

REFERENCE TITLE: immigration enforcement; limits; state policy

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1437

Introduced by
Senators Quezada: Terán

AN ACT

AMENDING TITLE 41, CHAPTER 1, ARTICLE 5, ARIZONA REVISED STATUTES, BY
ADDING SECTION 41-200; AMENDING TITLE 41, CHAPTER 10, ARTICLE 1, ARIZONA
REVISED STATUTES, BY ADDING SECTION 41-1510; AMENDING TITLE 41, ARIZONA
REVISED STATUTES, BY ADDING CHAPTER 20; RELATING TO IMMIGRATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 41, chapter 1, article 5, Arizona Revised
3 Statutes, is amended by adding section 41-200, to read:

4 41-200. Immigration enforcement; model policy

5 A. THE ATTORNEY GENERAL, IN CONSULTATION WITH APPROPRIATE
6 STAKEHOLDERS, SHALL PUBLISH A MODEL POLICY WITHIN TWELVE MONTHS AFTER THE
7 EFFECTIVE DATE OF THIS SECTION FOR LIMITING IMMIGRATION ENFORCEMENT TO THE
8 FULLEST EXTENT POSSIBLE CONSISTENT WITH FEDERAL AND STATE LAW AT PUBLIC
9 SCHOOLS, HEALTH FACILITIES THAT ARE OPERATED BY THIS STATE OR A POLITICAL
10 SUBDIVISION OF THIS STATE, COURTHOUSES AND SHELTERS TO ENSURE THESE
11 FACILITIES REMAIN SAFE AND ACCESSIBLE TO ALL RESIDENTS OF THIS STATE,
12 REGARDLESS OF IMMIGRATION OR CITIZENSHIP STATUS. ALL PUBLIC SCHOOLS,
13 HEALTH FACILITIES THAT ARE OPERATED BY THIS STATE OR A POLITICAL
14 SUBDIVISION OF THIS STATE AND COURTHOUSES SHALL:

15 1. ADOPT NECESSARY CHANGES TO POLICIES THAT ARE CONSISTENT WITH THE
16 MODEL POLICY.

17 2. NOTIFY THE ATTORNEY GENERAL WHEN THE PUBLIC SCHOOL, HEALTH
18 FACILITY OR COURTHOUSE IS NOT ADOPTING THE CHANGES TO ITS POLICIES THAT
19 ARE CONSISTENT WITH THE MODEL POLICY, STATE THE REASONS THAT THE PUBLIC
20 SCHOOL, HEALTH FACILITY OR COURTHOUSE IS NOT ADOPTING THE CHANGES AND
21 PROVIDE THE ATTORNEY GENERAL WITH A COPY OF THE PUBLIC SCHOOL'S, HEALTH
22 FACILITY'S OR COURTHOUSE'S POLICIES.

23 B. ALL OTHER ORGANIZATIONS AND ENTITIES THAT PROVIDE SERVICES
24 RELATED TO PHYSICAL OR MENTAL HEALTH AND WELLNESS, EDUCATION OR ACCESS TO
25 JUSTICE ARE ENCOURAGED TO ADOPT THE MODEL POLICY.

26 C. IMPLEMENTATION OF ANY POLICY UNDER THIS SECTION MUST BE IN
27 ACCORDANCE WITH STATE AND FEDERAL LAW, POLICIES, GRANTS, WAIVERS OR OTHER
28 REQUIREMENTS THAT ARE NECESSARY TO MAINTAIN FUNDING OR OTHER AGREEMENTS
29 THAT ARE RELATED TO THE OPERATION AND FUNCTIONS OF THE ORGANIZATION,
30 INCLUDING DATABASES WITHIN THE ORGANIZATION.

