

State of Arizona  
Senate  
Forty-ninth Legislature  
Second Regular Session  
2010

## **SENATE BILL 1070**

AN ACT

AMENDING TITLE 11, CHAPTER 7, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 8; AMENDING TITLE 13, CHAPTER 15, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-1509; AMENDING SECTION 13-2319, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 29, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 13-2928 AND 13-2929; AMENDING SECTIONS 13-3883, 23-212, 23-212.01, 23-214 AND 28-3511, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 12, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1724; RELATING TO UNLAWFULLY PRESENT ALIENS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Intent

3 The legislature finds that there is a compelling interest in the  
4 cooperative enforcement of federal immigration laws throughout all of  
5 Arizona. The legislature declares that the intent of this act is to make  
6 attrition through enforcement the public policy of all state and local  
7 government agencies in Arizona. The provisions of this act are intended to  
8 work together to discourage and deter the unlawful entry and presence of  
9 aliens and economic activity by persons unlawfully present in the United  
10 States.

11 Sec. 2. Title 11, chapter 7, Arizona Revised Statutes, is amended by  
12 adding article 8, to read:

13 ARTICLE 8. ENFORCEMENT OF IMMIGRATION LAWS

14 11-1051. Cooperation and assistance in enforcement of  
15 immigration laws; indemnification

16 A. NO OFFICIAL OR AGENCY OF THIS STATE OR A COUNTY, CITY, TOWN OR  
17 OTHER POLITICAL SUBDIVISION OF THIS STATE MAY LIMIT OR RESTRICT THE  
18 ENFORCEMENT OF FEDERAL IMMIGRATION LAWS TO LESS THAN THE FULL EXTENT  
19 PERMITTED BY FEDERAL LAW.

20 B. FOR ANY LAWFUL CONTACT MADE BY A LAW ENFORCEMENT OFFICIAL OR A LAW  
21 ENFORCEMENT AGENCY OF THIS STATE OR A LAW ENFORCEMENT OFFICIAL OR A LAW  
22 ENFORCEMENT AGENCY OF A COUNTY, CITY, TOWN OR OTHER POLITICAL SUBDIVISION OF  
23 THIS STATE WHERE REASONABLE SUSPICION EXISTS THAT THE PERSON IS AN ALIEN WHO  
24 IS UNLAWFULLY PRESENT IN THE UNITED STATES, A REASONABLE ATTEMPT SHALL BE  
25 MADE, WHEN PRACTICABLE, TO DETERMINE THE IMMIGRATION STATUS OF THE PERSON,  
26 EXCEPT IF THE DETERMINATION MAY HINDER OR OBSTRUCT AN INVESTIGATION. ANY  
27 PERSON WHO IS ARRESTED SHALL HAVE THE PERSON'S IMMIGRATION STATUS DETERMINED  
28 BEFORE THE PERSON IS RELEASED. THE PERSON'S IMMIGRATION STATUS SHALL BE  
29 VERIFIED WITH THE FEDERAL GOVERNMENT PURSUANT TO 8 UNITED STATES CODE SECTION  
30 1373(c). A LAW ENFORCEMENT OFFICIAL OR AGENCY OF THIS STATE OR A COUNTY,  
31 CITY, TOWN OR OTHER POLITICAL SUBDIVISION OF THIS STATE MAY NOT SOLELY  
32 CONSIDER RACE, COLOR OR NATIONAL ORIGIN IN IMPLEMENTING THE REQUIREMENTS OF  
33 THIS SUBSECTION EXCEPT TO THE EXTENT PERMITTED BY THE UNITED STATES OR  
34 ARIZONA CONSTITUTION. A PERSON IS PRESUMED TO NOT BE AN ALIEN WHO IS  
35 UNLAWFULLY PRESENT IN THE UNITED STATES IF THE PERSON PROVIDES TO THE LAW  
36 ENFORCEMENT OFFICER OR AGENCY ANY OF THE FOLLOWING:

- 37 1. A VALID ARIZONA DRIVER LICENSE.
- 38 2. A VALID ARIZONA NONOPERATING IDENTIFICATION LICENSE.
- 39 3. A VALID TRIBAL ENROLLMENT CARD OR OTHER FORM OF TRIBAL  
40 IDENTIFICATION.
- 41 4. IF THE ENTITY REQUIRES PROOF OF LEGAL PRESENCE IN THE UNITED STATES  
42 BEFORE ISSUANCE, ANY VALID UNITED STATES FEDERAL, STATE OR LOCAL GOVERNMENT  
43 ISSUED IDENTIFICATION.

1 C. IF AN ALIEN WHO IS UNLAWFULLY PRESENT IN THE UNITED STATES IS  
2 CONVICTED OF A VIOLATION OF STATE OR LOCAL LAW, ON DISCHARGE FROM  
3 IMPRISONMENT OR ON THE ASSESSMENT OF ANY MONETARY OBLIGATION THAT IS IMPOSED,  
4 THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT OR THE UNITED STATES  
5 CUSTOMS AND BORDER PROTECTION SHALL BE IMMEDIATELY NOTIFIED.

6 D. NOTWITHSTANDING ANY OTHER LAW, A LAW ENFORCEMENT AGENCY MAY  
7 SECURELY TRANSPORT AN ALIEN WHO THE AGENCY HAS RECEIVED VERIFICATION IS  
8 UNLAWFULLY PRESENT IN THE UNITED STATES AND WHO IS IN THE AGENCY'S CUSTODY TO  
9 A FEDERAL FACILITY IN THIS STATE OR TO ANY OTHER POINT OF TRANSFER INTO  
10 FEDERAL CUSTODY THAT IS OUTSIDE THE JURISDICTION OF THE LAW ENFORCEMENT  
11 AGENCY. A LAW ENFORCEMENT AGENCY SHALL OBTAIN JUDICIAL AUTHORIZATION BEFORE  
12 SECURELY TRANSPORTING AN ALIEN WHO IS UNLAWFULLY PRESENT IN THE UNITED STATES  
13 TO A POINT OF TRANSFER THAT IS OUTSIDE OF THIS STATE.

14 E. EXCEPT AS PROVIDED IN FEDERAL LAW, OFFICIALS OR AGENCIES OF THIS  
15 STATE AND COUNTIES, CITIES, TOWNS AND OTHER POLITICAL SUBDIVISIONS OF THIS  
16 STATE MAY NOT BE PROHIBITED OR IN ANY WAY BE RESTRICTED FROM SENDING,  
17 RECEIVING OR MAINTAINING INFORMATION RELATING TO THE IMMIGRATION STATUS,  
18 LAWFUL OR UNLAWFUL, OF ANY INDIVIDUAL OR EXCHANGING THAT INFORMATION WITH ANY  
19 OTHER FEDERAL, STATE OR LOCAL GOVERNMENTAL ENTITY FOR THE FOLLOWING OFFICIAL  
20 PURPOSES:

21 1. DETERMINING ELIGIBILITY FOR ANY PUBLIC BENEFIT, SERVICE OR LICENSE  
22 PROVIDED BY ANY FEDERAL, STATE, LOCAL OR OTHER POLITICAL SUBDIVISION OF THIS  
23 STATE.

24 2. VERIFYING ANY CLAIM OF RESIDENCE OR DOMICILE IF DETERMINATION OF  
25 RESIDENCE OR DOMICILE IS REQUIRED UNDER THE LAWS OF THIS STATE OR A JUDICIAL  
26 ORDER ISSUED PURSUANT TO A CIVIL OR CRIMINAL PROCEEDING IN THIS STATE.

27 3. IF THE PERSON IS AN ALIEN, DETERMINING WHETHER THE PERSON IS IN  
28 COMPLIANCE WITH THE FEDERAL REGISTRATION LAWS PRESCRIBED BY TITLE II, CHAPTER  
29 7 OF THE FEDERAL IMMIGRATION AND NATIONALITY ACT.

30 4. PURSUANT TO 8 UNITED STATES CODE SECTION 1373 AND 8 UNITED STATES  
31 CODE SECTION 1644.

32 F. THIS SECTION DOES NOT IMPLEMENT, AUTHORIZE OR ESTABLISH AND SHALL  
33 NOT BE CONSTRUED TO IMPLEMENT, AUTHORIZE OR ESTABLISH THE REAL ID ACT OF 2005  
34 (P.L. 109-13, DIVISION B; 119 STAT. 302), INCLUDING THE USE OF A RADIO  
35 FREQUENCY IDENTIFICATION CHIP.

36 G. A PERSON WHO IS A LEGAL RESIDENT OF THIS STATE MAY BRING AN ACTION  
37 IN SUPERIOR COURT TO CHALLENGE ANY OFFICIAL OR AGENCY OF THIS STATE OR A  
38 COUNTY, CITY, TOWN OR OTHER POLITICAL SUBDIVISION OF THIS STATE THAT ADOPTS  
39 OR IMPLEMENTS A POLICY OR PRACTICE THAT LIMITS OR RESTRICTS THE ENFORCEMENT  
40 OF FEDERAL IMMIGRATION LAWS TO LESS THAN THE FULL EXTENT PERMITTED BY FEDERAL  
41 LAW. IF THERE IS A JUDICIAL FINDING THAT AN ENTITY HAS VIOLATED THIS  
42 SECTION, THE COURT SHALL ORDER THAT THE ENTITY PAY A CIVIL PENALTY OF NOT  
43 LESS THAN ONE THOUSAND DOLLARS AND NOT MORE THAN FIVE THOUSAND DOLLARS FOR  
44 EACH DAY THAT THE POLICY HAS REMAINED IN EFFECT AFTER THE FILING OF AN ACTION  
45 PURSUANT TO THIS SUBSECTION.

1 H. A COURT SHALL COLLECT THE CIVIL PENALTY PRESCRIBED IN SUBSECTION G  
2 OF THIS SECTION AND REMIT THE CIVIL PENALTY TO THE STATE TREASURER FOR  
3 DEPOSIT IN THE GANG AND IMMIGRATION INTELLIGENCE TEAM ENFORCEMENT MISSION  
4 FUND ESTABLISHED BY SECTION 41-1724.

5 I. THE COURT MAY AWARD COURT COSTS AND REASONABLE ATTORNEY FEES TO ANY  
6 PERSON OR ANY OFFICIAL OR AGENCY OF THIS STATE OR A COUNTY, CITY, TOWN OR  
7 OTHER POLITICAL SUBDIVISION OF THIS STATE THAT PREVAILS BY AN ADJUDICATION ON  
8 THE MERITS IN A PROCEEDING BROUGHT PURSUANT TO THIS SECTION.

9 J. EXCEPT IN RELATION TO MATTERS IN WHICH THE OFFICER IS ADJUDGED TO  
10 HAVE ACTED IN BAD FAITH, A LAW ENFORCEMENT OFFICER IS INDEMNIFIED BY THE LAW  
11 ENFORCEMENT OFFICER'S AGENCY AGAINST REASONABLE COSTS AND EXPENSES, INCLUDING  
12 ATTORNEY FEES, INCURRED BY THE OFFICER IN CONNECTION WITH ANY ACTION, SUIT OR  
13 PROCEEDING BROUGHT PURSUANT TO THIS SECTION IN WHICH THE OFFICER MAY BE A  
14 DEFENDANT BY REASON OF THE OFFICER BEING OR HAVING BEEN A MEMBER OF THE LAW  
15 ENFORCEMENT AGENCY.

16 K. THIS SECTION SHALL BE IMPLEMENTED IN A MANNER CONSISTENT WITH  
17 FEDERAL LAWS REGULATING IMMIGRATION, PROTECTING THE CIVIL RIGHTS OF ALL  
18 PERSONS AND RESPECTING THE PRIVILEGES AND IMMUNITIES OF UNITED STATES  
19 CITIZENS.

20 Sec. 3. Title 13, chapter 15, Arizona Revised Statutes, is amended by  
21 adding section 13-1509, to read:

22 13-1509. Willful failure to complete or carry an alien  
23 registration document; assessment; exception;  
24 authenticated records; classification

25 A. IN ADDITION TO ANY VIOLATION OF FEDERAL LAW, A PERSON IS GUILTY OF  
26 WILLFUL FAILURE TO COMPLETE OR CARRY AN ALIEN REGISTRATION DOCUMENT IF THE  
27 PERSON IS IN VIOLATION OF 8 UNITED STATES CODE SECTION 1304(e) OR 1306(a).

28 B. IN THE ENFORCEMENT OF THIS SECTION, AN ALIEN'S IMMIGRATION STATUS  
29 MAY BE DETERMINED BY:

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

32 2. THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT OR THE UNITED  
33 STATES CUSTOMS AND BORDER PROTECTION PURSUANT TO 8 UNITED STATES CODE SECTION  
34 1373(c).

35 C. A PERSON WHO IS SENTENCED PURSUANT TO THIS SECTION IS NOT ELIGIBLE  
36 FOR SUSPENSION OF SENTENCE, PROBATION, PARDON, COMMUTATION OF SENTENCE, OR  
37 RELEASE FROM CONFINEMENT ON ANY BASIS EXCEPT AS AUTHORIZED BY SECTION 31-233,  
38 SUBSECTION A OR B UNTIL THE SENTENCE IMPOSED BY THE COURT HAS BEEN SERVED OR  
39 THE PERSON IS ELIGIBLE FOR RELEASE PURSUANT TO SECTION 41-1604.07.

