

*Sponsorship has changed since the bill was introduced

REFERENCE TITLE: sanctuary jurisdiction; prohibition; law enforcement

State of Arizona
House of Representatives
Fifty-fourth Legislature
Second Regular Session
2020

HCR 2036

*Introduced by
Representatives Shope: Allen J, Barto, Biasiucci, Blackman, Carroll, Cobb,
Cook, Dunn, Fillmore, Finchem, Grantham, Griffin, Kavanagh, Lawrence,
Nutt, Osborne, Petersen, Pierce, Roberts, Toma, Udall, Weninger, Senators
Allen S, Pratt

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE II, CONSTITUTION OF ARIZONA, BY ADDING SECTION 38; RELATING TO STATE AND LOCAL COOPERATION WITH FEDERAL LAW ENFORCEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona,
2 the Senate concurring:

3 1. Article II, Constitution of Arizona, is proposed to be amended
4 by adding section 38 as follows if approved by the voters and on
5 proclamation of the Governor:

6 38. Restrictions on law enforcement cooperation;
7 sanctuary jurisdiction; prohibitions

8 SECTION 38. A. THIS STATE OR ANY COUNTY, CITY, TOWN OR
9 POLITICAL SUBDIVISION OF THIS STATE MAY NOT DECLARE ITSELF A
10 SANCTUARY JURISDICTION THAT THROUGH STATUTE, REGULATION,
11 ORDINANCE, RESOLUTION, POLICY, RULE OR PROCEDURE PROHIBITS OR
12 RESTRICTS ANY LAW ENFORCEMENT ENTITY FROM EITHER:

13 1. SHARING, ACCEPTING, PRESERVING, COORDINATING OR
14 COLLABORATING WITH ANY FEDERAL, STATE OR LOCAL GOVERNMENT
15 ENTITY IN ORDER TO DETERMINE THE IMMIGRATION STATUS OF ANY
16 INDIVIDUAL UNLESS IT IS DETERMINED THAT THE ACTION MAY IMPEDE
17 A LAW ENFORCEMENT INVESTIGATION.

18 2. COMPLYING WITH A LAWFUL NOTICE, REQUEST OR ORDER BY
19 THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY PURSUANT TO
20 THE IMMIGRATION AND NATIONALITY ACT (66 STAT. 163; 8 UNITED
21 STATES CODE SECTIONS 1226 AND 1357).

22 B. THIS SECTION DOES NOT PREVENT A LAW ENFORCEMENT
23 ENTITY FROM SHARING INFORMATION WITH VICTIMS OF CRIME
24 REGARDING FEDERAL PROGRAMS THAT PROVIDE IMMIGRATION ASSISTANCE
25 TO VICTIMS OF CRIME.

26 Sec. 2. Legislative intent

27 The Legislature finds:

28 1. Arizona is a state that welcomes citizens from all
29 over the country and all over the world. The United States is
30 a nation of immigrants and Arizona has a rich history of being
31 a place that all who come here through legal means can call
32 home.

33 2. Arizona law enforcement professionals are tasked
34 with working in diverse communities to protect public safety
35 in a way that also protects the constitutional rights of the
36 citizens of Arizona and creates a culture of cooperation and
37 trust.

38 3. Efforts have been made to tie the hands of law
39 enforcement, preventing law enforcement from enforcing the
40 rule of law and putting local resources at risk which is not
41 good for public safety or for the local cities and towns of
42 Arizona.

43 2. The Secretary of State shall submit this proposition to the
44 voters at the next general election as provided by article XXI,
45 Constitution of Arizona.