

**Senate Committee on Federal and State Affairs
Opposition to Senate Bill 158
Eric Stafford, Vice President of Government Affairs, Kansas Chamber**

Chairman LaTurner and Members of the Committee,

My name is Eric Stafford. I'm the Vice President of Governmental Affairs for the Kansas Chamber of Commerce. Today, I'm representing the Chamber and the 25 other members of the Kansas Business Coalition for Immigration Reform.

Our group was formed over nine years ago when anti-immigrant, anti-business proposals were brought to the legislature. Those proposals were viewed as threats to the economic and business climate of Kansas at a time when the state was entering a significant economic crisis.

The group focuses on the following fundamental principles:

1. Immigration is a federal issue and should be addressed at the federal level and not the state legislature.
2. Immigration policy should not cause economic or workforce disruption, or place additional regulation or costs on businesses or taxpayers.

We oppose SB 158 because the federal government is addressing these issues. We also oppose the legislation because it will likely direct resources away from priorities for Kansas and cost taxpayers more money.

We are all well aware that President Trump has issued an executive order (attached) dealing with Enhancing Public Safety in the Interior of the United States (See 82 Fed. Reg. 18 p. 8799 January 30, 2017) Section 5 of the order outlines enforcement priorities for removal of aliens that (a) have been convicted of any criminal offense;

(b) have been charged with any criminal offense where such charge has not been resolved;

(c) have committed acts that constitute a chargeable criminal offense;

(d) have engaged in fraud or willful misrepresentation in connection with any official matter or application before a governmental agency;

(e) have abused any program related to receipt of public benefits;

(f) are subject to a final order of removal, but who have not complied with their legal obligation to depart the United States; or

(g) In the judgment of an immigration officer, otherwise pose a risk to public safety or national security.



"...to continually strive to improve the economic climate for the benefit of every business and citizen and to safeguard our system of free, competitive enterprise".

Section 8 of the Executive Order calls for federal and state agreements for the enforcement of immigration laws. This section calls for the Secretary of the Department of Homeland Security to enter into agreements with the Governor of the state and local officials for the enforcement of immigration laws and policies.

Section 9 “Sanctuary Jurisdictions” calls for the Secretary of the Department of Homeland Security and the Attorney General to ensure that the policies are implemented. This section also provides for federal sanctions such as withdrawal of federal grants for those communities that do not enforce the laws.

The Executive order also calls for the Secretary of the Department of Homeland Security to provide the necessary resources to implement the order. This appears to include funding for training of personnel, investigation, apprehension, and detention of aliens.

Public officials, including the Homeland Security Secretary John Kelly, have been trying to define what a “sanctuary city” is. As recently as Saturday February 11, 2017 when asked for a definition of “sanctuary city” Secretary Kelly responded, “no idea” (see http://www.upi.com/Top_News/US/2017/02/11/John-Kelly-no-Draconian-moves-for-sanctuary-cities-tours-San-Ysidro-border/2241486831110/) and promised no Draconian moves. It is clear that the federal government and the new administration (in its fourth week) are working to find a means to enforce the law and work with states and local governments.

SB 158 would put Kansas ahead of the federal government and possibly beyond the intent or meaning of the Executive Order. The bill would prohibit cities and counties from implementing a “sanctuary policy” defined as any order, resolution, law enforcement policy, whether formally or *informally* adopted (emphasis added) that (paraphrased) limits communications or cooperation with federal officials; grants aliens unlawful presence; violates federal law; imposes and conditions cooperation or compliance with detainers or other requests from USCIS enforcement officers; requires USCIS to obtain a warrant or demonstrate probable cause before complying with detainers, or prohibits local officers from asking immigration status.

