

REFERENCE TITLE: immigration; courts; hospitals; schools; daycares

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2880

Introduced by
Representatives Sandoval: Contreras P, Crews, Garcia, Stahl Hamilton,
Tsosie, Villegas; Senators Ortiz, Sundareshan

AN ACT

AMENDING TITLE 11, CHAPTER 7, ARTICLE 8, ARIZONA REVISED STATUTES, BY
ADDING SECTIONS 11-1052, 11-1053, 11-1054 AND 11-1055; AMENDING TITLE 12,
CHAPTER 7, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-824;
RELATING TO IMMIGRATION ENFORCEMENT.

(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. Privilege from civil arrest; court proceedings;
6 applicability; civil liability; definitions

7 A. A PERSON WHO DULY AND IN GOOD FAITH ATTENDS A COURT PROCEEDING
8 IN WHICH THE PERSON IS A PARTY, A WITNESS, A POTENTIAL WITNESS OR A COURT
9 COMPANION OF A PARTY, WITNESS OR POTENTIAL WITNESS IS PRIVILEGED FROM
10 CIVIL ARREST WHILE GOING TO, REMAINING AT AND RETURNING FROM THE COURT
11 PROCEEDING, INCLUDING:

12 1. AT THE PLACE OF THE COURT PROCEEDINGS.

13 2. WITHIN THE COURTHOUSE BUILDING.

14 3. ON THE PREMISES OF THE COURTHOUSE, INCLUDING PARKING FACILITIES
15 SERVING THE COURTHOUSE.

16 4. ON ANY SIDEWALK, PARKWAY AND STREET SURROUNDING THE COURTHOUSE
17 AND ITS PREMISES.

18 5. ON ANY PUBLIC WAY WITHIN ONE THOUSAND FEET OF THE COURTHOUSE,
19 INCLUDING A SIDEWALK, PARKWAY OR STREET.

20 B. THE PROTECTIONS IN THIS SECTION APPLY REGARDLESS OF WHETHER A
21 JUDICIAL ORDER UNDER SUBSECTION D OF THIS SECTION IS ISSUED OR A COURT
22 OTHERWISE IMPLEMENTS THIS SECTION BY A RULE OR ORDER.

23 C. THIS SECTION DOES NOT DO EITHER OF THE FOLLOWING:

24 1. PRECLUDE THE EXECUTION OF A CRIMINAL ARREST WARRANT THAT IS
25 ISSUED BY A JUDGE OR A CRIMINAL ARREST THAT IS BASED ON PROBABLE CAUSE FOR
26 A VIOLATION OF CRIMINAL LAW.

27 2. NARROW, OR IN ANY WAY LESSEN, ANY COMMON LAW OR OTHER RIGHT OR
28 PRIVILEGE OF A PERSON WHO IS PRIVILEGED FROM CIVIL ARREST UNDER THIS
29 SECTION OR OTHERWISE.

30 D. A COURT MAY ISSUE APPROPRIATE JUDICIAL ORDERS TO PROTECT THE
31 PRIVILEGE FROM CIVIL ARREST UNDER THIS SECTION OR COMMON LAW TO MAINTAIN
32 ACCESS TO THE COURT AND OPEN JUDICIAL PROCEEDINGS FOR ALL PERSONS IN THEIR
33 INDIVIDUAL CAPACITY AND TO PREVENT INTERFERENCE WITH THE NEEDS OF JUDICIAL
34 ADMINISTRATION.

35 E. A PERSON WHO VIOLATES SUBSECTION A OR D OF THIS SECTION IS
36 LIABLE IN A CIVIL ACTION FOR FALSE IMPRISONMENT, INCLUDING ACTUAL DAMAGES
37 AND STATUTORY DAMAGES OF \$10,000 IF THAT PERSON KNEW OR REASONABLY SHOULD
38 HAVE KNOWN THAT THE PERSON ARRESTED IS A PERSON WHO DULY AND IN GOOD FAITH
39 WAS ATTENDING A COURT PROCEEDING IN WHICH THE PERSON IS A PARTY, A
40 WITNESS, A POTENTIAL WITNESS OR A COURT COMPANION OF A PARTY, WITNESS OR
41 POTENTIAL WITNESS WHILE GOING TO, REMAINING AT AND RETURNING FROM THE
42 COURT PROCEEDING.

1 F. A COURT MAY GRANT ANY OTHER EQUITABLE OR DECLARATORY RELIEF THAT
2 THE COURT DEEMS APPROPRIATE AND JUST. IN A SUCCESSFUL ACTION UNDER THIS
3 SECTION, A PLAINTIFF OR PETITIONER MAY RECOVER COSTS AND REASONABLE
4 ATTORNEY FEES.

5 G. AN ACTION OR PROCEEDING MAY NOT BE COMMENCED UNDER THIS SECTION
6 AGAINST THE JUDICIAL BRANCH OR ANY JUDICIAL BRANCH PERSONNEL WHO ACT
7 LAWFULLY UNDER THE PERSON'S DUTY TO MAINTAIN SAFETY AND ORDER IN THE
8 COURTS.

9 H. THIS SECTION DOES NOT AFFECT ANY RIGHT OR DEFENSE, INCLUDING ANY
10 EXISTING QUALIFIED IMMUNITY DEFENSE, OF ANY PERSON, POLICE OFFICER, PEACE
11 OFFICER OR PUBLIC OFFICER OR ANY JUDICIAL BRANCH PERSONNEL ACTING
12 LAWFULLY.

13 I. FOR THE PURPOSES OF THIS SECTION:

14 1. "ARREST" MEANS A LAW ENFORCEMENT AGENCY OR THE LAW ENFORCEMENT
15 AGENCY'S OFFICERS TAKING AN INDIVIDUAL INTO CUSTODY.

16 2. "CIVIL ARREST" MEANS AN ARREST THAT IS NOT ANY OF THE FOLLOWING:

17 (a) A CRIMINAL ARREST FOR AN ALLEGED CRIMINAL VIOLATION OF ANY
18 FEDERAL, STATE OR LOCAL LAW.

19 (b) AN ARREST FOR ANY VIOLATION OF ANY CONDITION OF PROBATION,
20 PAROLE, PRETRIAL RELEASE, SUPERVISED RELEASE OR MANDATORY SUPERVISED
21 RELEASE FOR WHICH ARREST IS OTHERWISE AUTHORIZED BY LAW.

22 (c) AN ARREST THAT IS SUPPORTED BY A JUDICIAL WARRANT OR JUDICIAL
23 ORDER AUTHORIZING THE ARREST.

24 3. "COURT COMPANION" MEANS ANY OF THE FOLLOWING INDIVIDUALS WHOSE
25 PURPOSE IS TO SUPPORT, ASSIST OR ACCOMPANY A PERSON WHO IS GOING TO,
26 REMAINING AT OR RETURNING FROM A COURT PROCEEDING:

27 (a) A SPOUSE, DOMESTIC PARTNER OR PERSON WHO HAS A DATING OR
28 ENGAGEMENT RELATIONSHIP WITH THE PARTY, WITNESS OR POTENTIAL WITNESS.

