

Senate Engrossed
immigration laws; local enforcement

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SENATE BILL 1164

AN ACT

AMENDING TITLE 11, CHAPTER 7, ARTICLE 8, ARIZONA REVISED STATUTES, BY
ADDING SECTIONS 11-1052, 11-1053, 11-1054 AND 11-1055; RELATING TO
ENFORCEMENT OF IMMIGRATION LAWS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 11, chapter 7, article 8, Arizona Revised
3 Statutes, is amended by adding sections 11-1052, 11-1053, 11-1054 and
4 11-1055, to read:

5 11-1052. Federal immigration authorities; agreements; state
6 cooperation; incentive programs; grant funding;
7 attorney general investigations; definitions

8 A. OFFICIALS OR AGENCIES OF THIS STATE OR A COUNTY, CITY, TOWN OR
9 OTHER POLITICAL SUBDIVISION OF THIS STATE MAY ENTER INTO MEMORANDUMS OF
10 AGREEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE, THE UNITED STATES
11 DEPARTMENT OF HOMELAND SECURITY OR ANY OTHER FEDERAL AGENCY FOR THE
12 PURPOSE OF ENFORCING FEDERAL IMMIGRATION LAWS, INCLUDING 8 UNITED STATES
13 CODE SECTION 1357(g) OR A SIMILAR FEDERAL PROGRAM.

14 B. AN OFFICIAL OR AGENCY OF THIS STATE OR A CITY, TOWN, COUNTY OR
15 OTHER POLITICAL SUBDIVISION OF THIS STATE MAY NOT ESTABLISH, ADOPT OR
16 ENFORCE ANY POLICY, PATTERN OR PRACTICE THAT PROHIBITS OR RESTRICTS
17 COOPERATION WITH FEDERAL IMMIGRATION AUTHORITIES IN THE ENFORCEMENT OF
18 FEDERAL IMMIGRATION LAW.

19 C. EXCEPT AS PROVIDED BY FEDERAL LAW, AN OFFICIAL OR AGENCY OF THIS
20 STATE OR A COUNTY, CITY, TOWN OR OTHER POLITICAL SUBDIVISION OF THIS STATE
21 MAY NOT BE PROHIBITED FROM USING AVAILABLE FEDERAL RESOURCES, INCLUDING
22 DATABASES, EQUIPMENT, GRANT MONIES, TRAINING OR PARTICIPATION IN INCENTIVE
23 PROGRAMS FOR ANY PUBLIC SAFETY PURPOSE RELATED TO THE ENFORCEMENT OF STATE
24 AND FEDERAL IMMIGRATION LAWS.

25 D. WHEN REASONABLY POSSIBLE, APPLICABLE STATE AGENCIES SHALL
26 CONSIDER INCENTIVE PROGRAMS AND GRANT FUNDING FOR THE PURPOSE OF ASSISTING
27 AND ENCOURAGING AN OFFICIAL OR AGENCY OF THIS STATE OR A COUNTY, CITY,
28 TOWN OR OTHER POLITICAL SUBDIVISION OF THIS STATE TO ENTER INTO AGREEMENTS
29 WITH FEDERAL ENTITIES AND TO USE FEDERAL RESOURCES CONSISTENT WITH THIS
30 SECTION.

31 E. THIS SECTION OR ANY MEMORANDUM OF AGREEMENT AUTHORIZED BY THIS
32 SECTION DOES NOT PREVENT ANY LAW ENFORCEMENT AGENCY, COUNTY, CITY, TOWN OR
33 OTHER POLITICAL SUBDIVISION OF THIS STATE FROM ENFORCING IMMIGRATION LAWS
34 AS AUTHORIZED PURSUANT TO FEDERAL LAWS AND THE LAWS OF THIS STATE.