31 Sec. 2. Title 41, chapter 10, article 1, Arizona Revised Statutes,
32 is amended by adding section 41-1510, to read:

33 41-1510. Keep Arizona working statewide work group;
34 membership; duties; reports

35 A. THE KEEP ARIZONA WORKING STATEWIDE WORK GROUP IS ESTABLISHED
36 WITHIN THE AUTHORITY CONSISTING OF ELEVEN MEMBERS WHO ARE APPOINTED BY THE
37 GOVERNOR AND WHO REPRESENT GEOGRAPHICALLY DIVERSE IMMIGRANT ADVOCACY
38 GROUPS, PROFESSIONAL ASSOCIATIONS THAT REPRESENT BUSINESS, LABOR
39 ORGANIZATIONS WITH A STATEWIDE PRESENCE, AGRICULTURE AND IMMIGRANT LEGAL
40 INTEREST GROUPS, FAITH-BASED COMMUNITY NONPROFIT ORGANIZATIONS, LEGAL
41 ADVOCACY GROUPS THAT FOCUS ON IMMIGRATION AND CRIMINAL JUSTICE, ACADEMIC
42 INSTITUTIONS AND LAW ENFORCEMENT. THE TERM OF THE APPOINTED MEMBERS IS
43 THREE YEARS. THE TERMS OF THE MEMBERS MUST BE STAGGERED. MEMBERS OF THE
44 WORK GROUP SHALL SELECT A CHAIRPERSON FROM AMONG THE MEMBERSHIP. THE WORK

1 GROUP SHALL MEET AT LEAST FOUR TIMES A YEAR AND HOLD MEETINGS IN VARIOUS
2 LOCATIONS THROUGHOUT THIS STATE.

3 B. THE WORK GROUP SHALL:

4 1. DEVELOP STRATEGIES WITH PRIVATE SECTOR BUSINESSES, LABOR AND
5 IMMIGRANT ADVOCACY ORGANIZATIONS TO SUPPORT CURRENT AND FUTURE INDUSTRIES
6 ACROSS THIS STATE.

7 2. CONDUCT RESEARCH ON METHODS TO STRENGTHEN CAREER PATHWAYS FOR
8 IMMIGRANTS AND CREATE AND ENHANCE PARTNERSHIPS WITH PROJECTED GROWTH
9 INDUSTRIES.

10 3. SUPPORT BUSINESS AND AGRICULTURE LEADERSHIP, CIVIC GROUPS,
11 GOVERNMENT AND IMMIGRANT ADVOCACY ORGANIZATIONS IN A STATEWIDE EFFORT TO
12 PROVIDE PREDICTABILITY AND STABILITY TO THE WORKFORCE IN THE AGRICULTURE
13 INDUSTRY.

14 4. RECOMMEND APPROACHES TO IMPROVE THIS STATE'S ABILITY TO ATTRACT
15 AND RETAIN IMMIGRANT BUSINESS OWNERS THAT PROVIDE NEW BUSINESS AND TRADE
16 OPPORTUNITIES.

17 C. THE WORK GROUP SHALL SUBMIT TO THE AUTHORITY A REPORT ON THE
18 WORK GROUP'S ACTIVITIES AFTER EACH MEETING. ON OR BEFORE DECEMBER 1 OF
19 EACH YEAR, THE AUTHORITY SHALL SUBMIT A REPORT ON THE WORK GROUP'S
20 ACTIVITIES AND FINDINGS TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND
21 THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND PROVIDE A COPY OF THIS
22 REPORT TO THE SECRETARY OF STATE.

23 Sec. 3. Title 41, Arizona Revised Statutes, is amended by adding
24 chapter 20, to read:

25 CHAPTER 20

26 IMMIGRANTS - STATEWIDE POLICY

27 ARTICLE 1. GENERAL PROVISIONS

28 41-2351. Definitions

29 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

30 1. "CIVIL IMMIGRATION WARRANT" MEANS ANY WARRANT FOR A VIOLATION OF
31 FEDERAL CIVIL IMMIGRATION LAW THAT IS ISSUED BY A FEDERAL IMMIGRATION
32 AUTHORITY.

