AN ACT relating to compliance with state and federal law.

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

Section 1. KRS 65.133 is amended to read as follows:

(1) Each local law enforcement agency and the Department of Kentucky State Police shall each have the responsibility for enforcing the provisions of sex offender registration laws and cooperating with all federal law enforcement agencies for the enforcement of any state or federal law.

(2) Law enforcement agencies may enter into written agreements for joint investigation and enforcement of violations of all laws, including sex offender registration laws. These agreements may include other local law enforcement agencies and may include the Department of Kentucky State Police.

SECTION 2. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

(a) "Illegal alien" means any person, not a citizen or national of the United States, who is in the United States unlawfully and:

   1. Whose most recent entry into the United States was without inspection; or

   2. Whose most recent admission into the United States was as a nonimmigrant and whose period of authorized stay as a nonimmigrant expired;

(b) "Law enforcement officer" has the same meaning as in KRS 15.310;

(c) "Local government" means any county, city, charter county, urban-county, consolidated local, or unified local government;

(d) "Local government official" means any elected or appointed official or any law enforcement officer serving the local government;

(e) "Sanctuary" means any local government having a sanctuary policy, as
"Sanctuary policy" means any local government's order or ordinance, enacted or followed that:

1. Limits in any way or prohibits any local government official or person employed by the local government from:

   a. Communicating or cooperating with federal agencies or officials to verify or report the immigration status of any illegal alien within the local government's geographical boundaries;

   b. Undertaking any law enforcement action for the purpose of detecting the presence of illegal aliens or verifying immigration status, including:

      i. Entering into agreements under 8 U.S.C. sec. 1357 with United States Immigration and Customs Enforcement; and

      ii. Questioning any person about his or her immigration status;

   c. Questioning, arresting, or detaining any person for violations of federal criminal immigration laws, regardless of whether immigration status is an element of the crime or whether 8 U.S.C. sec. 1324(c) is being enforced;

   d. Using local government resources or personnel for the purpose of detecting or apprehending illegal aliens; or

   e. Doing any of the following with respect to information relating to the immigration status, lawful or unlawful, of any person under a lawful detention or under arrest, including information regarding the person's place of birth:

      i. Sending the information to or requesting or receiving the information from United States Citizenship and
Immigration Services, United States Immigration and
Customs Enforcement, or any federal agency;

ii. Maintaining the information; or

iii. Exchanging the information with another local
government or a federal or state governmental entity; or

2. Grants to illegal aliens the right to lawful presence or status within the
local government's geographical boundaries in violation of federal
law.

(2) No local government shall enact or adopt any sanctuary policy or take any other
action under which the local government prohibits or discourages the
enforcement of immigration laws. Any local government that does so shall be
ineligible for any moneys administered by any state agency or department until
the sanctuary policy is repealed or is no longer in effect. If any local government
becomes eligible after being ineligible, the local government shall not receive
funds to replace funds lost due to ineligibility.

(3) Upon the complaint of any state resident regarding a local government or prior to
the provision of funds or awarding of any grants to a local government, any
member of the General Assembly may request that the secretary of the Justice
and Public Safety Cabinet hold an administrative hearing pursuant to subsection
(4) of this section.

(4) (a) Upon request by a member of the General Assembly, the secretary of the
Justice and Public Safety Cabinet shall hold an administrative hearing,
open to the public, to determine whether the local government has current
policies in contravention of this section.

(b) Notwithstanding any exemptions in KRS 13B.020, the administrative
hearing shall be governed by KRS Chapter 13B.

(c) A copy of the final order shall be transmitted to the Governor of the
Commonwealth of Kentucky, the member of the General Assembly requesting the hearing, the Speaker of the House of Representatives, and the President of the Senate. The secretary of the Justice and Public Safety Cabinet shall make the final order publicly available and shall publish it in a conspicuous place on its Web site.

(5) The Justice and Public Safety Cabinet shall publish a list of all local governments determined to be sanctuaries.

(6) The governing body, sheriff, or chief of police of each local government shall provide each law enforcement officer with written notice of their duty to cooperate with state and federal agencies and officials on matters pertaining to enforcement of state and federal laws governing immigration.

(7) No later than January 1, 2023, each state or local law enforcement agency shall:

(a) Formalize in writing any unwritten, informal policies relating to the enforcement of immigration laws; and

(b) Update the agency's policies to be consistent with this chapter, to require each law enforcement officer or other employee of the law enforcement agency to fully comply with this chapter, and to prohibit a law enforcement officer or other employee of the law enforcement agency from preventing law enforcement personnel from fully complying with this chapter.

