

REFERENCE TITLE: **unauthorized persons; border security**

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

HB 2699

Introduced by
Representatives Ulmer, Ableser, Gallardo, Lujan, Saradnik, Sinema:
Alvarez, Brown, Campbell CH, Campbell CL, DeSimone, Farley, Garcia M,
Kirkpatrick, Lopes, Lopez, McGuire, Meza, Miranda B, Pancrazi, Prezelski,
Rios P, Schapira, Thrasher, Senator McCune Davis

AN ACT

AMENDING TITLE 9, CHAPTER 8, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 6;
AMENDING TITLE 11, CHAPTER 7, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 8;
AMENDING SECTIONS 13-1804 AND 13-2319, ARIZONA REVISED STATUTES; AMENDING
TITLE 23, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2; AMENDING
TITLE 23, CHAPTER 2, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING SECTION
23-361.01; AMENDING SECTION 41-763, ARIZONA REVISED STATUTES; AMENDING TITLE
41, CHAPTER 12, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION
41-1757; AMENDING TITLE 41, CHAPTER 23, ARTICLE 1, ARIZONA REVISED STATUTES,
BY ADDING SECTION 41-2505; AMENDING LAWS 2006, CHAPTER 344, SECTION 27;
MAKING APPROPRIATIONS; RELATING TO BORDER SECURITY; PROVIDING FOR CONDITIONAL
ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 9, chapter 8, Arizona Revised Statutes, is amended by
3 adding article 6, to read:

4 ARTICLE 6. ENFORCEMENT OF IMMIGRATION LAWS

5 9-1001. Enforcement of immigration laws; definition

6 A. A LAW ENFORCEMENT AGENCY OF A CITY OR A TOWN MAY ENTER INTO A
7 MEMORANDUM OF UNDERSTANDING WITH THE UNITED STATES DEPARTMENT OF JUSTICE OR
8 THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO DESIGNATE QUALIFIED
9 OFFICERS AS IMMIGRATION OFFICERS TO INVESTIGATE, APPREHEND AND DETAIN
10 UNAUTHORIZED PERSONS IN THE UNITED STATES TO THE FULLEST EXTENT CONSISTENT
11 WITH STATE AND FEDERAL LAW.

12 B. ONLY QUALIFIED OFFICERS MAY INVESTIGATE, APPREHEND AND DETAIN
13 UNAUTHORIZED PERSONS IN THE UNITED STATES TO THE FULLEST EXTENT CONSISTENT
14 WITH STATE AND FEDERAL LAW.

15 C. ANY LAW ENFORCEMENT AGENCY OF A CITY OR TOWN THAT ENTERS INTO A
16 MEMORANDUM OF UNDERSTANDING WITH THE UNITED STATES DEPARTMENT OF JUSTICE AND
17 THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY MAY APPLY FOR IMMIGRATION
18 LAW ENFORCEMENT GRANTS TO BE AWARDED AND ADMINISTERED BY THE ATTORNEY GENERAL
19 FROM MONIES DEPOSITED IN THE EMPLOYER VERIFICATION AND BORDER SECURITY FUND
20 ESTABLISHED BY SECTION 23-211.

21 D. FOR THE PURPOSES OF THIS SECTION, "QUALIFIED OFFICER" MEANS ANY
22 OFFICER WHO HAS RECEIVED COMPREHENSIVE TRAINING FROM THE UNITED STATES
23 IMMIGRATION AND CUSTOMS ENFORCEMENT AND WHO IS DESIGNATED AS A QUALIFIED
24 OFFICER IN THE MEMORANDUM OF UNDERSTANDING UNDER SUBSECTION A.