33 2. "FEDERAL IMMIGRATION AUTHORITY" MEANS ANY OFFICER, EMPLOYEE OR
34 PERSON WHO IS OTHERWISE PAID BY OR ACTING AS AN AGENT OF THE UNITED STATES
35 DEPARTMENT OF HOMELAND SECURITY.

36 3. "HOLD REQUEST" OR "IMMIGRATION DETAINER REQUEST" MEANS A REQUEST
37 FROM A FEDERAL IMMIGRATION AUTHORITY, WITHOUT A COURT ORDER, TO A STATE OR
38 LOCAL LAW ENFORCEMENT AGENCY TO MAINTAIN CUSTODY OF A PERSON CURRENTLY IN
39 ITS CUSTODY BEYOND THE TIME THE PERSON WOULD OTHERWISE BE ELIGIBLE FOR
40 RELEASE IN ORDER TO FACILITATE TRANSFER TO A FEDERAL IMMIGRATION
41 AUTHORITY.

42 4. "IMMIGRATION DETENTION AGREEMENT" MEANS ANY CONTRACT, AGREEMENT,
43 INTERGOVERNMENTAL SERVICE AGREEMENT OR MEMORANDUM OF UNDERSTANDING THAT
44 ALLOWS A STATE OR LOCAL LAW ENFORCEMENT AGENCY TO HOUSE OR DETAIN PERSONS
45 FOR FEDERAL CIVIL IMMIGRATION VIOLATIONS.

1 5. "NOTIFICATION REQUEST" MEANS A REQUEST FROM A FEDERAL
2 IMMIGRATION AUTHORITY TO A STATE OR LOCAL LAW ENFORCEMENT AGENCY TO INFORM
3 THE FEDERAL IMMIGRATION AUTHORITY OF THE RELEASE DATE AND TIME IN ADVANCE
4 OF THE RELEASE OF A PERSON IN ITS CUSTODY.

5 6. "STATE AGENCY" HAS THE SAME MEANING PRESCRIBED IN SECTION
6 41-3101.

7 41-2352. Immigrants; statewide policy

8 A. A STATE AGENCY, INCLUDING LAW ENFORCEMENT, MAY NOT USE AGENCY
9 MONIES, FACILITIES, PROPERTY, EQUIPMENT OR PERSONNEL TO INVESTIGATE,
10 ENFORCE, COOPERATE WITH OR ASSIST IN THE INVESTIGATION OR ENFORCEMENT OF
11 ANY FEDERAL REGISTRATION OR SURVEILLANCE PROGRAM OR ANY OTHER LAWS, RULES
12 OR POLICIES THAT TARGET RESIDENTS OF THIS STATE SOLELY ON THE BASIS OF
13 RACE, RELIGION, IMMIGRATION OR CITIZENSHIP STATUS OR NATIONAL OR ETHNIC
14 ORIGIN. THIS SUBSECTION DOES NOT APPLY TO ANY PROGRAM WITH THE PRIMARY
15 PURPOSE OF PROVIDING PERSONS WITH SERVICES OR BENEFITS.

16 B. THE STATE AGENCIES THAT ARE LISTED IN SUBSECTIONS E AND F OF
17 THIS SECTION SHALL REVIEW THEIR POLICIES AND IDENTIFY AND MAKE ANY CHANGES
18 NECESSARY TO ENSURE THAT:

19 1. INFORMATION THAT IS COLLECTED FROM PERSONS IS LIMITED TO THE
20 MINIMUM NECESSARY TO COMPLY WITH SUBSECTION C OF THIS SECTION.

21 2. INFORMATION THAT IS COLLECTED FROM PERSONS IS NOT DISCLOSED
22 EXCEPT AS NECESSARY TO COMPLY WITH SUBSECTION C OF THIS SECTION OR AS
23 ALLOWED BY STATE OR FEDERAL LAW.

24 3. NOTWITHSTANDING ANY OTHER LAW, STATE AGENCY EMPLOYEES MAY NOT
25 CONDITION SERVICES OR REQUEST INFORMATION OR PROOF REGARDING A PERSON'S
26 IMMIGRATION OR CITIZENSHIP STATUS OR PLACE OF BIRTH.

