

House Engrossed

lawful presence; e-verify program; penalties

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HOUSE CONCURRENT RESOLUTION 2060

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING
TO UNAUTHORIZED ALIENS.

(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. Under the power of the referendum, as vested in the Legislature,
4 the following measure, relating to unauthorized aliens, is enacted to
5 become valid as a law if approved by the voters and on proclamation of the
6 Governor:

7 AN ACT

8 AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED
9 STATUTES, BY ADDING SECTION 9-500.50; AMENDING TITLE 11,
10 CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING
11 SECTION 11-269.29; AMENDING TITLE 13, CHAPTER 37, ARIZONA
12 REVISED STATUTES, BY ADDING SECTION 13-3733; AMENDING SECTION
13 23-214, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER
14 6, ARTICLE 7.2, ARIZONA REVISED STATUTES, BY ADDING SECTION
15 41-1080.02; AMENDING TITLE 41, CHAPTER 57, ARIZONA REVISED
16 STATUTES, BY ADDING ARTICLE 2; RELATING TO UNAUTHORIZED
17 ALIENS.

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

19 Section 1. Title 9, chapter 4, article 8, Arizona
20 Revised Statutes, is amended by adding section 9-500.50, to
21 read:

22 9-500.50. E-verify program; public welfare monies;
23 enrollment and removal requirements;
24 statewide concern; applicability;
25 definition

26 A. ON OR AFTER JANUARY 1, 2026, A CITY OR TOWN SHALL
27 VERIFY THAT AN ADULT RECIPIENT IS LAWFULLY PRESENT IN THE
28 UNITED STATES UNDER FEDERAL LAW BY USING THE E-VERIFY PROGRAM
29 BEFORE ENROLLING THE RECIPIENT IN A PUBLIC WELFARE PROGRAM
30 UNLESS STATE LAW EXPRESSLY STATES THAT A PERSON WITHOUT LAWFUL
31 IMMIGRATION STATUS IS ELIGIBLE FOR THE FINANCIAL AID OR
32 BENEFIT AND SHALL KEEP A RECORD OF THE VERIFICATION FOR AT
33 LEAST THREE YEARS.

34 B. ON OR BEFORE JANUARY 1, 2029, EACH CITY OR TOWN
35 SHALL USE THE E-VERIFY PROGRAM TO CONFIRM THAT EACH NON-UNITED
36 STATES CITIZEN WHO IS RECEIVING FINANCIAL AID OR ANY BENEFIT
37 THROUGH A PUBLIC WELFARE PROGRAM IS LAWFULLY PRESENT IN THE
38 UNITED STATES UNDER FEDERAL LAW. IF A CITY OR TOWN CANNOT
39 VERIFY THE LAWFUL PRESENCE OF AN ADULT RECIPIENT, THE CITY OR
40 TOWN SHALL PROMPTLY REMOVE THE RECIPIENT FROM THE PUBLIC
41 WELFARE PROGRAM AND DISCONTINUE THE PROVISION OF FINANCIAL AID
42 OR BENEFIT TO THAT RECIPIENT UNLESS STATE LAW EXPRESSLY STATES
43 THAT A PERSON WITHOUT LAWFUL IMMIGRATION STATUS IS ELIGIBLE
44 FOR THE FINANCIAL AID OR BENEFIT.

1 C. DUE TO THE ECONOMIC AND FISCAL IMPACT OF ILLEGAL
2 IMMIGRATION ON THIS STATE, REGULATION OF ELIGIBILITY FOR
3 PUBLIC WELFARE PROGRAMS IS A MATTER OF STATEWIDE CONCERN.

4 D. THIS SECTION DOES NOT PROHIBIT A CITY OR TOWN FROM
5 ADMINISTERING FEDERAL MONIES TO A RECIPIENT WHO IS ELIGIBLE
6 FOR FINANCIAL AID OR BENEFITS OFFERED PURSUANT TO A FEDERAL
7 PROGRAM.