40 D. IN ADDITION TO ANY OTHER PENALTY PRESCRIBED BY LAW, THE COURT SHALL  
41 ORDER THE PERSON TO PAY JAIL COSTS AND AN ADDITIONAL ASSESSMENT IN THE  
42 FOLLOWING AMOUNTS:

43 1. AT LEAST FIVE HUNDRED DOLLARS FOR A FIRST VIOLATION.

44 2. TWICE THE AMOUNT SPECIFIED IN PARAGRAPH 1 OF THIS SUBSECTION IF THE  
45 PERSON WAS PREVIOUSLY SUBJECT TO AN ASSESSMENT PURSUANT TO THIS SUBSECTION.

1 E. A COURT SHALL COLLECT THE ASSESSMENTS PRESCRIBED IN SUBSECTION D OF  
2 THIS SECTION AND REMIT THE ASSESSMENTS TO THE DEPARTMENT OF PUBLIC SAFETY,  
3 WHICH SHALL ESTABLISH A SPECIAL SUBACCOUNT FOR THE MONIES IN THE ACCOUNT  
4 ESTABLISHED FOR THE GANG AND IMMIGRATION INTELLIGENCE TEAM ENFORCEMENT  
5 MISSION APPROPRIATION. MONIES IN THE SPECIAL SUBACCOUNT ARE SUBJECT TO  
6 LEGISLATIVE APPROPRIATION FOR DISTRIBUTION FOR GANG AND IMMIGRATION  
7 ENFORCEMENT AND FOR COUNTY JAIL REIMBURSEMENT COSTS RELATING TO ILLEGAL  
8 IMMIGRATION.

9 F. THIS SECTION DOES NOT APPLY TO A PERSON WHO MAINTAINS AUTHORIZATION  
10 FROM THE FEDERAL GOVERNMENT TO REMAIN IN THE UNITED STATES.

11 G. ANY RECORD THAT RELATES TO THE IMMIGRATION STATUS OF A PERSON IS  
12 ADMISSIBLE IN ANY COURT WITHOUT FURTHER FOUNDATION OR TESTIMONY FROM A  
13 CUSTODIAN OF RECORDS IF THE RECORD IS CERTIFIED AS AUTHENTIC BY THE  
14 GOVERNMENT AGENCY THAT IS RESPONSIBLE FOR MAINTAINING THE RECORD.

15 H. A VIOLATION OF THIS SECTION IS A CLASS 1 MISDEMEANOR, EXCEPT THAT A  
16 VIOLATION OF THIS SECTION IS:

17 1. A CLASS 3 FELONY IF THE PERSON VIOLATES THIS SECTION WHILE IN  
18 POSSESSION OF ANY OF THE FOLLOWING:

19 (a) A DANGEROUS DRUG AS DEFINED IN SECTION 13-3401.

20 (b) PRECURSOR CHEMICALS THAT ARE USED IN THE MANUFACTURING OF  
21 METHAMPHETAMINE IN VIOLATION OF SECTION 13-3404.01.

22 (c) A DEADLY WEAPON OR A DANGEROUS INSTRUMENT, AS DEFINED IN SECTION  
23 13-105.

24 (d) PROPERTY THAT IS USED FOR THE PURPOSE OF COMMITTING AN ACT OF  
25 TERRORISM AS PRESCRIBED IN SECTION 13-2308.01.

26 2. A CLASS 4 FELONY IF THE PERSON EITHER:

27 (a) IS CONVICTED OF A SECOND OR SUBSEQUENT VIOLATION OF THIS SECTION.

28 (b) WITHIN SIXTY MONTHS BEFORE THE VIOLATION, HAS BEEN REMOVED FROM  
29 THE UNITED STATES PURSUANT TO 8 UNITED STATES CODE SECTION 1229a OR HAS  
30 ACCEPTED A VOLUNTARY REMOVAL FROM THE UNITED STATES PURSUANT TO 8 UNITED  
31 STATES CODE SECTION 1229c.

32 Sec. 4. Section 13-2319, Arizona Revised Statutes, is amended to read:  
33 13-2319. Smuggling; classification; definitions

34 A. It is unlawful for a person to intentionally engage in the  
35 smuggling of human beings for profit or commercial purpose.

36 B. A violation of this section is a class 4 felony.

37 C. Notwithstanding subsection B of this section, a violation of this  
38 section:

39 1. Is a class 2 felony if the human being who is smuggled is under  
40 eighteen years of age and is not accompanied by a family member over eighteen  
41 years of age or the offense involved the use of a deadly weapon or dangerous  
42 instrument.

43 2. Is a class 3 felony if the offense involves the use or threatened  
44 use of deadly physical force and the person is not eligible for suspension of  
45 sentence, probation, pardon or release from confinement on any other basis

1 except pursuant to section 31-233, subsection A or B until the sentence  
2 imposed by the court is served, the person is eligible for release pursuant  
3 to section 41-1604.07 or the sentence is commuted.

4 D. Chapter 10 of this title does not apply to a violation of  
5 subsection C, paragraph 1 of this section.

6 E. NOTWITHSTANDING ANY OTHER LAW, IN THE ENFORCEMENT OF THIS SECTION A  
7 PEACE OFFICER MAY LAWFULLY STOP ANY PERSON WHO IS OPERATING A MOTOR VEHICLE  
8 IF THE OFFICER HAS REASONABLE SUSPICION TO BELIEVE THE PERSON IS IN VIOLATION  
9 OF ANY CIVIL TRAFFIC LAW.

10 ~~E.~~ F. For the purposes of this section:

11 1. "Family member" means the person's parent, grandparent, sibling or  
12 any other person who is related to the person by consanguinity or affinity to  
13 the second degree.

14 2. "Procurement of transportation" means any participation in or  
15 facilitation of transportation and includes:

16 (a) Providing services that facilitate transportation including travel  
17 arrangement services or money transmission services.

18 (b) Providing property that facilitates transportation, including a  
19 weapon, a vehicle or other means of transportation or false identification,  
20 or selling, leasing, renting or otherwise making available a drop house as  
21 defined in section 13-2322.

22 3. "Smuggling of human beings" means the transportation, procurement  
23 of transportation or use of property or real property by a person or an  
24 entity that knows or has reason to know that the person or persons  
25 transported or to be transported are not United States citizens, permanent  
26 resident aliens or persons otherwise lawfully in this state or have attempted  
27 to enter, entered or remained in the United States in violation of law.

28 Sec. 5. Title 13, chapter 29, Arizona Revised Statutes, is amended by  
29 adding sections 13-2928 and 13-2929, to read:

30 13-2928. Unlawful stopping to hire and pick up passengers for  
31 work; unlawful application, solicitation or  
32 employment; classification; definitions

33 A. IT IS UNLAWFUL FOR AN OCCUPANT OF A MOTOR VEHICLE THAT IS STOPPED  
34 ON A STREET, ROADWAY OR HIGHWAY TO ATTEMPT TO HIRE OR HIRE AND PICK UP  
35 PASSENGERS FOR WORK AT A DIFFERENT LOCATION IF THE MOTOR VEHICLE BLOCKS OR  
36 IMPEDES THE NORMAL MOVEMENT OF TRAFFIC.

37 B. IT IS UNLAWFUL FOR A PERSON TO ENTER A MOTOR VEHICLE THAT IS  
38 STOPPED ON A STREET, ROADWAY OR HIGHWAY IN ORDER TO BE HIRED BY AN OCCUPANT  
39 OF THE MOTOR VEHICLE AND TO BE TRANSPORTED TO WORK AT A DIFFERENT LOCATION IF  
40 THE MOTOR VEHICLE BLOCKS OR IMPEDES THE NORMAL MOVEMENT OF TRAFFIC.

41 C. IT IS UNLAWFUL FOR A PERSON WHO IS UNLAWFULLY PRESENT IN THE UNITED  
42 STATES AND WHO IS AN UNAUTHORIZED ALIEN TO KNOWINGLY APPLY FOR WORK, SOLICIT  
43 WORK IN A PUBLIC PLACE OR PERFORM WORK AS AN EMPLOYEE OR INDEPENDENT  
44 CONTRACTOR IN THIS STATE.

45 D. A VIOLATION OF THIS SECTION IS A CLASS 1 MISDEMEANOR.

1 E. FOR THE PURPOSES OF THIS SECTION:

2 1. "SOLICIT" MEANS VERBAL OR NONVERBAL COMMUNICATION BY A GESTURE OR A  
3 NOD THAT WOULD INDICATE TO A REASONABLE PERSON THAT A PERSON IS WILLING TO BE  
4 EMPLOYED.

5 2. "UNAUTHORIZED ALIEN" MEANS AN ALIEN WHO DOES NOT HAVE THE LEGAL  
6 RIGHT OR AUTHORIZATION UNDER FEDERAL LAW TO WORK IN THE UNITED STATES AS  
7 DESCRIBED IN 8 UNITED STATES CODE SECTION 1324a(h)(3).

8 13-2929. Unlawful transporting, moving, concealing, harboring  
9 or shielding of unlawful aliens; vehicle  
10 impoundment; exception; classification

11 A. IT IS UNLAWFUL FOR A PERSON WHO IS IN VIOLATION OF A CRIMINAL  
12 OFFENSE TO:

13 1. TRANSPORT OR MOVE OR ATTEMPT TO TRANSPORT OR MOVE AN ALIEN IN THIS  
14 STATE, IN FURTHERANCE OF THE ILLEGAL PRESENCE OF THE ALIEN IN THE UNITED  
15 STATES, IN A MEANS OF TRANSPORTATION IF THE PERSON KNOWS OR RECKLESSLY  
16 DISREGARDS THE FACT THAT THE ALIEN HAS COME TO, HAS ENTERED OR REMAINS IN THE  
17 UNITED STATES IN VIOLATION OF LAW.

18 2. CONCEAL, HARBOR OR SHIELD OR ATTEMPT TO CONCEAL, HARBOR OR SHIELD  
19 AN ALIEN FROM DETECTION IN ANY PLACE IN THIS STATE, INCLUDING ANY BUILDING OR  
20 ANY MEANS OF TRANSPORTATION, IF THE PERSON KNOWS OR RECKLESSLY DISREGARDS THE  
21 FACT THAT THE ALIEN HAS COME TO, HAS ENTERED OR REMAINS IN THE UNITED STATES  
22 IN VIOLATION OF LAW.

23 3. ENCOURAGE OR INDUCE AN ALIEN TO COME TO OR RESIDE IN THIS STATE IF  
24 THE PERSON KNOWS OR RECKLESSLY DISREGARDS THE FACT THAT SUCH COMING TO,  
25 ENTERING OR RESIDING IN THIS STATE IS OR WILL BE IN VIOLATION OF LAW.

26 B. A MEANS OF TRANSPORTATION THAT IS USED IN THE COMMISSION OF A  
27 VIOLATION OF THIS SECTION IS SUBJECT TO MANDATORY VEHICLE IMMOBILIZATION OR  
28 IMPOUNDMENT PURSUANT TO SECTION 28-3511.

29 C. THIS SECTION DOES NOT APPLY TO A CHILD PROTECTIVE SERVICES WORKER  
30 ACTING IN THE WORKER'S OFFICIAL CAPACITY OR A PERSON WHO IS ACTING IN THE  
31 CAPACITY OF A FIRST RESPONDER, AN AMBULANCE ATTENDANT OR AN EMERGENCY MEDICAL  
32 TECHNICIAN AND WHO IS TRANSPORTING OR MOVING AN ALIEN IN THIS STATE PURSUANT  
33 TO TITLE 36, CHAPTER 21.1.

34 D. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 1  
35 MISDEMEANOR AND IS SUBJECT TO A FINE OF AT LEAST ONE THOUSAND DOLLARS, EXCEPT  
36 THAT A VIOLATION OF THIS SECTION THAT INVOLVES TEN OR MORE ILLEGAL ALIENS IS  
37 A CLASS 6 FELONY AND THE PERSON IS SUBJECT TO A FINE OF AT LEAST ONE THOUSAND  
38 DOLLARS FOR EACH ALIEN WHO IS INVOLVED.

39 Sec. 6. Section 13-3883, Arizona Revised Statutes, is amended to read:  
40 13-3883. Arrest by officer without warrant

41 A. A peace officer ~~may~~, without a warrant, MAY arrest a person if ~~he~~  
42 THE OFFICER has probable cause to believe:

43 1. A felony has been committed and probable cause to believe the  
44 person to be arrested has committed the felony.

1           2. A misdemeanor has been committed in ~~his~~ THE OFFICER'S presence and  
2 probable cause to believe the person to be arrested has committed the  
3 offense.

4           3. The person to be arrested has been involved in a traffic accident  
5 and violated any criminal section of title 28, and that such violation  
6 occurred prior to or immediately following such traffic accident.

7           4. A misdemeanor or a petty offense has been committed and probable  
8 cause to believe the person to be arrested has committed the offense. A  
9 person arrested under this paragraph is eligible for release under section  
10 13-3903.

11           5. THE PERSON TO BE ARRESTED HAS COMMITTED ANY PUBLIC OFFENSE THAT  
12 MAKES THE PERSON REMOVABLE FROM THE UNITED STATES.

