

PROPOSED AMENDMENT

SENATE AMENDMENTS TO S.B. 1024

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 1-501, Arizona Revised Statutes, is amended to  
3 read:

4 1-501. Eligibility for federal public benefits; documentation;  
5 violation; classification; citizen suits; definition

6 A. Notwithstanding any other state law and to the extent permitted by  
7 federal law, any person who applies for a ~~state administered~~ FEDERAL public  
8 ~~program~~ BENEFIT THAT IS ADMINISTERED BY THIS STATE OR A POLITICAL SUBDIVISION  
9 OF THIS STATE AND that requires participants to be citizens of the  
10 United States, legal residents of the United States or otherwise lawfully  
11 present in the United States, ~~shall submit documentation~~ AT LEAST ONE OF THE  
12 FOLLOWING DOCUMENTS to the entity that administers the ~~state~~ FEDERAL  
13 public ~~program~~ BENEFIT demonstrating lawful presence in the United States:  
14 ~~. Self-declaration of lawful presence, even if made under penalty of~~  
15 ~~perjury, is not sufficient by itself to demonstrate lawful presence in the~~  
16 ~~United States.~~

17 1. AN ARIZONA DRIVER LICENSE ISSUED AFTER 1996 OR AN ARIZONA  
18 NONOPERATING IDENTIFICATION LICENSE.

19 2. A BIRTH CERTIFICATE OR DELAYED BIRTH CERTIFICATE ISSUED IN ANY  
20 STATE, TERRITORY OR POSSESSION OF THE UNITED STATES.

21 3. A UNITED STATES CERTIFICATE OF BIRTH ABROAD.

22 4. A UNITED STATES PASSPORT.

23 5. A FOREIGN PASSPORT WITH A UNITED STATES VISA.

24 6. AN I-94 FORM WITH A PHOTOGRAPH.

25 7. A UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES EMPLOYMENT  
26 AUTHORIZATION DOCUMENT OR REFUGEE TRAVEL DOCUMENT.

27 8. A UNITED STATES CERTIFICATE OF NATURALIZATION.

1           9. A UNITED STATES CERTIFICATE OF CITIZENSHIP.

2           10. A TRIBAL CERTIFICATE OF INDIAN BLOOD.

3           11. A TRIBAL OR BUREAU OF INDIAN AFFAIRS AFFIDAVIT OF BIRTH.

4           B. ANY PERSON WHO APPLIES FOR FEDERAL PUBLIC BENEFITS SHALL SIGN A  
5 SWORN AFFIDAVIT STATING THAT THE DOCUMENTS PRESENTED PURSUANT TO SUBSECTION A  
6 ARE TRUE UNDER PENALTY OF PERJURY.

7           C. FAILURE TO REPORT DISCOVERED VIOLATIONS OF FEDERAL IMMIGRATION LAW  
8 BY AN EMPLOYEE OF AN AGENCY OF THIS STATE OR A POLITICAL SUBDIVISION OF THIS  
9 STATE THAT ADMINISTERS ANY FEDERAL PUBLIC BENEFIT IS A CLASS 2 MISDEMEANOR.  
10 IF THAT EMPLOYEE'S SUPERVISOR KNEW OF THE FAILURE TO REPORT AND FAILED TO  
11 DIRECT THE EMPLOYEE TO MAKE THE REPORT, THE SUPERVISOR IS GUILTY OF A CLASS 2  
12 MISDEMEANOR.

13           ~~B.~~ D. This section shall be enforced without regard to race, color,  
14 religion, sex, age, disability or national origin.

15           ~~C. For the purposes of this section, "self-declaration" means a  
16 written or oral declaration without additional proof, even if made under  
17 penalty of perjury, that the person is a citizen of the United States, legal  
18 resident of the United States or otherwise lawfully present in the United  
19 States.~~

20           E. ANY PERSON WHO IS A RESIDENT OF THIS STATE HAS STANDING IN ANY  
21 COURT OF RECORD TO BRING SUIT AGAINST ANY AGENT OR AGENCY OF THIS STATE OR  
22 ITS POLITICAL SUBDIVISIONS TO REMEDY ANY VIOLATION OF ANY PROVISION OF THIS  
23 SECTION, INCLUDING AN ACTION FOR MANDAMUS. COURTS SHALL GIVE PREFERENCE TO  
24 ACTIONS BROUGHT UNDER THIS SECTION OVER OTHER CIVIL ACTIONS OR PROCEEDINGS  
25 PENDING IN THE COURT.

26           F. FOR THE PURPOSES OF THIS SECTION, "FEDERAL PUBLIC BENEFIT" HAS THE  
27 SAME MEANING PRESCRIBED IN 8 UNITED STATES CODE SECTION 1611.

