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

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

AN ACT

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

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

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

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

A. On or after January 1, 2026, a city or town shall verify that an adult recipient is lawfully present in the United States under federal law by using the E-verify program before enrolling the recipient in a public welfare program unless state law expressly states that a person without lawful immigration status is eligible for the financial aid or benefit and shall keep a record of the verification for at least three years.

B. On or before January 1, 2029, each city or town shall use the E-verify program to confirm that each non-united states citizen who is receiving financial aid or any benefit through a public welfare program is lawfully present in the United States under federal law. If a city or town cannot verify the lawful presence of an adult recipient, the city or town shall promptly remove the recipient from the public welfare program and discontinue the provision of financial aid or benefit to that recipient unless state law expressly states that a person without lawful immigration status is eligible for the financial aid or benefit.
C. DUE TO THE ECONOMIC AND FISCAL IMPACT OF ILLEGAL IMMIGRATION ON THIS STATE, REGULATION OF ELIGIBILITY FOR PUBLIC WELFARE PROGRAMS IS A MATTER OF STATEWIDE CONCERN.

D. THIS SECTION DOES NOT PROHIBIT A CITY OR TOWN FROM 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 CITY OR TOWN 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. 2. Title 11, chapter 2, article 4, Arizona Revised Statutes, is amended by adding section 11-269.29, to read:

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

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

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

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

D. THIS SECTION DOES NOT PROHIBIT A COUNTY FROM 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;
atorney 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
WITH THE INDIVIDUAL FOR LABOR OR SERVICES THAT IS VALUED AT
$600 OR MORE. THIS SUBSECTION DOES NOT REQUIRE AN EMPLOYER TO
DO ANY OF THE FOLLOWING:

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

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

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

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

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

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

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

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

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

D. Every three months the attorney general shall
request from the United States department of homeland security
a list of employers from this state that are registered with
the e-verify program. On receipt of the list of employers, the attorney general shall make the list available on the attorney general’s website.

E. On or after January 1, 2026, on receipt of a complaint alleging that an employer knowingly refused to verify the employment eligibility of a person as required under subsection A, B or C of this section, the attorney general or county attorney shall investigate whether the employer violated subsection A or B of this section and any other provision of this article. The county sheriff or any other local law enforcement agency may assist in the investigation of the complaint. A person who knowingly files a false and frivolous complaint under this subsection is guilty of a class 3 misdemeanor.

F. When investigating a complaint, the attorney general or county attorney shall verify the work authorization of the alleged unauthorized alien with the federal government pursuant to 8 United States Code section 1373(c). A state, county or local official shall not attempt to independently make a final determination on whether an alien is authorized to work in the United States. An alien’s immigration status or work authorization status shall be verified with the federal government pursuant to 8 United States Code section 1373(c).

G. On or after January 1, 2026, if, after an investigation, the attorney general or county attorney determines that an employer knowingly violated this section and intentionally or knowingly employed an unauthorized alien in violation of section 23-212 or 23-212.01, the attorney general or the county attorney for the county in which an alleged violation of this article occurred may file an action in superior court to enforce this section.

H. On or after January 1, 2026, if the superior court finds that an employer knowingly violated this section and that the employer’s violation of this section caused the employer to violate section 23-212 or 23-212.01, the employer is liable for a civil penalty of not more than $10,000 for each unauthorized alien employed in violation of this article. The superior court shall order the civil penalties to be paid as follows:

1. For civil penalties ordered in an action filed by the attorney general, to the office of the attorney general to defray the costs of enforcement.
2. FOR CIVIL PENALTIES ORDERED IN AN ACTION FILED BY
THE COUNTY ATTORNEY, TO THE OFFICE OF THE COUNTY TREASURER FOR
DEPOSIT IN THE COUNTY GENERAL FUND.
I. ON OR AFTER JANUARY 1, 2026, THE CIVIL PENALTIES
PRESCRIBED BY SUBSECTION G OF THIS SECTION ARE SUPPLEMENTARY
TO THE PROVISIONS OF THIS ARTICLE.
J. ON OR AFTER JANUARY 1, 2026, IT IS AN AFFIRMATIVE
DEFENSE IN AN ACTION UNDER THIS SECTION THAT THE EMPLOYER
COMPLIED IN GOOD FAITH WITH THE REQUIREMENTS OF 8 UNITED
STATES CODE SECTION 1324 (a) AND (b). AN EMPLOYER IS
CONSIDERED TO HAVE COMPLIED WITH THE REQUIREMENTS OF 8 UNITED
STATES CODE SECTION 1324 (a) AND (b) NOTWITHSTANDING AN
ISOLATED, SPORADIC OR ACCIDENTAL TECHNICAL OR PROCEDURAL
FAILURE TO MEET THE REQUIREMENTS IF THE EMPLOYER MADE A GOOD
FAITH ATTEMPT TO COMPLY WITH THE REQUIREMENTS.
Sec. 5. Title 41, chapter 6, article 7.2, Arizona
Revised Statutes, is amended by adding section 41-1080.02, to
read:
41-1080.02. Agencies; licenses; e-verify program;
definitions
A. ON OR AFTER JANUARY 1, 2026, NOTWITHSTANDING ANY
OTHER LAW, ANY AGENCY THAT ISSUES LICENSES SHALL VERIFY THAT
THE APPLICANT THAT IS SEEKING A LICENSE IS LAWFULLY PRESENT IN
THE UNITED STATES AS AUTHORIZED BY FEDERAL LAW BY USING THE
E-VERIFY PROGRAM BEFORE ISSUING THE DOCUMENT OR LICENSE UNLESS
THE APPLICANT HAS PROVIDED THE AGENCY WITH EMPLOYMENT
AUTHORIZATION DOCUMENTS ISSUED BY THE FEDERAL GOVERNMENT, AND
SHALL KEEP A RECORD OF THE VERIFICATION FOR AT LEAST THREE
YEARS.
B. FOR THE PURPOSES OF THIS SECTION:
1. “AGENCY” HAS THE SAME MEANING PRESCRIBED IN SECTION
41-1080.
2. “LICENSE” HAS THE SAME MEANING PRESCRIBED IN SECTION
41-1080.
Sec. 6. Title 41, chapter 57, Arizona Revised Statutes,
is amended by adding article 2, to read:
ARTICLE 2. PUBLIC PROGRAMS
41-5911. E-verify program; public welfare monies;
disbursement requirement; statewide
concern; applicability; definition
A. ON OR AFTER JANUARY 1, 2026, A STATE AGENCY SHALL
VERIFY THAT AN ADULT RECIPIENT IS LAWFULLY PRESENT IN THE
UNITED STATES UNDER FEDERAL LAW BY USING THE E-VERIFY PROGRAM
BEFORE ENROLLING THE RECIPIENT IN A PUBLIC WELFARE PROGRAM
UNLESS STATE LAW EXPRESSLY STATES THAT A PERSON WITHOUT LAWFUL
IMMIGRATION STATUS IS ELIGIBLE FOR THE FINANCIAL AID OR BENEFIT AND SHALL KEEP A RECORD OF THE VERIFICATION FOR AT LEAST THREE YEARS.

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

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

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

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Sec. 7. Short title

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

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