29 (b) A BIOLOGICAL PARENT, FOSTER PARENT, ADOPTIVE PARENT OR
30 STEPPARENT OF A PARTY, WITNESS OR POTENTIAL WITNESS.

31 (c) MINOR CHILDREN OR OTHER PERSONS WHO ARE UNDER THE CARE OF A
32 PARTY, WITNESS OR POTENTIAL WITNESS.

33 (d) INTERPRETERS.

34 (e) TRANSLATORS.

35 (f) A PERSON WHO ASSISTS THE PARTY, WITNESS OR POTENTIAL WITNESS
36 WITH READING OR COMPLETING COURT FORMS OR OTHER DOCUMENTS.

37 (g) A PERSON WHO PROVIDES HEALTH CARE OR ASSISTANCE TO A PARTY,
38 WITNESS OR POTENTIAL WITNESS TO ALLOW THAT INDIVIDUAL TO PARTICIPATE IN
39 THE COURT PROCEEDING.

40 (h) A CASE MANAGER OR SOCIAL WORKER FOR THE PARTY, WITNESS OR
41 POTENTIAL WITNESS.

42 (i) A DOMESTIC VIOLENCE OR SEXUAL ASSAULT ADVOCATE.

43 (j) A PERSON WHO TRANSPORTS A PARTY, WITNESS OR POTENTIAL WITNESS
44 TO OR FROM THE COURT PROCEEDING.

1 4. "COURT PROCEEDING" MEANS THE BUSINESS THAT IS CONDUCTED BY A
2 COURT OR A MATTER THAT IS PENDING UNDER THE JURISDICTION OR SUPERVISION OF
3 A COURT, INCLUDING CIVIL PROCEEDINGS AND CRIMINAL PROCEEDINGS.

4 5. "JUDICIAL WARRANT OR JUDICIAL ORDER AUTHORIZING THE ARREST"
5 MEANS A WRITTEN ORDER FROM A COURT OR FEDERAL COURT THAT DIRECTS A LAW
6 ENFORCEMENT AGENCY OR SOME OTHER PERSON WHO IS SPECIFICALLY NAMED IN THE
7 ORDER TO ARREST A PERSON.

8 6. "LAW ENFORCEMENT AGENCY" MEANS ANY ENTITY WITH STATUTORY POLICE
9 POWERS AND THE ABILITY TO EMPLOY INDIVIDUALS WHO ARE AUTHORIZED TO MAKE
10 ARRESTS.

11 11-1053. Interactions with law enforcement agents in health
12 care facilities; required policies; hospital
13 notice; civil penalties; definitions

14 A. ON OR BEFORE JANUARY 1, 2027, EACH HOSPITAL SHALL ADOPT AND
15 IMPLEMENT A POLICY REGARDING INTERACTIONS WITH LAW ENFORCEMENT AGENTS.
16 EACH POLICY ADOPTED PURSUANT TO THIS SECTION MUST INCLUDE, AT A MINIMUM:

17 1. THE DESIGNATION OF A CONTACT PERSON OR PERSONS TO BE NOTIFIED OF
18 ALL LAW ENFORCEMENT PRESENCE OR INFORMATION REQUESTS AT THE HOSPITAL AND
19 PROCEDURES TO RESPOND TO THOSE REQUESTS. THE DESIGNATED CONTACT PERSON OR
20 PERSONS MUST BE LEGAL COUNSEL OF THE HOSPITAL OR OTHER INDIVIDUALS WITHIN
21 THE ADMINISTRATION OF THE HOSPITAL.

22 2. PROCEDURES TO VERIFY THE IDENTITY AND AUTHORITY OF ANY LAW
23 ENFORCEMENT AGENT WHO IS INVOLVED IN IMMIGRATION ACTIVITIES AT THE
24 HOSPITAL SITE, INCLUDING THE USE OF BEST EFFORTS TO REQUEST AND DOCUMENT
25 THE FIRST AND LAST NAME OF THE LAW ENFORCEMENT AGENT, THE NAME OF THE LAW
26 ENFORCEMENT AGENCY AND THE BADGE NUMBER OF ANY LAW ENFORCEMENT AGENT
27 PRESENTING WITH A PATIENT OR REQUESTING INFORMATION ABOUT A PATIENT.

28 3. PROCEDURES FOR DESIGNATING SPACE FOR LAW ENFORCEMENT AGENTS TO
29 REMAIN AND WAIT AT A HOSPITAL, CONSIDERING PUBLIC INTEREST, STAFF SAFETY
30 AND PATIENT NEEDS, EXCEPT THAT A LAW ENFORCEMENT AGENT MAY ACCESS THE
31 AREAS OF THE HOSPITAL THAT THE HOSPITAL'S DESIGNATED CONTACT PERSON
32 APPROVES IF THE LAW ENFORCEMENT AGENT COMPLIES WITH HOSPITAL POLICY AND
33 STATE AND FEDERAL LAW, INCLUDING THAT THE LAW ENFORCEMENT AGENT HAS A
34 VALID JUDICIAL WARRANT OR COURT ORDER SIGNED BY A JUDGE OR MAGISTRATE TO
35 ACCOMPANY A PATIENT IN THE LAW ENFORCEMENT AGENT'S CUSTODY OR OTHERWISE BE
36 PRESENT IN THE FACILITY OR IS REQUESTED BY HOSPITAL STAFF TO RESPOND TO A
37 SAFETY OR SECURITY ISSUE WITHIN THE HOSPITAL.

38 4. PROCEDURES TO ENSURE THAT PATIENTS ARE PROVIDED WITH BOTH OF THE
39 FOLLOWING:

40 (a) A NOTICE OF PRIVACY POLICIES IN ACCORDANCE WITH 45 CODE OF
41 FEDERAL REGULATIONS SECTION 164.520, INCLUDING INFORMATION ABOUT THE
42 PATIENT'S RIGHT TO REQUEST AN AMENDMENT TO THE PATIENT'S MEDICAL RECORD,
43 THAT SHALL BE MADE AVAILABLE IN THE LANGUAGES OF THE POPULATIONS OF
44 PERSONS LIVING WITHIN THE GEOGRAPHIC AREA THAT IS SERVED BY THE HOSPITAL

1 IN COMPLIANCE WITH FEDERAL LAW AND THAT MAY INCLUDE A REQUEST THAT ANY OF
2 THE FOLLOWING INFORMATION BE REDACTED OR AMENDED:

3 (i) PLACE OF BIRTH.

4 (ii) IMMIGRATION OR CITIZENSHIP STATUS.

5 (iii) INFORMATION FROM BIRTH CERTIFICATES, PASSPORTS, PERMANENT
6 RESIDENT CARDS, ALIEN REGISTRATION CARDS OR EMPLOYMENT AUTHORIZATION
7 DOCUMENTS.

