

REFERENCE TITLE: probation; immigration enforcement; court notification

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

SB 1213

Introduced by
Senator Shamp

AN ACT

AMENDING SECTIONS 11-1051 AND 13-901, 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 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 COURT SHALL IMMEDIATELY NOTIFY the United States immigration and customs enforcement or the United States customs and border protection ~~shall be immediately notified.~~ IF AN ALIEN WHO IS UNLAWFULLY PRESENT IN THE UNITED STATES IS DISCHARGED FROM IMPRISONMENT OR IS ASSESSED A MONETARY OBLIGATION, THE AGENCY OF THIS STATE OR THE COUNTY, CITY, TOWN OR OTHER POLITICAL SUBDIVISION OF THIS STATE THAT DISCHARGES THE ALIEN OR ASSESSES THE MONETARY OBLIGATION SHALL IMMEDIATELY NOTIFY THE UNITED

STATES IMMIGRATION AND CUSTOMS ENFORCEMENT OR THE UNITED STATES CUSTOMS AND BORDER PROTECTION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 2. Section 13-901, Arizona Revised Statutes, is amended to read:

13-901. Probation

A. If a person who has been convicted of an offense is eligible for probation, the court may suspend the imposition or execution of sentence and, if so, shall without delay place the person on intensive probation supervision pursuant to section 13-913 or supervised or unsupervised probation on such terms and conditions as the law requires and the court deems appropriate, including participation in any programs authorized in title 12, chapter 2, article 11. If a person is not eligible for probation, imposition or execution of sentence shall not be suspended or delayed. If the court imposes probation, it may also impose a fine as authorized by chapter 8 of this title. If probation is granted the court shall impose a condition that the person waive extradition for any probation revocation procedures and it shall order restitution pursuant to section 13-603, subsection C where there is a victim who has suffered economic loss. When granting probation to an adult the court, as a condition of probation, shall assess a monthly fee of not less than \$65 unless, after determining the inability of the probationer to pay the fee,

1 the court assesses a lesser fee. This fee is not subject to any
2 surcharge. In justice and municipal courts the fee shall only be assessed
3 when the person is placed on supervised probation. For persons placed on
4 probation in the superior court, the fee shall be paid to the clerk of the
5 superior court and the clerk of the court shall pay all monies collected
6 from this fee to the county treasurer for deposit in the adult probation
7 services fund established by section 12-267. For persons placed on
8 supervised probation in the justice court, the fee shall be paid to the
9 justice court and the justice court shall transmit all of the monies to
10 the county treasurer for deposit in the adult probation services fund
11 established by section 12-267. For persons placed on supervised probation
12 in the municipal court, the fee shall be paid to the municipal court. The
13 municipal court shall transmit all of the monies to the city treasurer who
14 shall transmit the monies to the county treasurer for deposit in the adult
15 probation services fund established by section 12-267. Any amount
16 assessed pursuant to this subsection shall be used to supplement monies
17 used for the salaries of adult probation and surveillance officers and for
18 support of programs and services of the superior court adult probation
19 departments.

20 B. The period of probation shall be determined according to section
21 13-902, except that if a person is released pursuant to section 31-233,
22 subsection B and community supervision is waived pursuant to section
23 13-603, subsection K, the court shall extend the period of probation by
24 the amount of time the director of the state department of corrections
25 approves for the inmate's temporary release.

26 C. The court, in its discretion, may issue a warrant for the
27 rearrest of the defendant and may modify or add to the conditions or, if
28 the defendant commits an additional offense or violates a condition, may
29 revoke probation in accordance with the Arizona rules of criminal
30 procedure at any time before the expiration or termination of the period
31 of probation. If the court revokes the defendant's probation and the
32 defendant is serving more than one probationary term concurrently, the
33 court may sentence the person to terms of imprisonment to be served
34 consecutively.

35 D. At any time during the probationary term of the person released
36 on probation, any probation officer, without warrant or other process and
37 at any time until the final disposition of the case, may rearrest any
38 person and bring the person before the court.

39 E. The court, on its own initiative or on application of the
40 probationer, after notice and an opportunity to be heard for the
41 prosecuting attorney and, on request, the victim, may terminate the period
42 of probation or intensive probation and discharge the defendant at a time
43 earlier than that originally imposed if in the court's opinion the ends of
44 justice will be served and if the conduct of the defendant on probation
45 warrants it.

1 F. When granting probation the court may require that the defendant
2 be imprisoned in the county jail at whatever time or intervals,
3 consecutive or nonconsecutive, the court shall determine, within the
4 period of probation, as long as the period actually spent in confinement
5 does not exceed one year or the maximum period of imprisonment allowed
6 under chapter 7 of this title, whichever is the shorter.

