EXHIBIT INDEX

Exhibit 1.........................................................Senate Bill 1070

Exhibit 2.........................................................House Bill 2162
EXHIBIT 1
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)
Be it enacted by the Legislature of the State of Arizona:

Section 1.  Intent

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

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

ARTICLE 8.  ENFORCEMENT OF IMMIGRATION LAWS

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

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

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

1.  A VALID ARIZONA DRIVER LICENSE.

2.  A VALID ARIZONA NONOPERATING IDENTIFICATION LICENSE.

3.  A VALID TRIBAL ENROLLMENT CARD OR OTHER FORM OF TRIBAL IDENTIFICATION.

4.  IF THE ENTITY REQUIRES PROOF OF LEGAL PRESENCE IN THE UNITED STATES BEFORE ISSUANCE, ANY VALID UNITED STATES FEDERAL, STATE OR LOCAL GOVERNMENT ISSUED IDENTIFICATION.
C. If an alien who is unlawfully present in the United States is convicted of a violation of state or local law, on discharge from imprisonment or on the assessment of any monetary obligation that is imposed, the United States immigration and customs enforcement or the United States customs and border protection shall be immediately notified.

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

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

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

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

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


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

G. A person who is a legal resident of this state may bring an action in superior court to challenge any official or agency of this state or a county, city, town or other political subdivision of this state that adopts or implements a policy or practice that limits or restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law. If there is a judicial finding that an entity has violated this section, the court shall order that the entity pay a civil penalty of not less than one thousand dollars and not more than five thousand dollars for each day that the policy has remained in effect after the filing of an action pursuant to this subsection.
S.B. 1070

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

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

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

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

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

13-1509. Willful failure to complete or carry an alien
registration document; assessment; exception; authentication; records; classification
A. IN ADDITION TO ANY VIOLATION OF FEDERAL LAW, A PERSON IS GUilty OF
WILLFUL FAILURE TO COMPLETE OR CARRY AN ALIEN REGISTRATION DOCUMENT IF THE
PERSON IS IN VIOLATION OF 8 UNITED STATES CODE SECTION 1304(e) OR 1306(a).

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

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

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

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

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

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

2. TWICE THE AMOUNT SPECIFIED IN PARAGRAPH 1 OF THIS SUBSECTION IF THE
PERSON WAS PREVIOUSLY SUBJECT TO AN ASSESSMENT PURSUANT TO THIS SUBSECTION.
E. A COURT SHALL COLLECT THE ASSESSMENTS PRESCRIBED IN SUBSECTION D OF
THIS SECTION AND REMIT THE ASSESSMENTS TO THE DEPARTMENT OF PUBLIC SAFETY,
WHICH SHALL ESTABLISH A SPECIAL SUBACCOUNT FOR THE MONIES IN THE ACCOUNT
ESTABLISHED FOR THE GANG AND IMMIGRATION INTELLIGENCE TEAM ENFORCEMENT
MISSION APPROPRIATION. MONIES IN THE SPECIAL SUBACCOUNT ARE SUBJECT TO
LEGISLATIVE APPROPRIATION FOR DISTRIBUTION FOR GANG AND IMMIGRATION
ENFORCEMENT AND FOR COUNTY JAIL REIMBURSEMENT COSTS RELATING TO ILLEGAL
IMMIGRATION.

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

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

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

1. A CLASS 3 FELONY IF THE PERSON VIOLATES THIS SECTION WHILE IN
POSSESSION OF ANY OF THE FOLLOWING:
   (a) A DANGEROUS DRUG AS DEFINED IN SECTION 13-3401.
   (b) PRECURSOR CHEMICALS THAT ARE USED IN THE MANUFACTURING OF
METAMPHETAMINE IN VIOLATION OF SECTION 13-3404.01.
   (c) A DEADLY WEAPON OR A DANGEROUS INSTRUMENT, AS DEFINED IN SECTION
13-105.
   (d) PROPERTY THAT IS USED FOR THE PURPOSE OF COMMITTING AN ACT OF
TERRORISM AS PRESCRIBED IN SECTION 13-2308.01.

