AN ACT concerning immigration; relating to the enforcement of federal immigration laws; concerning the determination of citizenship; notification; exchange of information; indemnification; implementation; cooperative agreements.

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

Section 1. (a) No official or agency of a governmental entity may adopt a policy that limits or restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law, or that in any way limits communication between its officers and federal immigration officials in violation of 8 U.S.C. § 1373. If, in the judgment of the attorney general of Kansas, an official or agency of a governmental entity is in violation of this subsection, such governmental entity shall not be eligible to receive any funds, grants or appropriations from the state of Kansas until such violation has ceased and the attorney general has so certified.

(b) All governmental entity officials, agencies and personnel shall fully comply with, and, to the full extent permitted by law, support the enforcement of federal law prohibiting the entry into, presence or residence in the United States of aliens in violation of federal immigration law.

(c) Upon any lawful stop, detention, or arrest made by a state, county or city law enforcement officer of this state in the enforcement of any state law or ordinance of a city or county of this state, where reasonable suspicion exists that the person is an alien and is unlawfully present in the United States, a reasonable attempt shall be made, when practicable, to determine the citizenship and immigration status of the person, except if the determination may hinder or obstruct an investigation. Such determination shall be made by contacting the federal government pursuant to 8 U.S.C. § 1373(c) and relying upon any verification provided by the federal government. Any alien who is arrested and taken into custody shall have such alien's immigration status determined before the alien is released. The alien's immigration status shall be verified with the federal government pursuant to 8 U.S.C. § 1373(c). At no point shall any law enforcement officer attempt to independently verify the immigration status of any alien, but shall instead rely upon the verification provided by
the federal government. A law enforcement officer may not consider race,
color or national origin in implementing the requirements of this section
except to the extent permitted by the United States or Kansas constitution.
A person is presumed to not be an alien who is unlawfully present in the
United States if the person provides to the law enforcement officer any of
the following:

(1) An unexpired Kansas driver’s license originally issued after April
20, 2007;

(2) an unexpired Kansas nondriver’s identification card originally
issued after April 20, 2007;

(3) a valid tribal enrollment card or other form of tribal identification;
or

(4) if the entity requires proof of lawful presence in the United States
before issuance, any valid United States federal, state or local government
issued identification document.

(d) If an alien who is unlawfully present in the United States is
convicted of a violation of state or local law, on discharge from
imprisonment or assessment of any fine that is imposed, the United States
bureau of immigration and customs enforcement shall be immediately
notified.

(e) Notwithstanding any other law, a law enforcement agency may
securely transport an alien whom the agency has received verification is
unlawfully present in the United States and who is in the agency's custody
to a federal facility in this state or to any other point of transfer into federal
custody that is outside the jurisdiction of the law enforcement agency. A
law enforcement agency shall obtain judicial authorization before securely
transporting an alien who is unlawfully present in the United States to a
point of transfer that is outside this state.

(f) Except as provided in federal law, officials or agencies of any
governmental entity may not be prohibited or in any way be restricted
from sending, receiving or maintaining information relating to the
immigration status, lawful or unlawful, of any individual or exchanging
that information with any other federal government entity or any
governmental entity for the following official purposes:

(1) Determining eligibility for any public benefit, service or license
provided by any federal government entity or any governmental entity;

(2) verifying any claim of residence or domicile if determination of
residence or domicile is required under the laws of this state or a judicial
order issued pursuant to a civil or criminal proceeding in this state;

(3) if the person is an alien, determining whether the person is in
compliance with the federal registration laws prescribed by title II, chapter
7 of the federal immigration and nationality act; or

(4) pursuant to 8 U.S.C. §§ 1373 and 1644.
(g) This section does not implement, authorize or establish the real ID act of 2005 (public law 109-13, division D; 119 stat. 302).

(h) Except in relation to matters in which the officer is adjudged to have acted in bad faith, a law enforcement officer is indemnified by the law enforcement officer's agency against reasonable costs and expenses, including attorney fees, incurred by the officer in connection with any action, suit or proceeding brought pursuant to this section in which the officer may be a defendant by reason of the officer being or having been a member of the law enforcement agency.

(i) In the implementation of this section, the verification of any alien’s immigration status shall occur by the federal government, pursuant to 8 U.S.C. § 1373(c). At no point shall any law enforcement officer attempt to independently verify the immigration status of any alien, but shall instead rely upon the verification provided by the federal government.

(j) This section shall be implemented in a manner consistent with federal laws regulating immigration, protecting the civil rights of all persons and respecting the privileges and immunities of United States citizens.

(k) As used in this section:

(1) "Alien" means an alien unlawfully present in the United States, as defined by the immigration laws of the United States, 8 U.S.C. § 1101 et. seq.

(2) "Governmental entity" means the state or municipality as such terms are defined in K.S.A. 75-6102, and amendments thereto.

Sec. 2. The attorney general shall as quickly as practicable enter into a cooperative agreement with the United States department of homeland security pursuant to 8 U.S.C. § 1357(g), to designate specific state law enforcement officers as officers qualified to exercise the enforcement powers of federal immigration officers in the United States. The attorney general may negotiate the cooperative agreement or participate in its implementation in partnership with other state or local law enforcement agencies.

Sec. 3. If any provisions of sections 1 and 2, and amendments thereto, is held to be unconstitutional under the United States or Kansas constitutions, that provision shall be severed from this act, and the other provisions of sections 1 and 2, and amendments thereto, shall remain valid and in effect.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.