



Coalición de Derechos Humanos

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2011 Racist Arizona Legislation

Everyday life:

SB1309/HB2561: Arizona Citizenship – introduced by Senator Gould, this bill creates an Arizona citizenship, which only a person who is born in the US can obtain if at least one parent is a US citizen or an immigrant with permanent lawful residence status. It would effectively mean that a US citizen in Arizona would have two birth certificates – one issued by the federal government and the other by the state of Arizona. [*received do pass recommendation on the senate appropriations committee by 8-5 vote on 2/22*]

SB1308/HB2562: Interstate Compact and Birth Certificates – introduced by Senator Gould authorizes Governor to sign an agreement with other states so that other states can also make the same distinction in birth certificates issues in those states and is “subject to the jurisdiction of the US” and a person who is not. [*received do pass recommendation on senate appropriations committee by 8-5 vote on 2/22.*]

SB1490: Food Service Workers - introduced by Senator Gould, would effectively make it so that applicants for a food service worker card would need proof of citizenship or some form of “nonexpiring work authorization issued by the federal government”. The food service worker card is a document issued at the county level that allows an individual “to handle, prepare, serve, sell or give away food for consumption by persons other than the individual’s immediate family, or to handle utensils and equipment appurtenant to these activities.” [*Senate Committee of the Whole approved SB1490 on 2/23.*]

HB2677: International Money Wire Transfer - sponsored by Representatives Ugenti, this measure would levy a tax on all international money wire transfers and those funds would go to the “border security fund” that would be used to employ personnel and purchase equipment for the construction and maintenance of the fence. [*Referred to House Military Affairs & Public Safety and Ways and Means Committees on 2/16*]

SB1405: Immigration status and hospital admissions - introduced by Senators Pearce and Smith. This bill would make it so that before a hospital admits a patient for nonemergency medical care, they must provide documentation proving citizenship or legal residency or lawful presence in the country. If the patient is found to be undocumented, hospital admissions officer must contact the federal immigration officer. If a patient admitted for emergency care is found to have undocumented status, they will be reported to the local federal immigration office after successful treatment. Finally, “a hospital that complies with [these] requirements...will not [be] subject to civil liability.” [*Senate Appropriations Committee approved it by 8-5 vote on 2/22.*]

SB 1465: Consular Cards and Valid ID – sponsored by Senate Gould, this measure would make it so that the state or any other political entity would be prohibited from accepting consular identification card issued by a foreign government as a valid for of ID. [*Bill was approved by Senate COW committee on 2/23; passed Senate Third Reading on 2/28; bill was added to SB1611.*]

HB2191: Punitive Damages – sponsored by Rep. Weiers, this bill prohibits AZ courts to award punitive damages to any undocumented person. [*House Rules Committee approved this bill on 2/22.*]

SB1407: Data about noncitizen students – sponsored by Senator Smith, this bill would require the Department of Education to collect data from school districts on enrolled students who cannot prove lawful residence. They would be charged with producing an annual report that estimates the cost to taxpayers for education non-citizen students (even if they’re lawfully resident) and another estimate of the total cost of educating students who cannot prove lawful residence. The Superintendent of Public Instruction would be authorized to withhold a school district’s apportionment of state aid if the school district is found to be non-compliant. [*Senate Appropriations Committee gave do pass recommendation by 8-5 vote on 2/22.*]

SB1611: Immigration bill - is Pearce’s fat immigration omnibus bill that requires proof of legal status to operate a vehicle in the state (otherwise face a class 1 misdemeanor, 30 days in jail and forfeit of vehicle to the state); enroll a student to any public or private K-12 school; attend an Arizona community college or university; receive federal public benefits, including medical services; get a vehicle title; purchase a new vehicle; register a vehicle; access public housing; apply and receive a fingerprint car; or get any sort of license in Arizona, including a marriage license. In addition, the law makes a class 1 misdemeanor that

would require 180 days of jail for anyone who steals an identity for the sake of employment. It would also require all individuals in charge of administering public benefits to check legal status – those who don't would face a class 1 misdemeanor. It would permit federal immigration officers as well as regular officers who have been authorized by the federal government to check immigration status. The law would require employers to prove to the Attorney General that they are using E-Verify when hiring workers, and violators can have their business licenses revoked. Finally, it requires the Arizona Peace Officer Standards and Training Board to revoke the certification of any law enforcement member who doesn't enforce Arizona's laws. [*Senate Appropriations Committee approved this bill on 2/22 by a 7-6 vote.*]

