

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

As Engrossed: S4/3/19

# A Bill

SENATE BILL 411

5 By: Senator G. Stubblefield  
6

## For An Act To Be Entitled

8 AN ACT TO PROHIBIT MUNICIPAL SANCTUARY POLICIES; AND  
9 FOR OTHER PURPOSES.

### Subtitle

10 TO PROHIBIT MUNICIPAL SANCTUARY POLICIES.  
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13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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16 *SECTION 1. Effective January 1, 2020, Arkansas Code Title 14, Chapter*  
17 *1, Subchapter 1, is amended to add an additional section to read as follows:*

18 *14-1-103. Sanctuary policies prohibited.*

19 *(a)(1) A municipality shall not enact or adopt a sanctuary policy.*

20 *(2) A municipality that enacts or adopts a sanctuary policy is*  
21 *ineligible for discretionary moneys provided through funds or grants*  
22 *administered by the state until the sanctuary policy is repealed or no longer*  
23 *in effect.*

24 *(b) As used in this section, "sanctuary policy" means an order,*  
25 *ordinance, or law enforcement policy, whether formally enacted or informally*  
26 *adopted by custom or practice, that:*

27 *(1) Limits or prohibits a municipal official or person employed*  
28 *by the municipality from communicating or cooperating with federal agencies*  
29 *or officials to verify or report the immigration status of a person within*  
30 *the municipality;*

31 *(2) Grants to illegal immigrants the right to lawful presence or*  
32 *status within the municipality in violation of federal law;*

33 *(3) Violates 8 U.S.C. § 1373, as in effect January 1, 2019;*

34 *(4) Restricts or imposes any conditions upon the municipality's*  
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1 cooperation or compliance with detainers or other requests from United States  
2 Immigration and Customs Enforcement to maintain custody of an immigrant or to  
3 transfer an immigrant to the custody of United States Immigration and Customs  
4 Enforcement;

5 (5) Requires United States Immigration and Customs Enforcement  
6 to obtain a warrant or demonstrate more than probable cause before complying  
7 with detainers or other legal and valid requests from United States  
8 Immigration and Customs Enforcement to maintain custody of an immigrant or to  
9 transfer an immigrant to the custody of United States Immigration and Customs  
10 Enforcement; or

11 (6) Prevents law enforcement officers from asking a person about  
12 his or her citizenship or immigration status.

13 (c)(1) Upon receiving a complaint from a resident of the state of a  
14 violation of this section by a municipality, the Attorney General shall issue  
15 an opinion stating whether the municipality is in violation of this section.

16 (2) If the Attorney General issues an opinion stating that the  
17 municipality has enacted or adopted a sanctuary policy that violates this  
18 section, the municipality is ineligible to receive discretionary moneys  
19 provided through funds or grants administered by the state until the Attorney  
20 General certifies that the sanctuary policy is repealed or no longer in  
21 effect.

22 (d)(1) Before the provision of funds or the award of grants is made to  
23 a municipality, a member of the General Assembly may request that the  
24 Attorney General issue an opinion stating whether the municipality has  
25 current policies in violation of this section.

26 (2) A municipality deemed ineligible for discretionary moneys  
27 under this section is ineligible to receive discretionary moneys provided  
28 through funds or grants administered by the state until the Attorney General  
29 certifies that the municipality is in full compliance with this section.

30 (e) A municipality may appeal a decision of the Attorney General under  
31 this section to the Pulaski County Circuit Court.

32 (f) Records created in connection with administrative investigations  
33 related to this section are not subject to the Freedom of Information Act of  
34 1967, § 25-19-101 et seq.

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*/s/G. Stubblefield*