8 E. FOR THE PURPOSES OF THIS SECTION, "PUBLIC WELFARE
9 PROGRAM" MEANS ANY PROGRAM ADMINISTERED BY A CITY OR TOWN THAT
10 PROVIDES AN INDIVIDUAL WITH FINANCIAL AID IN THE AMOUNT OF AT
11 LEAST \$500 PER YEAR OR ANY BENEFIT WITH A VALUE OF AT LEAST
12 \$500 PER YEAR, INCLUDING BENEFITS THAT RELATE TO HEALTH,
13 DISABILITY, PUBLIC OR ASSISTED HOUSING, FOOD ASSISTANCE OR
14 UNEMPLOYMENT.

15 Sec. 2. Title 11, chapter 2, article 4, Arizona Revised
16 Statutes, is amended by adding section 11-269.29, to read:

17 11-269.29. E-verify program; public welfare monies;
18 enrollment and removal requirements;
19 statewide concern; applicability;
20 definition

21 A. ON OR AFTER JANUARY 1, 2026, A COUNTY SHALL VERIFY
22 THAT AN ADULT RECIPIENT IS LAWFULLY PRESENT IN THE UNITED
23 STATES UNDER FEDERAL LAW BY USING THE E-VERIFY PROGRAM BEFORE
24 ENROLLING THE RECIPIENT IN A PUBLIC WELFARE PROGRAM UNLESS
25 STATE LAW EXPRESSLY STATES THAT A PERSON WITHOUT LAWFUL
26 IMMIGRATION STATUS IS ELIGIBLE FOR THE FINANCIAL AID OR
27 BENEFIT AND SHALL KEEP A RECORD OF THE VERIFICATION FOR AT
28 LEAST THREE YEARS.

29 B. ON OR BEFORE JANUARY 1, 2029, EACH COUNTY SHALL USE
30 THE E-VERIFY PROGRAM TO CONFIRM THAT EACH NON-UNITED STATES
31 CITIZEN WHO IS RECEIVING FINANCIAL AID OR ANY BENEFIT THROUGH
32 A PUBLIC WELFARE PROGRAM IS LAWFULLY PRESENT IN THE UNITED
33 STATES UNDER FEDERAL LAW. IF A COUNTY CANNOT VERIFY THE
34 LAWFUL PRESENCE OF AN ADULT RECIPIENT, THE COUNTY SHALL
35 PROMPTLY REMOVE THE RECIPIENT FROM THE PUBLIC WELFARE PROGRAM
36 AND DISCONTINUE THE PROVISION OF FINANCIAL AID OR BENEFIT TO
37 THAT RECIPIENT UNLESS STATE LAW EXPRESSLY STATES THAT A PERSON
38 WITHOUT LAWFUL IMMIGRATION STATUS IS ELIGIBLE FOR THE
39 FINANCIAL AID OR BENEFIT.

40 C. DUE TO THE ECONOMIC AND FISCAL IMPACT OF ILLEGAL
41 IMMIGRATION ON THIS STATE, REGULATION OF ELIGIBILITY FOR
42 PUBLIC WELFARE PROGRAMS IS A MATTER OF STATEWIDE CONCERN.

43 D. THIS SECTION DOES NOT PROHIBIT A COUNTY FROM
44 ADMINISTERING FEDERAL MONIES TO A RECIPIENT WHO IS ELIGIBLE

FOR FINANCIAL AID OR BENEFITS OFFERED PURSUANT TO A FEDERAL PROGRAM.

E. FOR THE PURPOSES OF THIS SECTION, "PUBLIC WELFARE PROGRAM" MEANS ANY PROGRAM ADMINISTERED BY A COUNTY THAT PROVIDES AN INDIVIDUAL WITH FINANCIAL AID IN THE AMOUNT OF AT LEAST \$500 PER YEAR OR ANY BENEFIT WITH A VALUE OF AT LEAST \$500 PER YEAR, INCLUDING BENEFITS THAT RELATE TO HEALTH, DISABILITY, PUBLIC OR ASSISTED HOUSING, FOOD ASSISTANCE OR UNEMPLOYMENT.

