

February 15, 2012

To: House Federal and State Affairs Committee,  
Representative Steve Brunk, Chairman

From: Allie Devine, Devine and Donley, LLC on behalf The Kansas Business Coalition  
In opposition to HB 2578.

Mr. Chairman and members of the Committee I am Allie Devine and I am appearing on behalf of the Kansas Business Coalition in opposition to HB 2578.

The business coalition is a group of trade associations, chambers of commerce, and businesses who have united to oppose HB 2578. The coalition also supports and incorporates the comments of Mr. Mr. Mike Taylor, Unified Government of Wyandotte County, Kansas.

To be clear, the coalition does not condone or support the hiring of undocumented workers. Our organizations work closely with members to assist in compliance with existing federal immigration laws. These laws are complex and confusing. Our members want and need a stable reliable work force.

HB 2578 will do little if anything to address ongoing national problems with immigration. Adoption of this legislation will place another layer of duplication in governmental oversight as the state will be assuming duties that should be carried out by the federal government. Thus, it is a "double the tab" to taxpayers. Today, Kansas taxpayers pay for the federal government to manage and enforce immigration policy. This legislation asks taxpayers to "pay again" for the state or local units of government to enter into immigration enforcement. This legislation duplicates bureaucracy rather than demanding effective and efficient government.

The bill establishes a climate of distrust, and suspicion that will breach trust between law enforcement and communities. These provisions disrupt the economic stability of the state and will result in economic losses.

Section 1(a) requires government officials to enforce federal immigration law to the fullest extent possible and to adopt no policy that would limit federal law. This section charges the states' Attorney General (AG) with enforcing and determining if government entities violate this provision. Should a violation occur, that agency is ineligible to received funds or appropriations until the violation ceases. What do you do if the Attorney General determines that an existing regulation or law violates this subsection? It takes time to make those adjustments. Does that mean an agency might not be able to make payroll during the time period between identification of a violation by the AG and when it is rectified. What if the expenditure was to address a natural disaster or other emergency? If the legislature passed legislation and the Governor approved is the attorney general now authorized to override the Governor and Legislature? What Constitutional authority allows for this expansion of authority to the Attorney General? Further, what Constitutional authority allows for the Attorney General to make determinations of

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compliance of local units of government? Interpretation and judgment of compliance of laws is the role of the judiciary, not the attorney general.

Section 1(b) requires all governmental entities, agencies and personnel to “fully comply with and to the full extent permitted by law, support the enforcement of federal immigration law. Nothing in this language allows for public officials, the state, municipalities or other entities to limit enforcement to resources available or what is “practical”.

If the Governor proposes an agency budget that may not “fully fund” programs to allow for enforcement of immigration laws by state officials to the “full extent of the federal law”, and the legislature adopts that budget, how are agencies to meet this requirement? Couple that with the provisions in section 1(a) that can prevent an agency from receiving their funding, and you have the potential that whole agencies could be shut down.

Further more,, “governmental entity” is defined through reference to KSA 75-6102. That definition provides:

*(a) "State" means the state of Kansas and any department or branch of state government, or any agency, authority, institution or other instrumentality thereof.*

*(b) "Municipality" means any county, township, city, school district or other political or taxing subdivision of the state, or any agency, authority, institution or other instrumentality thereof.*

Thus, HB 2578 extends to basically all units of local government. The requirements of the bill essentially become an unfunded mandate from the state to local government.

Section 1(c) requires local law enforcement, upon a lawful stop, to verify the status of a person within the United States. Section 1(c) further defines what local law enforcement must do.. Again, who provides the resources including training and payment of costs of detention. We strongly support the comments of Mike Taylor and other local units of government in the opposition to these provisions. Like them we are concerned with the costs of litigation that will result on both sides of the issue.

Section 2 directs the Attorney General to enter into an agreement with the US Department of Homeland Security to designate state and local law enforcement as qualified to enforce immigration laws. In simplest terms this is authorizing and directing that the state of Kansas will assume the role of federal immigration enforcement. Again, the business coalition asks that the costs of training, enforcement, and detention be thoroughly investigated and published before adoption of these provisions.