25 Sec. 2. Title 11, chapter 7, Arizona Revised Statutes, is amended by
26 adding article 8, to read:

27 ARTICLE 8. ENFORCEMENT OF IMMIGRATION LAWS

28 11-1051. Enforcement of immigration laws; definition

29 A. A COUNTY SHERIFF MAY ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH
30 THE UNITED STATES DEPARTMENT OF JUSTICE OR THE UNITED STATES DEPARTMENT OF
31 HOMELAND SECURITY TO DESIGNATE QUALIFIED OFFICERS AS IMMIGRATION OFFICERS TO
32 INVESTIGATE, APPREHEND AND DETAIN UNAUTHORIZED PERSONS IN THE UNITED STATES
33 TO THE FULLEST EXTENT CONSISTENT WITH STATE AND FEDERAL LAW.

34 B. ONLY QUALIFIED OFFICERS MAY INVESTIGATE, APPREHEND AND DETAIN
35 UNAUTHORIZED PERSONS IN THE UNITED STATES TO THE FULLEST EXTENT CONSISTENT
36 WITH STATE AND FEDERAL LAW.

37 C. ANY COUNTY SHERIFF THAT ENTERS INTO A MEMORANDUM OF UNDERSTANDING
38 WITH THE UNITED STATES DEPARTMENT OF JUSTICE AND THE UNITED STATES DEPARTMENT
39 OF HOMELAND SECURITY MAY APPLY FOR IMMIGRATION LAW ENFORCEMENT GRANTS TO BE
40 AWARDED AND ADMINISTERED BY THE ATTORNEY GENERAL FROM MONIES DEPOSITED IN THE
41 EMPLOYER VERIFICATION AND BORDER SECURITY FUND ESTABLISHED BY SECTION 23-211.

42 D. FOR THE PURPOSES OF THIS SECTION, "QUALIFIED OFFICER" MEANS ANY
43 OFFICER WHO HAS RECEIVED COMPREHENSIVE TRAINING FROM THE UNITED STATES
44 IMMIGRATION AND CUSTOMS ENFORCEMENT AND WHO IS DESIGNATED AS A QUALIFIED
45 OFFICER IN THE MEMORANDUM OF UNDERSTANDING UNDER SUBSECTION A.

1 Sec. 3. Section 13-1804, Arizona Revised Statutes, is amended to read:
2 13-1804. Theft by extortion; classification

3 A. A person commits theft by extortion by knowingly obtaining or
4 seeking to obtain property or services by means of a threat to do in the
5 future any of the following:

6 1. Cause physical injury to anyone by means of a deadly weapon or
7 dangerous instrument.

8 2. Cause physical injury to anyone except as provided in paragraph 1
9 of this subsection.

10 3. Cause damage to property.

11 4. Engage in other conduct constituting an offense.

12 5. Accuse anyone of a crime or bring criminal charges against anyone.

13 6. Expose a secret or an asserted fact, whether true or false, tending
14 to subject anyone to hatred, contempt or ridicule or to impair the person's
15 credit or business.

16 7. Take or withhold action as a public servant or cause a public
17 servant to take or withhold action.

18 8. Cause anyone to part with any property.

19 9. REPORT ANY PERSON TO FEDERAL IMMIGRATION AUTHORITIES REGARDING THE
20 PERSON'S UNAUTHORIZED IMMIGRATION STATUS, WHETHER TRUE OR FALSE.

21 B. It is an affirmative defense to a prosecution under subsection A,
22 paragraph 5, 6 or 7 that the property obtained by threat of the accusation,
23 exposure, lawsuit or other invocation of official action was lawfully claimed
24 either as:

25 1. Restitution or indemnification for harm done under circumstances to
26 which the accusation, exposure, lawsuit or other official action relates.

27 2. Compensation for property that was lawfully obtained or for lawful
28 services.

29 C. Theft by extortion as defined in subsection A, paragraph 1 is a
30 class 2 felony. Otherwise, theft by extortion is a class 4 felony.

31 Sec. 4. Section 13-2319, Arizona Revised Statutes, is amended to read:
32 13-2319. Smuggling; classification; definitions

33 A. It is unlawful for a person to intentionally engage in the
34 smuggling of human beings for profit or commercial purpose.

