



ARIZONA STATE SENATE
Fifty-Seventh Legislature, First Regular Session

VETOED
AMENDED

FACT SHEET FOR S.B. 1164

immigration laws; local enforcement

Purpose

Establishes the *Arizona Immigration, Cooperation and Enforcement Act* (Arizona ICE Act) and prescribes requirements for state and local cooperation with federal immigration authorities and the enforcement of federal immigration laws that include facilitating immigration detainer requests, providing temporary housing for detainees and procedures for noncompliance.

Background

The Immigration and Nationality Act of 1996 prescribes the powers of immigration officers and employees, including a federal immigration program, commonly referred to as the 287(g) Program, that allows the U.S. Attorney General to enter into agreements with state and local law enforcement agencies. Agreements made under the 287(g) Program authorize qualified state and local law enforcement officers to act as a federal immigration officer and enforce federal immigration laws, including the investigation, apprehension or detention of aliens in the United States ([8 U.S.C. § 1357](#)).

Commonly referred to by the number of the establishing bill, 1487, the Attorney General (AG) must investigate any alleged violation of the Arizona Constitution or state law by a governing body of a county or municipality upon the request of a legislative member. Within 30 days of the request, the AG must make a written report of investigative findings and conclusions and provide a copy of the report to the Governor, the Senate President, the Speaker of the House of Representatives, the legislative member or members making the original request and the Secretary of State. If the AG concludes that the ordinance, regulation, order, written policy, written rule or other action under investigation: 1) violates a provision of state law or the Arizona State Constitution, the AG must notify the county or municipality of the determination, provide 30 days to resolve the violation and, if the violation is not resolved, direct the State Treasurer to withhold and redistribute state share monies from the county or municipality until the violation is resolved; 2) may violate a provision of state law or the Constitution of Arizona, the AG must file a special action in the Arizona Supreme Court to resolve the issue, as prescribed, and the court must require the county or municipality to post a bond equal to the amount of state shared revenue paid for the preceding six months; or 3) does not violate state law or the Arizona Constitution, the AG must take no further action ([A.R.S. § 41-194.01](#)).

The Joint Legislative Budget Committee fiscal note indicates that the fiscal impact of S.B. 1164, as passed by the Committee on Military Affairs and Border Security, will depend on how many individuals are apprehended, detained and provided temporary housing and whether any additional federal funding will cover these costs and may: 1) generate new costs to the Arizona Department of Corrections, Rehabilitation and Reentry (ADCRR), the Department of Public Safety (DPS), county sheriff's offices and municipal police departments for immigration enforcement; 2) generate new costs to ADCRR and county sheriffs' offices for providing temporary housing of detainees; and 3) cause the AG to incur costs associated with filings for injunctive relief ([JLBC Fiscal Note](#)).

Provisions

Cooperating with Federal Immigration Authorities

1. Allows a state official or agency and any county, city, town or other political subdivision of the state to enter into memorandums of agreement (MOAs) with the U.S. Department of Justice, the U.S. Department of Homeland Security or any other federal agency for the purpose of enforcing federal immigration laws, including the 287(g) Program or a similar federal program.
2. Preempts a state official or agency and any city, town, county or other political subdivision of the state from establishing, adopting or enforcing any policy, pattern or practice that prohibits or restricts cooperation with federal immigration authorities in the enforcement of federal immigration laws.
3. Preempts a state official or agency or a county, city, town or other political subdivision of the state from being prohibited from using available federal resources, including databases, equipment, grant monies, training or participation in incentive programs for any public safety purpose related to the enforcement of state and federal immigration laws, except as provided by federal law.
4. Directs applicable state agencies to consider incentive programs and grant funding for the purpose of assisting and encouraging a state official, state agency, county, city, town or other political subdivision of the state to enter into MOAs with federal entities and use federal resources, when reasonably possible.
5. Asserts that the Arizona ICE Act (Act), or any MOA authorized by the Act, does not prevent any law enforcement agency (LEA), county, city, town or other political subdivision of the state from enforcing federal immigration laws as authorized pursuant to state and federal law.
6. Requires the AG, at the written request of a member of the Legislature, to investigate any ordinance, regulation, order, policy, pattern or practice of a city town or county or any agency, department or other entity of a city, town or county that the legislative member alleges violates the preemption on prohibiting or restricting cooperation with federal immigration authorities in the enforcement of federal immigration laws.
7. Specifies that the AG investigation is in addition to any other causes of action or remedies available to the attorney general, a county attorney or any other party with standing.
8. Asserts that the AG has prescribed investigative powers and may file an action in superior court to enforce compliance with any investigative request or demand.
9. Requires an action filed by the AG relating to an investigation to be given precedence over all other cases.
10. Requires the AG, within 30 days after the request of the member of the Legislature excluding any time in which an action to enforce an investigative request or demand is pending, to make a written report and follow the prescribed procedures for any violation or potential violation.