We ask that the committee read this bill in conjunction with HB 2576 and review our cost estimates. We have used the model adopted by Kentucky to estimate the costs of implementation to be over \$58 million. These are real costs that should be reviewed prior to consideration of this legislation.

We ask that you reject this proposal and HB 2576. Thank you.

Date: February 16, 2012

To: House Federal and State Affairs Committee  
Representative Steve Brunk, Chairman

From: Allie Devine, Devine & Donley, LLC on behalf of the Kansas Business Coalition and Kansans for Sensible Immigration Policy

Re: Opposition to HB 2576

Chairman Brunk and Members of the Committee:

My name is Allie Devine and I am appearing on behalf of the Kansas Business Coalition and Kansans for Sensible Immigration Policy (KSIP), a member of the coalition.

HB 2576 is one of a series of bills that seeks to implement a policy of "attrition through enforcement" for undocumented immigrants living in Kansas. Such a policy has costly and far-reaching consequences and many of those issues will be or have been addressed by other conferees. My testimony will focus on the technical aspects of the bill and the problems it presents.

Definitions:

Section 1 (a) defines "alien" to incorporate **all** of the provisions included in 8 USC section 1101 *et seq* not just a simple definition of "alien" contained in 8 USC section 1101 (a)(3) which states "alien" means any person not a citizen or national of the United States". The inclusion of all of the provisions of the United States Code is overly broad, vague and certainly will lead to unintended consequences. At a minimum the term "et seq" should be eliminated so as to not include the entire Immigration and Reform Act (5 volumes).

Section 1(b) defines "governmental entity". Embedded in this term are the definitions of state or municipality. KSA 75-6102 defines these terms as follows:

- (a) *"State" means the state of Kansas and any department or branch of state government, or any agency, authority, institution or other instrumentality thereof.*
- (b) *"Municipality" means any county, township, city, school district or other political or taxing subdivision of the state, or any agency, authority, institution or other instrumentality thereof.*

The breadth of these definitions means that all branches of government, all universities, all commissions, and any taxing authority would be included in the bill. "Taxing authorities" would include many entities such as rural water districts, and even conservation districts.

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The real impact of these definitions is clear when you consider the prohibitions in the bill.

Section 2 establishes a new crime of harboring an alien. "Harboring" is defined as "conduct that tends to substantially facilitate an alien's remaining in the United States illegally. What does that mean? If you are a clerk in a grocery store who rings up the purchase have you "substantially facilitated"? What about utilities that provide electricity, natural gas or water service? Are they "substantially facilitating"? What is the standard to determine what "substantially facilitate" means and who makes that determination?

Section 2(a)(1) provides that it is unlawful for any person to intentionally conceal, harbor, or shield or attempt to conceal, harbor, or shield an alien from detection in any place in this state, including buildings and any means of transportation, if the person recklessly disregards the fact that the alien is in violation of federal law. Section 2(a)(2) makes it unlawful to "intentionally encourage or induce an alien to come to or reside in this state if the person recklessly disregards the fact that coming to, entering, or residing in this state is or will be in violation of federal law." What acts constitute concealing, harboring, or shielding? What acts constitute "reckless disregard"?

A person acts "recklessly" as defined in Chapter 36 of the 2010 Session Laws (Section 13 of HB 2668, 2010) or is "reckless", when such person consciously disregards a substantial and unjustifiable risk that circumstances exist or that a result will follow and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation. Under this section violators may be charged with a misdemeanor or a felony if the act involves 10 or more aliens over the age of 18. It is difficult to predict the scope and effect of this provision. Providing housing for a fee or by the simplest acts of charity will now become "felonies".

Section 3: Prohibitions of aliens receiving public benefits.

For purposes of understanding the bill, it is easier to put the necessary terms with the related sections. Here, Section 3 prohibits aliens from receiving "**any governmental entity public benefit**" except those required by federal law.

