

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

*As Engrossed: H1/27/17 H2/1/17*

# A Bill

HOUSE BILL 1042

5 By: Representative B. Smith  
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## For An Act To Be Entitled

8 AN ACT TO PROHIBIT SANCTUARY POLICIES AT STATE-  
9 SUPPORTED INSTITUTIONS OF HIGHER EDUCATION; AND FOR  
10 OTHER PURPOSES.

## Subtitle

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14 TO PROHIBIT SANCTUARY POLICIES AT STATE-  
15 SUPPORTED INSTITUTIONS OF HIGHER  
16 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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8 */s/B. Smith*  
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