28           Sec. 2. Title 1, chapter 5, article 1, Arizona Revised Statutes, is  
29 amended by adding section 1-502, to read:

30           1-502. Eligibility for state or local public benefits;  
31                                   documentation; violation; classification; citizen  
32                                   suits; definition

1           A. NOTWITHSTANDING ANY OTHER STATE LAW AND TO THE EXTENT PERMITTED BY  
2 FEDERAL LAW, ANY AGENCY OF THIS STATE OR A POLITICAL SUBDIVISION OF THIS  
3 STATE THAT ADMINISTERS ANY STATE OR LOCAL PUBLIC BENEFIT SHALL REQUIRE EACH  
4 PERSON WHO APPLIES FOR THE STATE OR LOCAL PUBLIC BENEFIT TO SUBMIT AT LEAST  
5 ONE OF THE FOLLOWING DOCUMENTS TO THE ENTITY THAT ADMINISTERS THE STATE OR  
6 LOCAL PUBLIC BENEFIT DEMONSTRATING LAWFUL PRESENCE IN THE UNITED STATES:

7           1. AN ARIZONA DRIVER LICENSE ISSUED AFTER 1996 OR AN ARIZONA  
8 NONOPERATING IDENTIFICATION LICENSE.

9           2. A BIRTH CERTIFICATE OR DELAYED BIRTH CERTIFICATE ISSUED IN ANY  
10 STATE, TERRITORY OR POSSESSION OF THE UNITED STATES.

11           3. A UNITED STATES CERTIFICATE OF BIRTH ABROAD.

12           4. A UNITED STATES PASSPORT.

13           5. A FOREIGN PASSPORT WITH A UNITED STATES VISA.

14           6. AN I-94 FORM WITH A PHOTOGRAPH.

15           7. A UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES EMPLOYMENT  
16 AUTHORIZATION DOCUMENT OR REFUGEE TRAVEL DOCUMENT.

17           8. A UNITED STATES CERTIFICATE OF NATURALIZATION.

18           9. A UNITED STATES CERTIFICATE OF CITIZENSHIP.

19           10. A TRIBAL CERTIFICATE OF INDIAN BLOOD.

20           11. A TRIBAL OR BUREAU OF INDIAN AFFAIRS AFFIDAVIT OF BIRTH.

21           B. ANY PERSON WHO APPLIES FOR STATE OR LOCAL PUBLIC BENEFITS SHALL  
22 SIGN A SWORN AFFIDAVIT STATING THAT THE DOCUMENTS PRESENTED PURSUANT TO  
23 SUBSECTION A ARE TRUE UNDER PENALTY OF PERJURY.

24           C. FAILURE TO REPORT DISCOVERED VIOLATIONS OF FEDERAL IMMIGRATION LAW  
25 BY AN EMPLOYEE OF AN AGENCY OF THIS STATE OR A POLITICAL SUBDIVISION OF THIS  
26 STATE THAT ADMINISTERS ANY STATE OR LOCAL PUBLIC BENEFIT IS A CLASS 2  
27 MISDEMEANOR. IF THAT EMPLOYEE'S SUPERVISOR KNEW OF THE FAILURE TO REPORT AND  
28 FAILED TO DIRECT THE EMPLOYEE TO MAKE THE REPORT, THE SUPERVISOR IS GUILTY OF  
29 A CLASS 2 MISDEMEANOR.

30           D. THIS SECTION SHALL BE ENFORCED WITHOUT REGARD TO RACE, COLOR,  
31 RELIGION, SEX, AGE, DISABILITY OR NATIONAL ORIGIN.

1           E. ANY PERSON WHO IS A RESIDENT OF THIS STATE HAS STANDING IN ANY  
2 COURT OF RECORD TO BRING SUIT AGAINST ANY AGENT OR AGENCY OF THIS STATE OR  
3 ITS POLITICAL SUBDIVISIONS TO REMEDY ANY VIOLATION OF ANY PROVISION OF THIS  
4 SECTION, INCLUDING AN ACTION FOR MANDAMUS. COURTS SHALL GIVE PREFERENCE TO  
5 ACTIONS BROUGHT UNDER THIS SECTION OVER OTHER CIVIL ACTIONS OR PROCEEDINGS  
6 PENDING IN THE COURT.

7           F. FOR THE PURPOSES OF THIS SECTION, "STATE OR LOCAL PUBLIC BENEFIT"  
8 HAS THE SAME MEANING PRESCRIBED IN 8 UNITED STATES CODE SECTION 1621, EXCEPT  
9 THAT IT DOES NOT INCLUDE COMMERCIAL OR PROFESSIONAL LICENSES."

10 Amend title to conform

RUSSELL PEARCE

6/12/09  
9:59 AM  
S: KY/tam