

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

SENATE BILL 14

5 By: Senator G. Stubblefield  
6

## For An Act To Be Entitled

8 AN ACT PROHIBITING MUNICIPAL SANCTUARY POLICIES; AND  
9 FOR OTHER PURPOSES.  
10

### Subtitle

11 PROHIBITING MUNICIPAL SANCTUARY POLICIES.  
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16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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18 SECTION 1. Arkansas Code Title 14, Subchapter 1, is amended to add an  
19 additional section to read as follows:

20 14-1-103. Sanctuary policies prohibited – Definitions.

21 (a) As used in this section:

22 (1) “Law enforcement officer” means an appointed law enforcement  
23 officer who is responsible for the prevention and detection of crime and the  
24 enforcement of the laws of the state or of the ordinances of municipalities;

25 (2) “Municipality” means a city of the first class, a city of  
26 the second class, or an incorporated town;

27 (3) “Municipal official” means an elected or appointed official  
28 serving a municipality; and

29 (4) “Sanctuary policy” means an order, ordinance, or law  
30 enforcement policy, whether formally enacted or informally adopted, that:

31 (A) Limits or prohibits a municipal official or person  
32 employed by the municipality from communicating or cooperating with federal  
33 agencies or officials to verify or report the immigration status of a person  
34 within the municipality;

35 (B) Grants to illegal immigrants the right to lawful  
36 presence or status within the municipality in violation of federal law;



1                   (C) Violates 8 U.S.C. § 1373, as in effect on January 1,  
2 2016;

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

8                   (E) Requires United States Immigration and Customs  
9 Enforcement to obtain a warrant or demonstrate probable cause before  
10 complying with detainers or other requests from United States Immigration and  
11 Customs Enforcement to maintain custody of an immigrant or to transfer an  
12 immigrant to the custody of United States Immigration and Customs  
13 Enforcement; or

14                   (F) Prevents law enforcement officers from asking a person  
15 about his or her citizenship or immigration status.

16                   (b)(1) A municipality shall not enact or adopt a sanctuary policy.

17                   (2) A municipality that enacts or adopts a sanctuary policy is  
18 ineligible for moneys provided through funds or grants administered by the  
19 state until the sanctuary policy is repealed or no longer in effect.

20                   (c)(1) Upon receiving a complaint from a resident of the state of a  
21 violation of this section by a municipality, the Attorney General shall issue  
22 an opinion stating whether the municipality violates this section.

23                   (2) If the Attorney General issues an opinion stating that the  
24 municipality has enacted or adopted a sanctuary policy that violates this  
25 section, the municipality is ineligible to receive moneys provided through  
26 funds or grants administered by the state until the Attorney General  
27 certifies that the sanctuary policy is repealed or no longer in effect.

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

32                   (2) A municipality deemed ineligible for moneys under this  
33 section is ineligible to receive moneys provided through funds or grants  
34 administered by the state until the Attorney General certifies that the  
35 municipality is in full compliance with this section.

36                   (e)(1) The governing body or chief of police of each municipality

1 shall provide each law enforcement officer of the municipality with a printed  
2 copy of this section with written notice of his or her duty to cooperate with  
3 state and federal agencies and officials on matters of enforcement of state  
4 and federal laws governing immigration.

5 (2) Each state agency with law enforcement powers shall provide  
6 each law enforcement officer of the state agency with a printed copy of this  
7 section with written notice of his or her duty to cooperate with state and  
8 federal agencies and officials on matters of enforcement of state and federal  
9 laws governing immigration.

10 (f) A state agency shall not enact or adopt a sanctuary policy.

11 (g) Records created in connection with administrative investigations  
12 related to this section are not subject to the Freedom of Information Act of  
13 1967, § 25-19-101 et seq.

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15 SECTION 2. DO NOT CODIFY. Effective date. Section 1 of this act is  
16 effective on and after January 1, 2018.

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