

February 23, 2026

The Honorable Tom Kessler, Chairperson
House Committee on Federal and State Affairs
300 SW 10th Avenue, Room 346-S
Topeka, Kansas 66612

Dear Representative Kessler:

SUBJECT: Fiscal Note for HB 2771 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2771 is respectfully submitted to your committee.

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 detainees, 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.

According to the Office of the Attorney General (OAG), enactment of HB 2771 would have a fiscal effect on the Office due to legal representation and indemnification obligations arising from cooperation with federal immigration authorities. Based on anticipated federal civil rights and habeas litigation exposure, the OAG estimates the need for an additional Assistant Attorney General position to manage increased caseload, federal court appearances, dispositive motions,

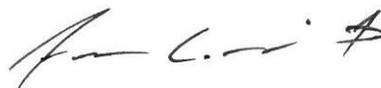
potential appeals, and to serve as a subject matter expert on this area of law. The estimated cost for salary and benefits would be \$133,905 in FY 2027. Associated operating expenditures for office space, technology, training, and related support would total \$11,657 annually for a total of \$145,562. This bill would also create a potential state obligation to pay judgment costs in federal civil actions against certain agencies or officers. The fiscal effect of this provision cannot be estimated at this time. Over the long term, the bill would result in ongoing litigation-related responsibilities and expenses.

The Office of Judicial Administration indicates that any fiscal effect associated with enactment of HB 2771 could be absorbed by the courts. Any fiscal effect associated with HB 2771 is not reflected in *The FY 2027 Governor's Budget Report*.

The League of Kansas Municipalities (LKM) indicates that enactment of HB 2771 would have a fiscal effect on cities, primarily through mandates on municipal insurance pools and law enforcement operations. This could include increased insurance premiums, unbudgeted administrative, and holding costs for detaining individuals for ICE, mandated legal representation costs via local pools, and potential liability exposure from county sheriff actions without county commission approval. However, LKM is unable to determine the exact fiscal effect.

The Kansas Association of Counties indicates that enactment of HB 2771 could increase premiums for insurance depending on what the cost of the additional coverage would be or how many claims were made. It could also expose the county to liability because the bill does not require a written agreement with the federal agency. The Association did not provide an estimate of the costs.

Sincerely,



Adam C. Proffitt
Director of the Budget

cc: Bruce Chladny, Kansas Association of Counties
Matt Bingesser, Office of the Attorney General
Trisha Morrow, Judiciary
Wendi Stark, League of Kansas Municipalities