2. A CLASS 4 FELONY IF THE PERSON EITHER:
   (a) IS CONVICTED OF A SECOND OR SUBSEQUENT VIOLATION OF THIS SECTION.
   (b) WITHIN SIXTY MONTHS BEFORE THE VIOLATION, HAS BEEN REMOVED FROM
THE UNITED STATES PURSUANT TO 8 UNITED STATES CODE SECTION 1229a OR HAS
ACCEPTED A VOLUNTARY REMOVAL FROM THE UNITED STATES PURSUANT TO 8 UNITED
STATES CODE SECTION 1229c.

Sec. 4. Section 13-2319, Arizona Revised Statutes, is amended to read:
13-2319. Smuggling; classification; definitions
A. It is unlawful for a person to intentionally engage in the
smuggling of human beings for profit or commercial purpose.
B. A violation of this section is a class 4 felony.
C. Notwithstanding subsection B of this section, a violation of this
section:
1. Is a class 2 felony if the human being who is smuggled is under
eighteen years of age and is not accompanied by a family member over eighteen
years of age or the offense involved the use of a deadly weapon or dangerous
instrument.
2. Is a class 3 felony if the offense involves the use or threatened
use of deadly physical force and the person is not eligible for suspension of
sentence, probation, pardon or release from confinement on any other basis
except pursuant to section 31-233, subsection A or B until the sentence
imposed by the court is served, the person is eligible for release pursuant
to section 41-1604.07 or the sentence is commuted.

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

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

F. For the purposes of this section:
1. "Family member" means the person's parent, grandparent, sibling or
any other person who is related to the person by consanguinity or affinity to
the second degree.

2. "Procurement of transportation" means any participation in or
facilitation of transportation and includes:
   (a) Providing services that facilitate transportation including travel
arrangement services or money transmission services.
   (b) Providing property that facilitates transportation, including a
weapon, a vehicle or other means of transportation or false identification,
or selling, leasing, renting or otherwise making available a drop house as
defined in section 13-2322.

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

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

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

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

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

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

D. A VIOLATION OF THIS SECTION IS A CLASS 1 MISDEMEANOR.
E. FOR THE PURPOSES OF THIS SECTION:

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

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

   13-2929. Unlawful transporting, moving, concealing, harboring
   or shielding of unlawful aliens; vehicle
   impoundment; exception; classification
   A. IT IS UNLAWFUL FOR A PERSON WHO IS IN VIOLATION OF A CRIMINAL
   OFFENSE TO:

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

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

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

   B. A MEANS OF TRANSPORTATION THAT IS USED IN THE COMMISSION OF A
      VIOLATION OF THIS SECTION IS SUBJECT TO MANDATORY VEHICLE IMMOBILIZATION OR
      IMPOUNDMENT PURSUANT TO SECTION 28-3611.

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

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

   Sec. 6. Section 13-3883, Arizona Revised Statutes, is amended to read:
   13-3883. Arrest by officer without warrant
   A. A peace officer may, without a warrant, MAY arrest a person if he
   THE OFFICER has probable cause to believe:

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

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

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

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

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

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

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

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

B. The attorney general shall prescribe a complaint form for a person to allege a violation of subsection A of this section. The complainant shall not be required to list the complainant's social security number on the complaint form or to have the complaint form notarized. On receipt of a complaint on a prescribed complaint form that an employer allegedly knowingly employs an unauthorized alien, the attorney general or county attorney shall investigate whether the employer has violated subsection A of this section. If a complaint is received but is not submitted on a prescribed complaint form, the attorney general or county attorney may investigate whether the employer has violated subsection A of this section. This subsection shall not be construed to prohibit the filing of anonymous complaints that are not submitted on a prescribed complaint form. The attorney general or county attorney shall not investigate complaints that are based solely on race, color or national origin. A complaint that is submitted to a county attorney shall be submitted to the county attorney in the county in which the alleged unauthorized alien is or was employed by the employer. The county sheriff or
any other local law enforcement agency may assist in investigating a
complaint. When investigating a complaint, the attorney general or county
attorney shall verify the work authorization of the alleged unauthorized
alien with the federal government pursuant to 8 United States Code section
1373(c). A state, county or local official shall not attempt to
independently make a final determination on whether an alien is authorized to
work in the United States. An alien's immigration status or work
authorization status shall be verified with the federal government pursuant
to 8 United States Code section 1373(c). A person who knowingly files a
false and frivolous complaint under this subsection is guilty of a class 3
misdemeanor.

C. If, after an investigation, the attorney general or county attorney
determines that the complaint is not false and frivolous:
1. The attorney general or county attorney shall notify the United
   States immigration and customs enforcement of the unauthorized alien.
2. The attorney general or county attorney shall notify the local law
   enforcement agency of the unauthorized alien.
3. The attorney general shall notify the appropriate county attorney
to bring an action pursuant to subsection D of this section if the complaint
was originally filed with the attorney general.

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

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

F. On a finding of a violation of subsection A of this section:
1. For a first violation, as described in paragraph 3 of this
   subsection, the court:
   (a) Shall order the employer to terminate the employment of all
   unauthorized aliens.
   (b) Shall order the employer to be subject to a three year
   probationary period for the business location where the unauthorized alien
   performed work. During the probationary period the employer shall file
   quarterly reports in the form provided in section 23-722.01 with the county
   attorney of each new employee who is hired by the employer at the business
   location where the unauthorized alien performed work.
   (c) Shall order the employer to file a signed sworn affidavit with the
   county attorney within three business days after the order is issued. The
   affidavit shall state that the employer has terminated the employment of all
unauthorized aliens in this state and that the employer will not
intentionally or knowingly employ an unauthorized alien in this state. The
court shall order the appropriate agencies to suspend all licenses subject to
this subdivision that are held by the employer if the employer fails to file
a signed sworn affidavit with the county attorney within three business days
after the order is issued. All licenses that are suspended under this
subdivision shall remain suspended until the employer files a signed sworn
affidavit with the county attorney. Notwithstanding any other law, on filing
of the affidavit the suspended licenses shall be reinstated immediately by
the appropriate agencies. For the purposes of this subdivision, the licenses
that are subject to suspension under this subdivision are all licenses that
are held by the employer specific to the business location where the
unauthorized alien performed work. If the employer does not hold a license
specific to the business location where the unauthorized alien performed
work, but a license is necessary to operate the employer's business in
general, the licenses that are subject to suspension under this subdivision
are all licenses that are held by the employer at the employer's primary
place of business. On receipt of the court's order and notwithstanding any
other law, the appropriate agencies shall suspend the licenses according to
the court's order. The court shall send a copy of the court's order to the
attorney general and the attorney general shall maintain the copy pursuant to
subsection G of this section.

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

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

2. For a second violation, as described in paragraph 3 of this
subsection, the court shall order the appropriate agencies to permanently
revoke all licenses that are held by the employer specific to the business
location where the unauthorized alien performed work. If the employer does
not hold a license specific to the business location where the unauthorized
alien performed work, but a license is necessary to operate the employer's
business in general, the court shall order the appropriate agencies to
permanently revoke all licenses that are held by the employer at the
employer's primary place of business. On receipt of the order and
notwithstanding any other law, the appropriate agencies shall immediately
revoke the licenses.

3. The violation shall be considered:
   (a) A first violation by an employer at a business location if the
violation did not occur during a probationary period ordered by the court
under this subsection or section 23-212.01, subsection F for that employer's
business location.
   (b) A second violation by an employer at a business location if the
violation occurred during a probationary period ordered by the court under
this subsection or section 23-212.01, subsection F for that employer's
business location.