35 F. IN ADDITION TO ANY OTHER CAUSES OF ACTION OR REMEDIES AVAILABLE
36 TO THE ATTORNEY GENERAL, A COUNTY ATTORNEY OR ANY OTHER PARTY WITH
37 STANDING, AT THE WRITTEN REQUEST OF A MEMBER OF THE LEGISLATURE, THE
38 ATTORNEY GENERAL SHALL INVESTIGATE ANY ORDINANCE, REGULATION, ORDER,
39 POLICY, PATTERN OR PRACTICE OF A CITY, TOWN OR COUNTY OR ANY AGENCY,
40 DEPARTMENT OR OTHER ENTITY OF A CITY, TOWN OR COUNTY THAT THE MEMBER OF
41 THE LEGISLATURE ALLEGES VIOLATES SUBSECTION B OF THIS SECTION. THE
42 ATTORNEY GENERAL SHALL HAVE THE SAME INVESTIGATIVE POWERS PROVIDED IN
43 SECTION 38-431.06, SUBSECTION B AND MAY FILE AN ACTION IN SUPERIOR COURT
44 TO ENFORCE COMPLIANCE WITH ANY INVESTIGATIVE REQUEST OR DEMAND. AN ACTION
45 FILED BY THE ATTORNEY GENERAL PURSUANT TO THIS SUBSECTION SHALL BE GIVEN

1 PRECEDENCE OVER ALL OTHER CASES. WITHIN THIRTY DAYS AFTER THE REQUEST OF
2 THE MEMBER OF THE LEGISLATURE, EXCLUDING ANY TIME IN WHICH AN ACTION TO
3 ENFORCE AN INVESTIGATIVE REQUEST OR DEMAND IS PENDING, THE ATTORNEY
4 GENERAL SHALL MAKE A WRITTEN REPORT PURSUANT TO SECTION 41-194.01,
5 SUBSECTION B AND SHALL FOLLOW THE PROCEDURES OF SECTION 41-194.01,
6 SUBSECTION B FOR ANY VIOLATION OR POTENTIAL VIOLATION.

7 G. FOR THE PURPOSES OF THIS SECTION:

8 1. "LAW ENFORCEMENT AGENCY" MEANS:

9 (a) A COUNTY SHERIFF'S OFFICE.

10 (b) THE STATE DEPARTMENT OF CORRECTIONS.

11 (c) THE DEPARTMENT OF PUBLIC SAFETY.

12 (d) A MUNICIPAL POLICE DEPARTMENT.

13 2. "LAW ENFORCEMENT OFFICER" MEANS AN OFFICER IN THE EMPLOYMENT OF
14 A LAW ENFORCEMENT AGENCY.

15 11-1053. Immigration detainer requests: duties:
16 responsibilities; definition

17 A. A LAW ENFORCEMENT AGENCY THAT HAS CUSTODY OF A PERSON SUBJECT TO
18 AN IMMIGRATION DETAINER REQUEST ISSUED BY THE UNITED STATES IMMIGRATION
19 AND CUSTOMS ENFORCEMENT SHALL DO ALL OF THE FOLLOWING:

20 1. PROVIDE NOTICE TO THE JUDGE AUTHORIZED TO GRANT OR DENY THE
21 PERSON'S RELEASE ON BAIL UNDER TITLE 13, CHAPTER 38, ARTICLE 12 THAT THE
22 PERSON IS SUBJECT TO AN IMMIGRATION DETAINER.

23 2. RECORD IN THE PERSON'S CASE FILE THAT THE PERSON IS SUBJECT TO
24 AN IMMIGRATION DETAINER.

25 3. ON DETERMINING THAT THE IMMIGRATION DETAINER MEETS THE
26 REQUIREMENTS OF SUBSECTIONS B AND C OF THIS SECTION, COMPLY WITH, HONOR
27 AND FULFILL ANY REQUEST MADE IN THE IMMIGRATION DETAINER REQUEST PROVIDED
28 BY THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT.