Border Related:

SB 1342: Arizona Rangers and Border Security- introduced by Senators Antenori. This bill would allow citizen volunteers from the Arizona Rangers to engage in border security if the Governor issued a proclamation about the need for border security and the protection of lives and property. [*held in Senate Border Security, Federalism & States' Sovereignty committee on 2/10*]

SB1406: Interstate Compact and Border Fence– sponsored by Senator Smith, this bill would allow the governor to enter into a compact with other states to provide for the construction and maintenance of a fence long the Arizona-Mexico border, located on private property with landowners' consent. States would be encouraged to use private contractors and inmate labor, and funding would come from private sources. [*Senate Committee of the Whole approved it on 2/23; it goes to the Senate Third Reading on 2/28*].

SB1495/HB 2070: Arizona state guard - sponsored by Senator Allen. If the governor decides that there is an emergency, she may "request able-bodied citizens of this state, except peace officers, firefighters and emergency personnel to volunteer for service in the homeland security force." There will be a special place for officers with prior military experience. While the force would not be compensated, they would be eligible for reimbursement. The force will be trained by appointed officers and volunteer members of the National Guard. [*House Appropriations Committee gave do pass recommendation with 9-4 vote on 2/23*].

HB2181: National Guard Mobilization– sponsored by Rep. Seel, this measure authorizes the Governor to mobilize the National Guard in a state of emergency due to unauthorized border crossing and related increase in crimes, deaths, and property damage. [*Referred to the House Military Affairs & Public Safety and Judiciary Committees on 2/8*].

SCR 1006: Border Security Plan – was sponsored by Senator Allen. This Resolution states that the border is lawless and crime-ridden. It calls for 3000 additional Border Patrol agents to the state, the deployment of military units, implementation of 24-hour surveillance, the establishment of one permanent Forward Operating Base (or checkpoint) every 12 miles. The measure also authorizes law enforcement to use force in the apprehension of undocumented individuals and provides for the felony prosecution of immigrant detainees. [*Assigned to the House Military Affairs and Public Safety Committee on 2/15*].

Human Smuggling:

SB1225: Human Smuggling – sponsored by Senator Sinema, this bill would make it so that it would be a class 3 felony to use a forged instrument to lease or rent a facility that is used as a drop house. [*Senate passed bill 2/22*].

SB1368: Human Smuggling Organizations – sponsored by Senator Antenori, this bill calls for harsher penalties for individuals engaging in human smuggling. If a person commits a felony for the benefit of or in association with a human smuggling organization, it will be considered a class 3 felony. [*Passed Senate Third Reading on 3/2*].

Other:

SB1046 – Juvenile corrections and ICE – sponsored by Senator Shooter, this bill amends the statute about what happens when a youth has satisfied minimum length of stay in a center, and ICE demands custody of the youth for immigration proceedings. In such situations, the Arizona Department of Juvenile Corrections hands over custody of the youth to ICE. [*Will be heard by House MAPS committee on 3/2*].

SB1117/HB2537: Immigration Legislation Challenges- would give Senate President Russell Pearce and House Speaker Kirk Adams unlimited power to use taxpayer dollars to hire lawyers to intervene in legal proceedings involving SB1070 and file lawsuits on behalf of it. "This act is an emergency measure that is necessary to preserve the public peace, health or safety and is operative immediately as provided by the law." [*Signed by Governor Brewer into law on 2/7*].

SCR1010: Judicial Decisions and International Law – this resolution would amend the state constitution that courts would not be subject to or consider international law in making judicial decisions. [*Assigned to Senate Rules Committee 1/11*]

(updated 3-2-11)