On page 2 lines 19-24 outline what is included in the definition of "**public benefit**". This means that no "alien" (recall it has the broadest meaning possible as it includes all of the federal law relating to immigration) may receive any "**grant, contract, loan, or commercial or professional license provided by any agency of any governmental entity, or any retirement, welfare, health, disability, housing, food assistance or unemployment benefit under which payments, assistance, credits or reduced rates or fees are provided except ...any license issued by the department of wildlife, parks and tourism or licenses and identification cards issued by the division of motor vehicles.**"

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As a practical matter, this is the type of language that sends the “don’t bother coming to Kansas” message. For example, the federal EB 5 program maybe used to attract investors to the US. Under these provisions, the very investors we seek to come to the US and Kansas, could not get the necessary licenses to start the very businesses the program was designed to attract. (See attached chart) What person would invest the \$500,000 or \$1,000,000 dollars required under federal law without having the necessary licenses? Typically, the immigrant investor identifies a business opportunity, proceeds to gain the business licenses, and then moves through the immigration process. This type of language removes incentives to make these investments in Kansas.

In addition to nullifying the incentives to come to Kansas, Section 3 makes life very difficult for governmental entities and aliens (lawful or otherwise). Mike Taylor outlined the practical problems with requiring applicants to providing “affirmative proof” as required by Section 3(b) and verification of identity as required by Section 3(c).

Section 4 creates a new crime of failure to complete and carry immigration documentation. This provision is very similar to a provision that was found to be an “impermissible attempt to regulate alien registration” in the Arizona case. (See *United States vs. Arizona* 703 F.Supp.2d at 998-99) Again, the business coalition asks that the costs of litigation and enforcement be analyzed and reported before this provision is adopted.

Section 5 contains a severability clause and the coalition has no position on this provision.

Section 6 creates a new crime of knowingly manufacturing or selling falsified identification documents. The coalition supports and incorporates the comments of the Society of Human Resource Management regarding this section.

Section 7 addresses issues of persons charged with a crime and unable to prove citizenship and are thus deemed a flight risk for purposes of bonding. The business coalition again asks that costs of implementation be analyzed and published before the adoption of this legislation.

This type of legislation has been very costly for other states. Last year we asked the legislature to provide a detailed cost analysis of this type of legislation using the model prepared by the state of Kentucky. It is our conservative estimate that the combined effect of HB 2576 and HB 2578 would cost the state of Kansas \$58 million dollars. This does not include the types of economic losses outlined in the testimony offered by Eric Stafford on behalf of he coalition. Attached are copies of the model used by Kentucky and an application of that model to Kansas. We ask this committee to closely review this material.

In summary, the Kansas Business Coalition strongly opposes this bill and asks that the legislature seriously consider the negative economic impacts this bill and HB 2578 pose. We should learn from the experience of other states. Please do not proceed on this path.

Thank you.

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COMMONWEALTH OF KENTUCKY  
STATE FISCAL NOTE STATEMENT

GENERAL ASSEMBLY  
2011 REGULAR SESSION

LEGISLATIVE RESEARCH COMMISSION

MEASURE

(X) 2011 BR No. 0045

(X) SB Bill No. 6 GA

( ) Resolution No. \_\_\_\_\_

( ) Amendment No. \_\_\_\_\_

SUBJECT/TITLE An ACT relating to unauthorized aliens.

SPONSOR Senator John Schickel

NOTE SUMMARY

Fiscal Analysis: \_\_\_\_\_ Impact \_\_\_\_\_ No Impact X Indeterminable Impact

Level(s) of Impact: X State X Local \_\_\_\_\_ Federal

Budget Unit(s) Department of Corrections, Department of Public Advocacy, Department of Education, Cabinet  
Impact for Health and Family Services, Judicial Branch

Fund(s) Impact: X General \_\_\_\_\_ Road \_\_\_\_\_ Federal  
\_\_\_\_\_ Restricted Agency (Type) \_\_\_\_\_ (Other)

FISCAL SUMMARY

<u>Fiscal Estimates</u>	<u>2010-2011</u>	<u>2011-2012</u>	<u>Future Annual Rate of Change</u>
Revenues (+/-)		Indeterminable	Indeterminable
Expenditures (+/-)		Indeterminable	Indeterminable
Net Effect		Indeterminable	Indeterminable

**MEASURE'S PURPOSE:** The purpose of this measure is to allow law enforcement officers to determine a person's immigration status if they have reasonable suspicion that the person may be an unauthorized alien. The suspect can be arrested by the law enforcement officer if there is probable cause to believe the person is an unauthorized alien. If it is determined that the person is an unauthorized alien, they will also be charged with the state crime of trespassing.

