REFERENCE TITLE: trespassing by illegal aliens

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1157

Introduced by
Senators Leff, Allen, Bee, Blendu, Gray, Harper, Huppenthal, Martin, Waring; Representatives Gorman, Murphy, Nelson, Paton, Pearce, Quelland; Senators Bennett, Burns, Flake, Gould, Jarrett, Johnson, Tibshraeny, Verschoor; Representatives Allen J, Reagan, Tully

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

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

13-1509. Trespassing by illegal aliens; fingerprinting; classification

A. In addition to any violation of federal law, it is unlawful for a person who is a citizen of any country other than the United States to enter into or be on any public or private land in this state if, at the time of the commission of the offense, the person is in violation of 8 United States Code Section 1325.

B. The arresting authority shall fingerprint a person who is arrested for a violation of this section. At the discretion of the arresting authority on the first offense, the person may be deported, transferred to the federal agency with jurisdiction or referred for prosecution.

C. A violation of this section is a class 6 felony, except that a second or subsequent violation is a class 4 felony.

D. Notwithstanding subsection C of this section, if the person violates this section while in possession of any of the following, the violation is a class 2 felony:

1. A dangerous drug as defined in section 13-3401.
2. Precursor chemicals that are used in the manufacturing of methamphetamine in violation of section 13-3404.01.
3. A deadly weapon as defined in section 13-3101 or a dangerous instrument as defined in section 13-105.
4. Property that is used for the purpose of committing an act of terrorism as prescribed in section 13-2308.01.

Sec. 2. Legislative intent

It is the intent of the legislature that a person who violates section 13-1509, Arizona Revised Statutes, a second or subsequent time, after having been deported or transferred to the federal agency with jurisdiction on the first offense, be referred for prosecution.