SECTION 3. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

(a) "Institution of higher education" has the same meaning as in KRS 341.067;

and

(b) "Illegal alien" has the same meaning as in Section 2 of this Act.

(2) No institution of higher education shall enroll, employ, or contract with any illegal alien.
(3) Every institution of higher education located in, transacting business in, or contracting to supply services or goods in this Commonwealth shall keep records of at least one (1) of the following for each student enrolled at the institution of higher education, employee employed by the institution of higher education, and person contracting with the institution of higher education:

(a) In the case of a natural-born United States citizen born in the United States, a certified or original birth certificate issued by a state, territory, or possession of the United States;

(b) In the case of a natural-born United States citizen born outside the United States, a United States Consular Report of Birth Abroad;

(c) In the case of a naturalized United States citizen, a Certificate of Naturalization issued by the United States Citizenship and Immigration Services; or

(d) In the case of a foreign national, an unexpired visa authorizing the foreign national to study or work in the United States or a United States Permanent Resident Card.

(4) (a) Any state resident may contact any member of the General Assembly to request that the member refer an institution of higher education to the Justice and Public Safety Cabinet for an administrative hearing in accordance with subsection (5) of this section.

(b) Upon receipt of a request by a state resident, the member of the General Assembly may choose whether or not to refer the institution of higher education to the Justice and Public Safety Cabinet for an administrative hearing in accordance with subsection (5) of this section.

(5) (a) Upon request by a member of the General Assembly the secretary of the Justice and Public Safety Cabinet shall hold an administrative hearing, open to the public, to determine whether the institution of higher education
has enrolled, employed, or contracted with any illegal alien.

(b) Notwithstanding any exemptions in KRS 13B.020, the administrative
hearing shall be governed by KRS Chapter 13B.

(c) The final order shall contain a determination of:

1. Whether or not the institution of higher education enrolled, employed,
or contracted with any illegal alien;

2. If the institution of higher education did enroll, employ, or contract
with an illegal alien, whether the enrollment, employment, or contract
has ended or is ongoing; and

3. a. If the enrollment, employment, or contract has ended, how many
days the institution of higher education enrolled, employed, or
contracted with the illegal alien; or

b. If the enrollment, employment, or contract is ongoing, the date
that the enrollment, employment, or contract started.

(d) A copy of the final order shall be transmitted to the Governor of the
Commonwealth of Kentucky, the member of the General Assembly
requesting the hearing, the Speaker of the House of Representatives, and
the President of the Senate. The secretary of the Justice and Public Safety
Cabinet shall make the final order publicly available and shall publish it in
a conspicuous place on its Web site.

(e) If the final order determines that the institution of higher education
enrolled, employed, or contracted with any illegal alien, the secretary of the
Justice and Public Safety Cabinet shall notify the secretary of the Finance
and Administration Cabinet in writing and request that the Finance and
Administration Cabinet withhold or intercept from the governing board of
the institution of higher education a portion of any appropriated state funds
not yet disbursed to the institution of higher education.
(f) Upon receipt of the request, the secretary of the Finance and Administration Cabinet shall remit payment of the portion to the general fund from the appropriation to the institution of higher education.

(g) The portion shall be equal to the total amount of state funds appropriated to the institution of higher education in the fiscal year the final order is issued multiplied by the number of days the institution of higher education enrolled, employed, or contracted with the illegal alien divided by three hundred sixty-five (365).

(h) If the final order determined that the enrollment, employment, or contracting was ongoing:

1. The number of days the institution of higher education enrolled, employed, or contracted with the illegal alien shall be deemed to be the number of days from the date that the enrollment, employment, or contracting started to the date of the request from the secretary of the Justice and Public Safety Cabinet; and

2. The secretary of the Finance and Administration Cabinet shall withhold all allotments of the institution of higher education's appropriation and instead remit those allotments to the general fund until the secretary of the Justice and Public Safety Cabinet certifies that the institution of higher education is no longer enrolling, employing, or contracting with any illegal alien.

(6) The Justice and Public Safety Cabinet shall publish a list of all institutions of higher education that have been determined to have enrolled, employed, or contracted with illegal aliens.

 ➔ SECTION 4. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

No person shall be considered a Kentucky resident for the purpose of receiving in-state
tuition rates unless he or she is:

(1) A citizen of the United States;

(2) A lawful permanent resident of the United States registered with the United States Citizenship and Immigration Services; or

(3) A nonimmigrant, lawfully present in the United States who is authorized by the United States Immigration and Customs Enforcement to study at an institution of higher education as defined in KRS 341.067.

Section 5. Section 3 of this Act takes effect on January 1, 2023.