

REFERENCE TITLE: illegal aliens; enforcement; trespassing.

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

SB 1175

Introduced by
Senators Pearce: Harper

AN ACT

AMENDING TITLE 11, CHAPTER 7, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 8;
AMENDING TITLE 13, CHAPTER 15, ARIZONA REVISED STATUTES, BY ADDING SECTION
13-1509; RELATING TO ILLEGAL ALIENS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 11, chapter 7, Arizona Revised Statutes, is amended
3 by adding article 8, to read:

4 ARTICLE 8. ENFORCEMENT OF IMMIGRATION LAWS

5 11-1051. Cooperation and assistance in enforcement of
6 immigration laws

7 A. NO OFFICIAL, AGENCY OR PERSONNEL OF THIS STATE OR COUNTY, CITY OR
8 TOWN OF THIS STATE MAY ADOPT A POLICY THAT LIMITS THE ENFORCEMENT OF FEDERAL
9 IMMIGRATION LAWS TO THE FULL EXTENT PERMITTED BY FEDERAL LAW. FOR ANY
10 LEGITIMATE CONTACT MADE BY SUCH OFFICIALS, AGENCIES OR PERSONNEL WHERE
11 REASONABLE SUSPICION EXISTS REGARDING THE IMMIGRATION STATUS OF A PERSON, A
12 REASONABLE ATTEMPT SHALL BE MADE TO DETERMINE THE IMMIGRATION STATUS OF THE
13 PERSON. IF THE PERSON WHO IS ARRESTED IS AN ALIEN, THE PERSON'S IMMIGRATION
14 STATUS SHALL BE VERIFIED WITH THE FEDERAL GOVERNMENT PURSUANT TO 8 UNITED
15 STATES CODE SECTION 1373(c). IF THE PERSON IS AN ALIEN WHO IS UNLAWFULLY
16 PRESENT IN THE UNITED STATES AND THIS STATE OR A LOCAL GOVERNMENTAL ENTITY
17 ELECTS NOT TO PROSECUTE THE PERSON FOR A VIOLATION OF STATE OR LOCAL LAW, THE
18 PERSON SHALL BE TRANSFERRED TO THE CUSTODY OF THE UNITED STATES IMMIGRATION
19 AND CUSTOMS ENFORCEMENT OR THE UNITED STATES CUSTOMS AND BORDER PROTECTION.
20 IF AN ALIEN WHO IS UNLAWFULLY PRESENT IN THE UNITED STATES IS ACQUITTED OF
21 ANY VIOLATION OF STATE OR LOCAL LAW, IS DISCHARGED FROM IMPRISONMENT OR PAYS
22 ANY FINE IMPOSED, THE ALIEN SHALL BE TRANSFERRED IMMEDIATELY TO THE CUSTODY
23 OF THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT.

24 B. EXCEPT AS PROVIDED IN FEDERAL LAW, OFFICIALS, AGENCIES OR PERSONNEL
25 OF THIS STATE AND COUNTIES, CITIES AND TOWNS OF THIS STATE MAY NOT BE
26 PROHIBITED OR IN ANY WAY BE RESTRICTED FROM SENDING, RECEIVING OR MAINTAINING
27 INFORMATION RELATING TO THE IMMIGRATION STATUS, LAWFUL OR UNLAWFUL, OF ANY
28 INDIVIDUAL OR EXCHANGING THAT INFORMATION WITH ANY OTHER FEDERAL, STATE OR
29 LOCAL GOVERNMENTAL ENTITY FOR THE FOLLOWING OFFICIAL PURPOSES:

30 1. DETERMINATION OF ELIGIBILITY FOR ANY FEDERAL, STATE OR LOCAL PUBLIC
31 BENEFIT, SERVICE OR LICENSE THAT IS RESTRICTED IN WHOLE OR IN PART ON THE
32 BASIS OF IMMIGRATION STATUS.

33 2. VERIFICATION OF ANY CLAIM OF LEGAL DOMICILE IF LEGAL DOMICILE IS
34 REQUIRED BY LAW OR CONTRACT.

35 3. CONFIRMATION OF THE IDENTITY OF ANY PERSON WHO IS DETAINED.

36 C. A PERSON MAY BRING AN ACTION IN SUPERIOR COURT TO CHALLENGE ANY
37 OFFICIAL, AGENCY OR PERSONNEL OF THIS STATE OR COUNTY, CITY OR TOWN OF THIS
38 STATE THAT ADOPTS OR IMPLEMENTS A POLICY THAT LIMITS THE ENFORCEMENT OF
39 FEDERAL IMMIGRATION LAWS TO THE FULL EXTENT PERMITTED BY FEDERAL LAW. IF
40 THERE IS A JUDICIAL FINDING THAT AN ENTITY HAS VIOLATED THIS SECTION, THE
41 COURT MAY ORDER EITHER OF THE FOLLOWING:

42 1. THAT THE PERSON WHO BROUGHT THE ACTION RECOVER COURT COSTS AND
43 ATTORNEY FEES.

