

Provisions of SB 1308, 1309, 1405, and 1611

SB 1308 (as amended 2/23/11 in Senate Appropriations)
<p>Adoption of Compact Authorizes and directs the governor to enter into a compact with any US state as specified within seven articles.</p>
<p>Article I - Purpose Makes a distinction in birth certificates, certifications of live birth or other birth records issued in party states between a person born subject to US jurisdiction (a natural born US citizen) and a person not born subject to US jurisdiction.</p>
<p>Article II - Definition Defines “subject to the jurisdiction of the US”¹ as a child of at least one parent who owes no allegiance to any foreign sovereignty or a child without citizenship or nationality in any foreign county. Defines a “person who owes no allegiance any foreign sovereignty” as a US citizen, US national, or immigrant residing permanently in the US or a person without nationality in any foreign country.</p>
<p>Article III - Terms Requires each party state to make a distinction in birth certificates, certifications of live birth, or other birth records issued in part states between persons born subject to US jurisdiction and persons not born subject to US jurisdiction.</p>
<p>Article IV - Enforcement Requires the governor of each party state to enforce this compact and allows taxpaying residents of party states to require the governor to enforce this compact.</p>
<p>Article V – Compact Administrator Names the governor of each party state or the governor’s designee as the compact administrator. Requires the compact administrator to maintain an accurate list of all party states, formulate all necessary and proper procedures to effectuate this compact, and delegate needed tasks to other state agencies. Requires the governor to furnish all information or documents to the compact administrator to facilitate the administration of this compact.</p>
<p>Article VI – Entry and Withdrawal Deems compact accepted what a least two states deliver a notice of confirmation, acknowledging complete agreement to the terms of this compact, to each other’s governor and other officials, as specified. Any state may be accepted into the compact by following the same procedure. Prohibits the compact from taking effect until US Congress gives consent.² Allows any party state to withdraw from the compact four years after the compact first becomes effective. This does not affect the validity of compact states remaining party to the compact.</p>
<p>Article VII – Construction and Severability Supersedes any inconsistent state and federal law.³ Protects the remainder of the compact if a court or another entity finds any piece of the compact to be invalid.</p>

¹ As defined in Section 1 of the 14th Amendment of the United States Constitution.

² Pursuant to Article I, Section 10, Clause 3 of the United States Constitution.

³ Under 4 United States Code Section 112.

SB 1309 (as amended 2/23/11 in Senate Appropriations)

Arizona Citizenship

Declares that a person is a citizen of the state of Arizona if the person is born in the US and subject to the jurisdiction thereof and is lawfully domiciled in Arizona.

Defines “subject to the jurisdiction the US” according to Section 1 of the 14th Amendment of the US Constitution.

Requires a person to be naturalized in the US and lawfully domiciled in Arizona to be a citizen of Arizona.

SB 1405 (as amended 2/23/11 in Senate Appropriations)

Hospital Admissions

Requires a hospital admissions officer to confirm that a person seeking emergency or nonemergency medical care is a citizen of the US, a legal resident of the US or lawfully present in the US, if they cannot provide proof of health insurance. *Note: In emergency situations, it is presumed that the hospital will be able to stabilize a patient and then verify status of citizenship.*

Requires that a local federal immigration office or law enforcement office be contacted when a person cannot provide proof of citizenship, legal residence, or lawful presence.

Requires that a hospital submit an annual report to the Department to document compliance with this section, including the number of referrals made to federal immigration offices and law enforcement offices.

Subjects hospitals that do not comply with this section to disciplinary action against their license.

Protects a hospital that complies with this section from civil liability.

Current Law	SB 1611
<p>Eligibility for Federal Public Benefits Determines eligibility for federal public benefits based upon US citizenship, legal residence, or lawful presence, which specific documentation, as listed and to the extent permitted by federal law. Determines eligibility for AHCCCS based on requirements in the Social Security Act. Allows tribal members, the elderly and disabled/incapacitated persons to provide other documentation, as specified in the Federal Deficit Reduction Act of 2005.</p>	<p>Eligibility for Federal Public Benefits <u>Removes</u> eligibility requirements for US citizenship, legal residence, or lawful presence, to the extent permitted by federal law. <u>Removes</u> the Social Security Act requirements for documentation of citizenship and legal residence for the administration of AHCCCS. <u>Removes</u> the Federal Deficit Reduction Act of 2005, which allows tribal members, the elderly and disabled/incapacitated persons to provide documentation other than those listed.</p>
<p>Eligibility for State or Local Public Benefits Determines eligibility for AHCCCS based on requirements in the Social Security Act. Allows tribal members, the elderly and disabled/incapacitated persons to provide other documentation, as specified in the Federal Deficit</p>	<p>Eligibility for State or Local Public Benefits <u>Removes</u> the Social Security Act requirements for documentation of citizenship and legal residence for the administration of AHCCCS. <u>Removes</u> the Federal Deficit Reduction Act of 2005, which allows tribal members, the elderly and</p>



