

As Amended by House Committee

Session of 2026

HOUSE BILL No. 2771

By Committee on Federal and State Affairs

Requested by Ed Klumpp

2-10

1 AN ACT concerning enforcement of United States immigration and  
2 enforcement detainers by a county sheriff operating a county jail;  
3 requiring municipal insurance pools to provide coverage of law  
4 enforcement agencies enforcing federal law; requiring the state to pay  
5 certain judgements in federal civil action and provide legal  
6 representation by the attorney general; updating the interlocal  
7 cooperation act; amending K.S.A. 12-2904 and repealing the existing  
8 section.  
9

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

11 New Section 1. (a) Any sheriff operating a jail pursuant to K.S.A. 19-  
12 1901, and amendments thereto, has authority to detain a person with:

13 (1) A facially sufficient immigration detainer request issued by the  
14 United States immigration and customs enforcement (ICE) on form I-247A  
15 issued pursuant to 8 U.S.C. §§ 1226 and 1357 and hold such person for up  
16 to 48 hours without criminal charges for the purpose of transferring  
17 custody to the United States immigration and customs enforcement; or

18 (2) a warrant as described in subsection (c).

19 (b) An immigration detainer request form I-247A presented to a jail  
20 as provided in subsection (a)(1) is deemed facially sufficient if either of  
21 the following applies:

22 (1) The United States immigration and customs enforcement official  
23 form I-247A presented to law enforcement:

24 (A) Clearly states the identity of the person to be detained;

25 (B) has box 1, statement of probable cause, or box 2, transfer of  
26 custody, completed; and

27 (C) is signed by the federal immigration official; or

28 (2) the United States immigration and customs enforcement form I-  
29 247A meets the requirement of subsections (b)(1)(A) and (C) but not  
30 subsection (c)(1)(B) and is supported by a signed warrant as described in  
31 subsection (d) or other affidavit or official documentation provided to law  
32 enforcement stating the United States immigration and customs  
33 enforcement has probable cause to believe that the person to be detained is  
34 a removable alien under federal immigration law and United States  
35 immigration and customs enforcement.

1 (c) A warrant satisfying subsection (a)(2) or (b)(2) includes:

2 (1) A United States department of homeland security form I-200,  
3 warrant for arrest of alien; or

4 (2) a United States immigration and customs enforcement form I-205,  
5 warrant of removal or a successor warrant or other warrant authorized by  
6 federal law.

7 (d) After reviewing the form I-247A and finding that such form  
8 complies with the requirements of subsection (b), a sheriff operating a jail  
9 having custody of a person under the authority of subsection (a) shall:

10 (1) Inform the person that such person is being held pursuant to an  
11 immigration detainer request issued by the United States immigration and  
12 customs enforcement;

13 (2) provide a copy of the form I-247A to the person being held as  
14 soon as practicable;

15 (3) inform the United States immigration and customs enforcement  
16 that such person is in custody of the sheriff on an immigration detainer;  
17 and

18 (4) complete the law enforcement agency section of the form I-247A  
19 and submit such form to the United States immigration and customs  
20 enforcement.

21 (e) The sheriff operating a jail shall release a person being held under  
22 subsection (a) upon:

23 (1) The receipt of a subsequent form I-247A with the box checked  
24 canceling the detainer request;

25 (2) the passing of 48 hours from the time of detention without  
26 pending criminal charges on the United State immigration and customs  
27 enforcement detainer;

28 (3) a finding the detainer does not meet the requirements of  
29 subsection (b); or

30 (4) the person who is being held provides proof of citizenship of the  
31 United States or has lawful immigration status in the United States.

32 (f) As used in this section, "proof of citizenship" includes:

33 (1) A birth certificate;

34 (2) a United States passport indicating citizenship;

35 (3) an official United States document showing completed  
36 naturalization of citizenship;

37 (4) a court order declaring a person's United States citizenship; or

38 (5) any other official document of the United States or the state of  
39 Kansas indicating the person is a United States citizen.

40 New Sec. 2. Any municipal insurance pool issuing liability coverage  
41 for law enforcement under the Kansas municipal group-funded pool act  
42 shall continue such coverage and include coverage for law enforcement  
43 operations authorized by the covered agency enforcing federal law in

1 cooperation with federal agencies to the same extent of the coverage for  
2 enforcing state and local law regardless of whether the cooperation is  
3 under a written agreement and whether the officers involved are deputized  
4 by the federal agency. If the United States department of justice or the  
5 Kansas office of the attorney general does not provide legal representation  
6 in an action against the covered local law enforcement agency, the  
7 municipal insurance pool coverage shall provide the legal representation.  
8 The municipal insurance pool may also provide legal representation to  
9 protect its interest in a case in which the United States department of  
10 justice or the Kansas office of the attorney general is providing legal  
11 representation.

12 New Sec. 3. (a) In any federal civil action against a law enforcement  
13 agency or an officer working under an agreement with the United States  
14 immigration and customs enforcement for a 287g program authorized by 8  
15 U.S.C. § 1357(g), if a judgement is rendered against such agency or such  
16 officer of the agency, the state shall pay the judgement costs or any portion  
17 thereof that the United States department of justice has failed to cover if  
18 the agency or officer was acting in good faith.