**PROVISION/MECHANICS:**

Section 1 creates a new section of KRS Chapter 432 to define terms.

Section 2 creates a new section of KRS Chapter 432 to prevent the adoption of policies, administrative regulations, or laws that restrict the enforcement of federal immigration laws.

Section 3 creates a new section of KRS Chapter 432 to allow for determining the immigration status of a person on reasonable suspicion, the arrest of an unlawful alien upon probable cause, and the transference of an arrested unauthorized alien to a federal facility or into federal custody. This section also requires that an unauthorized alien that has been convicted of a violation of state or local law be transferred to the custody of the United States Immigration and Customs Enforcement of the United States Customs and Border Protection upon discharge from imprisonment.

Section 4 creates a new section of KRS Chapter 432 to specify that officials or agencies may not be prohibited from sharing the immigration status of a person under specific instances.

Section 5 creates a new section of KRS 432 to indemnify a governmental law enforcement officer where the officer has been brought into a legal action.

Section 6 creates a new section of KRS Chapter 432 to make it a Class D felony to intentionally smuggle persons for profit or commercial purposes, a Class B felony if the smuggled person is under 18 or the offense involved a deadly weapon, or a Class C felony if serious physical injury is used or threatened.

Section 7 creates a new section of KRS Chapter 432 to define trespassing by an unauthorized alien in the first degree and set out the penalties for conviction.

Section 8 creates a new section of KRS Chapter 432 make it a Class A misdemeanor for a person to transport or conceal unauthorized aliens, or encourage an unauthorized alien to come to this state; clarify procedure for seizing means of transportation and forfeiture procedures for offenses relating to assisting an unauthorized alien; provide defense for employer of unauthorized alien who has relied on identification documents or Federal E-Verify results

**FISCAL EXPLANATION:** If this bill is adopted by the General Assembly, numerous sectors of state and local government in the Commonwealth will be impacted in a significant manner. The extent of the impact will depend greatly on the level of enforcement. If the statute is vigorously enforced, impact will be substantial. Minimal enforcement will result in minimal impact.

Areas where costs would likely increase are:

- Local and state law enforcement officers will have a new responsibility that will require a substantial amount of additional time and effort, including transporting unauthorized aliens to an appropriate federal facility. To perform these tasks adequately, additional officers would be needed, or duties performed on other law enforcement tasks would have to be curtailed.
- Depending upon the level of enforcement, local jails would experience population increases, and additional costs of approximately \$33 per day for each additional person incarcerated should be expected.
- State Courts, particularly District Courts and County Attorneys, would experience an increase in the number of cases that would have to be considered. This would require additional court personnel, or inmates would spend longer periods of time in jail waiting for court, and this would increase jail costs.
- The Kentucky Department of Public Advocacy would experience an increase in caseloads since few unauthorized aliens would have the resources to hire private attorneys, and additional personnel would be needed for this task.
- The Kentucky Department of Corrections would experience an increase in population since a certain proportion of the unauthorized aliens detained would also be convicted of Class D and C felonies. It is likely that this would increase the costs for Corrections.
- Approximately 67% of unauthorized aliens are in the workforce, according to national estimates, and many pay state and local income, payroll, and sales taxes. Consequently, a decline in tax revenues is likely. Even if the jobs are filled by currently unemployed legal residents, it appears that some sales tax revenues would be lost.

It is also possible that costs in some areas of government may decrease if the number of unauthorized aliens residing in the state is reduced. These are:

- The PEW Hispanic Center estimates that there are about 11.1 million unauthorized aliens in the United States and about 10% of them are children. There are another 4 million children in the country that were born in the U.S., but have at least one parent that is unauthorized. An unknown amount of these children have both parents that are unauthorized. Consequently, if fewer unauthorized aliens reside in Kentucky, fewer children will be present to attend schools, and this could result in cost savings.

