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**KANSAS BUREAU OF
INVESTIGATION**
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Kris W. Kobach
Attorney General

Before the
House Federal and State Affairs Committee
Regarding HB 2771 (Proponent)
Bob Stuart, Executive Officer
February 25, 2026

Chairman Kessler and Members of the Committee:

Thank you for the opportunity to provide proponent testimony for HB 2771. This bill establishes clear requirements for county sheriffs to honor valid ICE detainers, provides essential liability and insurance protections for law enforcement, shifts certain federal court judgment costs to the state when law enforcement officers act in good faith, requires Attorney General representation in related cases, and allows sheriffs to enter 287(g) agreements without county commission approval. These provisions directly support our elected sheriffs who are the constitutional officers responsible for county jails and remove barriers to enforcing criminal law.

Attorney General Kris Kobach and Director Mattivi have already demonstrated the effectiveness of 287(g) authority. In 2025 the KBI secured a statewide agreement and used it to identify and transfer serious criminal non-citizens (individuals with records for violent offenses, sex crimes, or drug trafficking) to federal custody. Director Mattivi described this as a valuable additional tool that complements, rather than diverts from, the KBI's core mission of addressing violent crime and crimes against children.

Importantly, Sections 3 and 4 of the bill extend critical statewide protections to the KBI, Kansas Sheriffs and other law enforcement agencies by requiring the state to cover certain federal civil judgment costs and mandating Attorney General representation in related federal civil actions and habeas proceedings when law enforcement actions are taken in good faith under 287(g) agreements or ICE detainers.

Requiring the honoring of facially sufficient ICE detainers for up to 48 hours ensures individuals already in custody on state or local charges are not released when federal removal proceedings are pending. The liability protections of mandating coverage through municipal insurance pools and state backing for good-faith actions give sheriffs, deputies, and other law enforcement officers the confidence to fulfill their duties without fear of frivolous litigation or unfunded mandates. Allowing sheriffs to independently pursue 287(g) partnerships respects their elected authority and local expertise.

Some opponents may argue that honoring ICE detainers or expanding 287(g) authority risks racial profiling, chills crime reporting in immigrant communities, or violates due process because detainers are administrative rather than judicial warrants. These concerns are understandable but misplaced in the context of this bill. HB 2771 is narrowly targeted at individuals who are **already lawfully in custody** on state or local criminal charges and are typically those with serious criminal histories. The bill explicitly requires “facially sufficient” detainers that include clear identification, probable cause indicators, and federal signatures. It also mandates immediate release if the person proves U.S. citizenship or lawful status, if the detainer is canceled, or if the 48-hour period expires. This approach prioritizes public safety by preventing the premature release of dangerous individuals back into Kansas communities, while built-in safeguards protect against errors. By way of example, The KBI’s targeted operations have shown concrete results without broad or indiscriminate enforcement.

Others may contend that allowing sheriffs to enter 287(g) agreements without county commission approval undermines home rule or local democratic oversight. However, Kansas sheriffs are independently elected constitutional officers with primary responsibility for operating county jails and enforcing the law. While Immigration enforcement is and will remain a fundamental federal function, this ability to cooperate and this narrow exception respects the sheriff’s operational expertise in managing custody and transfers which are matters directly tied to jail safety and security. County commissions retain full authority over budgets, general policy, and other interlocal agreements; the concerning provision simply prevents potential political interference in core law enforcement duties and promotes consistent statewide adherence to federal immigration law. Uniform application across counties avoids a patchwork of policies that could create uneven public safety outcomes.

This bill is a targeted and common-sense measure focused on public safety. It prioritizes those with serious criminal histories who are already in the criminal justice system. By supporting our sheriffs and aligning state and local efforts with federal immigration law, HB 2771 helps keep Kansas communities safer and upholds the rule of law.

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