Sec. 3. Title 13, chapter 37, Arizona Revised Statutes, is amended by adding section 13-3733, to read:

13-3733. Obstruction of legal duty to use e-verify; unauthorized alien; classification; definition

A. A PERSON COMMITS OBSTRUCTION OF THE LEGAL DUTY TO USE E-VERIFY WHEN THE PERSON, ACTING ALONE OR IN CONJUNCTION WITH ANOTHER PERSON, COMMITS ANY COMPLETED OR PREPARATORY OFFENSE WITH THE INTENT TO OBSTRUCT, IMPAIR OR HINDER ANY PERSON'S DUTY TO USE THE E-VERIFY PROGRAM AS REQUIRED BY LAW.

B. AN EMPLOYER COMMITS OBSTRUCTION OF THE LEGAL DUTY TO USE THE E-VERIFY PROGRAM IF THE EMPLOYER KNOWINGLY REFUSES TO VERIFY THE EMPLOYMENT ELIGIBILITY OF A PERSON THROUGH THE E-VERIFY PROGRAM AS REQUIRED IN SECTION 23-214 WHEN THE EMPLOYER KNOWS OR HAS REASON TO KNOW THAT THE PERSON IS NOT LAWFULLY PRESENT IN THE UNITED STATES UNDER FEDERAL LAW.

C. A VIOLATION OF THIS SECTION IS A CLASS 6 FELONY.

D. FOR THE PURPOSES OF THIS SECTION, "EMPLOYER" HAS THE SAME MEANING PRESCRIBED IN SECTION 23-211.

Sec. 4. Section 23-214, Arizona Revised Statutes, is amended to read:

23-214. Verification of employment eligibility; e-verify program; economic development incentives; list of registered employers; attorney general; county attorney; civil penalty; affirmative defense; applicability

A. ~~After December 31, 2007;~~ THROUGH DECEMBER 31, 2025, every employer, after hiring an employee, shall verify the employment eligibility of the employee through the e-verify program and shall keep a record of the verification for the duration of the employee's employment or at least three years, whichever is longer.

B. ON OR AFTER JANUARY 1, 2026, EVERY EMPLOYER SHALL USE THE E-VERIFY PROGRAM TO CONFIRM THE LAWFUL PRESENCE OF ANY INDIVIDUAL WHEN THE EMPLOYER INITIALLY ENTERS INTO A CONTRACT

1 WITH THE INDIVIDUAL FOR LABOR OR SERVICES THAT IS VALUED AT
2 \$600 OR MORE. THIS SUBSECTION DOES NOT REQUIRE AN EMPLOYER TO
3 DO ANY OF THE FOLLOWING:

4 1. USE THE E-VERIFY PROGRAM FOR THE SAME INDIVIDUAL
5 MORE THAN ONCE.

6 2. USE THE E-VERIFY PROGRAM FOR AN INDIVIDUAL THAT HAS
7 A SUBCONTRACT FOR WORK THROUGH ANOTHER EMPLOYER OR INDEPENDENT
8 CONTRACTOR.

9 3. USE THE E-VERIFY PROGRAM FOR ANY INDIVIDUAL OR
10 ENTITY THAT HOLDS A VALID LICENSE ISSUED BY AN AGENCY. FOR
11 THE PURPOSES OF THIS PARAGRAPH:

12 (a) "AGENCY" HAS THE SAME MEANING PRESCRIBED IN SECTION
13 41-1080.

14 (b) "LICENSE" HAS THE SAME MEANING PRESCRIBED IN
15 SECTION 41-1080.

16 4. USE THE E-VERIFY PROGRAM FOR ANY INDIVIDUAL THAT
17 HOLDS A VALID DRIVER LICENSE ISSUED BY THE DEPARTMENT OF
18 TRANSPORTATION PURSUANT TO SECTION 28-3153.