29 4. INFORM THE PERSON THAT THE PERSON IS BEING HELD PURSUANT TO AN
30 IMMIGRATION DETAINER REQUEST ISSUED BY UNITED STATES IMMIGRATION AND
31 CUSTOMS ENFORCEMENT.

32 B. THE IMMIGRATION DETAINER REQUEST ISSUED PURSUANT TO SUBSECTION A
33 OF THIS SECTION SHALL BE A FACIALLY SUFFICIENT WRITTEN OR ELECTRONIC
34 REQUEST ISSUED BY THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT
35 USING THAT AGENCY'S OFFICIAL FORM TO REQUEST THAT ANOTHER LAW ENFORCEMENT
36 AGENCY DETAIN A PERSON BASED ON PROBABLE CAUSE TO BELIEVE THAT THE PERSON
37 TO BE DETAINED IS A REMOVABLE ALIEN UNDER FEDERAL IMMIGRATION LAWS,
38 INCLUDING IMMIGRATION DETAINERS ISSUED PURSUANT TO 8 UNITED STATES CODE
39 SECTIONS 1226 AND 1357 ALONG WITH A WARRANT DESCRIBED IN SUBSECTION C,
40 PARAGRAPH 2 OF THIS SECTION.

41 C. AN IMMIGRATION DETAINER REQUEST ISSUED PURSUANT TO SUBSECTION A
42 OF THIS SECTION IS DEEMED FACIALLY SUFFICIENT IF EITHER OF THE FOLLOWING
43 APPLIES:

44 1. THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICIAL
45 FORM IS COMPLETE AND INDICATES ON ITS FACE THAT THE FEDERAL IMMIGRATION

1 OFFICIAL HAS PROBABLE CAUSE TO BELIEVE THAT THE PERSON TO BE DETAINED IS A
2 REMOVABLE ALIEN UNDER FEDERAL IMMIGRATION LAW.

3 2. THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICIAL
4 FORM IS INCOMPLETE AND FAILS TO INDICATE ON ITS FACE THAT THE FEDERAL
5 IMMIGRATION OFFICIAL HAS PROBABLE CAUSE TO BELIEVE THAT THE PERSON TO BE
6 DETAINED IS A REMOVABLE ALIEN UNDER FEDERAL IMMIGRATION LAW, BUT IS
7 SUPPORTED BY AN AFFIDAVIT, ORDER OR OTHER OFFICIAL DOCUMENTATION THAT
8 INDICATES THAT THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT HAS
9 PROBABLE CAUSE TO BELIEVE THAT THE PERSON TO BE DETAINED IS A REMOVABLE
10 ALIEN UNDER FEDERAL IMMIGRATION LAW AND UNITED STATES IMMIGRATION AND
11 CUSTOMS ENFORCEMENT SUPPLIES WITH THE DETENTION REQUEST A UNITED STATES
12 DEPARTMENT OF HOMELAND SECURITY FORM I-200 WARRANT FOR ARREST OF ALIEN OR
13 A UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT FORM I-205 WARRANT OF
14 REMOVAL/DEPORTATION, OR A SUCCESSOR WARRANT, OR OTHER WARRANT AUTHORIZED
15 BY FEDERAL LAW.

16 D. A LAW ENFORCEMENT AGENCY IS NOT REQUIRED TO PERFORM A DUTY
17 IMPOSED BY SUBSECTION A OF THIS SECTION WITH RESPECT TO A PERSON WHO HAS
18 PROVIDED PROOF THAT THE PERSON IS A CITIZEN OF THE UNITED STATES OR THAT
19 THE PERSON HAS LAWFUL IMMIGRATION STATUS IN THE UNITED STATES. PROOF THAT
20 THE PERSON IS A CITIZEN OF THE UNITED STATES INCLUDES A DRIVER LICENSE
21 ISSUED BY THIS STATE OR A SIMILAR GOVERNMENT-ISSUED IDENTIFICATION.