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

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

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

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

K. IT IS AN AFFIRMATIVE DEFENSE TO A VIOLATION OF SUBSECTION A OF THIS
SECTION THAT THE EMPLOYER WAS ENTRAPPED. TO CLAIM ENTRAPMENT, THE EMPLOYER
MUST ADMIT BY THE EMPLOYER'S TESTIMONY OR OTHER EVIDENCE THE SUBSTANTIAL
ELEMENTS OF THE VIOLATION. AN EMPLOYER WHO ASSERTS AN ENTRAPMENT DEFENSE HAS
THE BURDEN OF PROVING THE FOLLOWING BY A PREPONDERANCE OF THE EVIDENCE:
   1. THE IDEA OF COMMITTING THE VIOLATION STARTED WITH LAW ENFORCEMENT
      OFFICERS OR THEIR AGENTS RATHER THAN WITH THE EMPLOYER.
   2. THE LAW ENFORCEMENT OFFICERS OR THEIR AGENTS URGED AND INDUCED THE
      EMPLOYER TO COMMIT THE VIOLATION.
3. THE EMPLOYER WAS NOT PREDISPOSED TO COMMIT THE VIOLATION BEFORE THE LAW ENFORCEMENT OFFICERS OR THEIR AGENTS URGED AND INDUCED THE EMPLOYER TO COMMIT THE VIOLATION.

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

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

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

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

B. The attorney general shall prescribe a complaint form for a person to allege a violation of subsection A of this section. The complainant shall not be required to list the complainant's social security number on the complaint form or to have the complaint form notarized. On receipt of a complaint on a prescribed complaint form that an employer allegedly intentionally employs an unauthorized alien, the attorney general or county attorney shall investigate whether the employer has violated subsection A of this section. If a complaint is received but is not submitted on a prescribed complaint form, the attorney general or county attorney may investigate whether the employer has violated subsection A of this section. This subsection shall not be construed to prohibit the filing of anonymous complaints that are not submitted on a prescribed complaint form. The attorney general or county attorney shall not investigate complaints that are based solely on race, color or national origin. A complaint that is submitted to a county attorney shall be submitted to the county attorney in the county in which the alleged unauthorized alien is or was employed by the employer. The county sheriff or any other local law enforcement agency may assist in investigating a complaint. When investigating a complaint, the attorney general or county attorney shall verify the work authorization of the alleged unauthorized alien with the federal government pursuant to 8 United States Code section 1373(c). A state, county or local official shall not attempt to independently make a final determination on whether an alien is authorized to work in the United States. An alien's immigration
status or work authorization status shall be verified with the federal
government pursuant to 8 United States Code section 1373(c). A person who
knowingly files a false and frivolous complaint under this subsection is
guilty of a class 3 misdemeanor.
C. If, after an investigation, the attorney general or county attorney
determines that the complaint is not false and frivolous:
1. The attorney general or county attorney shall notify the United
States immigration and customs enforcement of the unauthorized alien.
2. The attorney general or county attorney shall notify the local law
enforcement agency of the unauthorized alien.
3. The attorney general shall notify the appropriate county attorney
to bring an action pursuant to subsection D of this section if the complaint
was originally filed with the attorney general.
D. An action for a violation of subsection A of this section shall be
brought against the employer by the county attorney in the county where the
unauthorized alien employee is or was employed by the employer. The county
attorney shall not bring an action against any employer for any violation of
subsection A of this section that occurs before January 1, 2008. A second
violation of this section shall be based only on an unauthorized alien who is
or was employed by the employer after an action has been brought for a
violation of subsection A of this section or section 23-212, subsection A.
E. For any action in superior court under this section, the court
shall expedite the action, including assigning the hearing at the earliest
practicable date.
F. On a finding of a violation of subsection A of this section:
1. For a first violation, as described in paragraph 3 of this
subsection, the court shall:
(a) Order the employer to terminate the employment of all unauthorized
aliens.
(b) Order the employer to be subject to a five year probationary
period for the business location where the unauthorized alien performed work.
During the probationary period the employer shall file quarterly reports in
the form provided in section 23-722.01 with the county attorney of each new
employee who is hired by the employer at the business location where the
unauthorized alien performed work.
(c) Order the appropriate agencies to suspend all licenses described
in subdivision (d) of this paragraph that are held by the employer for a
minimum of ten days. The court shall base its decision on the length of the
suspension under this subdivision on any evidence or information submitted to
it during the action for a violation of this subsection and shall consider
the following factors, if relevant:
(i) The number of unauthorized aliens employed by the employer.
(ii) Any prior misconduct by the employer.
(iii) The degree of harm resulting from the violation.