35 B. NOTWITHSTANDING ANY OTHER LAW, THIS SECTION DOES NOT APPLY TO A
36 PERSON WHO IS BEING SMUGGLED AND A PERSON WHO IS BEING SMUGGLED SHALL NOT BE
37 CHARGED WITH ANY PREPARATORY OFFENSE TO COMMIT A VIOLATION OF THIS SECTION
38 PURSUANT TO CHAPTER 10 OF THIS TITLE.

39 ~~B.~~ C. A violation of this section is a class 4 felony.

40 ~~C.~~ D. Notwithstanding subsection ~~B~~ C, a violation of this section is
41 a class 2 felony if the human being smuggled is under eighteen years of age
42 and IS not accompanied by a family member WHO IS over ~~the age of~~ eighteen
43 YEARS OF AGE. Chapter 10 of this title does not apply to a violation of this
44 subsection.

45 ~~D.~~ E. For the purposes of this section:

1 1. "Family member" means the person's parent, grandparent, ~~OR~~ sibling
2 or any other person WHO IS related to the person by consanguinity or affinity
3 to the second degree.

4 2. "Smuggling of human beings" means the transportation or procurement
5 of transportation by a person or an entity that knows or has reason to know
6 that the person or persons transported or to be transported are not United
7 States citizens, permanent resident aliens or persons otherwise lawfully in
8 this state.

9 Sec. 5. Title 23, chapter 2, Arizona Revised Statutes, is amended by
10 adding article 2, to read:

11 ARTICLE 2. VERIFICATION OF PROSPECTIVE EMPLOYEES

12 23-211. Verification of employment eligibility; exceptions;
13 investigation; civil penalties; classification; fund;
14 definitions

15 A. AFTER HIRING AN EMPLOYEE, EVERY EMPLOYER THAT HAS A LICENSE IN THIS
16 STATE SHALL VERIFY THE EMPLOYEE'S EMPLOYMENT ELIGIBILITY THROUGH THE BASIC
17 PILOT PROGRAM FOR EMPLOYEES WHO ARE HIRED AFTER DECEMBER 31, 2008.

18 B. THIS SECTION DOES NOT APPLY TO AN EMPLOYER THAT IS SELF-EMPLOYED OR
19 THAT HAS FEWER THAN FORTY EMPLOYEES.

20 C. DURING ANY INVESTIGATION UNDER SECTION 23-312 OR ANY INSPECTION
21 UNDER SECTION 23-926, THE INDUSTRIAL COMMISSION SHALL ALSO DETERMINE WHETHER
22 THE EMPLOYER HAS COMPLIED WITH THIS SECTION. THE INDUSTRIAL COMMISSION SHALL
23 REPORT ANY NONCOMPLIANCE TO THE ATTORNEY GENERAL. AN EMPLOYER THAT VIOLATES
24 THIS SECTION IS SUBJECT TO THE FOLLOWING:

25 1. FOR A FIRST VIOLATION, A CIVIL PENALTY OF FIVE THOUSAND DOLLARS.

26 2. FOR A SECOND VIOLATION, A CIVIL PENALTY OF TEN THOUSAND DOLLARS.

27 3. FOR A THIRD VIOLATION, A CIVIL PENALTY OF FIFTEEN THOUSAND DOLLARS.

28 D. THE ATTORNEY GENERAL MAY IMPOSE AND COLLECT THE CIVIL PENALTIES
29 UNDER SUBSECTION C OF THIS SECTION AND SHALL DEPOSIT, PURSUANT TO SECTIONS
30 35-146 AND 35-147, ALL CIVIL PENALTIES COLLECTED IN THE EMPLOYEE VERIFICATION
31 AND BORDER SECURITY FUND ESTABLISHED BY SUBSECTION H OF THIS SECTION.