13           B. A peace officer may stop and detain a person as is reasonably  
14 necessary to investigate an actual or suspected violation of any traffic law  
15 committed in the officer's presence and may serve a copy of the traffic  
16 complaint for any alleged civil or criminal traffic violation. A peace  
17 officer who serves a copy of the traffic complaint shall do so within a  
18 reasonable time of the alleged criminal or civil traffic violation.

19           Sec. 7. Section 23-212, Arizona Revised Statutes, is amended to read:

20           23-212. Knowingly employing unauthorized aliens; prohibition;  
21                           false and frivolous complaints; violation;  
22                           classification; license suspension and revocation;  
23                           affirmative defense

24           A. An employer shall not knowingly employ an unauthorized alien. If,  
25 in the case when an employer uses a contract, subcontract or other  
26 independent contractor agreement to obtain the labor of an alien in this  
27 state, the employer knowingly contracts with an unauthorized alien or with a  
28 person who employs or contracts with an unauthorized alien to perform the  
29 labor, the employer violates this subsection.

30           B. The attorney general shall prescribe a complaint form for a person  
31 to allege a violation of subsection A of this section. The complainant shall  
32 not be required to list the complainant's social security number on the  
33 complaint form or to have the complaint form notarized. On receipt of a  
34 complaint on a prescribed complaint form that an employer allegedly knowingly  
35 employs an unauthorized alien, the attorney general or county attorney shall  
36 investigate whether the employer has violated subsection A of this section.  
37 If a complaint is received but is not submitted on a prescribed complaint  
38 form, the attorney general or county attorney may investigate whether the  
39 employer has violated subsection A of this section. This subsection shall  
40 not be construed to prohibit the filing of anonymous complaints that are not  
41 submitted on a prescribed complaint form. The attorney general or county  
42 attorney shall not investigate complaints that are based solely on race,  
43 color or national origin. A complaint that is submitted to a county attorney  
44 shall be submitted to the county attorney in the county in which the alleged  
45 unauthorized alien is or was employed by the employer. The county sheriff or



1 any other local law enforcement agency may assist in investigating a  
2 complaint. When investigating a complaint, the attorney general or county  
3 attorney shall verify the work authorization of the alleged unauthorized  
4 alien with the federal government pursuant to 8 United States Code section  
5 1373(c). A state, county or local official shall not attempt to  
6 independently make a final determination on whether an alien is authorized to  
7 work in the United States. An alien's immigration status or work  
8 authorization status shall be verified with the federal government pursuant  
9 to 8 United States Code section 1373(c). A person who knowingly files a  
10 false and frivolous complaint under this subsection is guilty of a class 3  
11 misdemeanor.

12 C. If, after an investigation, the attorney general or county attorney  
13 determines that the complaint is not false and frivolous:

14 1. The attorney general or county attorney shall notify the United  
15 States immigration and customs enforcement of the unauthorized alien.

16 2. The attorney general or county attorney shall notify the local law  
17 enforcement agency of the unauthorized alien.

18 3. The attorney general shall notify the appropriate county attorney  
19 to bring an action pursuant to subsection D of this section if the complaint  
20 was originally filed with the attorney general.

21 D. An action for a violation of subsection A of this section shall be  
22 brought against the employer by the county attorney in the county where the  
23 unauthorized alien employee is or was employed by the employer. The county  
24 attorney shall not bring an action against any employer for any violation of  
25 subsection A of this section that occurs before January 1, 2008. A second  
26 violation of this section shall be based only on an unauthorized alien who is  
27 or was employed by the employer after an action has been brought for a  
28 violation of subsection A of this section or section 23-212.01, subsection A.

29 E. For any action in superior court under this section, the court  
30 shall expedite the action, including assigning the hearing at the earliest  
31 practicable date.

32 F. On a finding of a violation of subsection A of this section:

33 1. For a first violation, as described in paragraph 3 of this  
34 subsection, the court:

35 (a) Shall order the employer to terminate the employment of all  
36 unauthorized aliens.

37 (b) Shall order the employer to be subject to a three year  
38 probationary period for the business location where the unauthorized alien  
39 performed work. During the probationary period the employer shall file  
40 quarterly reports in the form provided in section 23-722.01 with the county  
41 attorney of each new employee who is hired by the employer at the business  
42 location where the unauthorized alien performed work.

43 (c) Shall order the employer to file a signed sworn affidavit with the  
44 county attorney within three business days after the order is issued. The  
45 affidavit shall state that the employer has terminated the employment of all

1 unauthorized aliens in this state and that the employer will not  
2 intentionally or knowingly employ an unauthorized alien in this state. The  
3 court shall order the appropriate agencies to suspend all licenses subject to  
4 this subdivision that are held by the employer if the employer fails to file  
5 a signed sworn affidavit with the county attorney within three business days  
6 after the order is issued. All licenses that are suspended under this  
7 subdivision shall remain suspended until the employer files a signed sworn  
8 affidavit with the county attorney. Notwithstanding any other law, on filing  
9 of the affidavit the suspended licenses shall be reinstated immediately by  
10 the appropriate agencies. For the purposes of this subdivision, the licenses  
11 that are subject to suspension under this subdivision are all licenses that  
12 are held by the employer specific to the business location where the  
13 unauthorized alien performed work. If the employer does not hold a license  
14 specific to the business location where the unauthorized alien performed  
15 work, but a license is necessary to operate the employer's business in  
16 general, the licenses that are subject to suspension under this subdivision  
17 are all licenses that are held by the employer at the employer's primary  
18 place of business. On receipt of the court's order and notwithstanding any  
19 other law, the appropriate agencies shall suspend the licenses according to  
20 the court's order. The court shall send a copy of the court's order to the  
21 attorney general and the attorney general shall maintain the copy pursuant to  
22 subsection G of this section.

23 (d) May order the appropriate agencies to suspend all licenses  
24 described in subdivision (c) of this paragraph that are held by the employer  
25 for not to exceed ten business days. The court shall base its decision to  
26 suspend under this subdivision on any evidence or information submitted to it  
27 during the action for a violation of this subsection and shall consider the  
28 following factors, if relevant:

- 29 (i) The number of unauthorized aliens employed by the employer.  
30 (ii) Any prior misconduct by the employer.  
31 (iii) The degree of harm resulting from the violation.  
32 (iv) Whether the employer made good faith efforts to comply with any  
33 applicable requirements.  
34 (v) The duration of the violation.  
35 (vi) The role of the directors, officers or principals of the employer  
36 in the violation.  
37 (vii) Any other factors the court deems appropriate.

38 2. For a second violation, as described in paragraph 3 of this  
39 subsection, the court shall order the appropriate agencies to permanently  
40 revoke all licenses that are held by the employer specific to the business  
41 location where the unauthorized alien performed work. If the employer does  
42 not hold a license specific to the business location where the unauthorized  
43 alien performed work, but a license is necessary to operate the employer's  
44 business in general, the court shall order the appropriate agencies to  
45 permanently revoke all licenses that are held by the employer at the

1 employer's primary place of business. On receipt of the order and  
2 notwithstanding any other law, the appropriate agencies shall immediately  
3 revoke the licenses.

4 3. The violation shall be considered:

5 (a) A first violation by an employer at a business location if the  
6 violation did not occur during a probationary period ordered by the court  
7 under this subsection or section 23-212.01, subsection F for that employer's  
8 business location.

9 (b) A second violation by an employer at a business location if the  
10 violation occurred during a probationary period ordered by the court under  
11 this subsection or section 23-212.01, subsection F for that employer's  
12 business location.

13 G. The attorney general shall maintain copies of court orders that are  
14 received pursuant to subsection F of this section and shall maintain a  
15 database of the employers and business locations that have a first violation  
16 of subsection A of this section and make the court orders available on the  
17 attorney general's website.

18 H. On determining whether an employee is an unauthorized alien, the  
19 court shall consider only the federal government's determination pursuant to  
20 8 United States Code section 1373(c). The federal government's determination  
21 creates a rebuttable presumption of the employee's lawful status. The court  
22 may take judicial notice of the federal government's determination and may  
23 request the federal government to provide automated or testimonial  
24 verification pursuant to 8 United States Code section 1373(c).

25 I. For the purposes of this section, proof of verifying the employment  
26 authorization of an employee through the e-verify program creates a  
27 rebuttable presumption that an employer did not knowingly employ an  
28 unauthorized alien.

29 J. For the purposes of this section, an employer that establishes that  
30 it has complied in good faith with the requirements of 8 United States Code  
31 section 1324a(b) establishes an affirmative defense that the employer did not  
32 knowingly employ an unauthorized alien. An employer is considered to have  
33 complied with the requirements of 8 United States Code section 1324a(b),  
34 notwithstanding an isolated, sporadic or accidental technical or procedural  
35 failure to meet the requirements, if there is a good faith attempt to comply  
36 with the requirements.

37 K. IT IS AN AFFIRMATIVE DEFENSE TO A VIOLATION OF SUBSECTION A OF THIS  
38 SECTION THAT THE EMPLOYER WAS ENTRAPPED. TO CLAIM ENTRAPMENT, THE EMPLOYER  
39 MUST ADMIT BY THE EMPLOYER'S TESTIMONY OR OTHER EVIDENCE THE SUBSTANTIAL  
40 ELEMENTS OF THE VIOLATION. AN EMPLOYER WHO ASSERTS AN ENTRAPMENT DEFENSE HAS  
41 THE BURDEN OF PROVING THE FOLLOWING BY A PREPONDERANCE OF THE EVIDENCE:

42 1. THE IDEA OF COMMITTING THE VIOLATION STARTED WITH LAW ENFORCEMENT  
43 OFFICERS OR THEIR AGENTS RATHER THAN WITH THE EMPLOYER.

44 2. THE LAW ENFORCEMENT OFFICERS OR THEIR AGENTS URGED AND INDUCED THE  
45 EMPLOYER TO COMMIT THE VIOLATION.

1           3. THE EMPLOYER WAS NOT PREDISPOSED TO COMMIT THE VIOLATION BEFORE THE  
2 LAW ENFORCEMENT OFFICERS OR THEIR AGENTS URGED AND INDUCED THE EMPLOYER TO  
3 COMMIT THE VIOLATION.

4           L. AN EMPLOYER DOES NOT ESTABLISH ENTRAPMENT IF THE EMPLOYER WAS  
5 PREDISPOSED TO VIOLATE SUBSECTION A OF THIS SECTION AND THE LAW ENFORCEMENT  
6 OFFICERS OR THEIR AGENTS MERELY PROVIDED THE EMPLOYER WITH AN OPPORTUNITY TO  
7 COMMIT THE VIOLATION. IT IS NOT ENTRAPMENT FOR LAW ENFORCEMENT OFFICERS OR  
8 THEIR AGENTS MERELY TO USE A RUSE OR TO CONCEAL THEIR IDENTITY. THE CONDUCT  
9 OF LAW ENFORCEMENT OFFICERS AND THEIR AGENTS MAY BE CONSIDERED IN DETERMINING  
10 IF AN EMPLOYER HAS PROVEN ENTRAPMENT.

11           Sec. 8. Section 23-212.01, Arizona Revised Statutes, is amended to  
12 read:

13           23-212.01. Intentionally employing unauthorized aliens;  
14                                   prohibition; false and frivolous complaints;  
15                                   violation; classification; license suspension and  
16                                   revocation; affirmative defense

17           A. An employer shall not intentionally employ an unauthorized alien.  
18 If, in the case when an employer uses a contract, subcontract or other  
19 independent contractor agreement to obtain the labor of an alien in this  
20 state, the employer intentionally contracts with an unauthorized alien or  
21 with a person who employs or contracts with an unauthorized alien to perform  
22 the labor, the employer violates this subsection.

23           B. The attorney general shall prescribe a complaint form for a person  
24 to allege a violation of subsection A of this section. The complainant shall  
25 not be required to list the complainant's social security number on the  
26 complaint form or to have the complaint form notarized. On receipt of a  
27 complaint on a prescribed complaint form that an employer allegedly  
28 intentionally employs an unauthorized alien, the attorney general or county  
29 attorney shall investigate whether the employer has violated subsection A of  
30 this section. If a complaint is received but is not submitted on a  
31 prescribed complaint form, the attorney general or county attorney may  
32 investigate whether the employer has violated subsection A of this section.  
33 This subsection shall not be construed to prohibit the filing of anonymous  
34 complaints that are not submitted on a prescribed complaint form. The  
35 attorney general or county attorney shall not investigate complaints that are  
36 based solely on race, color or national origin. A complaint that is  
37 submitted to a county attorney shall be submitted to the county attorney in  
38 the county in which the alleged unauthorized alien is or was employed by the  
39 employer. The county sheriff or any other local law enforcement agency may  
40 assist in investigating a complaint. When investigating a complaint, the  
41 attorney general or county attorney shall verify the work authorization of  
42 the alleged unauthorized alien with the federal government pursuant to  
43 8 United States Code section 1373(c). A state, county or local official  
44 shall not attempt to independently make a final determination on whether an  
45 alien is authorized to work in the United States. An alien's immigration

1 status or work authorization status shall be verified with the federal  
2 government pursuant to 8 United States Code section 1373(c). A person who  
3 knowingly files a false and frivolous complaint under this subsection is  
4 guilty of a class 3 misdemeanor.