22 E. A LAW ENFORCEMENT AGENCY IS NOT REQUIRED TO PERFORM A DUTY
23 IMPOSED BY SUBSECTION A, PARAGRAPH 1, 2 OR 4 OF THIS SECTION WITH RESPECT
24 TO A PERSON WHO IS TRANSFERRED TO THE CUSTODY OF THE AGENCY BY ANOTHER LAW
25 ENFORCEMENT AGENCY IF THE TRANSFERRING AGENCY PERFORMED THE DUTY IMPOSED
26 BY SUBSECTION A, PARAGRAPH 1, 2 OR 4 BEFORE THE TRANSFER OF THE PERSON.

27 F. A JUDGE WHO RECEIVES NOTICE THAT A PERSON IS SUBJECT TO AN
28 IMMIGRATION DETAINER SHALL CAUSE THE FACT TO BE RECORDED IN THE COURT
29 RECORD WHETHER OR NOT THE NOTICE IS RECEIVED BEFORE OR AFTER A JUDGMENT IS
30 ENTERED IN THE CASE.

31 G. FOR THE PURPOSES OF THIS SECTION, "LAW ENFORCEMENT AGENCY"
32 MEANS:

33 1. A COUNTY SHERIFF'S OFFICE.
34 2. THE STATE DEPARTMENT OF CORRECTIONS.

35 11-1054. Correctional facilities; agreements; reimbursement
36 of costs; definition

37 A. THE DIRECTOR OF EACH CORRECTIONAL FACILITY WITHIN THE CONTROL OF
38 THE STATE DEPARTMENT OF CORRECTIONS OR A COUNTY SHERIFF'S OFFICE SHALL
39 ENTER INTO AN AGREEMENT OR AGREEMENTS WITH THE UNITED STATES IMMIGRATION
40 AND CUSTOMS ENFORCEMENT FOR TEMPORARY HOUSING OF PERSONS WHO ARE THE
41 SUBJECT OF IMMIGRATION DETAINERS AND FOR THE PAYMENT OF THE COSTS OF
42 HOUSING AND DETAINING PERSONS WHO ARE SUBJECT TO IMMIGRATION DETAINERS.
43 SUBJECT TO AVAILABLE MONIES, THE DIRECTOR OF A CORRECTIONAL FACILITY SHALL
44 HOUSE PERSONS WHO ARE THE SUBJECT OF IMMIGRATION DETAINERS.

1 B. THE AGREEMENT REQUIRED PURSUANT TO SUBSECTION A OF THIS SECTION
2 MAY INCLUDE ANY OF THE FOLLOWING:

3 1. ANY CONTRACT BETWEEN THE DIRECTOR OF A CORRECTIONAL FACILITY AND
4 THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT FOR HOUSING OR
5 DETAINING PERSONS SUBJECT TO IMMIGRATION DETAINERS, INCLUDING BASIC
6 ORDERING AGREEMENTS IN EFFECT ON OR AFTER JANUARY 20, 2025.

7 2. AGREEMENTS AUTHORIZED BY 8 UNITED STATES CODE SECTION 1357 OR
8 SUCCESSOR AGREEMENTS.

9 3. ANY OTHER SIMILAR AGREEMENTS AUTHORIZED BY FEDERAL LAW.

10 C. LAWFUL TRANSPORTATION OR MOVEMENT INCIDENTAL TO CORRECTIONAL
11 FACILITY CONFINEMENT PURSUANT TO SUBSECTION D, PARAGRAPHS 1, 2 AND 3 OF
12 THIS SECTION IS WITHIN THE CONTROL OF A CORRECTIONAL FACILITY.

13 D. FOR THE PURPOSES OF THIS SECTION, "CORRECTIONAL FACILITY" MEANS
14 ANY PLACE USED BY THE STATE DEPARTMENT OF CORRECTIONS OR A COUNTY
15 SHERIFF'S OFFICE FOR THE CONFINEMENT OR CONTROL OF A PERSON FOR ONE OF THE
16 FOLLOWING REASONS:

17 1. THE PERSON IS CHARGED WITH OR CONVICTED OF AN OFFENSE.