19 (b) **In any state civil action, where a law enforcement officer or**  
20 **law enforcement agency acts in good faith under an ICE 287(g)**  
21 **agreement or detainer and takes a person into custody or attempts to**  
22 **take such person into custody, the law enforcement officer or law**  
23 **enforcement agency shall be entitled to immunity for any civil liability.**

24 New Sec. 4. (a) If a civil action is brought against a law enforcement  
25 agency that has entered into an ICE 287(g) agreement or an officer of such  
26 law enforcement agency who has been deputized under an ICE 287(g)  
27 agreement and such law enforcement agency or officer was acting in good  
28 faith under the terms of an ICE 287(g) agreement, the attorney general  
29 shall represent or provide representation of the law enforcement agency  
30 and officer in federal litigation.

31 (b) If a habeas corpus action is filed against an agency acting in good  
32 faith to hold a person under authority of an ICE detainer, the office of the  
33 attorney general shall provide legal representation at the habeas corpus  
34 hearing.

35 Sec. 5. K.S.A. 12-2904 is hereby amended to read as follows: 12-  
36 2904. (a) Subject to the limitations of subsection (g), any power or powers,  
37 privileges or authority exercised or capable of exercise by a public agency  
38 of this state including but not limited to those functions relating to  
39 economic development, public improvements, public utilities, police  
40 protection, public security, public safety and emergency preparedness,  
41 including but not limited to, intelligence, antiterrorism and disaster  
42 recovery, libraries, data processing services, educational services, building  
43 and related inspection services, flood control and storm water drainage,

1 weather modification, sewage disposal, refuse disposal, park and  
2 recreational programs and facilities, ambulance service, fire protection, the  
3 Kansas tort claims act or claims for civil rights violations, may be  
4 exercised and enjoyed jointly with any other public agency of this state or  
5 with any private agency, and jointly with any public agency of any other  
6 state or of the United States to the extent that the laws of such other state  
7 or of the United States permit such joint exercise or enjoyment. Any  
8 agency of the state government when acting jointly with any public or  
9 private agency may exercise and enjoy all of the powers, privileges and  
10 authority conferred by this act upon a public agency.

11 (b) Any public agency may enter into agreements with one or more  
12 public or private agencies for joint or cooperative action pursuant to the  
13 provisions of this act. Appropriate action by ordinance, resolution or  
14 otherwise pursuant to law of the governing bodies of the participating  
15 public agencies shall be necessary before any such agreement may enter  
16 into force.

17 (c) Any public agency may enter into agreements with Native  
18 American Indian tribes for joint or cooperative actions. Such agreements  
19 shall be considered to be an interlocal agreement and shall be subject to  
20 the procedures and limitations of the interlocal cooperation act.

21 The provisions of this subsection shall not be construed as authorizing  
22 a public agency to enter into a gaming compact pursuant to the interlocal  
23 cooperation act.

24 (d) Any such agreement shall specify the following:

25 (1) Its duration.

26 (2) The precise organization, composition and nature of any separate  
27 legal or administrative entity created thereby together with the powers  
28 delegated thereto.

29 (3) Its purpose or purposes.

30 (4) The manner of financing the joint or cooperative undertaking and  
31 of establishing and maintaining a budget therefor.

32 (5) The permissible method or methods to be employed in  
33 accomplishing the partial or complete termination of the agreement and for  
34 disposing of property upon such partial or complete termination.

35 (6) Any other necessary and proper matters.

36 (e) In addition to the requirements of subsection (d), if the agreement  
37 does not establish a separate legal entity to conduct the joint or cooperative  
38 undertaking, the agreement also shall contain the following:

39 (1) Provision for an administrator or a joint board or one of the  
40 participating public agencies to be responsible for administering the joint  
41 or cooperative undertaking. In the case of a joint board public agencies  
42 party to the agreement shall be represented.

43 (2) The manner of acquiring, holding and disposing of real and

1 personal property used in the joint or cooperative undertaking.

2 (f) No agreement made pursuant to this act shall relieve any public  
3 agency of any obligation or responsibility imposed upon it by law except  
4 that to the extent of actual and timely performance thereof by a joint board  
5 or other legal or administrative entity created by an agreement made  
6 hereunder, such performance may be offered in satisfaction of the  
7 obligation or responsibility.

8 (g) Every agreement made hereunder, except: (1) Agreements  
9 between two or more public agencies establishing a council or other  
10 organization of local governments for the study of common problems of an  
11 area or region and for the promotion of intergovernmental cooperation;  
12 and (2) agreements entered into regarding joint or cooperative action that  
13 are subject to the oversight and regulation of a Kansas regulatory agency,  
14 prior to and as a condition precedent to its entry into force, shall be  
15 submitted to the attorney general who shall determine whether the  
16 agreement is in proper form and compatible with the laws of this state. The  
17 attorney general shall approve any agreement submitted hereunder unless  
18 the attorney general shall find that it does not meet the conditions set forth  
19 herein and shall detail in writing addressed to the governing bodies of the  
20 public and private agencies concerned the specific respects in which the  
21 proposed agreement fails to meet the requirements of law. Failure to  
22 disapprove an agreement submitted hereunder within 90 days of its  
23 submission shall constitute approval thereof.

24 (h) *For the purposes of entering an agreement with the United States*  
25 *immigration and customs enforcement for a 287g program authorized by 8*  
26 *U.S.C. § 1357(g), a sheriff shall be exempt from subsections (a), (b), and*  
27 *(c) and may sign such agreement without further authorization of the*  
28 *board of county commissioners.*

29 Sec. 6. K.S.A. 12-2904 is hereby repealed.

30 Sec. 7. This act shall take effect and be in force from and after its  
31 publication in the statute book.