8 (b) AN OPPORTUNITY, AT THE EARLIEST REASONABLE MOMENT, TO SIGN AN
9 AUTHORIZATION FORM IN ORDER TO ALLOW THE DISCLOSURE OF INFORMATION BY THE
10 HOSPITAL TO PARENTS, GUARDIANS, RELATIVES OR OTHER DESIGNEES OF THE
11 PATIENT ABOUT THE PATIENT'S HEALTH STATUS OR HOSPITAL ADMISSION AND
12 DISCHARGE THAT SHALL ALSO BE MADE AVAILABLE IN LANGUAGES OF THE
13 POPULATIONS OF PERSONS LIVING WITHIN THE GEOGRAPHIC AREA THAT IS SERVED BY
14 THE HOSPITAL IN COMPLIANCE WITH FEDERAL LAW.

15 5. PROCEDURES TO ENSURE THAT ANY PROTECTED HEALTH INFORMATION THAT
16 IS REQUESTED BY A LAW ENFORCEMENT AGENT IS RELEASED ONLY IN STRICT
17 ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL LAW, INCLUDING THE
18 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 AND ITS
19 IMPLEMENTING REGULATIONS, INCLUDING 45 CODE OF FEDERAL REGULATIONS PARTS
20 160, 162 AND 164 AND 45 CODE OF FEDERAL REGULATIONS SECTION 164.512(e) AND
21 (f).

22 6. IN THE CASE OF A LAW ENFORCEMENT AGENT SEEKING INFORMATION FOR
23 THE PURPOSE OF IMMIGRATION ENFORCEMENT, TO THE EXTENT NOT IN CONFLICT WITH
24 45 CODE OF FEDERAL REGULATIONS SECTION 164.512(e) AND (f), A PROCEDURE TO
25 RELEASE INFORMATION ONLY WHEN THE FOLLOWING CIRCUMSTANCES ARE MET, AND IN
26 STRICT COMPLIANCE WITH:

27 (a) A VALID AND ACCURATE SUBPOENA THAT IS ISSUED BY A FEDERAL JUDGE
28 OR MAGISTRATE.

29 (b) A VALID AND ACCURATE ORDER THAT IS ISSUED BY A FEDERAL JUDGE OR
30 MAGISTRATE TO REQUIRE ACCESS.

31 (c) A VALID AND ACCURATE WARRANT THAT IS ISSUED BY A FEDERAL JUDGE
32 OR MAGISTRATE.

33 7. PROCEDURES TO ENSURE ANNUAL AND, AS DEEMED REASONABLY NECESSARY
34 BY THE HOSPITAL, EPISODIC TRAINING ON THE POLICY TO ALL OF THE FOLLOWING:

35 (a) HOSPITAL CLINICAL HEALTH CARE STAFF, INCLUDING INTAKE STAFF,
36 EMERGENCY ROOM STAFF AND INDEPENDENT CONTRACTORS WHO PROVIDE CLINICAL
37 SERVICES.

38 (b) SECURITY PERSONNEL.

39 (c) DESIGNATED CONTACT PERSONS.

40 (d) ADMINISTRATIVE VOLUNTEERS.

41 8. PROCEDURES TO ENSURE ALL POLICIES OF THE HOSPITAL COMPLY WITH
42 THIS SECTION.

43 9. A REQUIREMENT THAT A HOSPITAL OR THE HOSPITAL'S AGENTS MAY NOT
44 RETALIATE AGAINST A PATIENT, EMPLOYEE OR AGENT WHO FILES A COMPLAINT UNDER
45 THIS SECTION.

1 B. HOSPITALS SHALL SUBMIT THE POLICIES THAT ARE REQUIRED BY
2 SUBSECTION A OF THIS SECTION TO THE DEPARTMENT OF HEALTH SERVICES NOT
3 LATER THAN JANUARY 1, 2027.

4 C. HOSPITALS SHALL POST, EITHER BY PHYSICAL OR ELECTRONIC MEANS, IN
5 A CONSPICUOUS PLACE WITHIN THE HOSPITAL THAT IS ACCESSIBLE TO PATIENTS,
6 EMPLOYEES AND VISITORS A DESCRIPTION, PROVIDED BY THE DEPARTMENT OF HEALTH
7 SERVICES, REGARDING THE TELEPHONE NUMBER THAT INDIVIDUALS MAY CALL TO
8 LEARN ABOUT THEIR IMMIGRATION RIGHTS. NOTICES UNDER THIS SECTION SHALL BE
9 POSTED IN THE PREDOMINANT LANGUAGE OR LANGUAGES THAT ARE SPOKEN IN THE
10 HOSPITAL'S SERVICE AREA.

11 D. ON OR BEFORE JANUARY 15, 2027, THE DEPARTMENT OF HEALTH SERVICES
12 SHALL NOTIFY ANY HOSPITAL THAT HAS FAILED TO PROVIDE A COPY OF THE POLICY
13 REQUIRED UNDER THIS SECTION. THE DEPARTMENT OF HEALTH SERVICES MAY ADOPT
14 EMERGENCY RULES TO ENFORCE COMPLIANCE WITH THIS SECTION. THIS EMERGENCY
15 RULEMAKING AUTHORITY EXPIRES SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS
16 SECTION. A HOSPITAL SHALL PROVIDE A COPY OF THE POLICY WITHIN SEVEN
17 WORKING DAYS AFTER RECEIVING NOTICE. THE FAILURE OF A HOSPITAL TO SUBMIT
18 A COPY OF THE POLICY WITHIN SEVEN WORKING DAYS MAY SUBJECT THE HOSPITAL TO
19 THE IMPOSITION OF A CIVIL PENALTY BY THE DEPARTMENT OF HEALTH SERVICES.
20 THE DEPARTMENT OF HEALTH SERVICES MAY IMPOSE A CIVIL PENALTY OF UP TO \$500
21 PER DAY UNTIL THE HOSPITAL FILES THE POLICY.

22 E. THE DEPARTMENT OF HEALTH SERVICES MAY INVESTIGATE AND RESPOND TO
23 COMPLAINTS FROM PATIENTS, EMPLOYEES AND THE PUBLIC ALLEGING NONCOMPLIANCE
24 WITH SUBSECTION C OF THIS SECTION. A HOSPITAL AND THE HOSPITAL'S AGENTS
25 MAY NOT RETALIATE AGAINST A PATIENT, EMPLOYEE OR AGENT WHO FILES A
26 COMPLAINT UNDER THIS SUBSECTION.

27 F. ALL HOSPITAL PERSONNEL, INCLUDING ADMINISTRATIVE VOLUNTEERS, ARE
28 FOREVER HELD HARMLESS FROM ANY CIVIL, CRIMINAL OR OTHER LIABILITY THAT MAY
29 ARISE, NOW OR IN THE FUTURE, AS A RESULT OF THE PERSON'S REASONABLE
30 COMPLIANCE WITH THIS SECTION.