32 E. AFTER A THIRD VIOLATION OF THIS SECTION DURING A THREE YEAR PERIOD,
33 THE EMPLOYER'S LICENSE SHALL BE SUSPENDED. THE ATTORNEY GENERAL MAY PUBLISH
34 A NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION IN THIS STATE INDICATING THE
35 EMPLOYER'S VIOLATION AND SUSPENDED LICENSE. THE NOTICE SHALL INCLUDE THE
36 EMPLOYER'S NAME AND THE EMPLOYER'S ADDRESS WHERE THE VIOLATIONS OCCURRED.

37 F. IF THE COMMISSION DETERMINES THAT THE EMPLOYMENT ELIGIBILITY OF AN
38 EMPLOYEE WAS VERIFIED BUT THE EMPLOYEE WAS NOT AUTHORIZED TO WORK IN THIS
39 STATE, THE INDUSTRIAL COMMISSION SHALL ALLOW THE EMPLOYER THIRTY DAYS TO TAKE
40 CORRECTIVE ACTION AND PROCESS A SUBSEQUENT VERIFICATION OF THE EMPLOYEE'S
41 ELIGIBILITY THROUGH THE BASIC PILOT PROGRAM IN ORDER TO DETERMINE THAT THE
42 EMPLOYEE IS AUTHORIZED TO WORK IN THIS STATE. IF AFTER THIRTY DAYS THE
43 EMPLOYER HAS FAILED TO ESTABLISH THAT THE EMPLOYEE IS AUTHORIZED TO WORK IN
44 THIS STATE, THE INDUSTRIAL COMMISSION SHALL NOTIFY THE UNITED STATES
45 CITIZENSHIP AND IMMIGRATION SERVICES OF THE UNAUTHORIZED EMPLOYEE.

1 G. IT IS UNLAWFUL FOR AN EMPLOYER TO FAIL TO INITIALLY DISCLOSE ALL OF
2 THE EMPLOYER'S EMPLOYEES DURING AN INVESTIGATION OR INSPECTION UNDER THIS
3 SECTION. AN EMPLOYER WHO VIOLATES THIS SUBSECTION IS GUILTY OF A CLASS 1
4 MISDEMEANOR. NOTWITHSTANDING ANY OTHER LAW, ANY FINE IMPOSED FOR VIOLATING
5 THIS SUBSECTION SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147,
6 IN THE EMPLOYEE VERIFICATION AND BORDER SECURITY FUND ESTABLISHED BY
7 SUBSECTION H OF THIS SECTION.

8 H. THE EMPLOYEE VERIFICATION AND BORDER SECURITY FUND IS ESTABLISHED
9 CONSISTING OF CIVIL PENALTIES AND FINES DEPOSITED PURSUANT TO SUBSECTIONS D
10 AND G OF THIS SECTION, LEGISLATIVE APPROPRIATIONS, GIFTS AND GRANTS. THE
11 DEPARTMENT OF HOMELAND SECURITY SHALL ADMINISTER THE FUND FOR THE PURPOSES OF
12 THIS SECTION AND FOR PORT OF ENTRY PERSONNEL, DEPARTMENT OF PUBLIC SAFETY
13 SQUADS FOR COMBATING HUMAN TRAFFICKING AND HUMAN SMUGGLING, DEPARTMENT OF
14 PUBLIC SAFETY DOMESTIC TERRORISM SQUADS, GRANTS TO THE BORDER REGION FOR
15 COSTS THAT ARE RELATED TO UNAUTHORIZED ENTRIES AND SALARIES OF BORDER LAW
16 ENFORCEMENT. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED AND ARE EXEMPT
17 FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS.
18 ON NOTICE FROM THE DEPARTMENT OF HOMELAND SECURITY, THE STATE TREASURER SHALL
19 INVEST AND DIVEST MONIES IN THE FUND AS PROVIDED IN SECTION 35-313, AND
20 MONIES EARNED FROM INVESTMENTS SHALL BE CREDITED TO THE FUND.

21 I. FOR THE PURPOSES OF THIS SECTION:

22 1. "AGENCY" MEANS ANY AGENCY, DEPARTMENT, BOARD OR COMMISSION OF THIS
23 STATE OR A COUNTY, CITY OR TOWN THAT ISSUES A LICENSE FOR PURPOSES OF
24 OPERATING A BUSINESS IN THIS STATE.