5 C. If, after an investigation, the attorney general or county attorney  
6 determines that the complaint is not false and frivolous:

7 1. The attorney general or county attorney shall notify the United  
8 States immigration and customs enforcement of the unauthorized alien.

9 2. The attorney general or county attorney shall notify the local law  
10 enforcement agency of the unauthorized alien.

11 3. The attorney general shall notify the appropriate county attorney  
12 to bring an action pursuant to subsection D of this section if the complaint  
13 was originally filed with the attorney general.

14 D. An action for a violation of subsection A of this section shall be  
15 brought against the employer by the county attorney in the county where the  
16 unauthorized alien employee is or was employed by the employer. The county  
17 attorney shall not bring an action against any employer for any violation of  
18 subsection A of this section that occurs before January 1, 2008. A second  
19 violation of this section shall be based only on an unauthorized alien who is  
20 or was employed by the employer after an action has been brought for a  
21 violation of subsection A of this section or section 23-212, subsection A.

22 E. For any action in superior court under this section, the court  
23 shall expedite the action, including assigning the hearing at the earliest  
24 practicable date.

25 F. On a finding of a violation of subsection A of this section:

26 1. For a first violation, as described in paragraph 3 of this  
27 subsection, the court shall:

28 (a) Order the employer to terminate the employment of all unauthorized  
29 aliens.

30 (b) Order the employer to be subject to a five year probationary  
31 period for the business location where the unauthorized alien performed work.  
32 During the probationary period the employer shall file quarterly reports in  
33 the form provided in section 23-722.01 with the county attorney of each new  
34 employee who is hired by the employer at the business location where the  
35 unauthorized alien performed work.

36 (c) Order the appropriate agencies to suspend all licenses described  
37 in subdivision (d) of this paragraph that are held by the employer for a  
38 minimum of ten days. The court shall base its decision on the length of the  
39 suspension under this subdivision on any evidence or information submitted to  
40 it during the action for a violation of this subsection and shall consider  
41 the following factors, if relevant:

42 (i) The number of unauthorized aliens employed by the employer.

43 (ii) Any prior misconduct by the employer.

44 (iii) The degree of harm resulting from the violation.

- 1           (iv) Whether the employer made good faith efforts to comply with any  
2 applicable requirements.
- 3           (v) The duration of the violation.
- 4           (vi) The role of the directors, officers or principals of the employer  
5 in the violation.
- 6           (vii) Any other factors the court deems appropriate.
- 7           (d) Order the employer to file a signed sworn affidavit with the  
8 county attorney. The affidavit shall state that the employer has terminated  
9 the employment of all unauthorized aliens in this state and that the employer  
10 will not intentionally or knowingly employ an unauthorized alien in this  
11 state. The court shall order the appropriate agencies to suspend all  
12 licenses subject to this subdivision that are held by the employer if the  
13 employer fails to file a signed sworn affidavit with the county attorney  
14 within three business days after the order is issued. All licenses that are  
15 suspended under this subdivision for failing to file a signed sworn affidavit  
16 shall remain suspended until the employer files a signed sworn affidavit with  
17 the county attorney. For the purposes of this subdivision, the licenses that  
18 are subject to suspension under this subdivision are all licenses that are  
19 held by the employer specific to the business location where the unauthorized  
20 alien performed work. If the employer does not hold a license specific to  
21 the business location where the unauthorized alien performed work, but a  
22 license is necessary to operate the employer's business in general, the  
23 licenses that are subject to suspension under this subdivision are all  
24 licenses that are held by the employer at the employer's primary place of  
25 business. On receipt of the court's order and notwithstanding any other law,  
26 the appropriate agencies shall suspend the licenses according to the court's  
27 order. The court shall send a copy of the court's order to the attorney  
28 general and the attorney general shall maintain the copy pursuant to  
29 subsection G of this section.
- 30           2. For a second violation, as described in paragraph 3 of this  
31 subsection, the court shall order the appropriate agencies to permanently  
32 revoke all licenses that are held by the employer specific to the business  
33 location where the unauthorized alien performed work. If the employer does  
34 not hold a license specific to the business location where the unauthorized  
35 alien performed work, but a license is necessary to operate the employer's  
36 business in general, the court shall order the appropriate agencies to  
37 permanently revoke all licenses that are held by the employer at the  
38 employer's primary place of business. On receipt of the order and  
39 notwithstanding any other law, the appropriate agencies shall immediately  
40 revoke the licenses.
- 41           3. The violation shall be considered:
- 42           (a) A first violation by an employer at a business location if the  
43 violation did not occur during a probationary period ordered by the court  
44 under this subsection or section 23-212, subsection F for that employer's  
45 business location.

1 (b) A second violation by an employer at a business location if the  
2 violation occurred during a probationary period ordered by the court under  
3 this subsection or section 23-212, subsection F for that employer's business  
4 location.

5 G. The attorney general shall maintain copies of court orders that are  
6 received pursuant to subsection F of this section and shall maintain a  
7 database of the employers and business locations that have a first violation  
8 of subsection A of this section and make the court orders available on the  
9 attorney general's website.

10 H. On determining whether an employee is an unauthorized alien, the  
11 court shall consider only the federal government's determination pursuant to  
12 8 United States Code section 1373(c). The federal government's determination  
13 creates a rebuttable presumption of the employee's lawful status. The court  
14 may take judicial notice of the federal government's determination and may  
15 request the federal government to provide automated or testimonial  
16 verification pursuant to 8 United States Code section 1373(c).

17 I. For the purposes of this section, proof of verifying the employment  
18 authorization of an employee through the e-verify program creates a  
19 rebuttable presumption that an employer did not intentionally employ an  
20 unauthorized alien.

21 J. For the purposes of this section, an employer that establishes that  
22 it has complied in good faith with the requirements of 8 United States Code  
23 section 1324a(b) establishes an affirmative defense that the employer did not  
24 intentionally employ an unauthorized alien. An employer is considered to  
25 have complied with the requirements of 8 United States Code section 1324a(b),  
26 notwithstanding an isolated, sporadic or accidental technical or procedural  
27 failure to meet the requirements, if there is a good faith attempt to comply  
28 with the requirements.

29 K. IT IS AN AFFIRMATIVE DEFENSE TO A VIOLATION OF SUBSECTION A OF THIS  
30 SECTION THAT THE EMPLOYER WAS ENTRAPPED. TO CLAIM ENTRAPMENT, THE EMPLOYER  
31 MUST ADMIT BY THE EMPLOYER'S TESTIMONY OR OTHER EVIDENCE THE SUBSTANTIAL  
32 ELEMENTS OF THE VIOLATION. AN EMPLOYER WHO ASSERTS AN ENTRAPMENT DEFENSE HAS  
33 THE BURDEN OF PROVING THE FOLLOWING BY A PREPONDERANCE OF THE EVIDENCE:

34 1. THE IDEA OF COMMITTING THE VIOLATION STARTED WITH LAW ENFORCEMENT  
35 OFFICERS OR THEIR AGENTS RATHER THAN WITH THE EMPLOYER.

36 2. THE LAW ENFORCEMENT OFFICERS OR THEIR AGENTS URGED AND INDUCED THE  
37 EMPLOYER TO COMMIT THE VIOLATION.

38 3. THE EMPLOYER WAS NOT PREDISPOSED TO COMMIT THE VIOLATION BEFORE THE  
39 LAW ENFORCEMENT OFFICERS OR THEIR AGENTS URGED AND INDUCED THE EMPLOYER TO  
40 COMMIT THE VIOLATION.

41 L. AN EMPLOYER DOES NOT ESTABLISH ENTRAPMENT IF THE EMPLOYER WAS  
42 PREDISPOSED TO VIOLATE SUBSECTION A OF THIS SECTION AND THE LAW ENFORCEMENT  
43 OFFICERS OR THEIR AGENTS MERELY PROVIDED THE EMPLOYER WITH AN OPPORTUNITY TO  
44 COMMIT THE VIOLATION. IT IS NOT ENTRAPMENT FOR LAW ENFORCEMENT OFFICERS OR  
45 THEIR AGENTS MERELY TO USE A RUSE OR TO CONCEAL THEIR IDENTITY. THE CONDUCT

1 OF LAW ENFORCEMENT OFFICERS AND THEIR AGENTS MAY BE CONSIDERED IN DETERMINING  
2 IF AN EMPLOYER HAS PROVEN ENTRAPMENT.

3 Sec. 9. Section 23-214, Arizona Revised Statutes, is amended to read:  
4 23-214. Verification of employment eligibility; e-verify  
5 program; economic development incentives; list of  
6 registered employers

7 A. After December 31, 2007, every employer, after hiring an employee,  
8 shall verify the employment eligibility of the employee through the e-verify  
9 program AND SHALL KEEP A RECORD OF THE VERIFICATION FOR THE DURATION OF THE  
10 EMPLOYEE'S EMPLOYMENT OR AT LEAST THREE YEARS, WHICHEVER IS LONGER.

11 B. In addition to any other requirement for an employer to receive an  
12 economic development incentive from a government entity, the employer shall  
13 register with and participate in the e-verify program. Before receiving the  
14 economic development incentive, the employer shall provide proof to the  
15 government entity that the employer is registered with and is participating  
16 in the e-verify program. If the government entity determines that the  
17 employer is not complying with this subsection, the government entity shall  
18 notify the employer by certified mail of the government entity's  
19 determination of noncompliance and the employer's right to appeal the  
20 determination. On a final determination of noncompliance, the employer shall  
21 repay all monies received as an economic development incentive to the  
22 government entity within thirty days of the final determination. For the  
23 purposes of this subsection:

24 1. "Economic development incentive" means any grant, loan or  
25 performance-based incentive from any government entity that is awarded after  
26 September 30, 2008. Economic development incentive does not include any tax  
27 provision under title 42 or 43.

28 2. "Government entity" means this state and any political subdivision  
29 of this state that receives and uses tax revenues.

30 C. Every three months the attorney general shall request from the  
31 United States department of homeland security a list of employers from this  
32 state that are registered with the e-verify program. On receipt of the list  
33 of employers, the attorney general shall make the list available on the  
34 attorney general's website.

35 Sec. 10. Section 28-3511, Arizona Revised Statutes, is amended to  
36 read:

37 28-3511. Removal and immobilization or impoundment of vehicle

38 A. A peace officer shall cause the removal and either immobilization  
39 or impoundment of a vehicle if the peace officer determines that a person is  
40 driving the vehicle while any of the following applies:

41 1. The person's driving privilege is suspended or revoked for any  
42 reason.



1           2. The person has not ever been issued a valid driver license or  
2 permit by this state and the person does not produce evidence of ever having  
3 a valid driver license or permit issued by another jurisdiction. This  
4 paragraph does not apply to the operation of an implement of husbandry.

5           3. The person is subject to an ignition interlock device requirement  
6 pursuant to chapter 4 of this title and the person is operating a vehicle  
7 without a functioning certified ignition interlock device. This paragraph  
8 does not apply to a person operating an employer's vehicle or the operation  
9 of a vehicle due to a substantial emergency as defined in section 28-1464.

10          4. IN FURTHERANCE OF THE ILLEGAL PRESENCE OF AN ALIEN IN THE UNITED  
11 STATES AND IN VIOLATION OF A CRIMINAL OFFENSE, THE PERSON IS TRANSPORTING OR  
12 MOVING OR ATTEMPTING TO TRANSPORT OR MOVE AN ALIEN IN THIS STATE IN A VEHICLE  
13 IF THE PERSON KNOWS OR RECKLESSLY DISREGARDS THE FACT THAT THE ALIEN HAS COME  
14 TO, HAS ENTERED OR REMAINS IN THE UNITED STATES IN VIOLATION OF LAW.

15          5. THE PERSON IS CONCEALING, HARBORING OR SHIELDING OR ATTEMPTING TO  
16 CONCEAL, HARBOR OR SHIELD FROM DETECTION AN ALIEN IN THIS STATE IN A VEHICLE  
17 IF THE PERSON KNOWS OR RECKLESSLY DISREGARDS THE FACT THAT THE ALIEN HAS COME  
18 TO, ENTERED OR REMAINS IN THE UNITED STATES IN VIOLATION OF LAW.

19          B. A peace officer shall cause the removal and impoundment of a  
20 vehicle if the peace officer determines that a person is driving the vehicle  
21 and if all of the following apply:

22           1. The person's driving privilege is canceled, suspended or revoked  
23 for any reason or the person has not ever been issued a driver license or  
24 permit by this state and the person does not produce evidence of ever having  
25 a driver license or permit issued by another jurisdiction.

26           2. The person is not in compliance with the financial responsibility  
27 requirements of chapter 9, article 4 of this title.

28           3. The person is driving a vehicle that is involved in an accident  
29 that results in either property damage or injury to or death of another  
30 person.

31          C. Except as provided in subsection D of this section, while a peace  
32 officer has control of the vehicle the peace officer shall cause the removal  
33 and either immobilization or impoundment of the vehicle if the peace officer  
34 has probable cause to arrest the driver of the vehicle for a violation of  
35 section 4-244, paragraph 34 or section 28-1382 or 28-1383.