31 G. THIS SECTION DOES NOT AFFECT A HOSPITAL'S OBLIGATION AS A
32 MANDATED REPORTER OR TO OTHERWISE RESPOND TO INSTANCES OF SUSPECTED CRIME
33 ON THE PREMISES.

34 H. THIS SECTION MAY NOT BE IMPLEMENTED TO CONFLICT WITH FEDERAL LAW
35 OR STAND AS AN OBSTACLE TO THE ENFORCEMENT OF FEDERAL LAWS.

36 I. FOR THE PURPOSES OF THIS SECTION:

37 1. "ADMINISTRATIVE VOLUNTEER" MEANS AN INDIVIDUAL WHO SERVES AS A
38 VOLUNTEER AT A HOSPITAL IN ONLY AN ADMINISTRATIVE CAPACITY.

39 2. "LAW ENFORCEMENT AGENT" MEANS AN AGENT OF FEDERAL, STATE OR
40 LOCAL LAW ENFORCEMENT WHO IS AUTHORIZED WITH THE POWER TO ARREST OR DETAIN
41 INDIVIDUALS, OR TO MANAGE THE CUSTODY OF DETAINED INDIVIDUALS, FOR
42 IMMIGRATION ENFORCEMENT.

43 3. "PATIENT" MEANS ANY PERSON WHO HAS RECEIVED OR IS RECEIVING
44 MEDICAL CARE, TREATMENT OR SERVICES FROM AN INDIVIDUAL OR INSTITUTION THAT
45 IS LICENSED TO PROVIDE MEDICAL CARE OR TREATMENT IN THIS STATE.

11-1054. Immigration enforcement in schools: immigration enforcement procedures; website notice; civil action; definitions

A. UNLESS REQUIRED BY STATE OR FEDERAL LAW OR RULE, A SCHOOL MAY NOT PERFORM ANY OF THE FOLLOWING ACTIONS:

1. THREATEN TO DISCLOSE THE ACTUAL OR PERCEIVED CITIZENSHIP OR IMMIGRATION STATUS OF AN EMPLOYEE, A STUDENT OR A PERSON ASSOCIATED WITH AN EMPLOYEE OR STUDENT TO AN EXTERNAL PARTY, INCLUDING IMMIGRATION OR LAW ENFORCEMENT AGENCIES.

2. KNOWINGLY DISCLOSE, WITHOUT THE CONSENT OF THE EMPLOYEE OR STUDENT, ANYTHING RELATED TO THE PERCEIVED CITIZENSHIP OR IMMIGRATION STATUS OF AN EMPLOYEE, A STUDENT OR A PERSON ASSOCIATED WITH AN EMPLOYEE OR STUDENT TO AN EXTERNAL PARTY, INCLUDING IMMIGRATION OR LAW ENFORCEMENT AGENCIES, IF THE SCHOOL DOES NOT HAVE DIRECT KNOWLEDGE OF THE EMPLOYEE'S, STUDENT'S OR ASSOCIATED PERSON'S ACTUAL CITIZENSHIP OR IMMIGRATION STATUS, SUBJECT TO THE REQUIREMENTS OF THIS SUBSECTION.

3. KNOWINGLY DISCLOSE, WITHOUT THE CONSENT OF THE EMPLOYEE OR STUDENT, ANYTHING RELATED TO THE ACTUAL CITIZENSHIP OR IMMIGRATION STATUS OF AN EMPLOYEE, A STUDENT OR A PERSON ASSOCIATED WITH AN EMPLOYEE OR STUDENT TO ANY OTHER PERSON OR NONGOVERNMENTAL ENTITY IF THE SCHOOL HAS DIRECT KNOWLEDGE OF THE EMPLOYEE'S, STUDENT'S OR ASSOCIATED PERSON'S ACTUAL CITIZENSHIP OR IMMIGRATION STATUS, SUBJECT TO THE REQUIREMENTS OF THIS SUBSECTION.

4. DESIGNATE IMMIGRATION STATUS, CITIZENSHIP, PLACE OF BIRTH, NATIONALITY OR NATIONAL ORIGIN AS DIRECTORY INFORMATION, AS THAT TERM IS DEFINED BY STATE AND FEDERAL LAW. THIS PARAGRAPH MAY NOT BE CONSTRUED TO DO ANY OF THE FOLLOWING:

(a) PROHIBIT A SCHOOL FROM COMPLYING WITH ALL APPLICABLE STATE AND FEDERAL LAWS AND RULES, INCLUDING 8 UNITED STATES CODE SECTION 1184.

(b) PROHIBIT OR RESTRICT A SCHOOL FROM SENDING TO OR RECEIVING FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY OR ANY OTHER FEDERAL, STATE OR LOCAL GOVERNMENTAL ENTITY INFORMATION REGARDING THE CITIZENSHIP OR IMMIGRATION STATUS OF AN INDIVIDUAL UNDER 8 UNITES STATES CODE SECTIONS 1373 AND 1644.

(c) ALLOW THE DISCLOSURE OF PERSONALLY IDENTIFIABLE EDUCATION RECORDS, AS THAT TERM IS DEFINED BY STATE OR FEDERAL LAW OR INFORMATION FROM THOSE RECORDS WITHOUT COMPLYING WITH STATE AND FEDERAL LAWS AND RULES GOVERNING THE DISCLOSURE OF SUCH RECORDS OR INFORMATION.

(d) PROHIBIT SCHOOLS FROM COMPLYING WITH VALID JUDICIAL WARRANTS, ORDERS OR SUBPOENAS.

(e) PROHIBIT OR RESTRICT A SCHOOL FROM DISCLOSING INFORMATION NECESSARY TO RESPOND TO AN ADMINISTRATIVE COMPLAINT OR LITIGATION THAT IS BROUGHT AGAINST OR BY THE SCHOOL.

B. ON OR BEFORE JANUARY 1, 2027, A SCHOOL SHALL DEVELOP PROCEDURES FOR REVIEWING AND AUTHORIZING REQUESTS FROM LAW ENFORCEMENT AGENTS WHO ARE

1 ATTEMPTING TO ENTER A SCHOOL'S CAMPUS. THE PROCEDURES MUST, AT A MINIMUM,
2 INCLUDE THE FOLLOWING:

3 1. PROCEDURES FOR REVIEWING AND CONTACTING A DESIGNATED AUTHORIZED
4 PERSON, OFFICE OR DEPARTMENT AT THE SCHOOL OR SCHOOL FACILITY, WHICH
5 PERSON, OFFICE OR DEPARTMENT MAY CONTACT THE SCHOOL'S LEGAL COUNSEL, AND
6 PROCEDURES FOR THAT AUTHORIZED PERSON, OFFICE, DEPARTMENT OR LEGAL COUNSEL
7 TO REVIEW REQUESTS TO ENTER A SCHOOL'S CAMPUS, INCLUDING JUDICIAL WARRANTS
8 OR ORDERS, NONJUDICIAL WARRANTS AND SUBPOENAS.