25 2. "BASIC PILOT PROGRAM" MEANS THE BASIC EMPLOYMENT VERIFICATION PILOT
26 PROGRAM AS JOINTLY ADMINISTERED BY THE UNITED STATES DEPARTMENT OF HOMELAND
27 SECURITY AND THE SOCIAL SECURITY ADMINISTRATION.

28 3. "LICENSE" MEANS ANY AGENCY PERMIT, CERTIFICATE, APPROVAL,
29 REGISTRATION, CHARTER OR SIMILAR FORM OF AUTHORIZATION THAT IS REQUIRED BY
30 LAW AND THAT IS ISSUED BY ANY AGENCY FOR THE PURPOSES OF OPERATING A BUSINESS
31 IN THIS STATE.

32 Sec. 6. Title 23, chapter 2, article 7, Arizona Revised Statutes, is
33 amended by adding section 23-361.01, to read:

34 23-361.01. Payment of wages to certain employees

35 TO THE EXTENT APPLICABLE, THIS ARTICLE APPLIES TO ALL EMPLOYEES WHO ARE
36 EMPLOYED IN THIS STATE REGARDLESS OF THEIR IMMIGRATION STATUS OR NATIONAL
37 ORIGIN.

38 Sec. 7. Section 41-763, Arizona Revised Statutes, is amended to read:

39 41-763. Powers and duties of the director relating to personnel

40 The director shall:

41 1. Appoint employees necessary to perform the duties prescribed by
42 this article.

1 2. Have authority for developing and administering a program of
2 personnel administration for the state service in conformance with the
3 personnel rules.

4 3. Have authority to establish such offices as may be necessary to
5 maintain an effective and economical program of personnel administration.

6 4. Have the power to deputize employees in various state agencies
7 where certain of the functions of personnel administration can be performed
8 by such deputies.

9 5. Make an annual report and recommendation to the legislature and the
10 joint legislative budget committee as provided in section 41-763.01.

11 6. Adopt rules relating to personnel and personnel administration.

12 7. Subject to legislative appropriation, have the authority to
13 contract for the services of consultants necessary to perform the annual
14 salary plan and salary plan adjustment recommendations.

15 8. Establish a mandatory program of annual personnel management
16 training for all state employees with supervisory or managerial
17 responsibility that is appropriate to the nature and scope of the employees'
18 supervisory responsibilities. The director may waive the annual mandatory
19 training on a case by case basis. The training shall include at least the
20 following subjects:

21 (a) Basic employee supervisory or managerial skills.

22 (b) Establishing employee objectives and performance measures.

23 (c) Measuring employee performance and the use of performance
24 evaluation methods.

25 (d) Employee discipline training and discipline procedures.

26 (e) Other subjects as determined by the director.

27 9. VERIFY THE EMPLOYMENT ELIGIBILITY IN THE UNITED STATES OF EVERY
28 STATE EMPLOYEE THROUGH THE BASIC EMPLOYMENT VERIFICATION PILOT PROGRAM AS
29 JOINTLY ADMINISTERED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY AND
30 THE SOCIAL SECURITY ADMINISTRATION. THIS PARAGRAPH APPLIES ONLY TO EMPLOYEES
31 WHO ARE HIRED AFTER THIS STATE HAS AGREED TO THE MEMORANDUM OF UNDERSTANDING
32 THAT IS REQUIRED TO PARTICIPATE IN THE PILOT PROGRAM.

33 Sec. 8. Title 41, chapter 12, article 3, Arizona Revised Statutes, is
34 amended by adding section 41-1757, to read:

35 41-1757. Enforcement of immigration laws; definition

36 A. THE DIRECTOR MAY ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE
37 UNITED STATES DEPARTMENT OF JUSTICE OR THE UNITED STATES DEPARTMENT OF
38 HOMELAND SECURITY TO DESIGNATE QUALIFIED OFFICERS AS IMMIGRATION OFFICERS TO
39 INVESTIGATE, APPREHEND AND DETAIN UNAUTHORIZED PERSONS IN THE UNITED STATES
40 TO THE FULLEST EXTENT CONSISTENT WITH STATE AND FEDERAL LAW.

