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MEMORANDUM

To: House Federal and State Affairs Committee

From: Mike Heim, Revisor of Statutes Office

Date: February 25, 20126

Subject: HB 2771—Summary

HB 2771 would authorize county sheriffs operating jails to detain individuals for up to 48 hours based on a facially sufficient Immigration and Custom Enforcement (ICE) immigration detainer (Form I-247A) or certain federal immigration warrants for the purpose of transferring custody to federal authorities.

The bill would establish procedures for reviewing detainers, notifying detainees, providing documentation, and releasing individuals under specified conditions, including proof of U.S. citizenship or lawful status.

The bill would require municipal insurance pools to provide liability coverage for law enforcement agencies cooperating with federal immigration authorities, including representation if neither the U.S. Department of Justice nor the Kansas Office of the Attorney General provided it.

The bill would mandate that the Kansas Office of the Attorney General represent law enforcement agencies and officers acting in good faith under certain ICE agreements in federal civil and habeas corpus actions.

Additionally, the bill would require the state to pay certain federal court judgments against participating agencies or officers if federal authorities fail to cover those costs and the agency or officer acted in good faith

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