19 ~~B.~~ C. In addition to any other requirement for an
20 employer to receive an economic development incentive from a
21 government entity, the employer shall register with and
22 participate in the e-verify program. Before receiving the
23 economic development incentive, the employer shall provide
24 proof to the government entity that the employer is registered
25 with and is participating in the e-verify program. If the
26 government entity determines that the employer is not
27 complying with this subsection, the government entity shall
28 notify the employer by certified mail of the government
29 entity's determination of noncompliance and the employer's
30 right to appeal the determination. On a final determination
31 of noncompliance, the employer shall repay all monies received
32 as an economic development incentive to the government entity
33 within thirty days ~~of~~ AFTER the final determination. For the
34 purposes of this subsection:

35 1. "Economic development incentive" means any grant,
36 loan or performance-based incentive from any government entity
37 that is awarded after September 30, 2008. Economic
38 development incentive does not include any tax provision under
39 title 42 or 43.

40 2. "Government entity" means this state and any
41 political subdivision of this state that receives and uses tax
42 revenues.

43 ~~C.~~ D. Every three months the attorney general shall
44 request from the United States department of homeland security
45 a list of employers from this state that are registered with

1 the e-verify program. On receipt of the list of employers,
2 the attorney general shall make the list available on the
3 attorney general's website.

4 E. ON OR AFTER JANUARY 1, 2026, ON RECEIPT OF A
5 COMPLAINT ALLEGING THAT AN EMPLOYER KNOWINGLY REFUSED TO
6 VERIFY THE EMPLOYMENT ELIGIBILITY OF A PERSON AS REQUIRED
7 UNDER SUBSECTION A, B OR C OF THIS SECTION, THE ATTORNEY
8 GENERAL OR COUNTY ATTORNEY SHALL INVESTIGATE WHETHER THE
9 EMPLOYER VIOLATED SUBSECTION A OR B OF THIS SECTION AND ANY
10 OTHER PROVISION OF THIS ARTICLE. THE COUNTY SHERIFF OR ANY
11 OTHER LOCAL LAW ENFORCEMENT AGENCY MAY ASSIST IN THE
12 INVESTIGATION OF THE COMPLAINT. A PERSON WHO KNOWINGLY FILES
13 A FALSE AND FRIVOLOUS COMPLAINT UNDER THIS SUBSECTION IS
14 GUILTY OF A CLASS 3 MISDEMEANOR.

15 F. WHEN INVESTIGATING A COMPLAINT, THE ATTORNEY GENERAL
16 OR COUNTY ATTORNEY SHALL VERIFY THE WORK AUTHORIZATION OF THE
17 ALLEGED UNAUTHORIZED ALIEN WITH THE FEDERAL GOVERNMENT
18 PURSUANT TO 8 UNITED STATES CODE SECTION 1373(c). A STATE,
19 COUNTY OR LOCAL OFFICIAL SHALL NOT ATTEMPT TO INDEPENDENTLY
20 MAKE A FINAL DETERMINATION ON WHETHER AN ALIEN IS AUTHORIZED
21 TO WORK IN THE UNITED STATES. AN ALIEN'S IMMIGRATION STATUS
22 OR WORK AUTHORIZATION STATUS SHALL BE VERIFIED WITH THE
23 FEDERAL GOVERNMENT PURSUANT TO 8 UNITED STATES CODE SECTION
24 1373(c).

25 G. ON OR AFTER JANUARY 1, 2026, IF, AFTER AN
26 INVESTIGATION, THE ATTORNEY GENERAL OR COUNTY ATTORNEY
27 DETERMINES THAT AN EMPLOYER KNOWINGLY VIOLATED THIS SECTION
28 AND INTENTIONALLY OR KNOWINGLY EMPLOYED AN UNAUTHORIZED ALIEN
29 IN VIOLATION OF SECTION 23-212 OR 23-212.01, THE ATTORNEY
30 GENERAL OR THE COUNTY ATTORNEY FOR THE COUNTY IN WHICH AN
31 ALLEGED VIOLATION OF THIS ARTICLE OCCURRED MAY FILE AN ACTION
32 IN SUPERIOR COURT TO ENFORCE THIS SECTION.

