

INTERIM STUDY PROPOSAL 2021-080

State of Arkansas

As Engrossed: S3/29/21

93rd General Assembly

A Bill

Regular Session, 2021

SENATE BILL 545

By: Senator T. Garner

Filed with: Arkansas Legislative Council
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO ESTABLISH A GRANT PROGRAM FOR LOCAL LAW ENFORCEMENT AGENCIES DESIGNED TO ENCOURAGE TRAINING IN AND AWARENESS OF FEDERAL IMMIGRATION ASSISTANCE AND ENFORCEMENT; TO CREATE THE IMMIGRATION ENFORCEMENT TRAINING GRANT PROGRAM FUND; TO CREATE A TAX ON CERTAIN ELECTRONIC MONEY TRANSFERS; TO PROVIDE FOR THE DISTRIBUTION OF THE FUNDS GENERATED BY THE TAX ON CERTAIN MONEY TRANSFERS; AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH A GRANT PROGRAM FOR LAW ENFORCEMENT AGENCIES DESIGNED TO ENCOURAGE TRAINING IN AND AWARENESS OF FEDERAL IMMIGRATION ENFORCEMENT; AND TO CREATE THE IMMIGRATION ENFORCEMENT TRAINING GRANT PROGRAM FUND.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Legislative intent.

(a) It is the intent of the General Assembly to reiterate how illegal immigration hurts our economy and how it is the responsibility of the General Assembly to protect and serve the citizens of Arkansas by putting in place

1 measures designed to stop the illegal drug trade coming from outside of the
2 United States.

3 (b) The General Assembly also intends for the agencies that receive
4 these funds to use the resources to acquire training and equipment to address
5 the problems of illegal immigration.

6
7 SECTION 2. Arkansas Code Title 12, Chapter 6, Subchapter 7, is amended
8 to add an additional section to read as follows:

9 12-6-702. Immigration Enforcement Training Grant Program.

10 (a)(1) There is created within the Department of Public Safety the
11 Immigration Enforcement Training Grant Program to be administered by the
12 Secretary of the Department of Public Safety.

13 (2) The secretary may hire personnel necessary to carry out the
14 duties of administering the program.

15 (3) The secretary has exclusive authority to award grants under
16 the program.

17 (b)(1) The secretary shall award grants under the program to law
18 enforcement agencies to assist in training in and awareness of federal
19 immigration laws and enforcement.

20 (2) Grants shall be distributed by the secretary to law
21 enforcement agencies based on a showing of the greatest need for training in
22 and awareness of federal immigration laws and enforcement.

23 (3)(A) As a condition for receiving a grant under this section,
24 a law enforcement agency shall submit a comprehensive plan to address
25 enforcement of federal immigration laws as well as a plan to assist in
26 enforcing federal immigration laws.

27 (B) A comprehensive plan under subdivision (b)(3)(A) of
28 this section shall include without limitation:

29 (i) Training regarding immigration laws and
30 procedures;

31 (ii) Communications with federal immigration
32 enforcement agencies; and

33 (iii) Plans for using federal grants and resources
34 to assist with immigration enforcement.

35 (4) As a part of the grant application process, the secretary
36 may:

1 (A) Design procedures and criteria for awarding grants
2 under this section;

3 (B) Receive and review applications for grants under this
4 section;

5 (C) Prescribe the form, nature, and extent of the
6 information that shall be contained in an application for a grant under this
7 section;

8 (D) Audit and inspect the records of grant recipients; and

9 (E) Require reports from grant recipients.

10
11 SECTION 3. Arkansas Code Title 19, Chapter 5, Subchapter 12, is
12 amended to add an additional section to read as follows:

13 19-5-1269. Immigration Enforcement Training Grant Program Fund.

14 (a) There is created on the books of the Treasurer of State, the
15 Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous
16 fund to be known as the "Immigration Enforcement Training Grant Program
17 Fund".

18 (b) The fund shall consist of:

19 (1) General revenues authorized by law;

20 (2) Moneys obtained from private grants or other sources that
21 are designated to be credited to the fund; and

22 (3) Any other revenues authorized by law.

23 (c) The fund shall be used by the Secretary of the Department of
24 Public Safety as provided in § 12-6-702.

25
26 SECTION 4. Arkansas Code § 19-6-404, concerning the sources of funding
27 for the Division of Arkansas State Police Fund, is amended to add an
28 additional subdivision to read as follows:

29 (6) Any special revenues from the electronic money transfer tax
30 levied under § 26-63-501 et seq.

31
32 SECTION 5. Arkansas Code § 19-6-840(b), concerning the sources of
33 funding for the Law Enforcement Training Fund, is amended to read as follows:

34 (b) The fund shall consist of such revenues as may be collected under
35 § 12-41-505, the electronic money transfer tax levied under § 26-63-501 et
36 seq., or as otherwise authorized by law.

1
2 SECTION 6. Arkansas Code Title 26, Chapter 63, is amended to add an
3 additional subchapter to read as follows:

4 Subchapter 5 – Electronic Money Transfer Tax

5
6 26-63-501. Definition.

7 (a) As used in this subchapter, “electronic money transfer” means a
8 service provided by a business in which the business charges a fee to:

9 (1) Receive the order of a customer located in Arkansas to
10 transfer cash to a third person;

11 (2) Accept a customer’s cash payment for purposes of the
12 transfer; and

13 (3) Transfer the customer’s cash payment, less any fees, to a
14 third person located outside the United States by making the money available
15 for the third person to collect in person.

16 (b) “Electronic money transfer” does not mean a transfer of money
17 conducted by an entity whose deposits are insured by the Federal Deposit
18 Insurance Corporation or the National Credit Union Administration.

19
20 26-63-502. Electronic money transfer tax.

21 (a) There is levied a tax on an electronic money transfer to be
22 calculated as follows:

23 (1) Five dollars (\$5.00) per electronic money transfer; and

24 (2) One percent (1%) of the amount of an electronic money
25 transfer that exceeds five hundred dollars (\$500).

26 (b)(1) The business that conducts the electronic money transfer shall
27 remit the taxes collected under this section to the Department of Finance and
28 Administration in accordance with rules established by the department.

29 (2) The tax under this section is not levied against the
30 business that facilitates the electronic money transfer.

31 (c) The moneys generated from the tax under this section are special
32 revenues and shall be distributed as follows:

33 (1) One-third (1/3) shall be deposited into the Immigration
34 Enforcement Training Grant Program Fund under § 19-5-1269;

35 (2) One-third (1/3) shall be deposited into the Division of
36 Arkansas State Police Fund under § 19-6-404; and