As taxpayers and citizens, we cannot support a bill that appears to allow warrantless searches when the Constitutions of the US or Kansas would require them (see p. 1 line 31). We are also concerned that these provisions are unconstitutionally vague as the bill does not define what acts constitute an “informal” adoption (see p. 2 lines 5- 10 and definitions on p. 1 line 16-17) of limitations on the actions of local officials. Further, the Kansas attorney general is called upon to investigate and make a determination of a violation (see p. 2 line 11-29). The bill does not provide a mechanism for a city or county to defend, or appeal its actions. Clearly, these provisions will evolve to litigation and KANSAS TAXPAYERS (businesses and citizens) will pay the costs. Taxpayers will pay for the defense of local officials, the prosecution of the Attorney General’s office, and the defense of the state when challenged in court. This bill is unnecessary and costly. It should be rejected.

Finally, the Kansas Business Coalition supports securing the border and immigration reform. We continue to seek and support Congressional action that allows for immigration and a path to lawful presence (not citizenship) for persons illegally present, who have contributed to this country and have not been involved in criminal activity. Studies show that the majority of undocumented persons in Kansas came here lawfully and stayed beyond their visas. They have committed a civil violation not a criminal act. In Kansas, our unemployment rate is 4.2%. In many counties it is less than 3%. We need and welcome immigrants to sustain and grow our economy.

The Kansas Chamber, along with the other 25 members of the Kansas Business Coalition for Immigration Reform, appreciate the opportunity to provide these remarks in opposition to SB 158.

City of Wichita

**Corporate Immigration Compliance
Institute**

**Greater Kansas City Chamber of
Commerce**

Greater Topeka Chamber of Commerce

Kansas Agribusiness Retailers Association

Kansas Building Industry Association

Kansas Chamber of Commerce

Kansas Contractors Association

Kansas Cooperative Council

Kansas Corn Growers Association

Kansas Dairy Association

Kansas Economic Progress Council

Kansas Farm Bureau

Kansas Grain and Feed

Kansas Livestock Association

Kansas Manufactured Housing Association

Kansas Pork Association

**Kansas Restaurant and Hospitality
Association**

**Kansas Society for Human Resource
Management**

Kansans for Sensible Immigration Policy

Manhattan Area Chamber of Commerce

Mid-America Green Industry Council

Overland Park Chamber of Commerce

Travel Industry Association of Kansas

Unified Government of Wyandotte County

Wichita Independent Business Association

Source: Washington Post



A **city police officer** pulls someone over and arrests him or her for something unrelated to citizenship (such as drunken driving or disorderly conduct). Whether or not the city has a sanctuary policy ...



... he or she is booked into the local county jail, which is usually run by the **county sheriff's department**.



At the jail, his or her fingerprints are taken and sent to the **FBI**, which sends the inmates' information to **Immigration and Customs Enforcement**. U.S. law requires this information sharing between local and federal law enforcement agencies.



If ICE finds that the inmate is undocumented, it submits a **detainer request** to the county jail. ICE typically asks jails to hold inmates an extra 48 hours after they would otherwise be released so they can get a warrant to begin deportation proceedings.

Under Trump's new policy, ICE could begin deportation earlier in the process, before criminal proceedings are complete.



The **Department of Homeland Security** has said that complying with these requests is voluntary because keeping someone in jail without a warrant violates the 4th Amendment. So, what happens next depends on county policy.

If the county says "No"



If the jail is in a county with a policy of frequently declining these requests, the inmate is released once the criminal case is complete — if the he or she is convicted but doesn't face additional jail time, if charges are dropped or if bail is met.

A **Department of Justice** inspector general report found that some jails will only comply with a detainer request when the inmate has prior felony convictions, gang membership or is on a terrorist watch list. Others reject every detainer request.

If the county says "Yes"



If the county typically complies with ICE requests, the inmate would stay in jail while ICE works to obtain an administrative deportation warrant.



If ICE obtains the warrant, they could pick up the inmate and transfer him to a federal prison. Or, the inmate could stay in county jail while he or she undergoes deportation proceedings. If so, the jail can request money from the **Department of Justice** to recoup part of the cost of detainment.



Eventually, the inmate could be deported.