27 4. PUBLIC SERVICES THAT ARE AVAILABLE TO, AND STATE AGENCY
28 EMPLOYEES SHALL SERVE, ALL RESIDENTS OF THIS STATE WITHOUT REGARD TO
29 IMMIGRATION OR CITIZENSHIP STATUS.

30 C. SUBSECTIONS A AND B OF THIS SECTION DO NOT PROHIBIT COLLECTING,
31 USING OR DISCLOSING INFORMATION THAT IS ANY OF THE FOLLOWING:

32 1. REQUIRED TO COMPLY WITH STATE OR FEDERAL LAW.

33 2. IN RESPONSE TO A LAWFULLY ISSUED COURT ORDER.

34 3. NECESSARY TO PERFORM AGENCY DUTIES, FUNCTIONS OR OTHER BUSINESS,
35 AS ALLOWED BY STATUTE OR RULE, CONDUCTED BY THE STATE AGENCY THAT IS NOT
36 RELATED TO IMMIGRATION ENFORCEMENT.

37 4. REQUIRED TO COMPLY WITH POLICIES, GRANTS, WAIVERS OR OTHER
38 REQUIREMENTS NECESSARY TO MAINTAIN FUNDING.

39 5. IN THE FORM OF DEIDENTIFIED OR AGGREGATED DATA, INCLUDING CENSUS
40 DATA.

41 D. ANY CHANGES TO STATE AGENCY POLICIES REQUIRED BY THIS SECTION
42 MUST BE MADE AS EXPEDITIOUSLY AS POSSIBLE, CONSISTENT WITH AGENCY
43 PROCEDURES.

1 E. THE FOLLOWING STATE AGENCIES SHALL BEGIN IMPLEMENTING THIS
2 SECTION WITHIN TWELVE MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION AND
3 DEMONSTRATING FULL COMPLIANCE ON OR BEFORE DECEMBER 1, 2023:

- 4 1. ARIZONA COMMERCE AUTHORITY.
- 5 2. DEPARTMENT OF ECONOMIC SECURITY.
- 6 3. DEPARTMENT OF REVENUE.
- 7 4. DEPARTMENT OF HEALTH SERVICES.
- 8 5. DEPARTMENT OF CHILD SAFETY.
- 9 6. THE SUPERINTENDENT OF PUBLIC INSTRUCTION.
- 10 7. DEPARTMENT OF PUBLIC SAFETY.

11 F. THE FOLLOWING STATE AGENCIES MAY BEGIN IMPLEMENTING THIS SECTION
12 ON OR BEFORE DECEMBER 1, 2023 AND SHALL DEMONSTRATE FULL COMPLIANCE ON OR
13 BEFORE DECEMBER 1, 2025:

- 14 1. ARIZONA DEPARTMENT OF AGRICULTURE.
- 15 2. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS.
- 16 3. ARIZONA GAME AND FISH DEPARTMENT.
- 17 4. ARIZONA STATE RETIREMENT SYSTEM.
- 18 5. DEPARTMENT OF TRANSPORTATION.

19 41-2353. Immigration or citizenship status inquiry or
20 disclosure; immigration detention; limits

21 A. A SCHOOL RESOURCE OFFICER, WHEN ACTING IN THE OFFICIAL CAPACITY
22 AS A SCHOOL RESOURCE OFFICER, MAY NOT DO ANY OF THE FOLLOWING:

- 23 1. INQUIRE INTO OR COLLECT INFORMATION ABOUT A PERSON'S IMMIGRATION
24 OR CITIZENSHIP STATUS OR PLACE OF BIRTH.
- 25 2. PROVIDE INFORMATION PURSUANT TO A NOTIFICATION REQUEST FROM A
26 FEDERAL IMMIGRATION AUTHORITY FOR THE PURPOSES OF CIVIL IMMIGRATION
27 ENFORCEMENT, EXCEPT AS REQUIRED BY LAW.

