

REFERENCE TITLE: trespassing; illegal aliens

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SB 1159

Introduced by
Senators Pearce, Gorman; Representative Burges: Senator Harper;
Representatives Kavanagh, Lesko, Montenegro, Seel

AN ACT

AMENDING TITLE 13, CHAPTER 15, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-1509; RELATING TO TRESPASSING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 13, chapter 15, Arizona Revised Statutes, is amended
3 by adding section 13-1509, to read:

4 13-1509. Trespassing by illegal aliens: assessment:
5 classification

6 A. IN ADDITION TO ANY VIOLATION OF FEDERAL LAW, IT IS UNLAWFUL FOR A
7 PERSON WHO IS A CITIZEN OF ANY COUNTRY OTHER THAN THE UNITED STATES TO ENTER
8 INTO OR BE ON ANY PUBLIC OR PRIVATE LAND IN THIS STATE IF, AT THE TIME OF THE
9 COMMISSION OF THE OFFENSE, THE PERSON IS IN VIOLATION OF 8 UNITED STATES CODE
10 SECTION 1325.

11 B. FOR A FIRST OFFENSE, THE ARRESTING AUTHORITY HAS DISCRETION TO
12 TRANSFER THE PERSON TO THE FEDERAL AGENCY WITH JURISDICTION OR REFER THE
13 PERSON FOR PROSECUTION.

14 C. A VIOLATION OF THIS SECTION IS A CLASS 1 MISDEMEANOR, EXCEPT THAT A
15 SECOND OR SUBSEQUENT VIOLATION IS A CLASS 4 FELONY. THE COURT SHALL SENTENCE
16 A PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION TO IMPRISONMENT FOR
17 NOT LESS THAN THE MAXIMUM SENTENCE AUTHORIZED BY LAW. THE PERSON IS NOT
18 ELIGIBLE FOR SUSPENSION OR COMMUTATION OF SENTENCE OR RELEASE ON ANY BASIS
19 UNTIL THE SENTENCE IMPOSED IS SERVED. THE SENTENCE SHALL RUN CONSECUTIVELY
20 TO ANY OTHER SENTENCE IMPOSED ON THE PERSON AND TO ANY UNDISCHARGED TERM OF
21 IMPRISONMENT OF THE PERSON.

22 D. IN ADDITION TO ANY OTHER PENALTY PRESCRIBED BY LAW, THE COURT SHALL
23 ORDER THE PERSON TO PAY JAIL COSTS AND AN ADDITIONAL ASSESSMENT IN THE
24 FOLLOWING AMOUNTS:

25 1. AT LEAST FIVE HUNDRED DOLLARS FOR A FIRST VIOLATION.

26 2. TWICE THE AMOUNT SPECIFIED IN PARAGRAPH 1 OF THIS SUBSECTION IF THE
27 PERSON WAS PREVIOUSLY SUBJECT TO AN ASSESSMENT PURSUANT TO THIS SUBSECTION.

28 E. A COURT SHALL COLLECT THE ASSESSMENTS PRESCRIBED IN SUBSECTION D OF
29 THIS SECTION AND REMIT THE ASSESSMENTS TO THE DEPARTMENT OF PUBLIC SAFETY,
30 WHICH SHALL ESTABLISH A SPECIAL SUBACCOUNT FOR THE MONIES IN THE ACCOUNT
31 ESTABLISHED FOR THE GANG AND IMMIGRATION INTELLIGENCE TEAM ENFORCEMENT
32 MISSION APPROPRIATION. MONIES IN THE SPECIAL SUBACCOUNT ARE SUBJECT TO
33 LEGISLATIVE APPROPRIATION FOR DISTRIBUTION FOR GANG AND IMMIGRATION
34 ENFORCEMENT AND FOR COUNTY JAIL REIMBURSEMENT COSTS RELATING TO ILLEGAL
35 IMMIGRATION.

36 F. NOTWITHSTANDING SUBSECTION C OF THIS SECTION, IF THE PERSON
37 VIOLATES THIS SECTION WHILE IN POSSESSION OF ANY OF THE FOLLOWING, THE
38 VIOLATION IS A CLASS 2 FELONY:

39 1. A DANGEROUS DRUG AS DEFINED IN SECTION 13-3401.

40 2. PRECURSOR CHEMICALS THAT ARE USED IN THE MANUFACTURING OF
41 METHAMPHETAMINE IN VIOLATION OF SECTION 13-3404.01.

42 3. A DEADLY WEAPON OR A DANGEROUS INSTRUMENT, AS DEFINED IN SECTION
43 13-105.

44 4. PROPERTY THAT IS USED FOR THE PURPOSE OF COMMITTING AN ACT OF
45 TERRORISM AS PRESCRIBED IN SECTION 13-2308.01.