- 12 -
(iv) Whether the employer made good faith efforts to comply with any applicable requirements.
(v) The duration of the violation.
(vi) The role of the directors, officers or principals of the employer in the violation.
(vii) Any other factors the court deems appropriate.
(d) Order the employer to file a signed sworn affidavit with the county attorney. The affidavit shall state that the employer has terminated the employment of all unauthorized aliens in this state and that the employer will not intentionally or knowingly employ an unauthorized alien in this state. The court shall order the appropriate agencies to suspend all licenses subject to this subdivision that are held by the employer if the employer fails to file a signed sworn affidavit with the county attorney within three business days after the order is issued. All licenses that are suspended under this subdivision for failing to file a signed sworn affidavit shall remain suspended until the employer files a signed sworn affidavit with the county attorney. For the purposes of this subdivision, the licenses that are subject to suspension under this subdivision are all licenses that are held by the employer specific to the business location where the unauthorized alien performed work. If the employer does not hold a license specific to the business location where the unauthorized alien performed work, but a license is necessary to operate the employer's business in general, the licenses that are subject to suspension under this subdivision are all licenses that are held by the employer at the employer's primary place of business. On receipt of the court's order and notwithstanding any other law, the appropriate agencies shall suspend the licenses according to the court's order. The court shall send a copy of the court's order to the attorney general and the attorney general shall maintain the copy pursuant to subsection G of this section.

2. For a second violation, as described in paragraph 3 of this subsection, the court shall order the appropriate agencies to permanently revoke all licenses that are held by the employer specific to the business location where the unauthorized alien performed work. If the employer does not hold a license specific to the business location where the unauthorized alien performed work, but a license is necessary to operate the employer's business in general, the court shall order the appropriate agencies to permanently revoke all licenses that are held by the employer at the employer's primary place of business. On receipt of the order and notwithstanding any other law, the appropriate agencies shall immediately revoke the licenses.

3. The violation shall be considered:
(a) A first violation by an employer at a business location if the violation did not occur during a probationary period ordered by the court under this subsection or section 23-212, subsection F for that employer's business location.
(b) A second violation by an employer at a business location if the
violation occurred during a probationary period ordered by the court under
this subsection or section 23-212, subsection F for that employer’s business
location.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28-3511. Removal and immobilization or impoundment of vehicle
A. A peace officer shall cause the removal and either immobilization
or impoundment of a vehicle if the peace officer determines that a person is
driving the vehicle while any of the following applies:
1. The person's driving privilege is suspended or revoked for any
reason.
2. The person has not ever been issued a valid driver license or permit by this state and the person does not produce evidence of ever having a valid driver license or permit issued by another jurisdiction. This paragraph does not apply to the operation of an implement of husbandry.

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

4. In furtherance of the illegal presence of an alien in the United States and in violation of a criminal offense, the person is transporting or moving or attempting to transport or move an alien in this state in a vehicle if the person knows or recklessly disregards the fact that the alien has come to, has entered or remains in the United States in violation of law.

