives a written notice pursuant to this subsection shall become compliant with this section within 30 days after receipt of such notice.

(d) The attorney general may bring a cause of action against any law enforcement agency that fails to comply with this section after the time period specified in subsection (c). Such action shall be brought in the district court of Shawnee county. The attorney general may seek injunctive

relief to bring the law enforcement agency into compliance with this section and such other relief as the attorney general deems necessary. The court may award reasonable expenses, including attorney fees, court costs, witness fees, deposition costs and other investigatory costs, if the attorney general is the prevailing party.

(e) Upon a final, nonappealable decision by a court of competent jurisdiction that a law enforcement agency failed to comply with the provisions of this section, such law enforcement agency shall be ineligible to receive any state grant moneys that may be awarded but as yet are unpaid to such law enforcement agency, and no state grant moneys shall be awarded or paid to such law enforcement agency during the ensuing fiscal year. The attorney general shall send a copy of any such judicial order to the state treasurer, the director of the budget and the director of the legislative research. Upon receipt of such order, the director of budget shall certify to the director of accounts and reports an amount to be lapsed or reduced from an expenditure limitation.

(f) As used in this section:

(1) "Law enforcement agency" means a city police department, a county sheriff's department, a county law enforcement department established pursuant to K.S.A. 19-4401 et seq., and amendments thereto, a law enforcement agency established pursuant to the consolidated city-county powers in K.S.A. 12-345, and amendments thereto, a county police department or any other law enforcement department of a taxing political subdivision of the state; and

(2) "state grant moneys" means financial aid, gifts, grants or other payments to a law enforcement agency made by a state agency pursuant to a written agreement whether such money is derived from state or federal revenue sources.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.