

REFERENCE TITLE: law enforcement cooperation; immigration

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2461

Introduced by
Representatives Pearce, Murphy, Senator Gray L: Representatives Anderson,
Crump

AN ACT

CHANGING THE DESIGNATION OF TITLE 41, CHAPTER 12, ARTICLE 1, ARIZONA REVISED STATUTES, TO "GENERAL PROVISIONS"; AMENDING TITLE 41, CHAPTER 12, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1702; RELATING TO PUBLIC SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Heading change

3 The article heading of title 41, chapter 12, article 1, Arizona Revised
4 Statutes, is changed from "DEFINITIONS" to "GENERAL PROVISIONS".

5 Sec. 2. Title 41, chapter 12, article 1, Arizona Revised Statutes, is
6 amended by adding section 41-1702, to read:

7 41-1702. Federal immigration laws; enforcement; cooperative
8 agreement

9 A. TO THE EXTENT PERMITTED BY FEDERAL LAW AND NOTWITHSTANDING ANY
10 OTHER STATE LAW, LAW ENFORCEMENT OFFICERS ARE FULLY AUTHORIZED TO SUPPORT THE
11 ENFORCEMENT OF THE IMMIGRATION LAWS OF THE UNITED STATES PROHIBITING ALIENS
12 FROM ENTERING OR REMAINING UNLAWFULLY IN THE UNITED STATES.

13 B. ALL STATE, COUNTY AND LOCAL LAW ENFORCEMENT OFFICERS SHALL INQUIRE
14 INTO THE CITIZENSHIP AND IMMIGRATION STATUS OF ANY PERSON WHO IS DETAINED FOR
15 A VIOLATION OF ANY STATE LAW OR MUNICIPAL ORDINANCE, REGARDLESS OF THE
16 PERSON'S NATIONAL ORIGIN, ETHNICITY OR RACE, IF THE INQUIRY DOES NOT
17 SIGNIFICANTLY EXTEND THE DURATION OF THE DETENTION. IF A PERSON INDICATES
18 THAT THE PERSON IS NOT A CITIZEN OR NATIONAL OF THE UNITED STATES, THE LAW
19 ENFORCEMENT OFFICER SHALL VERIFY WITH THE FEDERAL GOVERNMENT WHETHER THE
20 PERSON IS LAWFULLY PRESENT IN THE UNITED STATES PURSUANT TO 8 UNITED STATES
21 CODE SECTION 1373(c). IF THE PERSON IS VERIFIED TO BE UNLAWFULLY PRESENT IN
22 THE UNITED STATES, THE LAW ENFORCEMENT OFFICER SHALL COOPERATE WITH A REQUEST
23 BY THE FEDERAL IMMIGRATION AUTHORITY TO DETAIN OR TRANSFER THE PERSON TO THE
24 CUSTODY OF THE FEDERAL GOVERNMENT.

25 C. ANY OFFICIAL, EMPLOYEE OR AGENT OF A STATE, CITY OR LOCAL LAW
26 ENFORCEMENT AGENCY SHALL NOT BE PROHIBITED OR RESTRICTED FROM SENDING,
27 RECEIVING OR MAINTAINING INFORMATION ABOUT THE IMMIGRATION STATUS OF ANY
28 PERSON WHO IS LAWFULLY OR UNLAWFULLY PRESENT IN THE UNITED STATES OR
29 EXCHANGING THIS INFORMATION WITH ANY OTHER FEDERAL, STATE, COUNTY OR LOCAL
30 GOVERNMENT ENTITY.

31 D. THE ATTORNEY GENERAL SHALL ENTER INTO A COOPERATIVE AGREEMENT WITH
32 THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO DESIGNATE SPECIFIC STATE
33 LAW ENFORCEMENT OFFICERS AS OFFICERS WHO ARE QUALIFIED TO EXERCISE THE
34 ENFORCEMENT POWERS OF FEDERAL IMMIGRATION OFFICERS.

35 E. THE ATTORNEY GENERAL OR THE JUDICIARY COMMITTEE OF THE HOUSE OF
36 REPRESENTATIVES, BY A MAJORITY VOTE, SHALL DETERMINE IF A LAW ENFORCEMENT
37 AGENCY IS IN VIOLATION OF THIS SECTION. A LAW ENFORCEMENT AGENCY THAT IS
38 FOUND TO BE IN VIOLATION OF THIS SECTION SHALL BE DENIED STATE FUNDING UNTIL
39 THE ATTORNEY GENERAL DETERMINES THAT THE LAW ENFORCEMENT AGENCY IS IN
40 COMPLIANCE WITH THIS SECTION.