9 2. PROCEDURES FOR DOCUMENTING ALL INTERACTIONS WITH LAW ENFORCEMENT
10 AGENTS WHILE ON THE SCHOOL'S CAMPUS.

11 3. PROCEDURES FOR NOTIFYING AND SEEKING CONSENT FROM AN EMPLOYEE OR
12 STUDENT IF A LAW ENFORCEMENT AGENT REQUESTS ACCESS TO THE EMPLOYEE OR
13 STUDENT FOR IMMIGRATION ENFORCEMENT PURPOSES, UNLESS SUCH CONSENT IS
14 PROHIBITED BY A JUDICIAL WARRANT OR SUBPOENA.

15 C. ON OR AFTER JANUARY 1, 2027, A SCHOOL SHALL PROVIDE INFORMATION
16 ON ITS WEBSITE ABOUT WHO EMPLOYEES AND STUDENTS SHOULD CONTACT IF A LAW
17 ENFORCEMENT AGENT SEEKS TO ENTER THE SCHOOL CAMPUS, ENTERS THE SCHOOL
18 CAMPUS OR ENGAGES IN NONCONSENSUAL INTERACTIONS WITH MEMBERS OF THE SCHOOL
19 COMMUNITY, INCLUDING EMPLOYEES OR STUDENTS.

20 D. A SCHOOL SHALL SUBMIT TO A COMMUNITY COLLEGE DISTRICT GOVERNING
21 BOARD OR THE ARIZONA BOARD OF REGENTS, AS APPLICABLE, A COPY OF THE
22 PROCEDURES DEVELOPED TO IMPLEMENT SUBSECTIONS B AND C OF THIS SECTION. THE
23 ARIZONA BOARD OF REGENTS OR THE COMMUNITY COLLEGE DISTRICT GOVERNING BOARD
24 SHALL SUBMIT TO THE LEGISLATURE A REPORT THAT COMPILES THE PROCEDURES
25 RECEIVED FROM EACH SCHOOL ON OR BEFORE JULY 1, 2027.

26 E. THIS SECTION IS A STATE LAW WITHIN THE MEANING OF 8 UNITED
27 STATES CODE SECTION 1621(d).

28 F. ON OR BEFORE JANUARY 1, 2027, A SCHOOL SHALL PROVIDE IMMIGRATION
29 ENFORCEMENT RESOURCES ON ITS WEBSITE TO HELP STUDENTS AND EMPLOYEES
30 UNDERSTAND THEIR CONSTITUTIONAL RIGHTS AND ACCESS IMMIGRATION-RELATED
31 GUIDANCE. THIS INFORMATION SHALL BE POSTED IN A CLEAR AND EASILY
32 ACCESSIBLE LOCATION ON THE SCHOOL'S PRIMARY WEBSITE.

33 G. ON OR BEFORE JANUARY 1, 2027, A SCHOOL SHALL ADOPT PROCEDURES
34 THAT ARE DESIGNED TO DO BOTH OF THE FOLLOWING:

35 1. DETERMINE IF AN IMMIGRATION ENFORCEMENT ACTIVITY IS OCCURRING OR
36 HAS OCCURRED ON THE SCHOOL'S CAMPUS, INCLUDING VERIFICATION OF THE FIRST
37 AND LAST NAME, EMPLOYER OR AGENCY AND BADGE NUMBER OF THE LEAD LAW
38 ENFORCEMENT AGENT, IF POSSIBLE.

39 2. NOTIFY THE APPROPRIATE SCHOOL-CAMPUS UNIT OR AREA IF THE SCHOOL
40 CONFIRMS THAT IMMIGRATION ENFORCEMENT ACTIVITY IS OCCURRING OR HAS
41 OCCURRED ON THE SCHOOL'S CAMPUS THAT, IN THE JUDGMENT OF SCHOOL LAW
42 ENFORCEMENT OR THE SCHOOL'S PUBLIC SAFETY OFFICE, COULD ADVERSELY IMPACT
43 CAMPUS SAFETY OR OPERATIONS.

H. A SCHOOL MAY NOT IMPEDE STUDENTS OR EMPLOYEES FROM OFFERING, ATTENDING OR PARTICIPATING IN TRAINING ON CONSTITUTIONAL RIGHTS AND IMMIGRATION-RELATED GUIDANCE, INCLUDING ATTENDING KNOW-YOUR-RIGHTS TRAINING OR SHARING KNOW-YOUR-RIGHTS FLYERS.

I. BEGINNING JANUARY 1, 2027, ANY PARTY WHO IS AGGRIEVED BY CONDUCT THAT VIOLATES SUBSECTION A OF THIS SECTION MAY COMMENCE A CIVIL ACTION. THIS CIVIL ACTION MUST BE BROUGHT NOT LATER THAN TWO YEARS AFTER THE VIOLATION OF SUBSECTION A OF THIS SECTION OR TWO YEARS AFTER THE DATE THE AGGRIEVED PARTY BECOMES AWARE OF THE VIOLATION OF SUBSECTION A OF THIS SECTION, WHICHEVER IS LATER. IF THE COURT FINDS THAT A WILFUL VIOLATION OF SUBSECTION A OF THIS SECTION HAS OCCURRED, THE COURT MAY AWARD ACTUAL DAMAGES. THE COURT, AS IT DEEMS APPROPRIATE, MAY GRANT, AS RELIEF, A PERMANENT OR PRELIMINARY INJUNCTION, TEMPORARY RESTRAINING ORDER OR OTHER ORDER.

J. THIS SECTION DOES NOT REQUIRE AN EXHAUSTION OF THE ADMINISTRATIVE COMPLAINT PROCESS BEFORE CIVIL LAW REMEDIES MAY BE PURSUED.

K. ON MOTION, A COURT SHALL AWARD REASONABLE ATTORNEY FEES AND COSTS, INCLUDING EXPERT WITNESS FEES AND OTHER LITIGATION EXPENSES, TO A PLAINTIFF WHO IS A PREVAILING PARTY IN ANY ACTION BROUGHT PURSUANT TO SUBSECTION I OF THIS SECTION. IN AWARDING REASONABLE ATTORNEY FEES, THE COURT SHALL CONSIDER THE DEGREE TO WHICH THE RELIEF OBTAINED RELATES TO THE RELIEF SOUGHT.

L. FOR THE PURPOSES OF THIS SECTION:

1. "CITIZENSHIP OR IMMIGRATION STATUS" MEANS ALL MATTERS REGARDING CITIZENSHIP OF THE UNITED STATES OR ANY OTHER COUNTRY OR THE AUTHORITY OR LACK THEREOF TO RESIDE IN OR OTHERWISE TO BE PRESENT IN THE UNITED STATES, INCLUDING AN INDIVIDUAL'S NATIONALITY, COUNTRY OF CITIZENSHIP OR STATUS AS AN INTERNATIONAL STUDENT.

