

REFERENCE TITLE: unlawful use; public resources; offense

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HB 2192

Introduced by
Representative Seel

AN ACT

AMENDING TITLE 13, CHAPTER 37, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3729; RELATING TO UNLAWFUL USE OF PUBLIC RESOURCES.

(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 37, Arizona Revised Statutes, is amended
3 by adding section 13-3729, to read:
4 13-3729. Unlawful use of public resources; vehicle forfeiture;
5 classification; definition
6 A. A PERSON COMMITS UNLAWFUL USE OF PUBLIC RESOURCES IF THE PERSON
7 USES ANY PUBLIC RESOURCE WHILE PRESENT IN THIS STATE IN VIOLATION OF ANY
8 REGULATION, STATUTE OR COURT ORDER OR ANY OTHER OPERATION OF LAW THAT HAS
9 DETERMINED THE PERSON IS NOT LAWFULLY PRESENT IN THIS STATE OR THAT PRECLUDES
10 THE PERSON FROM LAWFULLY ENTERING OR REMAINING IN THIS STATE, INCLUDING AN
11 EXECUTIVE OFFICE FOR IMMIGRATION REVIEW DEPORTATION ORDER, A SIGNED AGREEMENT
12 TO NOT RETURN TO THE UNITED STATES BETWEEN THE PERSON AND THE UNITED STATES
13 IMMIGRATION AND CUSTOMS ENFORCEMENT OR AN ORDER BY ANOTHER STATE REQUIRING
14 THE PERSON TO NOT LEAVE THAT STATE WHILE ON BAIL OR A SIMILAR COURT ORDER.
15 B. ANY RECORD THAT RELATES TO THE IMMIGRATION STATUS OR ILLEGAL
16 PRESENCE OF A PERSON IN THIS STATE IS ADMISSIBLE IN ANY COURT WITHOUT FURTHER
17 FOUNDATION OR TESTIMONY FROM A CUSTODIAN OF RECORDS IF THE RECORD IS
18 CERTIFIED AS AUTHENTIC BY THE GOVERNMENT AGENCY THAT IS RESPONSIBLE FOR
19 MAINTAINING THE RECORD.
20 C. MOTOR VEHICLES THAT ARE USED IN VIOLATION OF THIS SECTION ARE
21 SUBJECT TO SEIZURE FOR FORFEITURE IN THE MANNER PROVIDED FOR IN CHAPTER 39 OF
22 THIS TITLE.
23 D. A VIOLATION OF THIS SECTION IS A CLASS 1 MISDEMEANOR. A SECOND OR
24 SUBSEQUENT VIOLATION OF THIS SECTION IS A CLASS 6 FELONY.
25 E. FOR THE PURPOSES OF THIS SECTION, "USES ANY PUBLIC RESOURCE"
26 INCLUDES DRIVING ON A PUBLIC ROAD OR HIGHWAY, ACCEPTING ANY PUBLIC BENEFIT,
27 ATTENDING A PUBLIC SCHOOL OR USING THE SERVICES OF ANY PUBLIC ENTITY IN THIS
28 STATE.