

1 State of Arkansas *As Engrossed: H1/27/17 H2/1/17*

2 91st General Assembly

A Bill

3 Regular Session, 2017

HOUSE BILL 1042

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5 By: Representative B. Smith

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For An Act To Be Entitled

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AN ACT TO PROHIBIT SANCTUARY POLICIES AT STATE-

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SUPPORTED INSTITUTIONS OF HIGHER EDUCATION; AND FOR

10

OTHER PURPOSES.

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Subtitle

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TO PROHIBIT SANCTUARY POLICIES AT STATE-

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SUPPORTED INSTITUTIONS OF HIGHER

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EDUCATION.

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

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21 SECTION 1. Arkansas Code Title 6, Chapter 60, Subchapter 1, is amended

22 to add an additional section to read as follows:

23 6-60-111. Sanctuary policies prohibited – Definitions.

24 (a) As used in this section:

25 (1) "Campus security officer" means a security officer employed

26 by or contracting with a state-supported institution of higher education to

27 provide security on the campus of the state-supported institution of higher

28 education;

29 (2) "Law enforcement officer" means an appointed law enforcement

30 officer who is responsible for the prevention and detection of crime and the

31 enforcement of the laws of the state on the campus of a state-supported

32 institution of higher education; and

33 (3) "Sanctuary policy" means a policy formally enacted by a

34 governing board of trustees that knowingly:

35 (A) Limits or prohibits a person employed by or

36 contracting with a state-supported institution of higher education from



1 communicating or cooperating with federal agencies or officials to verify or
2 report the immigration status of a person on the campus of the state-
3 supported institution of higher education;

4 (B) Grants to illegal immigrants the right to *unlawful*
5 presence or status on the campus of the state-supported institution of higher
6 education in violation of federal law;

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

9 (D) Restricts or imposes *any unlawful conditions* upon the
10 state-supported institution of higher education's cooperation or compliance
11 with detainers or other requests from United States Immigration and Customs
12 Enforcement to maintain custody of an immigrant or to transfer an immigrant
13 to the custody of United States Immigration and Customs Enforcement;

14 (E) Requires United States Immigration and Customs
15 Enforcement to *unlawfully obtain* a warrant or demonstrate probable cause
16 before complying with detainers or other requests from United States
17 Immigration and Customs Enforcement to maintain custody of an immigrant or to
18 transfer an immigrant to the custody of United States Immigration and Customs
19 Enforcement; or

20 (F) Prevents law enforcement officers or campus security
21 officers from asking a person about his or her citizenship or immigration
22 status.

23 (b) A state-supported institution of higher education shall not enact
24 or adopt a sanctuary policy.

25 (c)(1) Annually, a state-supported institution of higher education
26 shall certify to the Department of Higher Education on a timetable developed
27 by the department that the state-supported institution of higher education
28 does not have a sanctuary policy in place.

29 (2) The department shall annually submit a report to the
30 Legislative Council listing the certifications received by the department
31 under subdivision (c)(1) of this section.

32 (3) A state-supported institution of higher education that does
33 not make the certification under subdivision (c)(1) of this section shall not
34 be eligible to accept state aid from the Higher Education Grants Fund Account
35 on behalf of a student.

36 (d) The board of trustees or other governing board of each state-

1 supported institution of higher education shall provide each law enforcement
2 officer and campus security officer employed by or contracted with the state-
3 supported institution of higher education a printed copy of this section with
4 written notice of his or her duty to cooperate with state and federal
5 agencies and officials on matters of enforcement of state and federal laws
6 governing immigration.

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/s/B. Smith