2. "EMPLOYEE" MEANS A FULL-TIME OR PART-TIME FACULTY MEMBER, STAFF MEMBER, EXECUTIVE LEADER, SUPERVISOR, CLERICAL PERSON, STUDENT OR CONTRACTED MEMBER OF PERSONNEL WHO IS EMPLOYED BY A SCHOOL AND WHOSE ROLE INVOLVES DIRECT, ROUTINE OR MEANINGFUL INTERACTION WITH STUDENTS TO SUPPORT THE STUDENT'S ACADEMIC PROGRESS, PERSONAL DEVELOPMENT OR WELL-BEING.

3. "IMMIGRATION ENFORCEMENT ACTIVITY" INCLUDES ANY ARRESTS OR DETENTIONS THAT ARE CONDUCTED BY AGENTS OR OFFICERS OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT OR UNITED STATES CUSTOMS AND BORDER PROTECTION OR ANY OTHER INDIVIDUAL OR ENTITY WITH THE POWER TO ARREST OR DETAIN INDIVIDUALS OR TO MANAGE CUSTODY OF DETAINED INDIVIDUALS FOR THE PURPOSES OF IMMIGRATION ENFORCEMENT.

4. "LAW ENFORCEMENT AGENT":

(a) MEANS AN AGENT OF FEDERAL, STATE OR LOCAL LAW ENFORCEMENT WHO IS AUTHORIZED WITH THE POWER TO ARREST OR DETAIN INDIVIDUALS OR TO MANAGE THE CUSTODY OF DETAINED INDIVIDUALS FOR IMMIGRATION ENFORCEMENT.

(b) DOES NOT INCLUDE AN AGENT OF A SCHOOL'S POLICE DEPARTMENT.

5. "NONJUDICIAL WARRANT":

(a) MEANS A WARRANT THAT IS ISSUED BY A FEDERAL, STATE OR LOCAL GOVERNMENTAL AGENCY THAT IS AUTHORIZED WITH THE POWER TO ARREST OR DETAIN INDIVIDUALS OR TO MANAGE THE CUSTODY OF DETAINED INDIVIDUALS FOR ANY LAW ENFORCEMENT PURPOSE, INCLUDING IMMIGRATION ENFORCEMENT.

(b) INCLUDES AN IMMIGRATION DETAINER OR IMMIGRATION WARRANT.

(c) DOES NOT INCLUDE A CRIMINAL WARRANT THAT IS ISSUED ON A JUDICIAL DETERMINATION OF PROBABLE CAUSE, IN COMPLIANCE WITH THE REQUIREMENTS OF THE FOURTH AMENDMENT TO THE UNITED STATES CONSTITUTION.

7. "PREVAILING PARTY" INCLUDES ANY PARTY:

(a) WHO OBTAINS SOME OF THE PARTY'S REQUESTED RELIEF THROUGH A JUDICIAL JUDGMENT IN THE PARTY'S FAVOR.

(b) WHO OBTAINS SOME OF THE PARTY'S REQUESTED RELIEF THROUGH A SETTLEMENT AGREEMENT APPROVED BY THE COURT.

(c) WHOSE PURSUIT OF A NONFRIVOLOUS CLAIM WAS A CATALYST FOR A UNILATERAL CHANGE IN POSITION BY THE OPPOSING PARTY RELATIVE TO THE RELIEF SOUGHT.

8. "SCHOOL" MEANS A PUBLIC INSTITUTION OF HIGHER EDUCATION.

9. "SCHOOL CAMPUS" OR "SCHOOL'S CAMPUS" MEANS BOTH OF THE FOLLOWING:

(a) ANY BUILDING OR PROPERTY THAT IS OWNED OR CONTROLLED BY A SCHOOL WITHIN THE SAME REASONABLY CONTIGUOUS GEOGRAPHIC AREA OF THE SCHOOL AND THAT IS USED BY THE SCHOOL IN DIRECT SUPPORT OF OR IN A MANNER RELATED TO THE SCHOOL'S EDUCATIONAL PURPOSES, INCLUDING RESIDENCE HALLS.

(b) PROPERTY WITHIN THE SAME REASONABLY CONTIGUOUS GEOGRAPHIC AREA OF THE SCHOOL THAT IS OWNED BY THE SCHOOL BUT THAT IS CONTROLLED BY ANOTHER PERSON, IS USED BY STUDENTS AND SUPPORTS SCHOOL PURPOSES, INCLUDING A FOOD OR OTHER RETAIL VENDOR.

11-1055. Immigration enforcement in day care centers; immigration enforcement procedures; licensing violation; definitions

A. A LICENSED DAY CARE CENTER MAY NOT DISCLOSE OR THREATEN TO DISCLOSE TO ANY OTHER PERSON, ENTITY OR AGENCY INFORMATION REGARDING OR RELATING TO THE ACTUAL OR PERCEIVED CITIZENSHIP OR IMMIGRATION STATUS OF A CHILD OR AN ASSOCIATED PERSON, UNLESS DISCLOSURE IS REQUIRED BY STATE OR FEDERAL LAW. THIS SECTION DOES NOT PROHIBIT OR RESTRICT AN ENTITY FROM SENDING TO OR RECEIVING FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY OR ANY OTHER FEDERAL, STATE OR LOCAL GOVERNMENTAL ENTITY INFORMATION REGARDING THE CITIZENSHIP OR IMMIGRATION STATUS OF AN INDIVIDUAL UNDER 8 UNITED STATES CODE SECTIONS 1373 AND 1644.

B. THIS SECTION DOES NOT AFFECT A LICENSED DAY CARE CENTER'S OBLIGATION AS A MANDATED REPORTER OR TO OTHERWISE RESPOND TO INSTANCES OF SUSPECTED CRIME ON THE PREMISES. THIS SECTION DOES NOT PROHIBIT LICENSED DAY CARE CENTERS FROM INTERACTING WITH LAW ENFORCEMENT AGENTS FOR THE

1 PURPOSES OF HOTLINE EMERGENCY CALLS OR INCIDENTS ARISING OUT OF MANDATED
2 REPORTING.

3 C. THE DEPARTMENT OF HEALTH SERVICES SHALL MAKE AVAILABLE ON ITS
4 WEBSITE RESOURCES FOR FAMILIES, INCLUDING RESOURCES REGARDING THE
5 CONSTITUTIONAL RIGHTS OF FAMILIES AND FAMILY PREPAREDNESS PLANS.