36          D. A peace officer shall not cause the removal and either the  
37 immobilization or impoundment of a vehicle pursuant to subsection C of this  
38 section if all of the following apply:

39           1. The peace officer determines that the vehicle is currently  
40 registered and that the driver or the vehicle is in compliance with the  
41 financial responsibility requirements of chapter 9, article 4 of this title.

42           2. The spouse of the driver is with the driver at the time of the  
43 arrest.



1           D. Nothing in this act shall implement or shall be construed or  
2 interpreted to implement or establish the REAL ID act of 2005 (P.L. 109-13,  
3 division B; 119 Stat. 302) including the use of a radio frequency  
4 identification chip.

5           Sec. 13. Short title

6           This act may be cited as the "Support Our Law Enforcement and Safe  
7 Neighborhoods Act".

Passed the House April 13, 2010,

by the following vote: 35 Ayes,

21 Nays, 4 Not Voting

[Signature]  
Speaker of the House

Cheryl Laube  
Chief Clerk of the House

Passed the Senate February 15, 2010,

by the following vote: 17 Ayes,

13 Nays, 0 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

**S.B. 1070**  
Third Reading

SENATE CONCURS IN HOUSE  
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 19, 20 10

by the following vote: 17 Ayes,

11 Nays, 2 Not Voting

Robert L. Swann  
President of the Senate

Charmain Bellington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

19<sup>th</sup> day of April, 20 10

at 3:00 o'clock P. M.

Wanda Bendle  
Secretary to the Governor

Approved this 23<sup>rd</sup> day of

April

at 1:36 o'clock P. M.

Janice K. Brewer  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

S.B. 1070

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
Second Regular Session  
2010

# HOUSE BILL 2162

AN ACT

AMENDING SECTIONS 1-501 AND 1-502, ARIZONA REVISED STATUTES; AMENDING SECTION 11-1051, ARIZONA REVISED STATUTES, AS ADDED BY SENATE BILL 1070, SECTION 2, FORTY-NINTH LEGISLATURE, SECOND REGULAR SESSION, AS TRANSMITTED TO THE GOVERNOR; AMENDING SECTION 13-1509, ARIZONA REVISED STATUTES, AS ADDED BY SENATE BILL 1070, SECTION 3, FORTY-NINTH LEGISLATURE, SECOND REGULAR SESSION, AS TRANSMITTED TO THE GOVERNOR; AMENDING SECTION 13-2928, ARIZONA REVISED STATUTES, AS ADDED BY SENATE BILL 1070, SECTION 5, FORTY-NINTH LEGISLATURE, SECOND REGULAR SESSION, AS TRANSMITTED TO THE GOVERNOR; AMENDING SECTION 13-2929, ARIZONA REVISED STATUTES, AS ADDED BY SENATE BILL 1070, SECTION 5, FORTY-NINTH LEGISLATURE, SECOND REGULAR SESSION, AS TRANSMITTED TO THE GOVERNOR; RELATING TO IMMIGRATION AND BORDER SECURITY; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 1-501, Arizona Revised Statutes, is amended to  
3 read:

4 1-501. Eligibility for federal public benefits; documentation;  
5 violation; classification; citizen suits; attorney  
6 fees; definition

7 A. Notwithstanding any other state law and to the extent permitted by  
8 federal law, any NATURAL person who applies for a federal public benefit that  
9 is administered by this state or a political subdivision of this state and  
10 that requires participants to be citizens of the United States, legal  
11 residents of the United States or otherwise lawfully present in the United  
12 States shall submit at least one of the following documents to the entity  
13 that administers the federal public benefit demonstrating lawful presence in  
14 the United States:

15 1. An Arizona driver license issued after 1996 or an Arizona  
16 nonoperating identification license.

17 2. A birth certificate or delayed birth certificate issued in any  
18 state, territory or possession of the United States.

19 3. A United States certificate of birth abroad.

20 4. A United States passport.

21 5. A foreign passport with a United States visa.

22 6. An I-94 form with a photograph.

23 7. A United States citizenship and immigration services employment  
24 authorization document or refugee travel document.

25 8. A United States certificate of naturalization.

26 9. A United States certificate of citizenship.

27 10. A tribal certificate of Indian blood.

28 11. A tribal or bureau of Indian affairs affidavit of birth.

29 B. For the purposes of administering the Arizona health care cost  
30 containment system, documentation of citizenship and legal residence shall  
31 conform with the requirements of title XIX of the social security act.

32 C. To the extent permitted by federal law, an agency of this state or  
33 political subdivision of this state may allow tribal members, the elderly and  
34 persons with disabilities or incapacity of the mind or body to provide  
35 documentation as specified in section 6036 of the federal deficit reduction  
36 act of 2005 (P.L. 109-171; 120 Stat. 81) and related federal guidance in lieu  
37 of the documentation required by this section.

38 D. Any person who applies for federal public benefits shall sign a  
39 sworn affidavit stating that the documents presented pursuant to subsection A  
40 OF THIS SECTION are true under penalty of perjury.

41 E. Failure to report discovered violations of federal immigration law  
42 by an employee of an agency of this state or a political subdivision of this  
43 state that administers any federal public benefit is a class 2 misdemeanor.  
44 If that employee's supervisor knew of the failure to report and failed to

1 direct the employee to make the report, the supervisor is guilty of a class 2  
2 misdemeanor.

3 F. This section shall be enforced without regard to race, color,  
4 religion, sex, age, disability or national origin.

5 G. Any person who is a resident of this state has standing in any  
6 court of record to bring suit against any agent or agency of this state or  
7 its political subdivisions to remedy any violation of any provision of this  
8 section, including an action for mandamus. Courts shall give preference to  
9 actions brought under this section over other civil actions or proceedings  
10 pending in the court.

11 H. THE COURT MAY AWARD COURT COSTS AND REASONABLE ATTORNEY FEES TO ANY  
12 PERSON OR ANY OFFICIAL OR AGENCY OF THIS STATE OR A COUNTY, CITY, TOWN OR  
13 OTHER POLITICAL SUBDIVISION OF THIS STATE THAT PREVAILS BY AN ADJUDICATION ON  
14 THE MERITS IN A PROCEEDING BROUGHT PURSUANT TO THIS SECTION.

15 H. I. For the purposes of this section, "federal public benefit" has  
16 the same meaning prescribed in 8 United States Code section 1611.

17 Sec. 2. Section 1-502, Arizona Revised Statutes, is amended to read:

18 1-502. Eligibility for state or local public benefits;  
19 documentation; violation; classification; citizen  
20 suits; attorney fees; definition

21 A. Notwithstanding any other state law and to the extent permitted by  
22 federal law, any agency of this state or a political subdivision of this  
23 state that administers any state or local public benefit shall require each  
24 NATURAL person who applies for the state or local public benefit to submit at  
25 least one of the following documents to the entity that administers the state  
26 or local public benefit demonstrating lawful presence in the United States:

27 1. An Arizona driver license issued after 1996 or an Arizona  
28 nonoperating identification license.

29 2. A birth certificate or delayed birth certificate issued in any  
30 state, territory or possession of the United States.

31 3. A United States certificate of birth abroad.

32 4. A United States passport.

33 5. A foreign passport with a United States visa.

34 6. An I-94 form with a photograph.

35 7. A United States citizenship and immigration services employment  
36 authorization document or refugee travel document.

37 8. A United States certificate of naturalization.

38 9. A United States certificate of citizenship.

39 10. A tribal certificate of Indian blood.

40 11. A tribal or bureau of Indian affairs affidavit of birth.

41 B. For the purposes of administering the Arizona health care cost  
42 containment system, documentation of citizenship and legal residence shall  
43 conform with the requirements of title XIX of the social security act.



1 C. To the extent permitted by federal law, an agency of this state or  
2 political subdivision of this state may allow tribal members, the elderly and  
3 persons with disabilities or incapacity of the mind or body to provide  
4 documentation as specified in section 6036 of the federal deficit reduction  
5 act of 2005 (P.L. 109-171; 120 Stat. 81) and related federal guidance in lieu  
6 of the documentation required by this section.

7 D. Any person who applies for state or local public benefits shall  
8 sign a sworn affidavit stating that the documents presented pursuant to  
9 subsection A OF THIS SECTION are true under penalty of perjury.

10 E. Failure to report discovered violations of federal immigration law  
11 by an employee of an agency of this state or a political subdivision of this  
12 state that administers any state or local public benefit is a class 2  
13 misdemeanor. If that employee's supervisor knew of the failure to report and  
14 failed to direct the employee to make the report, the supervisor is guilty of  
15 a class 2 misdemeanor.

16 F. This section shall be enforced without regard to race, color,  
17 religion, sex, age, disability or national origin.

18 G. Any person who is a resident of this state has standing in any  
19 court of record to bring suit against any agent or agency of this state or  
20 its political subdivisions to remedy any violation of any provision of this  
21 section, including an action for mandamus. Courts shall give preference to  
22 actions brought under this section over other civil actions or proceedings  
23 pending in the court.

24 H. THE COURT MAY AWARD COURT COSTS AND REASONABLE ATTORNEY FEES TO ANY  
25 PERSON OR ANY OFFICIAL OR AGENCY OF THIS STATE OR A COUNTY, CITY, TOWN OR  
26 OTHER POLITICAL SUBDIVISION OF THIS STATE THAT PREVAILS BY AN ADJUDICATION ON  
27 THE MERITS IN A PROCEEDING BROUGHT PURSUANT TO THIS SECTION.

28 H. I. For the purposes of this section, "state or local public  
29 benefit" has the same meaning prescribed in 8 United States Code section  
30 1621, except that it does not include commercial or professional licenses, or  
31 benefits provided by the public retirement systems and plans of this state OR  
32 SERVICES WIDELY AVAILABLE TO THE GENERAL POPULATION AS A WHOLE.

33 Sec. 3. Section 11-1051, Arizona Revised Statutes, as added by Senate  
34 Bill 1070, section 2, forty-ninth legislature, second regular session, as  
35 transmitted to the governor, is amended to read:

36 11-1051. Cooperation and assistance in enforcement of  
37 immigration laws; indemnification

38 A. No official or agency of this state or a county, city, town or  
39 other political subdivision of this state may limit or restrict the  
40 enforcement of federal immigration laws to less than the full extent  
41 permitted by federal law.

42 B. For any lawful ~~contact~~ STOP, DETENTION OR ARREST made by a law  
43 enforcement official or a law enforcement agency of this state or a law  
44 enforcement official or a law enforcement agency of a county, city, town or  
45 other political subdivision of this state IN THE ENFORCEMENT OF ANY OTHER LAW

1 OR ORDINANCE OF A COUNTY, CITY OR TOWN OR THIS STATE where reasonable  
2 suspicion exists that the person is an alien ~~who~~ AND is unlawfully present in  
3 the United States, a reasonable attempt shall be made, when practicable, to  
4 determine the immigration status of the person, except if the determination  
5 may hinder or obstruct an investigation. Any person who is arrested shall  
6 have the person's immigration status determined before the person is  
7 released. The person's immigration status shall be verified with the federal  
8 government pursuant to 8 United States code section 1373(c). A law  
9 enforcement official or agency of this state or a county, city, town or other  
10 political subdivision of this state may not ~~solely~~ consider race, color or  
11 national origin in implementing the requirements of this subsection except to  
12 the extent permitted by the United States or Arizona Constitution. A person  
13 is presumed to not be an alien who is unlawfully present in the United States  
14 if the person provides to the law enforcement officer or agency any of the  
15 following:

- 16 1. A valid Arizona driver license.
- 17 2. A valid Arizona nonoperating identification license.
- 18 3. A valid tribal enrollment card or other form of tribal  
19 identification.
- 20 4. If the entity requires proof of legal presence in the United States  
21 before issuance, any valid United States federal, state or local government  
22 issued identification.

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

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

36 E. IN THE IMPLEMENTATION OF THIS SECTION, AN ALIEN'S IMMIGRATION  
37 STATUS MAY BE DETERMINED BY:

- 38 1. A LAW ENFORCEMENT OFFICER WHO IS AUTHORIZED BY THE FEDERAL  
39 GOVERNMENT TO VERIFY OR ASCERTAIN AN ALIEN'S IMMIGRATION STATUS.
- 40 2. THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT OR THE UNITED  
41 STATES CUSTOMS AND BORDER PROTECTION PURSUANT TO 8 UNITED STATES CODE SECTION  
42 1373(c).

43 ~~E.~~ F. Except as provided in federal law, officials or agencies of  
44 this state and counties, cities, towns and other political subdivisions of  
45 this state may not be prohibited or in any way be restricted from sending,

1 receiving or maintaining information relating to the immigration status,  
2 lawful or unlawful, of any individual or exchanging that information with any  
3 other federal, state or local governmental entity for the following official  
4 purposes:

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

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

11 3. If the person is an alien, determining whether the person is in  
12 compliance with the federal registration laws prescribed by title II, chapter  
13 7 of the federal immigration and Nationality act.