41 B. ONLY QUALIFIED OFFICERS MAY INVESTIGATE, APPREHEND AND DETAIN
42 UNAUTHORIZED PERSONS IN THE UNITED STATES TO THE FULLEST EXTENT CONSISTENT
43 WITH STATE AND FEDERAL LAW.

44 C. FOR THE PURPOSES OF THIS SECTION, "QUALIFIED OFFICER" MEANS ANY
45 PEACE OFFICER WHO HAS RECEIVED COMPREHENSIVE TRAINING FROM THE UNITED STATES

1 IMMIGRATION AND CUSTOMS ENFORCEMENT AND WHO IS DESIGNATED AS A QUALIFIED
 2 OFFICER IN THE MEMORANDUM OF UNDERSTANDING UNDER SUBSECTION A.

3 Sec. 9. Title 41, chapter 23, article 1, Arizona Revised Statutes, is
 4 amended by adding section 41-2505, to read:

5 41-2505. Awarded contracts; employee verification; definition

6 A. A PROCUREMENT OFFICER OF THIS STATE SHALL NOT AWARD A CONTRACT
 7 UNDER THIS CHAPTER TO ANY CONTRACTOR OR SUBCONTRACTOR UNLESS THE EMPLOYMENT
 8 ELIGIBILITY OF THE EMPLOYEES OF THE CONTRACTOR OR SUBCONTRACTOR HAS BEEN
 9 VERIFIED BY THE CONTRACTOR OR SUBCONTRACTOR THROUGH THE BASIC PILOT PROGRAM.

10 B. A POLITICAL SUBDIVISION OF THIS STATE SHALL NOT AWARD A CONTRACT TO
 11 ANY CONTRACTOR OR SUBCONTRACTOR UNLESS THE EMPLOYMENT ELIGIBILITY OF THE
 12 EMPLOYEES OF THE CONTRACTOR OR SUBCONTRACTOR HAS BEEN VERIFIED BY THE
 13 CONTRACTOR OR SUBCONTRACTOR THROUGH THE BASIC PILOT PROGRAM.

14 C. BEFORE A CONTRACT IS AWARDED, THE CONTRACTOR AND SUBCONTRACTOR
 15 SHALL PROVIDE TO THE PROCUREMENT OFFICER THE BASIC PILOT PROGRAM VERIFICATION
 16 DOCUMENTS FOR ALL EMPLOYEES WHO WILL PERFORM SERVICES UNDER THE CONTRACT.

17 D. FOR THE PURPOSES OF THIS SECTION, "BASIC PILOT PROGRAM" MEANS THE
 18 BASIC EMPLOYMENT VERIFICATION PILOT PROGRAM AS JOINTLY ADMINISTERED BY THE
 19 UNITED STATES DEPARTMENT OF HOMELAND SECURITY AND THE SOCIAL SECURITY
 20 ADMINISTRATION.

21 Sec. 10. Laws 2006, chapter 344, section 27 is amended to read:

22 Sec. 27. DEPARTMENT OF PUBLIC SAFETY

		<u>2006-07</u>
	FTE positions	2,069.8
	Operating lump sum appropriation	\$172,842,000
	Additional highway patrol personnel	5,520,900
	GITEM	25,952,900
	Highway patrol safety equipment	3,000,000
	Motor vehicle fuel	3,808,800
	Statewide interoperability design	<u>1,258,100</u>
	Sworn officer salary adjustments	<u>2,768,100</u>
32	Total appropriation - department of public	
33	safety	\$215,150,800
34	Fund sources:	
35	State general fund	\$156,989,400
36	Highway user revenue fund	10,000,000
37	State highway fund	10,000,000
38	Arizona highway patrol fund	19,745,700
39	Criminal justice enhancement fund	2,980,100
40	Motor vehicle liability insurance	
41	enforcement fund	1,352,100
42	Crime laboratory assessment fund	4,974,100
43	Arizona deoxyribonucleic acid	
44	identification system fund	2,582,900

