

1 AN ACT relating to sanctuary policies.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) As used in this section:

6 (a) "Local employee" means a person who is employed by a local law
7 enforcement agency who is not otherwise a local law enforcement official,
8 and a person who is employed by a local government who is not otherwise a
9 public official;

10 (b) "Local law enforcement agency" means:

11 1. A police department of a local government;

12 2. A sheriff's office;

13 3. County jails operating pursuant to KRS Chapter 441; and

14 4. Metropolitan correctional services departments operating under KRS
15 Chapter 67B;

16 (c) "Local law enforcement official" means an elected or appointed officer, or
17 peace officer, who oversees or serves within a local law enforcement
18 agency;

19 (d) "Local government" means a city, county, urban-county government,
20 charter county government, consolidated local government or unified local
21 government;

22 (e) "Public official" means the chief executive officer and members of the
23 legislative body of a local government ; and

24 (f) "Sanctuary policy" means an order, ordinance, resolution, or policy,
25 whether written or unwritten, that:

26 1. Limits or prohibits a local law enforcement official or local employee
27 from communicating or cooperating with;

- 1 a. Authorized federal agencies or federal law enforcement officers
2 or agencies or officers of another state; or
3 b. Any other local law enforcement official or local employee;
4 to verify or report the immigration status of a person within this state;
5 2. Grants to illegal immigrants the right to lawful presence or status
6 within the boundaries of this state in violation of federal law;
7 3. Violates 8 U.S.C. sec. 1373 or 1644;
8 4. Restricts or imposes any conditions upon the local law enforcement
9 official's or local employee's cooperation or compliance with detainers
10 or other legal and valid requests from United States Immigration and
11 Customs Enforcement to retain custody of an immigrant or to transfer
12 an immigrant to the custody of United States Immigration and
13 Customs Enforcement or another authorized federal agency or federal
14 law enforcement officer;
15 5. Requires United States Immigration and Customs Enforcement, or
16 another federal law enforcement agency or federal law enforcement
17 officer, to obtain a warrant or demonstrate more than probable cause
18 before complying with detainers or other legal and valid requests from
19 United States Immigration and Customs Enforcement to maintain
20 custody of an immigrant or to transfer an immigrant to the custody of
21 United States Immigration and Customs Enforcement or another
22 authorized federal agency or federal law enforcement officer;
23 6. Prevents local law enforcement officials or local employees from
24 asking a person about his or her citizenship or immigration status; or
25 7. Prohibits a federal immigration officer or other federal law
26 enforcement officer, or a law enforcement official or local law
27 enforcement official, from entering a jail or other correctional facility

1 to enforce federal immigration laws.

2 (2) A local government, local law enforcement agency, local law enforcement
3 official, public official, or local employee shall not enact, adopt, or otherwise
4 enforce any sanctuary policy.

5 (3) Any sanctuary policy adopted prior to or after the effective date of this Act that
6 violates this section shall be invalid, void, and unenforceable.

7 (4) (a) If a person subject to a United States Immigration and Customs
8 Enforcement detainer is released from custody on or after the effective date
9 of this Act as a result of a sanctuary policy, and that person subsequently
10 commits an offense which would classify him or her as a violent offender
11 under KRS 439.3401, the victim, or the victim's family if the victim of the
12 crime dies or sustains serious physical injury as defined in KRS 500.080 as
13 a result of the crime, may file a civil action against the local government or
14 local law enforcement agency in a court of competent jurisdiction for
15 compensatory damages, punitive damages, costs, and attorney's fees.

16 (b) Sovereign, governmental, and qualified immunity that is afforded to local
17 governments and local law enforcement agencies, including but not limited
18 to immunity under the Eleventh Amendment to the Constitution of the
19 United States, are waived for purposes of this subsection.