- The Cabinet for Health and Family Services provides a myriad of services for persons residing in the state, and will spend about \$2 billion in state General Fund for these services in fiscal year 2012. Although unauthorized aliens are generally not eligible for these services, they are eligible for emergency Medicaid, and it is probable that some, especially children, receive services from the local health departments. Others may receive services by utilizing unauthorized documentation. Consequently, fewer unauthorized aliens would probably reduce the number of persons requiring these services and expenditures could be decreased accordingly.

Due to the complexity of the scope of impact of this bill, it is impossible to reach a definitive conclusion concerning the costs and savings described above. However, it is possible to utilize national and state data to make assumptions and develop an example of what costs and savings may be expected. Although actual costs are indeterminable, this may provide some insight into the fiscal implications.

**National Data**

2010 Census of the United States – total population 308,746,000

PEW Hispanic Center estimates:

	<b>Number</b>	<b>% US Pop.</b>	<b># Working</b>	<b>% Working</b>
Unauthorized Males	5,800,000	1.88%	4,930,000	85%
Unauthorized Females	4,200,000	1.36%	2,436,000	58%
Unauthorized Children	1,100,000	0.36%		
Total Unauthorized	11,100,000	3.6%	7,366,000	67%
Children Born in US With at least 1 unauthorized Parent	4,000,000	1.3%		

**State Data**

2010 Census of the United States – Commonwealth of Kentucky - population 4,339,000

PEW Hispanic Center estimates there are between 35,000 and 60,000 unauthorized aliens in Kentucky, with a single best estimate of 50,000.

Assuming Kentucky’s unauthorized aliens are similar to those on a national level:

	<b>Number</b>	<b>% KY Pop.</b>	<b># Working</b>	<b>% Working</b>
Unauthorized Males	26,125	0.6%	22,207	85%
Unauthorized Females	18,920	0.44%	10,973	58%
Unauthorized Children	4,955	0.11%		
Total Unauthorized	50,000	1.15%	33,500	67%
Children Born in US With at least 1 unauthorized Parent	18,018	0.42%		

**Assumptions**

- 33% of males will be identified as unauthorized and convicted of trespassing, for a reduction of 8,621.
- 25% of females will be identified as unauthorized and convicted of trespassing for a reduction of 4,730.
- 25% of children will be identified and will accompany their parents for a reduction of 1,239.
- 50% of the children born in the U.S. have both parents that are unauthorized aliens, and 25% of those accompany their parents for a reduction of 2,252. All children with one authorized parent will remain in the U.S.
- The 13,351 adults identified and convicted will be in jail for an average of 60 days, with a cost of \$33 per day.

- The 3,491 children that will accompany their parents spend 120 days in foster care at a cost of \$80 per day.
- 12% of the males (1,034) identified and convicted will also be convicted of a Class D felony, and will be imprisoned for one year.
- 8% of the females (378) identified and convicted will also be convicted of a Class D felony and will be imprisoned for one year.
- 1% of males (87) identified and convicted will also be convicted of a Class C felony and will be imprisoned for five years.
- 90% of unauthorized children and children born in the U.S. with at least one unauthorized parent are of school age and attend public schools.
- Per capita Human Services expenditures will be the same for unauthorized aliens as for the general Kentucky population.
- 25% of unauthorized aliens in the state will voluntarily move outside the state to avoid arrest and possible deportation.

**Cost Calculations**

Jail Costs:  $8,621 \text{ males} + 4,730 \text{ females} \times 60 \text{ days} \times \$33 \text{ per day} = \$26,435,000.$

Foster Care Costs:  $1,239 \text{ unauthorized} + 2,252 \text{ born in U.S.} \times 120 \text{ days} \times \$80 \text{ per day} = \$33,513,600.$

Prison Costs for Class D Convictions:  $1,034 \text{ class D felons} \times 365 \text{ days} \times \$40 \text{ per day} = \$15,096,400.$

Prison Costs Class C Convictions:  $87 \text{ class C felons} \times 1,825 \text{ days} \times \$50 \text{ per day} = \$7,938,800.$

Administrative Office of the Courts: (Caseload increase of about 14,000. Current caseload of almost 1,000,000, which is an increase of 1.4%. FY 2012 budget for Court Operations and Administration is \$230,000,000)  $\$230,000,000 \times 1.4\% = \$3,220,000.$

Department of Public Advocacy: (Current cost per case average \$224. Caseload increase of approximately 12,000.)  $12,000 \times \$224 = \$2,688,000.$

Total costs under this scenario = \$88.9 million.