18 2. THE PERSON IS BEING HELD FOR EXTRADITION.

19 3. PURSUANT TO AN ORDER OF COURT FOR LAW ENFORCEMENT PURPOSES.

20 11-1055. Enforcement; definitions

21 A. THE ATTORNEY GENERAL MAY BRING AN ACTION TO ENFORCE SECTIONS
22 11-1052, 11-1053 AND 11-1054 FOR APPROPRIATE INJUNCTIVE RELIEF TO BRING A
23 LAW ENFORCEMENT AGENCY OR THE DIRECTOR OF A CORRECTIONAL FACILITY INTO
24 COMPLIANCE. THE ACTION MAY BE BROUGHT IN THE SUPERIOR COURT OF THE COUNTY
25 IN WHICH THE DEFENDANT IS LOCATED.

26 B. A TAXPAYER OF THIS STATE MAY REQUEST, IN WRITING, THAT THE
27 ATTORNEY GENERAL INSTITUTE AN ACTION PURSUANT TO SUBSECTION A OF THIS
28 SECTION. A REQUEST MAY BE MADE ONLY BY A TAXPAYER OF THE COUNTY OF THE
29 LAW ENFORCEMENT AGENCY OR CORRECTIONAL FACILITY THAT IS THE SUBJECT OF THE
30 REQUEST. IF THE ATTORNEY GENERAL FAILS TO INSTITUTE AN ACTION AS PROVIDED
31 IN SUBSECTION A OF THIS SECTION SIXTY DAYS AFTER THE REQUEST IS MADE BY
32 THE TAXPAYER IN WRITING, THE TAXPAYER WHO MADE THE REQUEST MAY INSTITUTE
33 THE ACTION IN THE TAXPAYER'S OWN NAME AND AT THE TAXPAYER'S OWN EXPENSE
34 WITH THE SAME EFFECT AS IF BROUGHT BY THE ATTORNEY GENERAL.

35 C. THE COURT MAY AWARD REASONABLE COSTS INCURRED IN OBTAINING
36 RELIEF UNDER SUBSECTION A OR B OF THIS SECTION TO THE ATTORNEY GENERAL OR
37 TAXPAYER BRINGING THE ACTION, INCLUDING COURT COSTS, REASONABLE ATTORNEY
38 FEES, INVESTIGATIVE COSTS, WITNESS FEES AND DEPOSITION COSTS.

39 D. FOR THE PURPOSES OF THIS SECTION:

40 1. "CORRECTIONAL FACILITY" HAS THE SAME MEANING PRESCRIBED IN
41 SECTION 11-1054.

42 2. "LAW ENFORCEMENT AGENCY" HAS THE SAME MEANING PRESCRIBED IN
43 SECTION 11-1052.

1 Sec. 2. Legislative findings

2 The legislature finds:

3 1. That enforcement of our nation's immigration laws is critically
4 important to the safety and security of Arizona and the United States.
5 2. That illegal immigration to America has surged since 2021.
6 During the past four years, the United States customs and border
7 protection recorded more than eight million five hundred thousand
8 encounters at the southwest border of the United States. Border Crisis
9 Startling Stats: The Biden-Harris Border Crisis Continues as Nationwide
10 Encounters Reach Over 11 Million Since FY2021, U.S. House Committee on
11 Homeland Security (Jan. 3, 2025). "Shockingly, this number does not
12 include the reported 2.2 million known gotaways who have evaded Border
13 Patrol between ports of entry since FY2021."

14 <https://homeland.house.gov/wp-content/uploads/2025/01/November-24-SS.pdf>.