28 B. STATE AND LOCAL LAW ENFORCEMENT AGENCIES MAY NOT DO ANY OF THE
29 FOLLOWING:

- 30 1. INQUIRE INTO OR COLLECT INFORMATION ABOUT A PERSON'S IMMIGRATION
31 OR CITIZENSHIP STATUS OR PLACE OF BIRTH UNLESS THERE IS A CONNECTION
32 BETWEEN THE INFORMATION AND AN INVESTIGATION INTO A VIOLATION OF STATE OR
33 LOCAL CRIMINAL LAW.

- 34 2. PROVIDE INFORMATION PURSUANT TO A NOTIFICATION REQUEST FROM A
35 FEDERAL IMMIGRATION AUTHORITY FOR THE PURPOSES OF CIVIL IMMIGRATION
36 ENFORCEMENT, EXCEPT AS REQUIRED BY LAW.

37 C. STATE AND LOCAL LAW ENFORCEMENT AGENCIES MAY NOT PROVIDE
38 NONPUBLICLY AVAILABLE PERSONAL INFORMATION ABOUT A PERSON TO A FEDERAL
39 IMMIGRATION AUTHORITY IN A NONCRIMINAL MATTER, EXCEPT AS REQUIRED BY STATE
40 OR FEDERAL LAW.

41 D. STATE AND LOCAL LAW ENFORCEMENT AGENCIES MAY NOT GIVE A FEDERAL
42 IMMIGRATION AUTHORITY ACCESS TO INTERVIEW A PERSON ABOUT A NONCRIMINAL
43 MATTER WHILE THE PERSON IS IN CUSTODY, EXCEPT AS REQUIRED BY STATE OR
44 FEDERAL LAW, A COURT ORDER OR SUBSECTION E OF THIS SECTION.

1 E. PERMISSION MAY BE GRANTED TO A FEDERAL IMMIGRATION AUTHORITY TO
2 CONDUCT AN INTERVIEW REGARDING A FEDERAL IMMIGRATION VIOLATION WITH A
3 PERSON WHO IS IN THE CUSTODY OF A STATE OR LOCAL LAW ENFORCEMENT AGENCY IF
4 THE PERSON CONSENTS IN WRITING TO BE INTERVIEWED. IN ORDER TO OBTAIN
5 CONSENT, AGENCY STAFF SHALL PROVIDE THE PERSON WITH AN ORAL EXPLANATION
6 AND A WRITTEN CONSENT FORM THAT EXPLAINS THE PURPOSE OF THE INTERVIEW,
7 THAT THE INTERVIEW IS VOLUNTARY AND THAT THE PERSON MAY DECLINE TO BE
8 INTERVIEWED OR MAY CHOOSE TO BE INTERVIEWED ONLY WITH THE PERSON'S
9 ATTORNEY PRESENT. THE FORM MUST STATE EXPLICITLY THAT THE PERSON WILL NOT
10 BE PUNISHED OR SUFFER RETALIATION FOR DECLINING TO BE INTERVIEWED. THE
11 FORM MUST BE AVAILABLE AT LEAST IN ENGLISH AND SPANISH AND EXPLAINED
12 ORALLY TO A PERSON WHO IS UNABLE TO READ THE FORM, USING, WHEN NECESSARY,
13 AN INTERPRETER.

14 F. A PERSON MAY NOT BE DETAINED SOLELY FOR THE PURPOSE OF
15 DETERMINING THE PERSON'S IMMIGRATION STATUS.

16 G. A PERSON MUST NOT BE TAKEN INTO CUSTODY OR HELD IN CUSTODY,
17 SOLELY FOR THE PURPOSES OF DETERMINING THE PERSON'S IMMIGRATION STATUS OR
18 BASED SOLELY ON A CIVIL IMMIGRATION WARRANT OR AN IMMIGRATION HOLD
19 REQUEST.