Note: this does not include costs to local law enforcement for identifying and arresting unauthorized aliens, or the cost of transporting them to a federal facility. It also does not include the potential of lost tax revenue.

**Savings Calculations (State General Fund Only)**

Department of Education (for persons arrested and deported):  $1,239 \text{ unauthorized children accompany parents} + 2,252 \text{ children born in the U.S. accompany parents} \times 90\% \text{ attending public schools} \times \$4,000 \text{ state funding per student} = \$12,567,600.$

Department of Education (for persons leaving voluntarily):  $1,239 \text{ unauthorized children} + 4,504 \text{ children born in the U.S.} \times 90\% \text{ attending public schools} \times \$4,000 \text{ state funding} = \$20,674,800.$  This does not include potential savings in local educational spending.

Cabinet for Health and Family Services (for persons arrested and deported): General Fund expenditures of  $\$2,135,305,400 / 4,339,000 \text{ KY population} = \$492 \text{ spent per capita. } 16,842 \text{ adult and children removed from the state} \times \$492 \text{ per capita} = \$8,296,300.$

Cabinet for Health and Family Services (for persons leaving voluntarily):  $\$492 \text{ spent per capita} \times 17,000 \text{ persons leave the state} = \$8,364,000.$

Total savings under this scenario = \$49.9 million.

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**Summary**

This example, using the assumptions indicated above, concludes that potential costs could be almost \$90 million with savings of about \$50 million, a difference of \$40 million. However, it should be noted that the official conclusion is that the fiscal impact of SB 6 is "indeterminable", and the cost/savings calculations provided are for illustrative purposes only.

**DATA SOURCE(S)** PEW Hispanic Center, Justice and Public Safety Cabinet, Cabinet for Health and Family Services

**NOTE NO.** 20 **PREPARERS** Mike Mullins & Jennifer Anglin **REVIEW** \_\_\_\_\_ **DATE** 1-13-2011

LRC 2011-BR0045SB6GA

## POTENTIAL COSTS OF ARIZONA-TYPE IMMIGRATION LEGISLATION IN KANSAS

The following data is an extrapolation of a fiscal note created for legislation that the General Assembly in the state of Kentucky is considering, SB 6. The legislation is similar to the Arizona legislation. The numbers have been adapted to show an estimate of how similar legislation could affect Kansas. This fiscal description utilizes a different felony grid and different costs. This data is intended to be used as comparison only and is not intended to serve as an exact estimate of the costs and savings created by similar legislation in Kansas.

### National Data

2010 Census of the United States – total population 308,746,000

PEW Hispanic Center estimates:

	Number	% US Pop.	# Working	% Working
Unauthorized Males	5,800,000	1.88%	4,930,000	85%
Unauthorized Females	4,200,000	1.36%	2,436,000	58%
Unauthorized Children	1,100,000	0.36%		
Total Unauthorized	11,100,000	3.6%	7,366,000	67%
Children Born in US With at least 1 unauthorized Parent	4,000,000	1.3%		

### State Data

2010 Census of the United States – State of Kansas - population 2,800,000

PEW Hispanic Center estimates there are between 45,000 and 85,000 unauthorized aliens in Kansas, with a single best estimate of 65,000. (*see* <http://pewhispanic.org/files/reports/133.pdf>)

Assuming Kansas's unauthorized aliens are similar to those on a national level:

