

# Fiscal Note

**BILL #** HB 2748

**TITLE:** illegal border crossings; state; crime

**SPONSOR:** Chaplik

**STATUS:** House Engrossed

**PREPARED BY:** Mitch Wenzel

## Description

Among its provisions, the bill:

- Establishes new state misdemeanor and felony crimes associated with illegal border crossings;
- Permits a judge to issue an Order for Return for individuals in Arizona without lawful presence;
- Instructs the state and local governments to indemnify their personnel for damages and reasonable attorney fees arising from a federal cause of action resulting from an action to enforce this legislation.
- Directs the Department of Public Safety's (DPS) Central State Repository to collect fingerprints of persons convicted of Illegal Entry or who had an Order to Return issued against them.

## Estimated Impact

We anticipate that the bill would result in a number of different fiscal impacts. The magnitude of the impacts would depend on the number of individuals subject to the provisions of this bill, which we cannot determine in advance.

### Direct Impacts

State and Local Incarceration Costs – the bill's list of new criminal acts could result in additional state and local incarceration costs.

Local Prosecution – the bill could result in added workload for city and county attorneys and public defenders related to the prosecution of new crimes.

Transportation – the Order of Return could create new expenses to transport individuals to a port of entry and for law enforcement to monitor compliance with the order.

Indemnification – the state and local governments could have costs associated with indemnifying their employees for damages and reasonable attorney fees. As general practice, our fiscal notes do not opine on whether proposed legislation will result in litigation.

Central State Repository – DPS could incur added workload in collecting fingerprints of persons convicted of Illegal Entry or who had an Order of Return and storing records in the repository.

### Broader Impacts

The bill could have broader consequences on both state revenues and expenditures. To the extent that the bill reduces illegal border crossings, there may be less demand for participation in state-funded programs.

Reduced immigration levels could also impact state revenues. The growth in general tax collections could decline with a lower immigrant population.

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The magnitude of these broader impacts will depend on how the bill impacts the level of immigration.

Agency Estimates

Our office has contacted the Attorney General's (AG) Office, the Administrative Office of the Courts (AOC), the Department of Emergency and Military Affairs (DEMA) and DPS for their perspectives on fiscal impacts of the bill. The AG, DEMA and AOC responded that they were not able to provide an estimated fiscal impact. DPS has not yet responded to our request.

**Local Government Impact**

The local impacts are described in the Estimate Impact section. We contacted the Arizona Association of Counties for their perspectives on the fiscal impact of the bill and we have not yet received their response.

3/5/24