33 H. ON OR AFTER JANUARY 1, 2026, IF THE SUPERIOR COURT
34 FINDS THAT AN EMPLOYER KNOWINGLY VIOLATED THIS SECTION AND
35 THAT THE EMPLOYER'S VIOLATION OF THIS SECTION CAUSED THE
36 EMPLOYER TO VIOLATE SECTION 23-212 OR 23-212.01, THE EMPLOYER
37 IS LIABLE FOR A CIVIL PENALTY OF NOT MORE THAN \$10,000 FOR
38 EACH UNAUTHORIZED ALIEN EMPLOYED IN VIOLATION OF THIS
39 ARTICLE. THE SUPERIOR COURT SHALL ORDER THE CIVIL PENALTIES
40 TO BE PAID AS FOLLOWS:

41 1. FOR CIVIL PENALTIES ORDERED IN AN ACTION FILED BY
42 THE ATTORNEY GENERAL, TO THE OFFICE OF THE ATTORNEY GENERAL TO
43 DEFRAY THE COSTS OF ENFORCEMENT.

1 2. FOR CIVIL PENALTIES ORDERED IN AN ACTION FILED BY
2 THE COUNTY ATTORNEY, TO THE OFFICE OF THE COUNTY TREASURER FOR
3 DEPOSIT IN THE COUNTY GENERAL FUND.

4 I. ON OR AFTER JANUARY 1, 2026, THE CIVIL PENALTIES
5 PRESCRIBED BY SUBSECTION G OF THIS SECTION ARE SUPPLEMENTARY
6 TO THE PROVISIONS OF THIS ARTICLE.

7 J. ON OR AFTER JANUARY 1, 2026, IT IS AN AFFIRMATIVE
8 DEFENSE IN AN ACTION UNDER THIS SECTION THAT THE EMPLOYER
9 COMPLIED IN GOOD FAITH WITH THE REQUIREMENTS OF 8 UNITED
10 STATES CODE SECTION 1324 (a) AND (b). AN EMPLOYER IS
11 CONSIDERED TO HAVE COMPLIED WITH THE REQUIREMENTS OF 8 UNITED
12 STATES CODE SECTION 1324 (a) AND (b) NOTWITHSTANDING AN
13 ISOLATED, SPORADIC OR ACCIDENTAL TECHNICAL OR PROCEDURAL
14 FAILURE TO MEET THE REQUIREMENTS IF THE EMPLOYER MADE A GOOD
15 FAITH ATTEMPT TO COMPLY WITH THE REQUIREMENTS.

16 Sec. 5. Title 41, chapter 6, article 7.2, Arizona
17 Revised Statutes, is amended by adding section 41-1080.02, to
18 read:

19 41-1080.02. Agencies; licenses; e-verify program;
20 definitions

21 A. ON OR AFTER JANUARY 1, 2026, NOTWITHSTANDING ANY
22 OTHER LAW, ANY AGENCY THAT ISSUES LICENSES SHALL VERIFY THAT
23 THE APPLICANT THAT IS SEEKING A LICENSE IS LAWFULLY PRESENT IN
24 THE UNITED STATES AS AUTHORIZED BY FEDERAL LAW BY USING THE
25 E-VERIFY PROGRAM BEFORE ISSUING THE DOCUMENT OR LICENSE UNLESS
26 THE APPLICANT HAS PROVIDED THE AGENCY WITH EMPLOYMENT
27 AUTHORIZATION DOCUMENTS ISSUED BY THE FEDERAL GOVERNMENT, AND
28 SHALL KEEP A RECORD OF THE VERIFICATION FOR AT LEAST THREE
29 YEARS.

30 B. FOR THE PURPOSES OF THIS SECTION:

31 1. "AGENCY" HAS THE SAME MEANING PRESCRIBED IN SECTION
32 41-1080.