11. Defines an *LEA* as ADCRR, county sheriff's offices, DPS and municipal police departments.

12. Defines *law enforcement officer* as an officer in the employment of an LEA.

Federal Immigration Detainer Requests

13. Requires an LEA that has custody of a person subject to an immigration detainer request issued by U.S. Immigration and Customs Enforcement (U.S. ICE) must:

- a) provide notice to the judge authorized to grant or deny the person's release on bail that the person is subject to an immigration detainer;
- b) record in the person's case file that the person is subject to an immigration detainer;
- c) on determining that the immigration detainer is facially sufficient, comply with, honor and fulfill any request made in the immigration detainer request; and
- d) inform the person that the person is being held pursuant to an immigration detainer request issued by U.S. ICE.

14. Negates the requirement to perform a duty with respect to a person who is transferred to the LEA's custody by another LEA if the transferring LEA performed the duty before the transfer of the person.

15. Requires a federal immigration detainer request to be a facially sufficient written or electronic request issued by U.S. ICE using an official form to request that another LEA detain a person based on probable cause to believe that the person to be detained is a removable alien under federal immigration laws, including federal immigration detainers and specified federal warrants.

16. Deems a federal immigration detainer request as facially sufficient if the U.S. ICE official form is complete and indicates on its face that the federal immigration official has probable cause to believe that the person to be detained is a removable alien under federal immigration law.

17. Deems a federal immigration detainer request as facially sufficient if the U.S. ICE official form is incomplete and fails to indicate on its face that the federal immigration official has probable cause to believe that the person to be detained is a removable alien under federal law, but:

- a) is supported by an affidavit, order or other official documentation that indicates that U.S. ICE has probable cause to believe that the person to be detained is a removable alien under federal immigration law; and
- b) U.S. ICE supplies with the detention request a U.S. Department of Homeland Security form I-200 warrant for arrest of alien or a U.S. ICE form I-205 warrant of removal/deportation, or a successor warrant, or other warrant authorized by federal law.

18. Exempts an LEA from the requirements for federal immigration detainer requests with respect to a person who provides proof that the person is a U.S. citizen or that the person has lawful immigration status in the United States.

19. Includes, as proof the person is a U.S. citizen, a driver license issued by Arizona or similar government-issued identification.

20. Instructs a judge who receives notice that a person is subject to an immigration detainer to cause the fact to be recorded in the court record whether the notice is received before or after a judgment is entered in the case.
21. Defines an *LEA* as a county sheriff's office and ADCRR.

