

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4
5 By: Senator T. Garner
6

A Bill

SENATE BILL 545

For An Act To Be Entitled

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

Subtitle

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19 TO ESTABLISH A GRANT PROGRAM FOR LAW
20 ENFORCEMENT AGENCIES DESIGNED TO
21 ENCOURAGE TRAINING IN AND AWARENESS OF
22 FEDERAL IMMIGRATION ENFORCEMENT; AND TO
23 CREATE THE IMMIGRATION ENFORCEMENT
24 TRAINING GRANT PROGRAM FUND.
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28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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30 SECTION 1. DO NOT CODIFY. Legislative intent.

31 (a) It is the intent of the General Assembly to reiterate how illegal
32 immigration hurts our economy and how it is the responsibility of the General
33 Assembly to protect and serve the citizens of Arkansas by putting in place
34 measures designed to stop the illegal drug trade coming from outside of the
35 United States.

36 (b) The General Assembly also intends for the agencies that receive



1 these funds to use the resources to acquire training and equipment to address
2 the problems of illegal immigration.

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

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

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

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

12 (3) The secretary has exclusive authority to award grants under
13 the program.

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

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

20 (3) As a condition for receiving a grant under this section, a
21 law enforcement agency shall:

22 (A) Submit a comprehensive plan to address enforcement of
23 federal immigration laws as well as a plan to assist in enforcing federal
24 immigration laws; and

25 (B) Join the 287(g) Immigration Authority Delegation
26 Program authorized by 8 U.S.C. § 1357(g), as it existed on September 30,
27 1996, or create a dedicated position or unit for enforcement of federal
28 immigration laws.

29 (4) As a part of the grant application process, the secretary
30 may:

31 (A) Design procedures and criteria for awarding grants
32 under this section;

33 (B) Receive and review applications for grants under this
34 section;

35 (C) Prescribe the form, nature, and extent of the
36 information that shall be contained in an application for a grant under this

1 section;

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

3 (E) Require reports from grant recipients.

4
5 SECTION 3. Arkansas Code Title 19, Chapter 5, Subchapter 12, is
6 amended to add an additional section to read as follows:

7 19-5-1269. Immigration Enforcement Training Grant Program Fund.

8 (a) There is created on the books of the Treasurer of State, the
9 Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous
10 fund to be known as the “Immigration Enforcement Training Grant Program
11 Fund”.

12 (b) The fund shall consist of:

13 (1) General revenues authorized by law;

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

16 (3) Any other revenues authorized by law.

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

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

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

25
26 SECTION 5. Arkansas Code § 19-6-840(b), concerning the sources of
27 funding for the Law Enforcement Training Fund, is amended to read as follows:

28 (b) The fund shall consist of such revenues as may be collected under
29 § 12-41-505, the electronic money transfer tax levied under § 26-63-501 et
30 seq., or as otherwise authorized by law.

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

34 Subchapter 5 – Electronic Money Transfer Tax

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36 26-63-501. Definition.

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

3 (1) Receive the order of a customer located in Arkansas to
4 transfer cash or electronic funds to a third person;

5 (2) Accept a customer’s cash payment or electronic funds for
6 purposes of the transfer; and

7 (3) Transfer the customer’s cash payment or electronic funds,
8 less any fees, to a third person, regardless of where he or she is located,
9 by making the money available for the third person to collect in person or
10 electronically.

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

14
15 26-63-502. Electronic money transfer tax.

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

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

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

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

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

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

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

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

32 (3) One-third (1/3) shall be deposited into the Law Enforcement
33 Training Fund under § 19-6-840.

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35 SECTION 7. EFFECTIVE DATE. Section 6 of this act is effective on the
36 first day of the second calendar month following the effective date of this

1 act.
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