33 2. "LICENSE" HAS THE SAME MEANING PRESCRIBED IN SECTION
34 41-1080.

35 Sec. 6. Title 41, chapter 57, Arizona Revised Statutes,
36 is amended by adding article 2, to read:

37 ARTICLE 2. PUBLIC PROGRAMS

38 41-5911. E-verify program; public welfare monies;
39 disbursement requirement; statewide
40 concern; applicability; definition

41 A. ON OR AFTER JANUARY 1, 2026, A STATE AGENCY SHALL
42 VERIFY THAT AN ADULT RECIPIENT IS LAWFULLY PRESENT IN THE
43 UNITED STATES UNDER FEDERAL LAW BY USING THE E-VERIFY PROGRAM
44 BEFORE ENROLLING THE RECIPIENT IN A PUBLIC WELFARE PROGRAM
45 UNLESS STATE LAW EXPRESSLY STATES THAT A PERSON WITHOUT LAWFUL

1 IMMIGRATION STATUS IS ELIGIBLE FOR THE FINANCIAL AID OR
2 BENEFIT AND SHALL KEEP A RECORD OF THE VERIFICATION FOR AT
3 LEAST THREE YEARS.

4 B. ON OR BEFORE JANUARY 1, 2029, EACH STATE AGENCY
5 SHALL USE THE E-VERIFY PROGRAM TO CONFIRM THAT EACH NON-UNITED
6 STATES CITIZEN WHO IS RECEIVING FINANCIAL AID OR ANY BENEFIT
7 THROUGH A PUBLIC WELFARE PROGRAM IS LAWFULLY PRESENT IN THE
8 UNITED STATES UNDER FEDERAL LAW. IF A STATE AGENCY CANNOT
9 VERIFY THE LAWFUL PRESENCE OF AN ADULT RECIPIENT, THE STATE
10 AGENCY SHALL PROMPTLY REMOVE THE RECIPIENT FROM THE PUBLIC
11 WELFARE PROGRAM AND DISCONTINUE THE PROVISION OF FINANCIAL AID
12 OR BENEFIT TO THAT RECIPIENT UNLESS STATE LAW EXPRESSLY STATES
13 THAT A PERSON WITHOUT LAWFUL IMMIGRATION STATUS IS ELIGIBLE
14 FOR THE FINANCIAL AID OR BENEFIT.

15 C. DUE TO THE ECONOMIC AND FISCAL IMPACT OF ILLEGAL
16 IMMIGRATION ON THIS STATE, REGULATION OF ELIGIBILITY FOR
17 PUBLIC WELFARE PROGRAMS IS A MATTER OF STATEWIDE CONCERN.

18 D. THIS SECTION DOES NOT PROHIBIT A CITY OR TOWN FROM
19 ADMINISTERING FEDERAL MONIES TO A RECIPIENT WHO IS ELIGIBLE
20 FOR FINANCIAL AID OR BENEFITS OFFERED PURSUANT TO A FEDERAL
21 PROGRAM.

22 E. FOR THE PURPOSES OF THIS SECTION, "PUBLIC WELFARE
23 PROGRAM" MEANS ANY PROGRAM ADMINISTERED BY A STATE AGENCY THAT
24 PROVIDES AN INDIVIDUAL WITH FINANCIAL AID IN THE AMOUNT OF AT
25 LEAST \$500 PER YEAR OR ANY BENEFIT WITH A VALUE OF AT LEAST
26 \$500 PER YEAR, INCLUDING BENEFITS THAT RELATE TO HEALTH,
27 DISABILITY, PUBLIC OR ASSISTED HOUSING, FOOD ASSISTANCE OR
28 UNEMPLOYMENT.

29 Sec. 7. Short title

30 This act shall be known and may be cited as the
31 "Protecting Arizona Against Illegal Immigration Act".

32 2. The Secretary of State shall submit this proposition to the
33 voters at the next general election as provided by article IV, part 1,
34 section 1, Constitution of Arizona.