7 G. If the defendant is placed on lifetime probation and has served
8 one year in the county jail as a term of probation, the court may require
9 that the defendant be additionally imprisoned in the county jail at
10 whatever time or intervals, consecutive or nonconsecutive, the court shall
11 determine, within the period of probation if the defendant's probation is
12 revoked by the court and the defendant is subsequently reinstated on
13 probation. The period actually spent in confinement as a term of being
14 reinstated on probation shall not exceed one year or, when including the
15 initial one-year period of incarceration imposed as a term of probation,
16 the maximum period of imprisonment allowed under chapter 7 of this title,
17 whichever is shorter.

18 H. If restitution is made a condition of probation, the court shall
19 fix the amount of restitution and the manner of performance pursuant to
20 chapter 8 of this title.

21 I. When granting probation, the court shall set forth at the time
22 of sentencing and on the record the factual and legal reasons in support
23 of each sentence.

24 J. If the defendant meets the criteria set forth in section
25 13-901.01 or 13-3422, the court may place the defendant on probation
26 pursuant to either section. If a defendant is placed on probation
27 pursuant to section 13-901.01 or 13-3422, the court may impose any term of
28 probation that is authorized pursuant to this section and that is not in
29 violation of section 13-901.01.

30 K. If the court imposes a term of probation, the court may require
31 the defendant to report to a probation officer. The court or the
32 defendant's probation officer may allow the defendant to fulfill a
33 reporting requirement through remote reporting. The probation officer
34 shall take into consideration and make accommodations for the
35 probationer's work schedule, family caregiver obligations, substance abuse
36 treatment or recovery program, mental health treatment, transportation
37 availability and medical care requirements before setting the reporting
38 time and location requirements for the probationer.

39 L. If a probationer makes a written request to the supervising
40 probation department to courtesy transfer the probationer's intensive
41 probation supervision or supervised probation to another county in this
42 state with the intent to reside in that county and provides proof of
43 family caregiver obligations, employment or housing, or an offer of
44 employment or housing that will assist in the probationer's positive

1 behavioral change, the supervising probation department shall do all of
2 the following:

3 1. Confirm the details of the probationer's employment, housing or
4 family caregiving plans.

5 2. Review any victim safety concerns and ensure compliance with the
6 victims' bill of rights.

7 3. Submit the request for permission to proceed to the receiving
8 county within seven business days after receipt.

9 M. After verifying the information submitted by the sending
10 probation department pursuant to subsection L of this section, the
11 receiving probation department shall provide the sending probation
12 department with permission for the probationer to proceed to the receiving
13 county within seven business days after receipt unless the receiving
14 probation department finds the basis for the plan is not factual or the
15 transfer will endanger the victim.

16 N. If a probationer's intensive probation supervision or supervised
17 probation is courtesy transferred to another county pursuant to subsection
18 L of this section and the probationer subsequently violates the terms of
19 the probationer's probation or commits an additional offense while on
20 probation, the probation department in the county in which the probation
21 violation or additional offense occurred may not return the probationer's
22 intensive probation supervision or supervised probation back to the county
23 in which the probationer's probation was originally imposed except for
24 revocation hearings or an order of the court.

25 O. NOTWITHSTANDING ANY OTHER LAW, IF THE PERSON IS AN ALIEN WHO IS
26 UNLAWFULLY PRESENT IN THE UNITED STATES AND WHO IS CONVICTED OF A
27 VIOLATION OF STATE OR LOCAL LAW:

28 1. THE ALIEN IS NOT ELIGIBLE FOR PROBATION.

29 2. THE COURT SHALL IMMEDIATELY NOTIFY THE UNITED STATES IMMIGRATION
30 AND CUSTOMS ENFORCEMENT OR THE UNITED STATES CUSTOMS AND BORDER PROTECTION
31 AS PRESCRIBED BY SECTION 11-1051.

32 P. IN THE ENFORCEMENT OF SUBSECTION O OF THIS SECTION, AN ALIEN'S
33 IMMIGRATION STATUS MAY BE DETERMINED BY:

34 1. A LAW ENFORCEMENT OFFICER WHO IS AUTHORIZED BY THE FEDERAL
35 GOVERNMENT TO VERIFY OR ASCERTAIN AN ALIEN'S IMMIGRATION STATUS.

36 2. THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT OR THE
37 UNITED STATES CUSTOMS AND BORDER PROTECTION PURSUANT TO 8 UNITED STATES
38 CODE SECTION 1373(c).