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

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

20 ~~G.~~ H. A person who is a legal resident of this state may bring an  
21 action in superior court to challenge any official or agency of this state or  
22 a county, city, town or other political subdivision of this state that adopts  
23 or implements a policy ~~or practice~~ that limits or restricts the enforcement  
24 of federal immigration laws, INCLUDING 8 UNITED STATES CODE SECTIONS 1373 AND  
25 1644, to less than the full extent permitted by federal law. If there is a  
26 judicial finding that an entity has violated this section, the court shall  
27 order that the entity pay a civil penalty of not less than ~~one thousand~~ FIVE  
28 HUNDRED dollars and not more than five thousand dollars for each day that the  
29 policy has remained in effect after the filing of an action pursuant to this  
30 subsection.

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

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

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



1 F. This section does not apply to a person who maintains authorization  
2 from the federal government to remain in the United States.

3 G. Any record that relates to the immigration status of a person is  
4 admissible in any court without further foundation or testimony from a  
5 custodian of records if the record is certified as authentic by the  
6 government agency that is responsible for maintaining the record.

7 H. A violation of this section is a class 1 misdemeanor, except that  
8 THE MAXIMUM FINE IS ONE HUNDRED DOLLARS AND FOR a FIRST violation of this  
9 section ~~is~~: THE COURT SHALL NOT SENTENCE THE PERSON TO MORE THAN TWENTY DAYS  
10 IN JAIL AND FOR A SECOND OR SUBSEQUENT VIOLATION THE COURT SHALL NOT SENTENCE  
11 THE PERSON TO MORE THAN THIRTY DAYS IN JAIL.

12 ~~1. A class 3 felony if the person violates this section while in~~  
13 ~~possession of any of the following:~~

14 ~~(a) A dangerous drug as defined in section 13-3401.~~

15 ~~(b) Precursor chemicals that are used in the manufacturing of~~  
16 ~~methamphetamine in violation of section 13-3404.01.~~

17 ~~(c) A deadly weapon or a dangerous instrument, as defined in section~~  
18 ~~13-105.~~

19 ~~(d) Property that is used for the purpose of committing an act of~~  
20 ~~terrorism as prescribed in section 13-2308.01.~~

21 ~~2. A class 4 felony if the person either:~~

22 ~~(a) Is convicted of a second or subsequent violation of this section.~~

23 ~~(b) Within sixty months before the violation, has been removed from~~  
24 ~~the United States pursuant to 8 United States Code section 1229a or has~~  
25 ~~accepted a voluntary removal from the United States pursuant to 8 United~~  
26 ~~States Code section 1229c.~~

27 Sec. 5. Section 13-2928, Arizona Revised Statutes, as added by Senate  
28 Bill 1070, section 5, forty-ninth legislature, second regular session, as  
29 transmitted to the governor, is amended to read:

30 13-2928. Unlawful stopping to hire and pick up passengers for  
31 work; unlawful application, solicitation or  
32 employment; classification; definitions

33 A. It is unlawful for an occupant of a motor vehicle that is stopped  
34 on a street, roadway or highway to attempt to hire or hire and pick up  
35 passengers for work at a different location if the motor vehicle blocks or  
36 impedes the normal movement of traffic.

37 B. It is unlawful for a person to enter a motor vehicle that is  
38 stopped on a street, roadway or highway in order to be hired by an occupant  
39 of the motor vehicle and to be transported to work at a different location if  
40 the motor vehicle blocks or impedes the normal movement of traffic.

41 C. It is unlawful for a person who is unlawfully present in the United  
42 States and who is an unauthorized alien to knowingly apply for work, solicit  
43 work in a public place or perform work as an employee or independent  
44 contractor in this state.

1           D. A LAW ENFORCEMENT OFFICIAL OR AGENCY OF THIS STATE OR A COUNTY,  
2 CITY, TOWN OR OTHER POLITICAL SUBDIVISION OF THIS STATE MAY NOT CONSIDER  
3 RACE, COLOR OR NATIONAL ORIGIN IN THE ENFORCEMENT OF THIS SECTION EXCEPT TO  
4 THE EXTENT PERMITTED BY THE UNITED STATES OR ARIZONA CONSTITUTION.

5           E. IN THE ENFORCEMENT OF THIS SECTION, AN ALIEN'S IMMIGRATION STATUS  
6 MAY BE DETERMINED BY:

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

9           2. THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT OR THE UNITED  
10 STATES CUSTOMS AND BORDER PROTECTION PURSUANT TO 8 UNITED STATES CODE SECTION  
11 1373(c).

12           ~~D.~~ F. A violation of this section is a class 1 misdemeanor.

13           ~~E.~~ G. For the purposes of this section:

14           1. "Solicit" means verbal or nonverbal communication by a gesture or a  
15 nod that would indicate to a reasonable person that a person is willing to be  
16 employed.

17           2. "Unauthorized alien" means an alien who does not have the legal  
18 right or authorization under federal law to work in the United States as  
19 described in 8 United States Code section 1324a(h)(3).

20           Sec. 6. Section 13-2929, Arizona Revised Statutes, as added by Senate  
21 Bill 1070, section 5, forty-ninth legislature, second regular session, as  
22 transmitted to the governor, is amended to read:

23           13-2929. Unlawful transporting, moving, concealing, harboring  
24 or shielding of unlawful aliens; vehicle  
25 impoundment; exception; classification

26           A. It is unlawful for a person who is in violation of a criminal  
27 offense to:

28           1. Transport or move or attempt to transport or move an alien in this  
29 state, in furtherance of the illegal presence of the alien in the United  
30 States, in a means of transportation if the person knows or recklessly  
31 disregards the fact that the alien has come to, has entered or remains in the  
32 United States in violation of law.

33           2. Conceal, harbor or shield or attempt to conceal, harbor or shield  
34 an alien from detection in any place in this state, including any building or  
35 any means of transportation, if the person knows or recklessly disregards the  
36 fact that the alien has come to, has entered or remains in the United States  
37 in violation of law.

38           3. Encourage or induce an alien to come to or reside in this state if  
39 the person knows or recklessly disregards the fact that such coming to,  
40 entering or residing in this state is or will be in violation of law.

41           B. A means of transportation that is used in the commission of a  
42 violation of this section is subject to mandatory vehicle immobilization or  
43 impoundment pursuant to section 28-3511.

1 C. A LAW ENFORCEMENT OFFICIAL OR AGENCY OF THIS STATE OR A COUNTY,  
2 CITY, TOWN OR OTHER POLITICAL SUBDIVISION OF THIS STATE MAY NOT CONSIDER  
3 RACE, COLOR OR NATIONAL ORIGIN IN THE ENFORCEMENT OF THIS SECTION EXCEPT TO  
4 THE EXTENT PERMITTED BY THE UNITED STATES OR ARIZONA CONSTITUTION.

5 D. IN THE ENFORCEMENT OF THIS SECTION, AN ALIEN'S IMMIGRATION STATUS  
6 MAY BE DETERMINED BY:

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

9 2. THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT OR THE UNITED  
10 STATES CUSTOMS AND BORDER PROTECTION PURSUANT TO 8 UNITED STATES CODE SECTION  
11 1373(c).

12 ~~E.~~ E. This section does not apply to a child protective services  
13 worker acting in the worker's official capacity or a person who is acting in  
14 the capacity of a first responder, an ambulance attendant or an emergency  
15 medical technician and who is transporting or moving an alien in this state  
16 pursuant to title 36, chapter 21.1.

17 ~~F.~~ F. A person who violates this section is guilty of a class 1  
18 misdemeanor and is subject to a fine of at least one thousand dollars, except  
19 that a violation of this section that involves ten or more illegal aliens is  
20 a class 6 felony and the person is subject to a fine of at least one thousand  
21 dollars for each alien who is involved.

22 Sec. 7. Joint border security advisory committee; membership;  
23 duties; report; delayed repeal

24 A. The joint border security advisory committee is established  
25 consisting of the following members:

26 1. The president of the senate or the president's designee.

27 2. The speaker of the house of representatives or the speaker's  
28 designee.

29 3. Two members of the house of representatives who are appointed by  
30 the speaker of the house of representatives.

31 4. Two members of the senate who are appointed by the president of the  
32 senate.

33 5. Six members who are appointed by the governor.

34 B. Committee members are not eligible to receive compensation for  
35 committee activities but may be eligible for reimbursement of expenses  
36 pursuant to title 38, chapter 4, article 2, Arizona Revised Statutes.

37 C. The president and the speaker of the house of representatives shall  
38 each appoint a cochairperson of the committee.

39 D. The commission shall meet on the call of the two cochairpersons,  
40 but no more frequently than monthly.

41 E. The committee may:

42 1. Take testimony and other evidence regarding the international  
43 border with Mexico.

44 2. Analyze border crossing statistics.

45 3. Analyze related crime statistics.

1           4. Make recommendations designed to increase border security.

2           5. Make other recommendations deemed essential by the committee.

3           F. The committee may use the services of legislative staff as  
4 required.

5           G. Beginning November 30, 2010 and each month thereafter, the  
6 commission shall submit a written report of its findings and recommendations  
7 to the speaker of the house of representatives, the president of the senate  
8 and the governor. The commission shall provide a copy of the report to the  
9 secretary of state.

10          H. Notwithstanding any law to the contrary, the committee may vote to  
11 go into executive session to take testimony or evidence it considers  
12 sensitive or confidential in nature, which if released could compromise the  
13 security or safety of law enforcement or military personnel or a law  
14 enforcement or national guard law enforcement support operation.

15          I. This section is repealed from and after December 31, 2014.

16          Sec. 8. Immigration legislation challenges

17          A. Notwithstanding title 41, chapter 1, Arizona Revised Statutes, and  
18 any other law, through December 31, 2010, the attorney general shall act at  
19 the direction of the governor in any challenge in a state or federal court to  
20 Laws 2010, chapter 113 and any amendments to that law.

21          B. Notwithstanding title 41, chapter 1, Arizona Revised Statutes, and  
22 any other law, through December 31, 2010, the governor may direct counsel  
23 other than the attorney general to appear on behalf of this state to defend  
24 any challenge to Laws 2010, chapter 113 and any amendments to that law.

25          Sec. 9. Conditional enactment

26          Sections 11-1051, 13-1509, 13-2928 and 13-2929, Arizona Revised  
27 Statutes, as amended by this act, do not become effective unless Senate Bill  
28 1070, forty-ninth legislature, second regular session, relating to unlawfully  
29 present aliens, becomes law.



Passed the House March 17, 2010

Passed the Senate April 26, 2010

by the following vote: 38 Ayes,

by the following vote: 18 Ayes,

17 Nays, 5 Not Voting

11 Nays, 1 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

           day of           , 20          

at            o'clock            M.

            
Secretary to the Governor

Approved this            day of

          

at            o'clock            M.

            
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this            day of           , 20          

at            o'clock            M.

            
Secretary of State

HOUSE FINAL PASSAGE  
as per Joint Conference

Passed the House April 29, 2010

by the following vote: 33 Ayes,

22 Nays, 5 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

SENATE FINAL PASSAGE  
as per Joint Conference

Passed the Senate April 29, 2010

by the following vote: 16 Ayes,

11 Nays, 3 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

30 day of April, 2010

at 9:10 o'clock A. M.

[Signature]  
Secretary to the Governor

Approved this 30<sup>th</sup> day of

April

at 3:00 o'clock P. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

H.B. 2162



Offered by:

COUNCILORS FELIX G. ARROYO AND MICHAEL P. ROSS

## CITY OF BOSTON IN CITY COUNCIL

### RESOLUTION IN SUPPORT OF DIVESTMENT IN THE STATE OF ARIZONA AND ANY BUSINESS ENTITIES SUBSTANTIALLY LOCATED OR ENGAGED IN BUSINESS PRACTICES IN ARIZONA

- WHEREAS:** Arizona Senate Bill 1070 specifically allows for the Arizona's local and state police to enforce federal immigration laws, which are, by definition, under the jurisdiction of federal law enforcement agencies; and
- WHEREAS:** Arizona Senate Bill 1070 allows for police officers to specifically profile Arizona residents and request proof of residency whether or not a suspect is accused of committing any crime; and
- WHEREAS:** It is the fundamental responsibility of the City of Boston to decide where, how and by whom financial resources in its control should be invested, taking into account numerous pertinent factors; and
- WHEREAS:** It is the prerogative of the City of Boston, in respect to investment resources in its control, not to participate in an ownership or capital-providing capacity with entities that provide significant practical support for racial profiling and institutionalized racial discrimination, such as the state of Arizona through its action in adopting Arizona Senate Bill 1070; and
- WHEREAS:** The City of Boston may engage in business practices with Arizona directly or indirectly through activities such as investment in Arizona state or municipal bonds and travel to Arizona for conferences and other events. **BE IT**
- RESOLVED:** The Boston City Council, hereby assembled, resolves that the City of Boston should do a thorough review of all investments and business practices engaged in by the City to determine what activities, if any, it conducts with the state of Arizona, and municipalities in Arizona; and **BE IT FURTHER**
- RESOLVED:** That the Boston City Council resolves that the City of Boston should, to the extent reasonable, with due consideration for, among other things, return on investment, on behalf of itself and its investment beneficiaries, not to participate in any business activities substantially connected with the State of Arizona and municipalities in Arizona.