Temporary Housing of Federal Detainees

22. Requires the director of each correctional facility within the control of ADCRR or a county sheriff's office to enter into an agreement, or agreements, with U.S. ICE for the temporary housing of, and the payment of the costs of housing and detaining, persons who are the subject of immigration detainers.
23. Requires the director of a correctional facility to house persons who are the subject of immigration detainers, subject to available monies.
24. Allows an agreement to include:
 - a) any contract between the director of a correctional facility and U.S. ICE for housing or detaining persons subject to immigration detainers, including basic ordering agreements in effect on or after January 20, 2025;
 - b) agreements authorized by the 287(g) Program or successor agreements; and
 - c) any other similar agreements authorized by federal law.
25. Deems the lawful transportation or movement incidental to correctional facility confinement to be within the control of a correctional facility.
26. Defines a *correctional facility* as any place used by ADCRR or a county sheriff's office for the confinement or control of a person who is charged with or convicted of an offense, is being held for extradition or pursuant to an order of the court for law enforcement purposes.

Enforcement

27. Allows the AG to bring an action to enforce the requirements of the Arizona ICE Act for appropriate injunctive relief to bring an LEA or a correctional facility director into compliance.
28. Allows the action to be brought in the superior court of the county in which the defendant is located.
29. Allows an Arizona taxpayer to request, in writing, that the AG institute an action.
30. Specifies that a request may be made only by a taxpayer of the county of the LEA or correctional facility that is the subject of the request.
31. Allows the taxpayer who made the request, if the AG fails to institute an action 60 days after the written request is made, to institute the action in the taxpayer's own name and at the taxpayer's own expense with the same effect as if brought by the AG.

32. Directs the court to award any reasonable costs incurred in obtaining relief to the AG or taxpayer bring the action, including court costs, reasonable attorney fees, investigative costs, witness fees and depositing costs.

Miscellaneous

33. Designates this legislation as the *Arizona Immigration, Cooperation and Enforcement Act* or the *Arizona ICE Act*.
34. Contains a statement of legislative findings.
35. Contains a severability clause.
36. Becomes effective on the general effective date, retroactive to January 1, 2025.

Amendments Adopted by Committee

1. Removes the requirement that each LEA, by January 1, 2026, enter into an MOA with U.S. ICE to:
 - a) participate in the 287(g) Program and train at least 10 percent of the LEA's officers; and
 - b) support and allow for the enforcement of federal immigration laws to the full extent allowed under federal law.
2. Removes related notification and reporting requirements for:
 - a) when an LEA enters into an MOA and any renewal, modification or termination of an MOA;
 - b) the status of the written agreement and reasons for noncompliance by October 1, 2025, and continuing quarterly until the LEA enters into an MOA; and
 - c) the number of officers eligible for training and the number of officers trained during the previous calendar year by January 31 of each year.
3. Preempts any state official, agency or political subdivision of the state from prohibiting or restricting cooperation with federal immigration authorities in the enforcement of federal immigration laws.
4. Subjects a city, town or county that violates the preemption to the investigation, reporting and enforcement of the AG, as specified.
5. Expands, for purposes of cooperating with federal authorities, the definition of an *LEA* to include the DPS and municipal police departments.
6. Specifies that the requirements for temporary housing apply to the director of each correctional facility within the control of ADCRR or a county sheriff's office.
7. Removes an appropriation of an unspecified amount from the state General Fund in FY 2026 to the State Treasurer to distribute to county sheriff's offices and ADCRR for the purpose of administering the Arizona ICE Act.
8. Makes technical and conforming changes.

Amendments Adopted by Committee of the Whole

1. Removes the mandate that each LEA use its best efforts to support the enforcement of federal immigration laws.
2. Outlines requirements and procedures for the AG's investigation, at the request of a legislative member, of an alleged violation of the preemption on prohibiting or restricting cooperation with federal immigration authorities.
3. Makes conforming changes.

Governor's Veto Message

The Governor indicates in her [veto message](#) that S.B. 1164 would force state and local officials to take marching orders from the federal administration and that she will continue to work productively with the federal government on true border security.

Senate Action

MABS	2/17/25	DPA	4-3-0
APPROP	2/18/25	W/D	
3 rd Read	2/27/25		17-12-1

House Action

GOV	3/26/24	DP	4-3-0-0
3 rd Read	4/10/24		33-26-1

Vetoed by the Governor 4/18/25

Prepared by Senate Research

April 24, 2025

KJA/slp