20 H. TO ENSURE COMPLIANCE WITH ALL TREATY OBLIGATIONS, INCLUDING
21 CONSULAR NOTIFICATION, AND STATE AND FEDERAL LAWS, ON THE COMMITMENT OR
22 DETAINMENT OF ANY PERSON, STATE AND LOCAL LAW ENFORCEMENT AGENCIES SHALL
23 EXPLAIN IN WRITING:

24 1. THE PERSON'S RIGHT TO REFUSE TO DISCLOSE THE PERSON'S
25 NATIONALITY OR IMMIGRATION OR CITIZENSHIP STATUS.

26 2. THAT DISCLOSING THE PERSON'S NATIONALITY OR IMMIGRATION OR
27 CITIZENSHIP STATUS MAY RESULT IN CIVIL OR CRIMINAL IMMIGRATION
28 ENFORCEMENT, INCLUDING REMOVAL FROM THE UNITED STATES.

29 I. COMPLIANCE UNDER SUBSECTION H OF THIS SECTION DOES NOT EQUATE TO
30 A VIOLATION OF SUBSECTION B OF THIS SECTION.

31 J. A STATE AGENCY, LOCAL GOVERNMENT OR STATE OR LOCAL LAW
32 ENFORCEMENT AGENCY MAY NOT DENY SERVICES, BENEFITS, PRIVILEGES OR
33 OPPORTUNITIES TO A PERSON IN CUSTODY OR ON PROBATION STATUS, ON THE BASIS
34 OF THE PRESENCE OF AN IMMIGRATION DETAINER REQUEST, HOLD REQUEST,
35 NOTIFICATION REQUEST OR CIVIL IMMIGRATION WARRANT, EXCEPT AS REQUIRED BY
36 LAW OR AS NECESSARY FOR CLASSIFICATION OR PLACEMENT PURPOSES FOR A PERSON
37 IN THE PHYSICAL CUSTODY OF THE STATE DEPARTMENT OF CORRECTIONS.

38 K. A STATE OR LOCAL LAW ENFORCEMENT OFFICER MAY NOT ENTER INTO ANY
39 CONTRACT, AGREEMENT OR ARRANGEMENT, WHETHER WRITTEN OR ORAL, THAT WOULD
40 GRANT FEDERAL CIVIL IMMIGRATION ENFORCEMENT AUTHORITY OR POWERS TO STATE
41 AND LOCAL LAW ENFORCEMENT OFFICERS, INCLUDING AGREEMENTS THAT ARE CREATED
42 UNDER 8 UNITED STATES CODE SECTION 1357(g).

43 L. A STATE AGENCY, LOCAL GOVERNMENT OR STATE OR LOCAL LAW
44 ENFORCEMENT OFFICER MAY NOT ENTER INTO AN IMMIGRATION DETENTION AGREEMENT.
45 ALL IMMIGRATION DETENTION AGREEMENTS MUST BE TERMINATED NOT LATER THAN ONE

1 HUNDRED EIGHTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION, EXCEPT AS
2 PROVIDED IN SUBSECTION M OF THIS SECTION.

3 M. ANY IMMIGRATION DETENTION AGREEMENT IN EFFECT BEFORE JANUARY 1,
4 2023 MAY REMAIN IN EFFECT UNTIL THE DATE OF COMPLETION OR DECEMBER 31,
5 2025, WHICHEVER IS EARLIER.

6 N. A STATE OR LOCAL LAW ENFORCEMENT AGENCY OR SCHOOL RESOURCE
7 OFFICER MAY NOT ENTER INTO OR RENEW A CONTRACT FOR LANGUAGE SERVICES FROM
8 A FEDERAL IMMIGRATION AUTHORITY OR ACCEPT ANY LANGUAGE SERVICES FROM A
9 FEDERAL IMMIGRATION AUTHORITY FOR FREE OR OTHERWISE.