15 3. That the safety and security of Arizona families is threatened
16 by the illegal immigration that has occurred since 2021. In just four
17 years, the border patrol arrested more than fifty-seven thousand aliens
18 with criminal convictions or outstanding warrants. Border Crisis
19 Startling Stats: The Biden-Harris Border Crisis Continues as Nationwide
20 Encounters Reach Over 11 Million Since FY2021, U.S. House Committee on
21 Homeland Security (Jan. 3, 2025).

22 <https://homeland.house.gov/wp-content/uploads/2025/01/November-24-SS.pdf>.

23 Other aliens who have entered the country include:

24 (a) Suspected ISIS terrorists. Stepheny Price et al., Authorities
25 nab 8 suspected terrorists with ties to ISIS in multi-city sting
26 operation, Fox News, (June 11, 2024).
27 <https://www.foxnews.com/us/authorities-nab-8-suspected-terrorists-ties-isis-multi-city-sting-operation>.

28 (b) Murderers. Jennie Taer, Migrant charged with Laken Riley's
29 murder easily entered US despite links to bloodthirsty gang, bombshell
30 Post probe reveals, New York Post (Mar. 8, 2024).
31 <https://nypost.com/2024/03/08/us-news/migrant-charged-with-murdering-laken-rileys-easy-path-to-us/>.

32 (c) Dangerous gang members. Julia Ainsley, DHS is seeking more
33 than 600 migrants for possible ties to Venezuelan gang, NBC News,
34 (Oct. 23, 2024). <https://www.nbcnews.com/news/dhs-identified-600-migrants-possible-ties-venezuelan-gang-rcna176020>.

35 (d) Individuals on the terrorist watchlist. Border Crisis
36 Startling Stats: CBP Records More Than 140,000 Encounters Nationwide to
37 Start FY2025, U.S. House Committee on Homeland Security (Nov. 20, 2024).
38 <https://homeland.house.gov/wp-content/uploads/2024/11/October-FY25-Startling-Stats.pdf>.

39 4. That Arizona taxpayers also are affected by illegal immigration.
40 A recent report estimated that the four hundred fifty-three thousand
41 aliens who are unlawfully present in Arizona in 2023 cost Arizona

1 taxpayers \$3,190,000.000 that year. The Fiscal Burden of Illegal
2 Immigration on United States Taxpayers 2023, Federation for American
3 Immigration Reform, (Mar. 8, 2023).
4 https://www.fairus.org/sites/default/files/2023-03/arizona2023_0.pdf.

5 5. That it is an important state interest to cooperate and assist
6 the federal government in the enforcement of federal immigration laws
7 within this state.

8 6. That it is the intent of the legislature to require Arizona law
9 enforcement officials to work in conjunction with federal immigration
10 authorities and to use all resources made available by the federal
11 government to assist state and local law enforcement officers in the
12 enforcement of the laws of this state and of the immigration laws of the
13 United States.

14 7. That because the matters contained in this act have important
15 statewide ramifications for compliance with and enforcement of federal
16 immigration laws and for the welfare of all citizens in this state, these
17 matters are of statewide concern.

18 8. That allowing aliens who are unlawfully present in the United
19 States to reside within Arizona undermines federal immigration laws and
20 state laws allocating available resources.

21 9. That all appropriate state officials and law enforcement
22 agencies are to vigorously pursue all federal monies to which the state
23 may be entitled for the reimbursement of monies spent to comply with
24 federal immigration laws.

25 Sec. 3. Retroactivity

26 This act applies retroactively to from and after December 31, 2024.

27 Sec. 4. Severability

28 If a provision of this act or its application to any person or
29 circumstance is held invalid, the invalidity does not affect other
30 provisions or applications of the act that can be given effect without the
31 invalid provision or application, and to this end the provisions of this
32 act are severable.

33 Sec. 5. Short title

34 This act may be cited as the "Arizona Immigration, Cooperation and
35 Enforcement Act or the Arizona ICE Act".