1	Automated fingerprint identification	
2	system fund	3,257,200
3	Motorcycle safety fund	205,000
4	Risk management fund	296,200
5	Parity compensation fund	2,768,100
6	Performance measures:	
7	Per cent of scientific analysis cases over	
8	30 calendar days old	2.0
9	Per cent of system reliability of the Arizona	
10	automated fingerprint identification network	98
11	Clandestine labs dismantled	50

12 Any monies remaining in the department of public safety joint account
13 on June 30, 2007 shall revert to the funds from which they were appropriated.
14 The reverted monies shall be returned in direct proportion to the amounts
15 appropriated.

16 Of the \$25,952,900 appropriated to GITEM, \$10,000,000 is to be used to
17 expand the existing gang intelligence team enforcement mission into a
18 multijurisdiction task force known as the gang and immigration intelligence
19 team enforcement mission. If the department of public safety uses any of the
20 monies appropriated for GITEM for an agreement or contract with a city, town,
21 county or other entity to provide services for the GITEM program, the city,
22 town, county or other entity shall provide fifteen per cent of the cost of
23 the services and the department of public safety shall provide eighty-five
24 per cent of the cost for each agreement or contract. ~~Agreements or contracts
25 with cities, towns or counties may be entered into only if the police
26 department of the city or town or the county sheriff has entered into a 287
27 memorandum of understanding with the United States department of homeland
28 security to investigate, apprehend and detain illegal aliens in the United
29 States to the fullest extent consistent with state and federal law.~~ The
30 \$10,000,000 is to be used for new functions relating to immigration
31 enforcement, including border security and border personnel. This
32 appropriation is for the purpose of expanding GITEM and not to add a new unit
33 or increased administration to the mission. The \$10,000,000 is exempt from
34 the provisions of section 35-190, Arizona Revised Statutes, relating to the
35 lapsing of appropriations, except that all unexpended and unencumbered monies
36 shall revert on June 30, 2008. Prior to expending the \$10,000,000, the
37 department shall submit an expenditure plan to the joint legislative budget
38 committee for review. Within thirty days after the last day of each calendar
39 quarter, the department shall provide a summary of quarterly and year-to-date
40 expenditures to the joint legislative budget committee.

41 Of the \$25,952,900 appropriated to GITEM, \$7,000,000 is to be used for
42 the gang and immigration intelligence team enforcement mission and is for an
43 additional one hundred department of public safety sworn personnel, fifty of
44 whom shall be used for immigration and border security. Prior to expending
45 the \$7,000,000, the department shall submit an expenditure plan to the joint

1 legislative budget committee for review. Within thirty days after the last
2 day of each calendar quarter, the department shall provide a summary of
3 quarterly and year-to-date expenditures to the joint legislative budget
4 committee.

5 If H.B. 2577 or similar legislation to fund the GITEM program at a
6 level of \$25,952,900 is enacted into law during the forty-seventh
7 legislature, second regular session, the sum of \$25,952,900 and 161.8 FTE
8 positions appropriated in this act for GITEM revert to the general fund.

9 By October 1, 2006, the department of public safety shall report to the
10 joint legislative budget committee on take home vehicles that are owned by
11 the department and that are assigned on a 24-hour basis to employees or other
12 individuals. The report shall identify all position classifications and
13 their corresponding assignments and locations of all persons who qualify for
14 a take home vehicle. The report shall indicate the current number of
15 positions and vehicles being used as take home vehicles, the total number of
16 vehicles the department owns by category and the policy and guidelines
17 relating to take home vehicles.