Filed: May 4, 2010

**13.1 Resolution Affirming the City of Ithaca’s Appreciation of its Immigrants and Urging the U.S. Congress to Enact Comprehensive Immigration Reform**

1. WHEREAS, we believe in the dignity of all City of Ithaca residents, regardless of immigration status, and recognize the importance of our immigrants’ many contributions to the social, religious, cultural and economic life of the City; and
2. WHEREAS, according to the 2000 U.S. Census, one out of every ten City of Ithaca residents over the age of 18 is a non-citizen; and
3. WHEREAS, pursuant to Ordinance Number 2003-13, adopted on July 9, 2003, the Common Council of the City of Ithaca enacted a new Article I of Chapter 215 ("Human Rights Protection"), which Article is entitled "Antidiscrimination;" and
4. WHEREAS, among other things, said Article extended human rights protection to City residents regardless of immigrant or citizenship status; and
5. WHEREAS, the City of Ithaca has a major stake in a just and fair immigration system at the federal level; and
6. WHEREAS, our nation’s immigration system continues to be broken, with the federal government pursuing an ineffective enforcement-only strategy that attempts to make the nation’s antiquated immigration laws fit current realities; and
7. WHEREAS, our nation urgently needs legislation to correct the failings of our immigration system, to improve public safety and national security, to protect all workers regardless of immigration status from mistreatment by employers, to restore civil rights and liberties to all, to strengthen families, communities and our economy; and
8. WHEREAS, the failure to achieve comprehensive immigration reform undermines respect for *all* immigrants and engenders an atmosphere of divisiveness and mistrust that is unhealthy for our society, and especially harmful for a diverse community like Ithaca; and
9. WHEREAS, our broken immigration system has allowed persistent unequal administration of justice based on race or national origin at the local level as documented by the Southern Poverty Law Center in its September 2009 report “*Climate of Fear: Latino Immigrants in Suffolk County, N.Y.*,” and which has undermined effective community policing by discouraging the reporting of crime and cooperation with prosecutors in immigrant communities due to well-founded fears of immigration enforcement action against them, thereby putting entire communities at risk and undermining public safety for all; and
10. WHEREAS, for the past decade federal immigration enforcement agents have been conducting raids of people’s homes without specific purpose or permission from a court of law and incarcerating anyone who cannot produce immigration status documents,

resulting in minimal advances for national security and destructive effects on families, including children who are U.S. citizens by birth returning home from school to find that their parents have been taken away; and

11. WHEREAS, pursuant to the Resolution titled “Statement on Immigration Enforcement,” adopted on April 4<sup>th</sup>, 2007, the Common Council of the City of Ithaca reaffirmed its Police Department’s traditional practice of not participating “in actions against immigrants solely on the basis of specific residents’ immigration status” and treating immigrants “with the same respect as all other City residents;” and

12. WHEREAS, despite the aforementioned City resolution, our federal government’s continued pursuit of a strict enforcement-only strategy could have severe local consequences, including: the division of families in our City; the criminalization of socially beneficial work being performed by local agencies, churches and businesses which work with undocumented workers; the elimination of judicial review and due process for valued City residents; and the undermining of trust between City residents and their government; and

13. WHEREAS, comprehensive immigration reform would help build healthy families and communities in our City by eliminating the tremendous backlog in family immigration faced by U.S. citizens and documented immigrants; and would create legal and orderly processes for those who want to come to the United States to work; and

14. WHEREAS, comprehensive immigration reform would allow undocumented immigrants who have been living and working in the United States to emerge from the shadows and enter a path towards earning permanent legal status and citizenship; and

15. WHEREAS, comprehensive immigration reform would free up enforcement resources to focus on those who pose a serious risk to national security or have violent criminal records; and

16. WHEREAS, comprehensive immigration reform would allow employers who are trying to follow the law to do so without being undercut by unscrupulous employers who drive down wages and workplace standards; and

17. WHEREAS, comprehensive immigration reform would boost our country’s ailing economy by raising incomes for all workers, yielding over \$1.75 trillion to our GDP over a ten year period, generating billions in additional tax revenue and consumer spending, and supporting hundreds of thousands of jobs, according to “*Raising the Floor for American Workers: The Economic Benefits of Comprehensive Immigration Reform*,” a January 2010 joint report by the Immigration Policy Institute, Center for American Progress, and U.C.L.A.; and

18. WHEREAS, said study’s findings have been publicly affirmed by the Cato Institute, which in its August 2009 study, “*Restriction or Legalization*,” reached similar

conclusions, with both studies also concluding that attempting to mass deport millions of unauthorized workers, taxpayers, and consumers would only damage our economy; and

19. WHEREAS, comprehensive immigration reform would support our City's commitment to the full integration of newcomers by providing immigrants with quality English instruction and the tools necessary for meaningful citizenship; and

20. WHEREAS, the Honorable Kirsten Gillibrand, U.S. Senator of the State of New York, requested in writing in February 2009 that the Department of Homeland Security immediately cease their practice of warrantless raids; and

21. WHEREAS, the Honorable Charles E. Schumer, U.S. Senator of the State of New York and Chairperson of the Senate's Subcommittee on Immigration Affairs, has declared his intention to introduce comprehensive immigration reform legislation to the Senate; and

22. WHEREAS, a bill, the "Comprehensive Immigration Reform for America's Security and Prosperity Act of 2009," H.R. 4321, was introduced to the House of Representatives on December 15<sup>th</sup>, 2009 by Representative Solomon P. Ortiz from Texas, and is a significant step towards comprehensive immigration reform; now therefore be it

**1. RESOLVED, that the Common Council of the City of Ithaca calls on the U.S. Congress to enact comprehensive immigration reform that will include replacing our ineffective enforcement-only policy; ceasing the practice of warrantless raids; and providing a pathway for undocumented immigrants towards earning legal permanent status and citizenship; and further**

**2. RESOLVED, that the Common Council of the City of Ithaca expresses its appreciation to all people from around the world who have made Ithaca their home and in so doing have helped to make Ithaca one of the most vibrant, safe and attractive communities in the United States; and further**

**3. RESOLVED, that the City of Ithaca's Clerk send copies of this resolution to U.S. Senators Schumer and Gillibrand; to Representatives Maurice Hinchey and Michael Arcuri; and all the other members of the Honorable New York State Congressional delegation.**

**VERBAL MOTION**

I HEREBY MOVE that Council ADOPT the following recommendations of the Chief Legislative Analyst (CLA) in connection with Resolution (Reyes - Hahn - Garcetti, et al.) opposing Arizona SB 1070, (Item No. 13, CF 10-0002-S36), **SUBJECT TO THE APPROVAL OF THE MAYOR:**

1. **ADOPT the accompanying Revised RESOLUTION which provides that the City include in its 2009-10 Federal Legislative Program OPPOSITION to federal funds that support the implementation of Arizona SB 1070 and HB 2162, which promote racial profiling, discrimination and harassment.**
2. **SUSPEND all City travel to the State of Arizona to conduct City business unless special circumstances can be demonstrated to the Council that the failure to authorize such travel would seriously harm City interests, with this ban lifted upon the repeal of SB 1070 and HB 2162 in the State of Arizona.**
3. **DIRECT all City Departments, to the extent practicable, and in instances where there is no significant additional cost to the City nor conflict with the law, to refrain from entering into any new or amended contracts to purchase goods or services from any company that is headquartered in Arizona.**
4. **INSTRUCT the City Administrative Officer (CAO) to review the terms of all contracts with Arizona-based companies and report to Council in one week on which of those contracts can be legally terminated immediately.**
5. **REQUEST the City Attorney to prepare and present an ordinance to accomplish the following purpose:**

**The City of Los Angeles in exercising its power to make economic decisions as a participant in the market shall restrict, to the extent permissible and consistent with the City's interests, its contracting relative to goods and services to persons or entities which are not based in the State of Arizona, subject to review by the City Attorney and CAO.**

6. **INSTRUCT the CLA to continue to monitor the status of SB 1070 and HB 2162 any court actions and report to Council in 60 days.**

**ADOPTED**

MAY 12 2010  
*As Amended*  
LOS ANGELES CITY COUNCIL  
*See Attached Motion*

PRESENTED BY \_\_\_\_\_  
ED P. REYES  
Councilmember, 1st District

SECONDED BY \_\_\_\_\_  
JANICE HAHN  
Councilmember, 15th District

May 12, 2010

CF 10-0002-S36

## RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies to or pending before a local, state or federal government body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the City of Los Angeles has historically supported policies that prohibit discrimination based on race, ethnicity, national origin, religion, sexual orientation, and disability; and

WHEREAS, in 1992, Colorado voters passed a statewide initiative known as Amend 2 to repeal local ordinances that prohibited discrimination based on sexual orientation, thereby allowing overt discrimination against the LGBT community; and

WHEREAS, in that instance, the Los Angeles City Council resolved that City funds would not be used, actively or passively, to condone Amend 2 in Colorado; and

WHEREAS, similarly, on April 23, 2010, Arizona Governor Jan Brewer signed Senate Bill 1070 (Support Our Law Enforcement and Safe Neighborhoods Act), requiring all local law enforcement to investigate a person's immigration status when there is a reasonable suspicion that the person is in the Country unlawfully, regardless of whether that person is suspected of a crime; and

WHEREAS, SB 1070 permits the arrest of a person, without a warrant, if there is suspicion that the person has committed a public offense; and

WHEREAS, SB 1070 does not prohibit law enforcement officers from relying on race, ethnicity, national origin or language to determine who to investigate; and

WHEREAS, SB 1070 encourages racial profiling and violates Fourteenth Amendment guarantees of due process and equal protection for U.S. citizens, legal residents and visitors who are detained for suspicion of being in the Country unlawfully; and

WHEREAS, SB 1070 seriously undermines the U.S. Constitution which grants Congress the exclusive power over immigration matters; and

WHEREAS, federal funds should not be used to support immigration programs that promote racial profiling and discrimination based on race, ethnicity or national origin or any other form of discrimination, and therefore, an economic boycott, will strongly convey that the City disagrees with the provisions of SB 1070; and

WHEREAS, the City is contemplating suspending all City travel to Arizona and terminating all current and future contracts with Arizona-based companies, unless SB 1070 is repealed;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by adoption of this Resolution, the City of Los Angeles City include in its 2009-10 Federal Legislative Program, OPPOSITION to any legislation or administrative action which will provide federal funds that support the implementation of Arizona SB 1070 and HB 2162, which promote racial profiling, discrimination and harassment.

CERTIFY THAT THE FOREGOING  
RESOLUTION WAS ADOPTED BY THE  
COUNCIL OF THE CITY OF LOS ANGELES  
AT ITS MEETING OF MAY 12 2010  
BY A MAJORITY OF ALL ITS MEMBERS.



JUNE LAGMAY  
CITY CLERK

BY   
DEPUTY



AMENDING  
MOTION

As indicated in the Report by the Chief Legislative Analyst, "preliminary research shows that some organizations are concerned with the economic impact to the working people of Arizona."

The City of Los Angeles is in a strong position to voice its opposition to the recently signed SB 1070 (Support Our Law Enforcement and Safe Neighborhoods Act) by ceasing any City travel in the State of Arizona, entering into new contracts with companies headquartered in Arizona, and possibly terminating existing contracts for goods and services with entities based in Arizona.

As a tremendous economic engine in the State of California, and the nation, the City is also in a strong position to support companies currently in Arizona, who oppose racial profiling, discrimination, and harassment, and who are willing to relocate to Los Angeles.

