

# Fiscal Note

**BILL #** SB 1164

**TITLE:** immigration laws; local enforcement

**SPONSOR:** Petersen

**STATUS:** As Amended by Senate MABS

**PREPARED BY:** Jordan Johnston

## Description

The bill would, among other provisions:

- Require each law enforcement agency in the state to use its "best efforts" to support the enforcement of federal immigration laws and would prohibit the state or political subdivisions from restricting cooperation with federal immigration enforcement efforts.
- Authorize law enforcement agencies, defined as a county sheriff's office, municipal police department, the Department of Public Safety (DPS), and the Arizona Department of Corrections (ADC), to enter into a memorandum of agreement with the US Attorney General and Immigration and Customs Enforcement (ICE) to participate in the immigration enforcement program.
- Require county sheriffs and ADC, subject to available monies, to assist in the temporary housing of persons subject to detainment under US immigration laws.
- Authorize the Attorney General (AG) to bring an action for appropriate injunctive relief to enforce compliance by law enforcement agencies. A taxpayer may also request that the AG institute this action. If the AG does not initiate the action, the taxpayer may institute the action at the taxpayer's own expense. A taxpayer may be awarded reasonable costs incurred in obtaining relief by the courts.

## Estimated Impact

We estimate the bill may generate new costs to ADC, DPS, county sheriffs and municipal police departments for immigration enforcement. The bill may also generate costs to ADC and county sheriffs for temporary housing of detainees.

The magnitude of the fiscal impact of the bill will ultimately depend on the following: 1) how many individuals are apprehended, detained, and provided temporary housing and 2) any additional funding received from the federal government to cover these costs.

The Attorney General may incur costs associated with the filings for injunctive relief.

We have reached out to the Arizona Association of Counties (AACo), ADC and the Attorney General for their estimated impact of the legislation and are awaiting a response.

## Analysis

8 U.S. Code § 1357(G) authorizes the US Attorney General to enter into a written agreement with a state, or a political subdivision of a state, to be qualified to perform the function of an immigration officer in relation to the investigation, apprehension, or detention of persons without a lawful presence in the US. These are typically referred to as 287g agreements. The bill would explicitly allow political subdivisions of Arizona to enter into these agreements.

Currently, there are 5 state and local law enforcement agencies that have 287g agreements with ICE: 1) ADC, 2) La Paz County Sheriff's Office, 3) Pinal County Sheriff's Office, 4) Yavapai County Sheriff's Office, and 5) Mesa Police Department. These entities have entered into a jail enforcement model with ICE, which is a model designed to identify and process



removable persons without a lawful presence, with criminal or pending criminal charges, who are arrested by state or local law enforcement agencies.

ICE covers the cost of training local officers in the 287g program and pays for the installation and maintenance of related information technology infrastructure at the local sites. State and local governments are responsible for all personnel costs. Some of the detention costs may be reimbursed by the federal government. The law enforcement agency costs will depend on the extent to which they use existing personnel to participate in the 287g agreement or decide to hire additional staff.

The bill would require county sheriffs and ADC to enter into an agreement with ICE to temporarily house apprehended persons, including an agreement that ICE would reimburse the costs of housing and detainment. The bill would also require these agencies, dependent on availability of funding, to house any persons subject to immigration detainment. The costs incurred by these law enforcement agencies will depend on both the number of individuals detained and the length of detainment.

The federal government may provide additional resources for state and local governments to defray the cost of border enforcement. The US House of Representative and the US Senate have both passed separate budget resolutions for Federal Fiscal Year (FFY) 2026 in the last 2 weeks. These resolutions outline the total spending targets for each of their respective committees. The resolutions do not fund specific programs. In the FFY 2026 budget resolutions, the US Senate Homeland Security Committee can allocate up to \$175 billion in new funding for programs under its jurisdiction while the US House Homeland Security Committee can allocate up to \$90 million in new funding. That funding difference will need to be resolved and a specific spending plan will need to be developed. We are not aware at this time of a specific allocation of these dollars in terms of potential new state and local border enforcement funding.

#### **Local Government Impact**

These impacts are addressed throughout the Analysis section above.

2/26/25