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

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

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

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

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

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

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

2. The spouse of the driver is with the driver at the time of the arrest.
3. The peace officer has reasonable grounds to believe that the spouse
of the driver:
   (a) Has a valid driver license.
   (b) Is not impaired by intoxicating liquor, any drug, a vapor
       releasing substance containing a toxic substance or any combination of
       liquor, drugs or vapor releasing substances.
   (c) Does not have any spirituous liquor in the spouse's body if the
       spouse is under twenty-one years of age.
4. The spouse notifies the peace officer that the spouse will drive
   the vehicle from the place of arrest to the driver's home or other place of
   safety.
5. The spouse drives the vehicle as prescribed by paragraph 4 of this
   subsection.
E. Except as otherwise provided in this article, a vehicle that is
   removed and either immobilized or impounded pursuant to subsection A, B or C
   of this section shall be immobilized or impounded for thirty days. An
   insurance company does not have a duty to pay any benefits for charges or
   fees for immobilization or impoundment.
F. The owner of a vehicle that is removed and either immobilized or
   impounded pursuant to subsection A, B or C of this section, the spouse of the
   owner and each person identified on the department's record with an interest
   in the vehicle shall be provided with an opportunity for an immobilization or
   poststorage hearing pursuant to section 28-3514.
Sec. 11. Title 41, chapter 12, article 2, Arizona Revised Statutes, is
amended by adding section 41-1724, to read:
   41-1724. Gang and immigration intelligence team enforcement
   mission fund
THE GAN AND IMMIGRATION INTELLIGENCE TEAM ENFORCEMENT MISSION FUND IS
ESTABLISHED CONSISTING OF MONIES DEPOSITED PURSUANT TO SECTION 11-1051 AND
MONIES APPROPRIATED BY THE LEGISLATURE. THE DEPARTMENT SHALL ADMINISTER THE
FUND. MONIES IN THE FUND ARE SUBJECT TO LEGISLATIVE APPROPRIATION AND SHALL
BE USED FOR GANG AND IMMIGRATION ENFORCEMENT AND FOR COUNTY JAIL
REIMBURSEMENT COSTS RELATING TO ILLEGAL IMMIGRATION.
Sec. 12. Severability, implementation and construction
   A. If a provision of this act or its application to any person or
      circumstance is held invalid, the invalidity does not affect other provisions
      or applications of the act that can be given effect without the invalid
      provision or application, and to this end the provisions of this act are
      severable.
   B. The terms of this act regarding immigration shall be construed to
      have the meanings given to them under federal immigration law.
   C. This act shall be implemented in a manner consistent with federal
      laws regulating immigration, protecting the civil rights of all persons and
      respecting the privileges and immunities of United States citizens.
S.B. 1070

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

Sec. 13. Short title
This act may be cited as the "Support Our Law Enforcement and Safe Neighborhoods Act".
EXHIBIT 2
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)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 1-501, Arizona Revised Statutes, is amended to read:

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

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

1. An Arizona driver license issued after 1996 or an Arizona nonoperating identification license.
2. A birth certificate or delayed birth certificate issued in any state, territory or possession of the United States.
3. A United States certificate of birth abroad.
4. A United States passport.
5. A foreign passport with a United States visa.
6. An I-94 form with a photograph.
7. A United States citizenship and immigration services employment authorization document or refugee travel document.
8. A United States certificate of naturalization.
10. A tribal certificate of Indian blood.
11. A tribal or bureau of Indian affairs affidavit of birth.

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

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

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

E. Failure to report discovered violations of federal immigration law by an employee of an agency of this state or a political subdivision of this state that administers any federal public benefit is a class 2 misdemeanor.
direct the employee to make the report, the supervisor is guilty of a class 2
misdemeanor.

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

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

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

H-1. For the purposes of this section, "federal public benefit" has
the same meaning prescribed in 8 United States Code section 1611.

