



TESTIMONY OF
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IN **OPPOSITION TO HB 2466**
KANSAS HOUSE COMMITTEE ON THE JUDICIARY

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- **WRITTEN TESTIMONY ONLY** -

Thank you, Chairman Barker, and members of the Committee on the Judiciary for affording us the opportunity to provide testimony on HB 2466.

The American Civil Liberties Union (ACLU) of Kansas, a membership organization dedicated to preserving and strengthening the constitutional liberties afforded to every resident of Kansas, **strongly opposes HB 2466**. The bill prohibits the adoption of “sanctuary” ordinances by Kansas cities and counties.

- **There are no “sanctuary cities” in Kansas, making HB 2466 a solution in search of a problem.** The term “sanctuary city” has a specific meaning, namely that a local government has formally adopted a policy not to volunteer itself—and its scarce resources—for the responsibility of *routine, front-line* enforcement of federal immigration law. There are no “sanctuary cities” in Kansas, nor have there been any efforts by any jurisdictions to adopt “sanctuary” ordinances or policies.
- **In the course of prohibiting something that does not exist in Kansas, HB 2466 creates new unfunded mandates, distractions, liabilities, and risks for cities and counties.** By directing cities and counties to *always, without exception* take on the maximum responsibility for immigration enforcement, the bill creates a new unfunded mandate for local governments. Immigration enforcement is primarily a federal responsibility, but HB 2466 shifts the burden to local government in ways that will drain resources and energy away from the law enforcement activities for which they bear sole responsibility. This shift of burden creates new liabilities and risks for local governments, including forcing them to spend more on enforcement and jailing more people, for longer periods of time, without reimbursement.
- **HB 2466 raises grave legal issues, leaving cities and counties vulnerable to expensive legal challenges.** Cities and counties sometimes limit their role in immigration enforcement in order to ensure that they respect constitutional rights related to probable cause and due process. Multiple federal courts across the county have found local governments fiscally liable for choosing to honor requests from federal Immigration and Customs Enforcement (ICE). This bill could potentially force Kansas cities and counties

to honor those very same requests, making them vulnerable to legal challenges on constitutional grounds, and costing them tens of thousands of dollars.

- **Local governments are best positioned to know which law enforcement policies enhance public safety and trust in their own communities.** All Kansans are safer when every member of a community feels comfortable coming to the police to report a crime, or sharing information with police about what they saw. Law enforcement officials are better able to do their jobs when every member of a community feels safe talking to them, regardless of that community member's immigration status. By requiring local law enforcement to take on the responsibility of routine, front-line law enforcement, HB 2466 will undermine the feelings of trust that are essential to good policing. The state legislature should not place itself between police and the communities they serve. Doing so will only make Kansas communities less safe. Instead, local governments should retain local control about their policies and procedures, and the degree to which they voluntarily assume some of the federal government's responsibility for immigration enforcement activities.

We urge you to **oppose HB 2466** on these grounds.