6 D. IF A CHILD'S PARENT OR GUARDIAN DIRECTLY FACES IMMIGRATION
7 ENFORCEMENT ACTION, A LICENSED DAY CARE CENTER SHALL USE THE CHILD'S
8 EMERGENCY CONTACT INFORMATION AND RELEASE THE CHILD TO ANY PERSON WHO IS
9 DESIGNATED AS THE CHILD'S EMERGENCY CONTACT OR INTO THE CUSTODY OF AN
10 INDIVIDUAL WHO PRESENTS A PROPERLY EXECUTED APPOINTMENT OF SHORT-TERM
11 GUARDIAN FORM ON BEHALF OF THE CHILD.

12 E. ON OR BEFORE JANUARY 1, 2027, A LICENSED DAY CARE CENTER SHALL
13 ADOPT POLICIES TO COMPLY WITH THIS SECTION AND SHALL ENSURE THAT ALL STAFF
14 MEMBERS ARE TRAINED ON THE ADOPTED POLICIES. THE POLICIES MAY NOT HAVE
15 THE EFFECT OF EXCLUDING OR DISCOURAGING A CHILD FROM ANY PROGRAM AT THE
16 LICENSED DAY CARE CENTER BECAUSE OF THE CHILD'S OR THE CHILD'S PARENT'S OR
17 GUARDIAN'S ACTUAL OR PERCEIVED IMMIGRATION STATUS AND SHALL REQUIRE ALL OF
18 THE FOLLOWING:

19 1. A WRITTEN PLAN OF ACTION FOR INTERACTING WITH LAW ENFORCEMENT
20 AGENTS. THE PLAN SHALL BE SHARED WITH A CHILD'S PARENT OR GUARDIAN AND
21 SHALL:

22 (a) DESIGNATE SPACES THAT ARE DEEMED TO BE PRIVATE WITHIN THE
23 FACILITY.

24 (b) DESIGNATE THE LICENSED DAY CARE CENTER DIRECTOR OR THE
25 DIRECTOR'S DESIGNEE TO SERVE AS THE PRIMARY POINT OF CONTACT FOR
26 INTERACTING WITH LAW ENFORCEMENT AGENTS.

27 (c) INCLUDE PROCEDURES THAT A LICENSED DAY CARE CENTER'S PRIMARY
28 POINT OF CONTACT SHALL FOLLOW TO RESPOND TO AND REVIEW ANY REQUEST FOR
29 ENTRY BY LAW ENFORCEMENT, INCLUDING JUDICIAL WARRANTS, ORDERS AND
30 SUBPOENAS.

31 2. PROCEDURES FOR NOTIFYING AND SEEKING WRITTEN CONSENT FROM A
32 CHILD'S PARENTS OR GUARDIAN IF A LAW ENFORCEMENT AGENT REQUESTS ACCESS TO
33 PERSONALLY IDENTIFIABLE INFORMATION FROM THE CHILD'S RECORDS, UNLESS
34 THE ACCESS IS IN COMPLIANCE WITH A JUDICIAL WARRANT OR ORDER OR A SUBPOENA
35 THAT RESTRICTS THE DISCLOSURE OF THE INFORMATION TO THE CHILD'S PARENTS OR
36 GUARDIAN.

37 3. FAMILIES OF CHILDREN WHO ARE ENROLLED AT THE LICENSED DAY CARE
38 CENTER TO UPDATE THEIR EMERGENCY CONTACT LIST BIANNUALLY.

39 4. NOTIFICATION TO BE GIVEN, WITHIN A REASONABLE TIME PERIOD, TO
40 PARENTS OR GUARDIANS AND THE DEPARTMENT OF HEALTH SERVICES IF IMMIGRATION
41 ENFORCEMENT ACTION OCCURS AT THE LICENSED DAY CARE CENTER OR ITS ENVIRONS.
42 A LICENSED DAY CARE CENTER'S LATE PICK-UP POLICY SHALL BE UPDATED TO
43 INCLUDE THE DEGREE OF DILIGENCE THE LICENSED DAY CARE CENTER WILL USE TO
44 REACH A CHILD'S EMERGENCY CONTACTS, INCLUDING THE NUMBER OF ATTEMPTED

1 TELEPHONE CALLS TO PARENTS AND EMERGENCY CONTACTS AND ANY REQUESTS FOR
2 POLICE ASSISTANCE IN FINDING A CHILD'S EMERGENCY CONTACT.

3 F. THE FAILURE TO COMPLY WITH SUBSECTION A OF THIS SECTION IS A
4 LICENSE VIOLATION. THE FAILURE TO COMPLY WITH ANY OTHER PROVISION OF THIS
5 SECTION MAY BE A LICENSE VIOLATION.

6 G. FOR THE PURPOSES OF THIS SECTION:

7 1. "IMMIGRATION ENFORCEMENT ACTION" INCLUDES ANY ARRESTS OR
8 DETENTIONS THAT ARE CONDUCTED BY AGENTS OR OFFICERS OF THE UNITED STATES
9 DEPARTMENT OF HOMELAND SECURITY, UNITED STATES IMMIGRATION AND CUSTOMS
10 ENFORCEMENT OR UNITED STATES CUSTOMS AND BORDER PROTECTION OR ANY OTHER
11 INDIVIDUAL OR ENTITY WITH THE POWER TO ARREST OR DETAIN INDIVIDUALS OR TO
12 MANAGE CUSTODY OF DETAINED INDIVIDUALS FOR THE PURPOSES OF IMMIGRATION
13 ENFORCEMENT.

14 2. "LAW ENFORCEMENT AGENT" MEANS AN AGENT OF FEDERAL, STATE OR
15 LOCAL LAW ENFORCEMENT WHO IS AUTHORIZED WITH THE POWER TO ARREST OR DETAIN
16 INDIVIDUALS OR TO MANAGE THE CUSTODY OF DETAINED INDIVIDUALS FOR
17 IMMIGRATION ENFORCEMENT.

18 Sec. 2. Title 12, chapter 7, article 2, Arizona Revised Statutes,
19 is amended by adding section 12-824, to read:

20 12-824. Civil action against a person conducting immigration
21 enforcement; definitions

22 A. A PERSON MAY BRING A CIVIL ACTION AGAINST ANY PERSON WHO, WHILE
23 CONDUCTING IMMIGRATION ENFORCEMENT, KNOWINGLY ENGAGES IN CONDUCT THAT
24 VIOLATES THE CONSTITUTION OF THIS STATE OR THE UNITED STATES.

25 B. QUALIFIED IMMUNITY IS A DEFENSE TO LIABILITY UNDER SECTION
26 11-1052, 11-1053, 11-1054 OR 11-1055 OR THIS SECTION.

