



Bill Number: H.C.R. 2060

Shamp Floor Amendment

Reference to: **MILITARY AFFAIRS, PUBLIC SAFETY AND
BORDER SECURITY** Committee amendment

Amendment drafted by: Leg. Council

FLOOR AMENDMENT EXPLANATION

1. Specifies that being a DACA recipient is not an affirmative defense to *illegal entry* if the program is cancelled or a federal court has issued a final order determining that the program is unlawful, and any appeals of the final order have been exhausted.
2. States that an alien lacks lawful presence if the alien was either:
 - a) paroled pursuant to a programmatic grant of parole, including under any parole program not created under notice-and-comment rulemaking under which an alien would be entitled to parole and that has been applied to more than 100 aliens during one calendar year; or
 - b) required to be detained under the Immigration and Nationality Act but was not detained and instead was paroled into the United States.
3. Removes the overturning or abrogation of S.B. 1070 as a possible enforceability trigger for the *illegal entry* provisions of the *Secure the Border Act*.
4. Specifies that any other state law similar to Texas' S.B. 4 being in effect for 60 consecutive days may also trigger the enforceability of *illegal entry* provisions of the *Secure the Border Act*.
5. Requires a person who is convicted of *illegal entry* to serve a term of incarceration as determined by the court, rather than serve at least 30 days of incarceration.
6. Requires, rather than allows, the Department of Corrections to accept persons who are convicted, or arrested, for illegal entry offenses, and specifies that such persons can be held at any state facility that has available capacity.

Amendment explanation prepared by Zack Dean
05/09/2024

- 7. Reduces the penalty for a first offense of evading E-Verify requirements from a class 6 felony to a class 1 misdemeanor, and adds that anyone who commits a violation is not eligible for probation, pardon, commutation or suspension of sentence or release on any basis until the person has served the term of incarceration imposed by the court.**
- 8. Specifies that an order to return to a foreign nation may include an authorization that allows law enforcement to transport a person to any point of transfer into federal custody.**
- 9. Removes the requirement that an order to return to a foreign nation include the name of the law enforcement officer or state agency that is responsible for monitoring compliance with the order.**
- 10. Modifies provisions relating to the right to legal intervention.**
- 11. Updates the legislative statement of findings.**

SHAMP FLOOR AMENDMENT
SENATE AMENDMENTS TO H.C.R. 2060

(Reference to MILITARY AFFAIRS, PUBLIC SAFETY AND BORDER SECURITY Committee
amendment)

1 Page 3, between lines 15 and 16, insert:

2 "B. Based on the facts outlined in subsection A of this section, the
3 state of Arizona is being "actually invaded" as defined in article I,
4 section 10 of the United States Constitution. The determination of
5 invasion made in this subsection may only be revoked by referendum or by
6 legislation that is duly enacted by the legislature and signed by the
7 governor."

8 Reletter to conform

9 Page 6, line 26, after "2021" insert ", UNLESS THE PROGRAM IS CANCELED OR A
10 FEDERAL COURT HAS ISSUED A FINAL ORDER DETERMINING THAT THE PROGRAM IS
11 UNLAWFUL AND ANY APPEALS OF THAT ORDER HAVE BEEN EXHAUSTED"

12 Between lines 26 and 27, insert:

13 "C. AN ALIEN LACKS LAWFUL PRESENCE UNDER THIS SECTION IF THE ALIEN
14 WAS EITHER:

15 1. PAROLED PURSUANT TO A PROGRAMMATIC GRANT OF PAROLE, INCLUDING
16 UNDER ANY PAROLE PROGRAM NOT CREATED UNDER NOTICE-AND-COMMENT RULEMAKING
17 THAT ESTABLISHES SPECIFIC CHARACTERISTICS UNDER WHICH AN ALIEN WOULD BE
18 ENTITLED TO PAROLE AND THAT HAS BEEN APPLIED TO MORE THAN ONE HUNDRED
19 ALIENS DURING ONE CALENDAR YEAR.

20 2. REQUIRED TO BE DETAINED UNDER THE IMMIGRATION AND NATIONALITY ACT
21 BUT WAS NOT DETAINED AND INSTEAD WAS PAROLED INTO THE UNITED STATES."

22 Reletter to conform

1 Page 7, line 1, strike "NOT LESS THAN THIRTY CONSECUTIVE DAYS" insert "A TERM"

2 Line 2, after "INCARCERATION" insert "AS DETERMINED BY THE COURT"

3 Page 8, line 18, strike "BOTH OF THE FOLLOWING:"

4 Strike lines 19 through 23, insert "AN AUTHORIZATION THAT ALLOWS A STATE OR
5 LOCAL LAW ENFORCEMENT AGENCY TO TRANSPORT THE PERSON TO A PORT OF ENTRY OR
6 TO ANY OTHER POINT OF TRANSFER INTO FEDERAL CUSTODY."

7 Lines 26 and 27, strike "THE FIRST IN TIME OF EITHER OF THE FOLLOWING:"

8 Line 28, strike "1."

9 Line 29, after "TEXAS" insert "OR ANY OTHER LAW OF ANY OTHER STATE SIMILAR
10 THERETO,"

11 Page 9, strike lines 1 through 4

12 Between lines 21 and 22, insert:

13 "13-4295.06. Incarceration authorization and agreements

14 NOTWITHSTANDING ANY OTHER LAW, IF A COUNTY OR LOCAL LAW ENFORCEMENT
15 AGENCY DOES NOT HAVE THE CAPACITY TO HOLD A PERSON WHO IS ARRESTED FOR OR
16 CONVICTED OF AN OFFENSE INCLUDED IN THIS ARTICLE, THE DIRECTOR OF THE STATE
17 DEPARTMENT OF CORRECTIONS SHALL ACCEPT ARRESTED OR CONVICTED PERSONS WHO
18 ARE CHARGED WITH OR CONVICTED OF AN OFFENSE INCLUDED IN THIS ARTICLE AT ANY
19 FACILITY IN THIS STATE THAT HAS AVAILABLE CAPACITY."

20 Line 31, after "A" insert "CLASS 1 MISDEMEANOR, EXCEPT THAT IT IS A"; after
21 "FELONY" insert "IF THE PERSON HAS BEEN PREVIOUSLY CONVICTED OF A VIOLATION
22 OF THIS SECTION. THE PERSON IS NOT ELIGIBLE FOR PROBATION, PARDON,
23 COMMUTATION OR SUSPENSION OF SENTENCE OR RELEASE ON ANY OTHER BASIS UNTIL
24 THE PERSON HAS SERVED A TERM OF INCARCERATION AS DETERMINED BY THE COURT"

25 Strike pages 10 through 12

26 Page 13, strike lines 1 through 23

27 Line 25, after "A." strike remainder of line

28 Line 26, strike "act,"

- 1 Page 13, strike lines 29 and 30, insert "allowed to file a lawsuit or intervene
- 2 in any action concerning this act if the individual seeks to defend the
- 3 constitutionality, validity or enforceability of this act."
- 4 Amend title to conform

JANAE SHAMP

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