

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1042

By: Representative B. Smith

For An Act To Be Entitled

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

Subtitle

TO PROHIBIT SANCTUARY POLICIES AT STATE-
SUPPORTED INSTITUTIONS OF HIGHER
EDUCATION.

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

SECTION 1. Arkansas Code Title 6, Chapter 60, Subchapter 1, is amended
to add an additional section to read as follows:

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

(a) As used in this section:

(1) "Campus security officer" means a security officer employed
by or contracting with a state-supported institution of higher education to
provide security on the campus of the state-supported institution of higher
education;

(2) "Law enforcement officer" means an appointed law enforcement
officer who is responsible for the prevention and detection of crime and the
enforcement of the laws of the state on the campus of a state-supported
institution of higher education; and

(3) "Sanctuary policy" means a policy, whether formally enacted
or informally adopted, that:

(A) Limits or prohibits a person employed by or
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 lawful
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 conditions upon the state-
10 supported institution of higher education's cooperation or compliance with
11 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 obtain a warrant or demonstrate probable cause before
16 complying with detainers or other requests from United States Immigration and
17 Customs Enforcement to maintain custody of an immigrant or to transfer an
18 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)(1) A state-supported institution of higher education shall not
24 enact or adopt a sanctuary policy.

25 (2) A state-supported institution of higher education that
26 enacts or adopts a sanctuary policy is ineligible for moneys provided through
27 funds or grants administered by the state until the sanctuary policy is
28 repealed or no longer in effect.

29 (c)(1) Upon receiving a complaint from a resident of the state of a
30 violation of this section by a state-supported institution of higher
31 education, the Attorney General shall issue an opinion stating whether the
32 state-supported institution of higher education violates this section.

33 (2) If the Attorney General issues an opinion stating that the
34 state-supported institution of higher education has enacted or adopted a
35 sanctuary policy in violation of this section, the state-supported
36 institution of higher education is ineligible to receive moneys provided

1 through funds or grants administered by the state until the Attorney General
2 certifies that the sanctuary policy is repealed or no longer in effect.

3 (d)(1) Before the provision of funds or the award of grants is made to
4 a state-supported institution of higher education, a member of the General
5 Assembly may request that the Attorney General issue an opinion stating
6 whether the state-supported institution of higher education has current
7 policies in violation of this section.

8 (2) A state-supported institution of higher education deemed
9 ineligible for moneys under this section is ineligible to receive moneys
10 provided through funds or grants administered by the state until the Attorney
11 General certifies that the state-supported institution of higher education is
12 in full compliance with this section.

13 (e) The board of trustees or other governing board of each state-
14 supported institution of higher education shall provide each law enforcement
15 officer and campus security officer of the state-supported institution of
16 higher education a printed copy of this section with written notice of his or
17 her duty to cooperate with state and federal agencies and officials on
18 matters of enforcement of state and federal laws governing immigration.