I THEREFORE MOVE that the Council instruct the Chief Legislative Analyst and the Chief Administrative Officer, in cooperation with the City's economic development departments, agencies, and other entities, to develop and present a plan, within thirty days, to the Jobs and Business Development Committee to offer a package of incentives to firms domiciled in Arizona that wish to relocate to Los Angeles. The plan shall include at least the following:

- o Reduced city gross receipts tax for a limited period
- o Relocation assistance
- o Tax credits and other benefits
- o Employee training programs
- o Reduced utility rates
- o Reduced land use, and other city permits fees
- o Expedited permits process
- o City of Los Angeles outreach plan to identify and assist Arizona businesses interested in re-locating to Los Angeles

**ADOPTED**  
MAY 12 2010  
LOS ANGELES CITY COUNCIL

PRESENTED BY: *Richard Alarcón*  
RICHARD ALARCÓN  
Councilmember, 7<sup>th</sup> District

SECONDED BY: *Bernard C. Parks*

ORIGINAL

MAY 12 2010

**VERBAL MOTION**

I HEREBY MOVE that Council AMEND the recommendations of the Chief Legislative Analyst (CLA) in connection with Resolution (Reyes - Hahn - Garcetti, et al.) opposing Arizona SB 1070, (Item No. 13, CF 10-0002-S36) to add the following:

**REQUEST the Boards of Commissioners of Airports, Harbor and Water and Power, as well as the Board of Commissioners of the Community Redevelopment Agency to place on their respective agendas for consideration the matter pertaining to contracts to purchase goods or services from firms, business and other entities headquartered in Arizona; and to review existing contracts with such firms for the feasibility of legally terminating such contracts.**

PRESENTED BY \_\_\_\_\_  
ED P. REYES  
Councilmember, 1st District

SECONDED BY \_\_\_\_\_  
JANICE HAHN  
Councilmember, 15th District

May 12, 2010

CF 10-0002-S36

**ADOPTED**

**MAY 12 2010**

**LOS ANGELES CITY COUNCIL**

**VERBAL MOTION**

I HEREBY MOVE that Council AMEND the recommendations of the Chief Legislative Analyst (CLA) in connection with Resolution (Reyes - Hahn - Garcetti, et al.) opposing Arizona SB 1070, (Item No. 13, CF 10-0002-S36) to add the following:

**REQUEST LA Inc. and the Convention Bureau to contact firms, organizations or other entities with conventions slated for Arizona to encourage them and to offer incentives to move those conventions to the City of Los Angeles.**

PRESENTED BY \_\_\_\_\_  
DENNIS P. ZINE  
Councilmember, 3rd District

SECONDED BY \_\_\_\_\_  
ERIC GARCETTI  
Councilmember, 13th District

May 12, 2010

CF 10-0002-S36

**ADOPTED**

**MAY 12 2010**

**LOS ANGELES CITY COUNCIL**

**VERBAL MOTION**

I HEREBY MOVE that Council AMEND the recommendations of the Chief Legislative Analyst (CLA) in connection with Resolution (Reyes - Hahn - Garcetti, et al.) opposing Arizona SB 1070, (Item No. 13, CF 10-0002-S36) to add the following:

**INCLUDE opposition to two additional recently enacted Arizona legislation or policy as part of the City's stated legislative position: HB 2281 Ethnic Studies Law, which prohibits separate offering separate ethnic studies courses in schools and the Arizona Board of Education's policy regarding stringent English language proficiency standards for teachers of English as a Second Language.**

PRESENTED BY \_\_\_\_\_  
PAUL KORETZ  
Councilmember, 5th District

SECONDED BY \_\_\_\_\_  
JOSE HUIZAR  
Councilmember, 14th District

May 12, 2010

CF 10-0002-S36

**ADOPTED**

MAY 12 2010

LOS ANGELES CITY COUNCIL

CITY COUNCIL OF THE CITY OF SAN DIEGO  
SUPPLEMENTAL DOCKET NUMBER 1  
FOR THE REGULAR MEETING OF  
MONDAY, MAY 3, 2010  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101  
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ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS  
RESOLUTIONS:

[ITEM-S400: OPPOSE Arizona Senate Bill 1070--Support Our Law Enforcement and Safe Neighborhoods Act. \(City-Wide.\)](#)

(See memorandum from Council President Hueso dated April 29, 2010.)

**COUNCIL PRESIDENT HUESO’S RECOMMENDATION:**

(R-2010-795)

Declaring by the Mayor and Council of the City of San Diego, for and on behalf of the people of San Diego, that this Council urges the State of Arizona to repeal SB 1070, the "Support Our Law Enforcement and Safe Neighborhoods Act," and directs the City Clerk to send a copy of this resolution to Arizona Governor Jan Brewer;

Declaring by adoption of this Resolution, the City of San Diego hereby includes in its Federal Legislative Program opposition to any budgetary action or legislation, including immigration policy, that promotes racial profiling or discrimination based, on race, ethnicity or national origin.

**SUPPORTING INFORMATION:**

On April 23, 2010, Arizona Governor Jan Brewer signed Senate Bill 1070--Support Our Law Enforcement and Safe Neighborhoods Act. This law will require all local law enforcement to investigate a person's immigration status whenever there is a reasonable suspicion that the person is in the Country unlawfully, regardless of whether the person is suspected of a crime. The law goes further and allows for the arrest of a person, without a warrant, if there is probable cause that the person has committed a public offense.

SB 1070 encourages racial profiling and violates the Fourteenth Amendment guaranteeing due process and equal protection for U.S. Citizens, legal residents and visitors. The City of San Diego has historically supported policies that prohibit discrimination based on race, ethnicity, national origin, religion, sexual orientation, and disability. By adopting the proposed Resolution the City of San Diego would urge the State of Arizona to repeal SB 1070. Furthermore, it would include opposition to any budgetary action or legislation that promotes racial profiling or discrimination based on race, ethnicity or national origin in the Council’s Federal Legislative Program.

**FISCAL CONSIDERATIONS:** None.

**EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE):** N/A

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:** None.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:** N/A

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:** N/A

Molina-Rodriguez

Staff: Raquel Maden - (619) 236-6688  
Sharon B. Spivak - Deputy City Attorney

Supporting Materials

To view an item's supporting materials, click the title of the item in the left hand window.

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City of Seattle Legislative Information Service

*Information retrieved on May 21, 2010 7:43 AM*

Resolution Number: 31214

**A RESOLUTION calling for federal-level immigration reform, denouncing Arizona State Senate Bill 1070 (Arizona SB1070) as a step in the wrong direction, and requesting that City Departments refrain from sending City employees to the State of Arizona and refrain from entering into new contracts with businesses headquartered in the State of Arizona.**

 Date introduced/referred: **May 17, 2010**

 Date passed: **May 17, 2010**

 Date adopted: **May 17, 2010**

 Status: **Adopted**

 Vote: **7-0 (Excused: Burgess, Conlin)**

 Committee: **Full Council**

 Sponsor: **CLARK; CO-SPONSORS: BAGSHAW, BURGESS, GODDEN, HARRELL, LICATA AND O'BRIEN**
*(No indexing available for this document)*

 Fiscal Note: [Fiscal Note to Resolution 31214](#)

Text

*Note to users: {- indicates start of text that has been amended out  
 -} indicates end of text that has been amended out  
 {+ indicates start of text that has been amended in  
 +} indicates end of text that has been amended in*

RESOLUTION \_\_\_\_\_

A RESOLUTION calling for federal-level immigration reform, denouncing Arizona State Senate Bill 1070 (Arizona SB1070) as a step in the wrong direction, and requesting that City Departments refrain from sending City employees to the State of Arizona and refrain from entering into new contracts with businesses headquartered in the State of Arizona.

WHEREAS, the Seattle City Council, the Mayor concurring, adopted Resolution 31193 on March 15, 2010, declaring that the City of Seattle recognizes that the immigration system is broken and supports

comprehensive federal immigration reform that, among many other values, respects the due process protections of all individuals in the United States; and

WHEREAS, meaningful comprehensive immigration reform would improve enforcement, and provide a path so people have the opportunity to become citizens, and;

WHEREAS, such reform would not criminalize individuals who provide healthcare, education,

food or shelter for immigrants; and

WHEREAS, our nation is in need of immigration reform that restores due process for all, and

WHEREAS, the City of Seattle in 2004 adopted Resolution 30672, opposing federal legislation that encourages local enforcement of immigration laws; and

WHEREAS, the City of Seattle in 2003 adopted Ordinance no. 121063, in an effort to build trust between immigrant communities and the Seattle Police Department by requiring that, unless otherwise required by law, or by court order, no Seattle City officer or employee shall inquire into the immigration status of any person, or engage in activities designed to ascertain the immigration status of any person; and

WHEREAS, local governments should meet the health, safety and education needs of all citizens without suspicion that communicating with local officials will lead to arrest; and

WHEREAS, frustration with the slow pace of federal reform has driven some heavily affected communities to take action; and

WHEREAS, the Arizona State legislature passed Arizona SB1070, which Arizona Governor Jan Brewer signed into law on April 23, 2010; and

WHEREAS, Arizona SB1070 requires police "when practicable" to detain people they "reasonably suspect" are in the country without authorization; allows the police to charge immigrants with a state crime for not carrying immigration documents; creates a private right of action to sue cities upon belief that the government has a policy or practice that restricts immigration law enforcement; and makes it a crime to stop on a public street to attempt to hire a temporary worker; and

WHEREAS, Arizona SB1070 will jeopardize public safety and drive a wedge between law enforcement and ethnic communities; and

WHEREAS, President Barack Obama has stated that Arizona SB1070 threatens "to undermine the basic notions of fairness that we cherish as Americans, as well as the trust between police and their communities that is so

crucial to keeping us safe"; and

WHEREAS, civil rights leaders, constitutional rights scholars, government officials, and police chiefs across the county, have raised significant concerns with Arizona SB1070; and

WHEREAS, Arizona cities including Flagstaff, Phoenix, and Tucson are considering taking legal action against Arizona SB1070; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR CONCURRING, THAT:

Section 1. Unless and until Arizona rescinds or significantly amends Arizona SB1070, City Departments should to the extent practicable, and in instances where there is no conflict with law or prior contractual agreements, (1) refrain from entering into any new or amended contracts to purchase goods or services from any company that is headquartered in Arizona, and (2) avoid sending City officials or employees to conferences or events in Arizona.

Section 2. The Seattle City Council requests the National League of Cities to support those Arizona cities opposing Arizona SB1070 in devising reasonable alternatives to Arizona SB1070, alternatives that recognize the need for federal-level reform that assists struggling border communities while respecting the humanity of all the people living and working in these communities.

Adopted by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2010, and signed by me in open session in authentication of its adoption this \_\_\_\_\_ day

of \_\_\_\_\_, 2010.

\_\_\_\_\_

President \_\_\_\_\_ of the City Council

THE MAYOR CONCURRING:

\_\_\_\_\_

Michael McGinn, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_

City Clerk



(Seal)

Dan Noltte/DN

AZ Reso - Legislative, Immigration Reform, Arizona Legislation, RES

May 5, 2010

Version #3



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**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Legislative Dept.	Dan Nolte or David Yeaworth	

**Legislation Title:**

A RESOLUTION calling for federal-level immigration reform, denouncing Arizona State Senate Bill 1070 (Arizona SB1070) as a step in the wrong direction, and requesting that City Departments refrain from sending City employees to the State of Arizona and refrain from entering into new contracts with businesses headquartered in the State of Arizona.

- **Summary of the Legislation:** The resolution urges city employees in their professional capacity and departments to refrain from visiting the State of Arizona or hiring businesses that are headquartered there, when legally appropriate, until Arizona Senate Bill 1070 has been recinded or significantly altered.
- **Background:** The State of Arizona recently put into law a policy intended to identify illegal immigrants. Many US citizens, constituent organizations, and municipalities feel that the law is too strident and that matters of immigration are best addressed by the federal government not state governments. The intent of the resolution is to encourage the federal government to address the immigration issue with new policy and to have the State of Arizona to recind or soften their law.
- *Please check one of the following:*

**This legislation does not have any financial implications.** *(Stop here and delete the remainder of this document prior to saving and printing.)*

**This legislation has financial implications.** *(Please complete all relevant sections that follow.)*

**Appropriations:** *This table should reflect appropriations that are a direct result of this legislation. In the event that the project/programs associated with this ordinance had, or will have, appropriations in other legislation, please provide details in the Notes section below.*

Fund Name and Number	Department	Budget Control Level*	2010 Appropriation	2011 Anticipated Appropriation
<b>TOTAL</b>				

\*See budget book to obtain the appropriate Budget Control Level for your department.

**Notes:**

**Anticipated Revenue/Reimbursement: Resulting From This Legislation:** *This table should reflect revenues/reimbursements that are a direct result of this legislation. In the event that the issues/projects associated with this ordinance/resolution have revenues or reimbursements that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below the table.*

Fund Name and Number	Department	Revenue Source	2010 Revenue	2011 Revenue
<b>TOTAL</b>				

**Notes:**

**Total Regular Positions Created, Modified, Or Abrogated Through This Legislation, Including FTE Impact:**  
*This table should only reflect the actual number of positions affected by this legislation. In the event that positions have been, or will be, created as a result of other legislation, please provide details in the Notes section below the table.*

Position Title and Department	Position # for Existing Positions	Fund Name & #	PT/FT	2010 Positions	2010 FTE	2011 Positions*	2011 FTE*
<b>TOTAL</b>							

\* 2010 positions and FTE are total 2010 position changes resulting from this legislation, not incremental changes. Therefore, under 2010, please be sure to include any continuing positions from 2009.

**Notes:**

- **Do positions sunset in the future?** (If yes, identify sunset date):

**Spending/Cash Flow:** *This table should be completed only in those cases where part or all of the funds authorized by this legislation will be spent in a different year than when they were appropriated (e.g., as in the case of certain grants and capital projects). Details surrounding spending that will occur in future years should be provided in the Notes section below the table.*

Fund Name & #	Department	Budget Control Level*	2010 Expenditures	2011 Anticipated Expenditures
<b>TOTAL</b>				

\* See budget book to obtain the appropriate Budget Control Level for your department.

**Notes:**

- **What is the financial cost of not implementing the legislation?**

- There is no apparent cost of not implementing the legislation.

- **Does this legislation affect any departments besides the originating department?**

All departments that hire contractors or make out of state visits to conferences or meetings could be affected.

- **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**

- Theoretically, another form of contact such as a letter could achieve the same objectives. However, the strength of the statement in a non legislative form would likely not carry the same weight.

- **Is the legislation subject to public hearing requirements:**

- The legislation is not subject to a public hearing.

- **Other Issues**

It is possible that an Arizona contractor could provide the lowest bid for work or product needed by the City. At that time, a decision will need to be made if the contractor should or should not be awarded the contract, based on the legal parameters of the legislation.

- **List attachments to the fiscal note below:** *(Please include headers with version numbers on all attachments, as well footers with the document's name (e.g., DOF Property Tax Fisc Att A))*