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

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

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

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

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

3. A United States certificate of birth abroad.

4. A United States passport.

5. A foreign passport with a United States visa.

6. An I-94 form with a photograph.

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

8. A United States certificate of naturalization.


10. A tribal certificate of Indian blood.

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

B. For the purposes of administering the Arizona health care cost
containment system, documentation of citizenship and legal residence shall
conform with the requirements of title XIX of the social security act.
C. To the extent permitted by federal law, an agency of this state or political subdivision of this state may allow tribal members, the elderly and persons with disabilities or incapacity of the mind or body to provide documentation as specified in section 6036 of the federal deficit reduction act of 2005 (P.L. 109-171; 120 Stat. 81) and related federal guidance in lieu of the documentation required by this section.

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

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

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

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

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

I. For the purposes of this section, "state or local public benefit" has the same meaning prescribed in 8 United States Code section 1621, except that it does not include commercial or professional licenses, or benefits provided by the public retirement systems and plans of this state or services widely available to the general population as a whole.

Sec. 3. 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, is amended to read:

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

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

B. For any lawful contact STOP, DETENTION OR ARREST made by a law enforcement official or a law enforcement agency of this state or a law enforcement official or a law enforcement agency of a county, city, town or other political subdivision of this state IN THE ENFORCEMENT OF ANY OTHER LAW
OR ORDINANCE OF A COUNTY, CITY OR TOWN OR THIS STATE where reasonable
suspicion exists that the person is an alien who AND is unlawfully present in
the United States, a reasonable attempt shall be made, when practicable, to
determine the immigration status of the person, except if the determination
may hinder or obstruct an investigation. Any person who is arrested shall
have the person's immigration status determined before the person is
released. The person's immigration status shall be verified with the federal
government pursuant to 8 United States code section 1373(c). A law
enforcement official or agency of this state or a county, city, town or other
political subdivision of this state may not solely consider race, color or
national origin in implementing the requirements of this subsection except to
the extent permitted by the United States or Arizona Constitution. A person
is presumed to not be an alien who is unlawfully present in the United States
if the person provides to the law enforcement officer or agency any of the
following:

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

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

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

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

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

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

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

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

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


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

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

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

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

K. Except in relation to matters in which the officer is adjudged to have acted in bad faith, a law enforcement officer is indemnified by the law enforcement officer's agency against reasonable costs and expenses, including attorney fees, incurred by the officer in connection with any action, suit or proceeding brought pursuant to this section in which the officer may be a defendant by reason of the officer being or having been a member of the law enforcement agency.
This section shall be implemented in a manner consistent with federal laws regulating immigration, protecting the civil rights of all persons and respecting the privileges and immunities of United States citizens.

Sec. 4. 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, is amended to read:

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

A. In addition to any violation of federal law, a person is guilty of willful failure to complete or carry an alien registration document if the person is in violation of § 1304(e) or 1306(a).

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

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

2. The United States Immigration and customs enforcement or the United States customs and border protection pursuant to § 1373(c).

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

D. A person who is sentenced pursuant to this section is not eligible for suspension of sentence, probation, pardon, commutation of sentence, or release from confinement on any basis except as authorized by section 31-233, subsection A or B until the sentence imposed by the court has been served or the person is eligible for release pursuant to section 41-1604.07.

E. In addition to any other penalty prescribed by law, the court shall order the person to pay jail costs. and an additional assessment in the following amounts:

1. At least five hundred dollars for a first violation.

2. Twice the amount specified in paragraph 1 of this subsection if the person was previously subject to an assessment pursuant to this subsection.

F. A court shall collect the assessments prescribed in subsection D of this section and remit the assessments to the department of public safety, which shall establish a special subaccount for the monies in the account established for the gang and immigration intelligence team enforcement mission appropriation. Monies in the special subaccount are subject to legislative appropriation for distribution for gang and immigration enforcement and for county jail reimbursement costs relating to illegal immigration.
F. This section does not apply to a person who maintains authorization from the federal government to remain in the United States.