10 O. THE STATE DEPARTMENT OF CORRECTIONS MAY NOT GIVE A FEDERAL
11 IMMIGRATION AUTHORITY ACCESS TO INTERVIEW A PERSON ABOUT A FEDERAL
12 IMMIGRATION VIOLATION WHILE THE PERSON IS IN CUSTODY, EXCEPT AS REQUIRED
13 BY STATE OR FEDERAL LAW OR BY A COURT ORDER, UNLESS THE PERSON CONSENTS TO
14 BE INTERVIEWED IN WRITING. BEFORE AGREEING TO BE INTERVIEWED, A PERSON
15 MUST BE ADVISED THAT THE PERSON WILL NOT BE PUNISHED OR SUFFER RETALIATION
16 FOR DECLINING TO BE INTERVIEWED.

17 P. SUBSECTIONS A, B, C AND D OF THIS SECTION DO NOT APPLY TO A
18 PERSON WHO IS IN THE PHYSICAL CUSTODY OF THE STATE DEPARTMENT OF
19 CORRECTIONS.

20 Q. THIS SECTION DOES NOT PROHIBIT COLLECTING, USING OR DISCLOSING
21 INFORMATION THAT IS:

22 1. REQUIRED TO COMPLY WITH STATE OR FEDERAL LAW.

23 2. IN RESPONSE TO A LAWFULLY ISSUED COURT ORDER.

24 41-2354. Attorney general; model policy; law enforcement

25 TO ENSURE STATE AND LAW ENFORCEMENT AGENCIES ARE ABLE TO FOSTER THE
26 COMMUNITY TRUST NECESSARY TO MAINTAIN PUBLIC SAFETY, WITHIN TWELVE MONTHS
27 AFTER THE EFFECTIVE DATE OF THIS SECTION, THE ATTORNEY GENERAL, IN
28 CONSULTATION WITH APPROPRIATE STAKEHOLDERS, SHALL DEVELOP A MODEL POLICY,
29 GUIDANCE AND TRAINING RECOMMENDATIONS THAT ARE CONSISTENT WITH THIS
30 CHAPTER AND STATE AND LOCAL LAW AND THAT ARE AIMED TO ENSURE THAT STATE
31 AND LOCAL LAW ENFORCEMENT DUTIES ARE CARRIED OUT IN A MANNER THAT LIMITS,
32 TO THE FULLEST EXTENT PRACTICABLE AND CONSISTENT WITH FEDERAL AND STATE
33 LAW, ENGAGEMENT WITH FEDERAL IMMIGRATION AUTHORITIES FOR THE PURPOSE OF
34 IMMIGRATION ENFORCEMENT. ALL STATE AND LOCAL LAW ENFORCEMENT AGENCIES
35 SHALL EITHER:

36 1. ADOPT POLICIES THAT ARE CONSISTENT WITH THE ATTORNEY GENERAL'S
37 GUIDANCE.

38 2. NOTIFY THE ATTORNEY GENERAL THAT THE AGENCY IS NOT ADOPTING THE
39 GUIDANCE AND MODEL POLICIES, STATE THE REASONS THAT THE AGENCY IS NOT
40 ADOPTING THE MODEL POLICIES AND GUIDANCE AND PROVIDE THE ATTORNEY GENERAL
41 WITH A COPY OF THE AGENCY'S POLICIES TO ENSURE COMPLIANCE WITH THIS
42 CHAPTER.

1 Sec. 4. Applicability

2 This act is not intended to limit or prohibit any state or local
3 agency or officer from:

4 1. Sending to, or receiving from, a federal immigration authority
5 the immigration or citizenship status of a person or maintaining such
6 information or exchanging the citizenship or immigration status of a
7 person with any other federal, state or local government agency, in
8 accordance with 8 United States Code section 1373.

9 2. Complying with any other state or federal law.

10 Sec. 5. Severability

11 If a provision of this act or its application to any person or
12 circumstance is held invalid, the invalidity does not affect other
13 provisions or applications of the act that can be given effect without the
14 invalid provision or application, and to this end the provisions of this
15 act are severable.

16 Sec. 6. Emergency

17 This act is an emergency measure that is necessary to preserve the
18 public peace, health or safety and is operative immediately as provided by
19 law.