18 Distribution of the monies appropriated for sworn officer salary
19 adjustments shall be determined by the department. Before expending any
20 monies appropriated through the sworn officer salary adjustments special line
21 item, the department of public safety shall submit the intended distribution
22 of the salary plan to the joint legislative budget committee for review.

23 Of the \$156,989,400 appropriated from the state general fund,
24 \$4,327,300 is appropriated to fund the salary increase authorized by Laws
25 2006, chapter 1, in lieu of any highway user revenue fund and state highway
26 fund monies being expended for this purpose.

27 The department of public safety shall submit an expenditure plan to the
28 joint legislative budget committee for review before expending any monies
29 appropriated through the additional highway patrol special line item.

30 The department of public safety shall report quarterly to the joint
31 legislative budget committee on sworn personnel staffing levels and crime lab
32 personnel staffing levels. The report shall identify the number of filled
33 and appropriated positions by job classification and, if applicable, the
34 program to which the position is assigned. The report shall identify the
35 department of public safety's progress in filling the additional positions
36 appropriated through the additional highway patrol personnel special line
37 item. In addition, the report shall include the department's progress in
38 hiring the additional positions funded in the fiscal year 2005-2006 budget.

39 The department of public safety shall submit an expenditure plan to the
40 joint legislative budget committee for review before transferring monies from
41 the additional highway patrol personnel special line item.

42 It is the intent of the legislature that the department of public
43 safety fill the 25 positions intentionally held vacant by the department in
44 fiscal year 2005-2006.

1 Sec. 11. Appropriation; port of entry inspection; exemption

2 A. The sum of \$819,000 and 10.0 FTEs are appropriated from the
3 employee verification and border security fund established by section 23-211,
4 Arizona Revised Statutes, as added by this act, in fiscal year 2007-2008 to
5 the department of transportation for increased security and border inspection
6 at all ports of entry along the United States and Mexico border in Arizona.

7 B. The appropriation made in subsection A of this section is exempt
8 from the provisions of section 35-190, Arizona Revised Statutes, relating to
9 lapsing of appropriations.

10 Sec. 12. Appropriation; human trafficking and smuggling;
11 exemption

12 A. The sum of \$1,773,100 and 16.0 FTEs are appropriated from the
13 employee verification and border security fund established by section 23-211,
14 Arizona Revised Statutes, as added by this act, in fiscal year 2007-2008 to
15 the department of public safety for two squads dedicated to combating human
16 trafficking and human smuggling.

17 B. The appropriation made in subsection A of this section is exempt
18 from the provisions of section 35-190, Arizona Revised Statutes, relating to
19 lapsing of appropriations.

20 Sec. 13. Appropriation; counter terrorism; exemption

21 A. The sum of \$1,984,400 and 12.0 FTEs are appropriated from the
22 employee verification and border security fund established by section 23-211,
23 Arizona Revised Statutes, as added by this act, in fiscal year 2007-2008 to
24 the department of public safety for a domestic terrorism squad to follow
25 leads produced by the Arizona counter terrorism information center.

26 B. The appropriation made in subsection A of this section is exempt
27 from the provisions of section 35-190, Arizona Revised Statutes, relating to
28 lapsing of appropriations.

29 Sec. 14. Appropriation; grants related to unauthorized entries;
30 exemption

31 A. The sum of \$9,980,000 is appropriated from the employee
32 verification and border security fund established by section 23-211, Arizona
33 Revised Statutes, as added by this act, in fiscal year 2007-2008 to the
34 department of homeland security for grants to local, county and tribal
35 agencies in the border region for costs related to unauthorized entries,
36 including overtime for peace officers, first responder costs, extraordinary
37 expenses for county medical examiners, county jail costs and other
38 miscellaneous costs. Local, county and tribal agencies shall provide a
39 twenty-five per cent match and the state shall provide seventy-five per cent
40 of the funding.

41 B. The appropriation made in subsection A of this section is exempt
42 from the provisions of section 35-190, Arizona Revised Statutes, relating to
43 lapsing of appropriations.