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

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

1. A class 3 felony if the person violates this section while in possession of any of the following:
   (a) A dangerous drug as defined in section 13-3401.
   (b) Precursor chemicals that are used in the manufacturing of methamphetamine in violation of section 13-3404.01.
   (c) A deadly weapon or a dangerous instrument, as defined in section 13-105.
   (d) Property that is used for the purpose of committing an act of terrorism as prescribed in section 13-2308.01.

2. A class 4 felony if the person either:
   (a) Is convicted of a second or subsequent violation of this section.
   (b) Within sixty months before the violation, has been removed from the United States pursuant to 8 United States Code section 1229a or has accepted a voluntary removal from the United States pursuant to 8 United States Code section 1229c.

Sec. 5. 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, is amended to read:

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

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

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

C. It is unlawful for a person who is unlawfully present in the United States and who is an unauthorized alien to knowingly apply for work, solicit work in a public place or perform work as an employee or independent contractor in this state.
D. A LAW ENFORCEMENT OFFICIAL OR AGENCY OF THIS STATE OR A COUNTY, CITY, TOWN OR OTHER POLITICAL SUBDIVISION OF THIS STATE MAY NOT CONSIDER RACE, COLOR OR NATIONAL ORIGIN IN THE ENFORCEMENT OF THIS SECTION EXCEPT TO THE EXTENT PERMITTED BY THE UNITED STATES OR ARIZONA CONSTITUTION.

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

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

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

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

G. For the purposes of this section:

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

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

Sec. 6. 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, is amended to read:

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

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

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

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

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

4. A means of transportation that is used in the commission of a violation of this section is subject to mandatory vehicle immobilization or impoundment pursuant to section 28-3511.
C. A LAW ENFORCEMENT OFFICIAL OR AGENCY OF THIS STATE OR A COUNTY, CITY, TOWN OR OTHER POLITICAL SUBDIVISION OF THIS STATE MAY NOT CONSIDER RACE, COLOR OR NATIONAL ORIGIN IN THE ENFORCEMENT OF THIS SECTION EXCEPT TO THE EXTENT PERMITTED BY THE UNITED STATES OR ARIZONA CONSTITUTION.

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

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

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

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

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

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

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

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

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

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

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

5. Six members who are appointed by the governor.

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

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

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

E. The committee may:

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

2. Analyze border crossing statistics.

3. Analyze related crime statistics.
4. Make recommendations designed to increase border security.
5. Make other recommendations deemed essential by the committee.
   F. The committee may use the services of legislative staff as required.
G. Beginning November 30, 2010 and each month thereafter, the commission shall submit a written report of its findings and recommendations to the speaker of the house of representatives, the president of the senate and the governor. The commission shall provide a copy of the report to the secretary of state.
H. Notwithstanding any law to the contrary, the committee may vote to go into executive session to take testimony or evidence it considers sensitive or confidential in nature, which if released could compromise the security or safety of law enforcement or military personnel or a law enforcement or national guard law enforcement support operation.
I. This section is repealed from and after December 31, 2014.
Sec. 8. Immigration legislation challenges
   A. Notwithstanding title 41, chapter 1, Arizona Revised Statutes, and any other law, through December 31, 2010, the attorney general shall act at the direction of the governor in any challenge in a state or federal court to Laws 2010, chapter 113 and any amendments to that law.
   B. Notwithstanding title 41, chapter 1, Arizona Revised Statutes, and any other law, through December 31, 2010, the governor may direct counsel other than the attorney general to appear on behalf of this state to defend any challenge to Laws 2010, chapter 113 and any amendments to that law.
Sec. 9. Conditional enactment
   Sections 11-1051, 13-1509, 13-2928 and 13-2929, Arizona Revised Statutes, as amended by this act, do not become effective unless Senate Bill 1070, forty-ninth legislature, second regular session, relating to unlawfully present aliens, becomes law.