	Number	% KS Pop.	# Working	% Working
Unauthorized Males	33,963	1.2%	28,868	85%
Unauthorized Females	24,596	0.88%	14,265	58%
Unauthorized Children	6,441	0.23%		
Total Unauthorized	65,000	2.3%	43,550	67%
Children Born in US With at least 1 unauthorized Parent	23,400	0.84%		

### Assumptions

- 33% of males will be identified as unauthorized and convicted of trespassing, for a reduction of 11,208.
- 25% of females will be identified as unauthorized and convicted of trespassing for a reduction of 6,149.
- 25% of children will be identified and will accompany their parents for a reduction of 1,610.
- 50% of the children born in the U.S. have both parents that are unauthorized aliens, and 25% of those accompany their parents for a reduction of 2,965. All children with one authorized parent will remain in the U.S.
- The 17,357 adults identified and convicted will be in jail for an average of 60 days, with a cost of \$33 per day.
- The 4,535 children that will accompany their parents spend 120 days in foster care at a cost of \$80 per day.
- 12% of the males (1,345) identified and convicted will also be convicted of a Class D felony, and will be imprisoned for one year.
- 8% of the females (492) identified and convicted will also be convicted of a Class D felony and will be imprisoned for one year.
- 1% of males (112) identified and convicted will also be convicted of a Class C felony and will be imprisoned for five years.

- 90% of unauthorized children and children born in the U.S. with at least one unauthorized parent are of school age and attend public schools.
- Per capita Human Services expenditures will be the same for unauthorized aliens as for the general Kentucky population.
- 25% of unauthorized aliens in the state will voluntarily move outside the state to avoid arrest and possible deportation.

### Cost Calculations

Jail Costs:  $11,208 \text{ males} + 6,149 \text{ females} \times 60 \text{ days} \times \$33 \text{ per day} = \$34,366,860.$

Foster Care Costs:  $1,239 \text{ unauthorized} + 2,252 \text{ born in U.S.} \times 120 \text{ days} \times \$80 \text{ per day} = \$43,536,000.$

Prison Costs for Class D Convictions:  $1,837 \text{ class D felons} \times 365 \text{ days} \times \$40 \text{ per day} = \$26,820,200.$

Prison Costs Class C Convictions:  $112 \text{ class C felons} \times 1,825 \text{ days} \times \$50 \text{ per day} = \$10,227,300.$

Administrative Court Costs: (Extrapolated Kentucky number times 1.3 to arrive at Kansas Estimate of \$4,186,000.)

Public Defenders costs: (Current cost per case average \$224. Caseload increase of approximately 12,000.)  $12,000 \times \$224 = \$2,688,000.$  (Extrapolated Kentucky number times 1.3 to arrive at Kansas Estimate of \$3,494,400.)

Total costs under this scenario = \$122,630,760.

Note: this does not include costs to local law enforcement for identifying and arresting unauthorized aliens, or the cost of transporting them to a federal facility. It also does not include the potential of lost tax revenue.

### Savings Calculations (State General Fund Only)

Department of Education (for persons arrested and deported):  $1,610 \text{ unauthorized children accompany parents} + 2,925 \text{ children born in the U.S. accompany parents} \times 90\% \text{ attending public schools} \times \$4,000 \text{ state funding per student} = \$16,326,000.$

Department of Education (for persons leaving voluntarily):  $1,610 \text{ unauthorized children} + 5,850 \text{ children born in the U.S.} \times 90\% \text{ attending public schools} \times \$4,000 \text{ state funding} = \$26,856,000.$  This does not include potential savings in local educational spending.

Cabinet for Health and Family Services (for persons arrested and deported): (Extrapolated Kentucky number times approximately 1.3 to arrive at Kansas Estimate of \$10,776,670.)

SRS Costs (for persons leaving voluntarily): Extrapolated Kentucky number times approximately 1.3 to arrive at Kansas Estimate of \$10,864,610.)

Total savings under this scenario = \$64,823,280.

### Summary

This example, using the assumptions indicated above, concludes that potential costs could be almost \$123 million with savings of about \$65 million, a difference of \$58 million. However, it should be noted that the official conclusion is that the fiscal impact of Arizona-type legislation is "indeterminable", and the cost/savings calculations provided are for illustrative purposes only.