

REFERENCE TITLE: arrestees; unlawfully present; reporting

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SB 1055

Introduced by
Senator Rogers

AN ACT

AMENDING SECTION 11-1051, ARIZONA REVISED STATUTES; RELATING TO
IMMIGRATION ENFORCEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 11-1051, Arizona Revised Statutes, is amended to read:

11-1051. Cooperation and assistance in enforcement of immigration laws; indemnification

A. ~~No~~ AN official or agency of this state or a county, city, town or other political subdivision of this state may NOT limit or restrict the enforcement of federal immigration laws to less than the full extent ~~permitted~~ ALLOWED by federal law.

B. For any lawful stop, detention or arrest made by a law enforcement official or a law enforcement agency of this state or ~~a law enforcement official or a law enforcement agency~~ of a county, city, town or other political subdivision of this state in the enforcement of any other law or ordinance of a county, city or town or OF this state where reasonable suspicion exists that the person is an alien and is unlawfully present in the United States, a reasonable attempt shall be made, when practicable, to determine the immigration status of the person, except if the determination may hinder or obstruct an investigation. Any person who is arrested shall have the person's immigration status determined before the person is released. The person's immigration status shall be verified with the federal government pursuant to 8 United States Code section 1373(c). A law enforcement official or agency of this state or a county, city, town or other political subdivision of this state may not consider race, color or national origin in implementing the requirements of this subsection except to the extent ~~permitted~~ ALLOWED by the United States or Arizona Constitution. A person is presumed to not be an alien who is unlawfully present in the United States if the person provides to the law enforcement officer or agency any of the following:

1. A valid Arizona driver license.
2. A valid Arizona nonoperating identification license.
3. A valid tribal enrollment card or other form of tribal identification.

4. If the entity requires proof of legal presence in the United States before issuance, any valid United States federal, state or local government issued identification.

C. If an alien who is unlawfully present in the United States is convicted of a violation of state or local law, on discharge from imprisonment or on the assessment of any monetary obligation that is imposed, the United States immigration and customs enforcement or the United States customs and border protection shall be immediately notified.

D. IF AN ALIEN WHO IS UNLAWFULLY PRESENT IN THE UNITED STATES IS ARRESTED BY A LAW ENFORCEMENT OFFICIAL OR LAW ENFORCEMENT AGENCY OF THIS STATE OR OF A COUNTY, CITY, TOWN OR OTHER POLITICAL SUBDIVISION OF THIS STATE FOR A VIOLATION OF STATE OR LOCAL LAW, THE UNITED STATES IMMIGRATION

1 AND CUSTOMS ENFORCEMENT OR THE UNITED STATES CUSTOMS AND BORDER PROTECTION
2 SHALL BE IMMEDIATELY NOTIFIED.

3 ~~D.~~ E. Notwithstanding any other law, a law enforcement agency may
4 securely transport an alien who the agency has received verification is
5 unlawfully present in the United States and who is in the agency's custody
6 to a federal facility in this state or to any other point of transfer into
7 federal custody that is outside the jurisdiction of the law enforcement
8 agency. A law enforcement agency shall obtain judicial authorization
9 before securely transporting an alien who is unlawfully present in the
10 United States to a point of transfer that is outside of this state.

11 ~~E.~~ F. In ~~the implementation~~ IMPLEMENTING of this section, an
12 alien's immigration status may be determined by:

13 1. A law enforcement officer who is authorized by the federal
14 government to verify or ascertain an alien's immigration status.

15 2. The United States immigration and customs enforcement or the
16 United States customs and border protection pursuant to 8 United States
17 Code section 1373(c).

18 ~~F.~~ G. Except as provided in federal law, officials or agencies of
19 this state and counties, cities, towns and other political subdivisions of
20 this state may not be prohibited or in any way be restricted from sending,
21 receiving or maintaining information relating to the immigration status,
22 lawful or unlawful, of any individual or exchanging that information with
23 any other federal, state or local governmental entity for the following
24 official purposes:

25 1. Determining eligibility for any public benefit, service or
26 license provided by any federal, state, local or other political
27 subdivision of this state.

28 2. Verifying any claim of residence or domicile if determination of
29 residence or domicile is required under the laws of this state or a
30 judicial order issued pursuant to a civil or criminal proceeding in this
31 state.

32 3. If the person is an alien, determining whether the person is in
33 compliance with the federal registration laws prescribed by title II,
34 chapter 7 of the ~~federal~~ immigration and nationality act.

35 4. Pursuant to 8 United States Code section 1373 and 8 United
36 States Code section 1644.

37 ~~G.~~ H. This section does not implement, authorize or establish and
38 shall not be construed to implement, authorize or establish the REAL ID
39 act of 2005 (P.L. 109-13, division B; 119 Stat. 302), including the use of
40 a radio frequency identification chip.

41 ~~H.~~ I. A person who is a legal resident of this state may bring an
42 action in superior court to challenge any official or agency of this state
43 or a county, city, town or other political subdivision of this state that
44 adopts or implements a policy that limits or restricts the enforcement of
45 federal immigration laws, including 8 United States Code sections 1373 and

1 1644, to less than the full extent ~~permitted~~ ALLOWED by federal law. If
2 there is a judicial finding that an entity has violated this section, the
3 court shall order that the entity pay a civil penalty of ~~not less than~~
4 ~~five hundred dollars~~ AT LEAST \$500 and not more than ~~five thousand dollars~~
5 \$5,000 for each day that the policy has remained in effect after the
6 filing of an action pursuant to this subsection.

7 ~~I.~~ J. A court shall collect the civil penalty prescribed in
8 subsection ~~H~~ I of this section and remit the civil penalty to the state
9 treasurer for deposit in the gang and immigration intelligence team
10 enforcement mission fund established by section 41-1724.

11 ~~J.~~ K. The court may award court costs and reasonable attorney fees
12 to any person or any official or agency of this state or a county, city,
13 town or other political subdivision of this state that prevails by an
14 adjudication on the merits in a proceeding brought pursuant to this
15 section.

16 ~~K.~~ L. Except in relation to matters in which the officer is
17 adjudged to have acted in bad faith, a law enforcement officer is
18 indemnified by the law enforcement officer's agency against reasonable
19 costs and expenses, including attorney fees, incurred by the officer in
20 connection with any action, suit or proceeding brought pursuant to this
21 section in which the officer may be a defendant by reason of the officer
22 being or having been a member of the law enforcement agency.

23 ~~L.~~ M. This section shall be implemented in a manner consistent
24 with federal laws regulating immigration, protecting the civil rights of
25 all persons and respecting the privileges and immunities of United States
26 citizens.