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

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

   SECTION 38. A. THIS STATE OR ANY COUNTY, CITY, TOWN OR POLITICAL SUBDIVISION OF THIS STATE MAY NOT DECLARE ITSELF A SANCTUARY JURISDICTION THAT THROUGH STATUTE, REGULATION, ORDINANCE, RESOLUTION, POLICY, RULE OR PROCEDURE PROHIBITS OR restricts any law enforcement entity from either:

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

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

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

Sec. 2. Legislative intent

The Legislature finds:

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

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

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

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