27 C. ALL MONETARY, INJUNCTIVE AND DECLARATORY RELIEF AVAILABLE AT
28 COMMON LAW IS AVAILABLE UNDER SECTION 11-1052, 11-1053, 11-1054 OR 11-1055
29 OR THIS SECTION FOR A VIOLATION OF SECTION 11-1052, 11-1053, 11-1054 OR
30 11-1055 OR THIS SECTION WITHOUT REGARD TO WHETHER A PLAINTIFF MAY HAVE A
31 CLAIM UNDER ANY OTHER STATUTE OR COMMON LAW CAUSE OF ACTION. IF A
32 PLAINTIFF SEEKS PUNITIVE DAMAGES AGAINST A DEFENDANT WHO COMMITTED A
33 VIOLATION OF SECTION 11-1052, 11-1053, 11-1054 OR 11-1055 OR THIS SECTION
34 WHILE ACTING UNDER COLOR OF FEDERAL LAW, ARIZONA LAW OR OTHER STATE LAW,
35 THE FOLLOWING FACTS MUST BE USED TO DETERMINE THE REPREHENSIBILITY OF THE
36 DEFENDANT'S CONDUCT:

37 1. WHETHER THE DEFENDANT WORE A FACIAL COVERING WHILE
38 COMMITTING THE VIOLATION.

39 2. WHETHER, AT THE TIME OF THE VIOLATION, THE DEFENDANT WAS A LAW
40 ENFORCEMENT OFFICER WHO FAILED TO IDENTIFY OR DISCLOSE THAT THE DEFENDANT
41 WAS A LAW ENFORCEMENT OFFICER, EITHER VERBALLY OR BY WEARING IDENTIFYING
42 INSIGNIA SUCH AS A BADGE, AGENCY LOGO OR PATCH OR BY PROVIDING THE
43 OFFICER'S NAME, BADGE OR IDENTIFICATION NUMBER AND THE EMPLOYING AGENCY OR
44 DEPARTMENT.

3. WHETHER, AT THE TIME OF THE VIOLATION, THE DEFENDANT WAS A LAW ENFORCEMENT OFFICER WHO WAS REQUIRED BY STATE OR FEDERAL LAW OR REGULATION OR AGENCY POLICY TO WEAR AND USE AN OFFICER-WORN BODY CAMERA DURING THE TYPE OF ACTIVITY THAT GAVE RISE TO THE DEPRIVATION OF RIGHTS AND FAILED TO DO SO.

4. WHETHER THE DEFENDANT WAS OPERATING OR USING A MOTOR VEHICLE WITHOUT A LICENSE PLATE OR WITH A LICENSE PLATE ISSUED BY ANOTHER STATE.

5. WHETHER THE DEFENDANT USED CROWD CONTROL EQUIPMENT AT THE TIME OF THE VIOLATION.

6. WHETHER THE DEFENDANT INTENTIONALLY VIOLATED OR FAILED TO COMPLY WITH ANY MATERIAL TERM OR CONDITION OF A COURT ORDER OR CONSENT DECREE THAT WAS ISSUED BY A COURT, THAT WAS IN EFFECT AT THE TIME OF THE VIOLATION OF SECTION 11-1052, 11-1053, 11-1054 OR 11-1055 OR THIS SECTION, THAT APPLIED TO THE PERSON ACTING UNDER COLOR OF LAW AND THAT WAS ISSUED OR ENTERED INTO IN PART TO ADDRESS OR PREVENT FUTURE VIOLATIONS OF SECTION 11-1052, 11-1053, 11-1054 OR 11-1055 OR THIS SECTION RELATING TO THE CONDUCT COMPLAINED OF.

D. ON MOTION, A COURT SHALL AWARD REASONABLE ATTORNEY FEES AND COSTS, INCLUDING EXPERT WITNESS FEES AND OTHER LITIGATION EXPENSES, TO A PLAINTIFF WHO IS A PREVAILING PARTY IN ANY ACTION BROUGHT UNDER SECTION 11-1052, 11-1053, 11-1054 OR 11-1055 OR THIS SECTION. IN AWARDING REASONABLE ATTORNEY FEES, THE COURT SHALL CONSIDER THE DEGREE TO WHICH THE RELIEF OBTAINED RELATES TO THE RELIEF SOUGHT.

E. FOR THE PURPOSES OF THIS SECTION:

1. "CROWD CONTROL EQUIPMENT" INCLUDES ANY OF THE FOLLOWING:

(a) KINETIC IMPACT PROJECTILES.

(b) COMPRESSED AIR LAUNCHERS.

(c) OLEORESIN CAPSICUM SPRAY, TEAR GAS, MACE OR OTHER CHEMICAL IRRITANTS.

(d) FORTY MILLIMETER MUNITIONS LAUNCHERS.

(e) LESS-LETHAL SHOTGUNS.

(f) LESS-LETHAL SPECIALTY IMPACT AND CHEMICAL MUNITIONS.

(g) CONTROLLED NOISE AND LIGHT DISTRACTION DEVICES.

(h) ELECTRONIC CONTROL WEAPONS.

2. "FACIAL COVERING":

(a) MEANS ANY OPAQUE MASK, GARMENT, HELMET, HEADGEAR OR OTHER ITEM THAT CONCEALS OR OBSCURES THE FACIAL IDENTITY OF AN INDIVIDUAL, INCLUDING A BALACLAVA, TACTICAL MASK, GAITER MASK, SKI MASK OR OTHER SIMILAR TYPE OF FACIAL COVERING OR ITEM THAT SHIELDS THE FACE.

(b) DOES NOT INCLUDE ANY OF THE FOLLOWING:

(i) A MEDICAL GRADE MASK THAT IS DESIGNED TO PREVENT THE TRANSMISSION OF DISEASES.

(ii) A FACIAL COVERING THAT IS DESIGNED TO PROTECT AGAINST EXPOSURE TO SMOKE DURING A STATE OF EMERGENCY RELATED TO WILDFIRES.

1 (iii) PROTECTIVE GEAR THAT IS USED BY SPECIAL WEAPONS AND TACTICS
2 TEAM OFFICERS AND THAT IS NECESSARY TO PROTECT THEIR FACES FROM HARM WHILE
3 THEY PERFORM THEIR TEAM RESPONSIBILITIES.

4 3. IMMIGRATION ENFORCEMENT DOES NOT INCLUDE AN ACTION THAT IS
5 COMMITTED BY A LAW ENFORCEMENT OFFICER OR PEACE OFFICER WHO IS ACTING
6 WITHIN THE OFFICER'S POWERS AND DUTIES CONSISTENT WITH THE LAWS OF THIS
7 STATE.

8 4. "PREVAILING PARTY" INCLUDES ANY PARTY:

9 (a) WHO OBTAINS SOME OF THE PARTY'S REQUESTED RELIEF THROUGH A
10 JUDICIAL JUDGMENT IN THE PARTY'S FAVOR.

11 (b) WHO OBTAINS SOME OF THE PARTY'S REQUESTED RELIEF THROUGH ANY
12 SETTLEMENT AGREEMENT APPROVED BY THE COURT.

13 (c) WHOSE PURSUIT OF A NONFRIVOLOUS CLAIM WAS A CATALYST FOR A
14 UNILATERAL CHANGE IN POSITION BY THE OPPOSING PARTY RELATIVE TO THE RELIEF
15 SOUGHT.