<p>Reduction Act of 2005. Excludes commercial or professional licenses, public retirement benefits, and services available to the general population from the definition of “state or local public benefit.”</p>	<p>disabled/incapacitated persons to provide documentation other than those listed. <u>Expands</u> burden of documentation checks from state agency administering benefits to any person who administers or processes public benefits. <u>Adds</u> commercial or professional licenses, public retirement benefits, and services available to the general population to the definition of “state or local public benefit.”</p>
<p>Aggravated Taking Identity of Another Person Defines aggravated taking the identity of another person and specifies that aggravated taking the identity of another person is a Class 3 Felony.</p>	<p>Aggravated Taking Identity of Another Person <u>Adds</u> that a person convicted of using a real or fictitious identity to obtain employment shall be imprisoned for at least 180 days.</p>
	<p>Unlawful Operation of Motor Vehicle by Alien States that it is unlawful for a person to operate a motor vehicle in Arizona if a person is unlawfully present in the USA. If convicted under this section, the court:</p> <ul style="list-style-type: none"> • In addition to any other penalty, shall order the motor vehicle forfeited • Shall sentence the person to serve not less than 30 days in jail • Shall order the person to pay the costs of their incarceration <p>Directs all monies collected from the forfeiture of cars under this section into the state general fund. Specifies that immigration status may be determined by a law enforcement, ICE, or border patrol agent. Violation of the section is a Class 1 Misdemeanor and immediate revocation of license.</p>
<p>Offenses Not Bailable Defines “serious felony offense” as any Class 1, 2, 3, or 4 felony.</p>	<p>Offenses Not Bailable Redefines “serious felony offense” as any felony.</p>
<p>K-12 Citizenship Evidence Requires, upon initial enrollment in a school district, private school, or home school for pupils in grades K-12, the submission of a pupil’s birth certificate or other reliable proof of pupil’s identity and age, including the pupil’s baptismal certificate, an application for a social security number, or original school registration records. Requires the school, school district, or school superintendent to notify local law enforcement if a pupil does not comply with this section or submits</p>	<p>K-12 Citizenship Evidence <u>Removes</u> the current requirements for citizenship documentation upon initial K-12 enrollment. <u>Adds</u> that, upon initial enrollment in a school district, private school, or home school for pupils in grades K-12, citizenship documentation must be received and include one of the following:</p> <ul style="list-style-type: none"> • US birth certificate or US delayed birth certificate • US certificate of birth abroad • US passport



<p>suspicious affidavits.</p>	<ul style="list-style-type: none"> • Foreign passport with US Visa • I-94 form with photograph • US employment authorization or refugee travel document • US certificate of naturalization • US certificate of citizenship • Tribal certificate of Indian blood • Tribal or Bureau of Indian Affairs affidavit of birth • Arizona Driver License issued after 1996 or Arizona non operating identification license <p><u>Adds</u> the Department of Education to list of referrals for non-compliance or suspicious affidavits.</p>
<p>Administrative Powers of District Governing Boards Specifies administrative powers and duties of District Governing Boards.</p>	<p>Administrative Powers of District Governing Boards <u>Adds</u> that the district board cannot admit any student who does not demonstrate lawful presence in the US, as specified.</p>
<p>Arizona Board of Regents Specifies administrative powers and duties of Arizona Board of Regnts.</p>	<p>Arizona Board of Regents Prohibits the Board from admitting any student who does not demonstrate lawful presence in the US through any of the following:</p> <ul style="list-style-type: none"> • Arizona Drivers License • US birth certificate or US delayed birth certificate • US certificate of birth abroad • US passport • Foreign passport with US Visa • I-94 form with photograph • US employment authorization or refugee travel document • US certificate of naturalization • US certificate of citizenship • Tribal certificate of Indian blood • Tribal or Bureau of Indian Affairs affidavit of birth
<p>Verification of Employment Eligibility Requires every employer to verify employee employment eligibility through E-Verify.</p>	<p>Verification of Employment Eligibility <u>Adds</u> that the Attorney General must provide a notice of noncompliance to any business not participating in E-Verify. If still noncompliant after six months, all licenses shall be suspended and remain suspended until compliance is attained.</p>
<p>Application for Certificate of Title Specifies requirements for certificate of title</p>	<p>Application for Certificate of Title <u>Adds</u> that an applicant for a certificate of title,</p>



<p>applications.</p>	<p>including new owners and business entities, must provide a statement acknowledging lawful presence in the US.</p> <p><u>Adds</u> that a renewal applicant must submit proof of legal presence, unless the applicant is a motor vehicle dealer, financial institution, insurer, or state or political subdivision.</p> <p><u>Adds</u> that an applicant for a certificate of title due to an electronic lien, addition of a lien or a duplicate title is not required to prove lawful presence in the US. Requires the Director to adopt rules for verifying legal presence, issuance of temporary registration pending legal status verification, and persons authorized to perform title and registration functions.</p>
<p>Application for Vehicle Registration Specifies requirements for vehicle registration.</p> <p>Cancellation of Registration Requires that the Department retrieve license plates and registration cards for cars unfit to be operated. Requires the Department to cancel the registration of a vehicle if the person to whom the registration card or license plates have been issued makes or allows the unlawful use of the vehicle.</p>	<p>Application for Vehicle Registration <u>Adds</u> that an applicant must submit proof of legal presence, unless the applicant is a motor vehicle dealer, financial institution, insurer, or state or political subdivision. Requires the Director to adopt rules for verifying legal presence, issuance of temporary registration pending legal status verification, and registration of a business entity.</p> <p>Cancellation of Registration <u>Removes</u> the requirement that the Department retrieve license plates and registration cards for cars unfit to be operated. Requires the Department to make cancellation, suspension, revocation or denial of vehicle registration available to law enforcement, which shall be accessed during vehicle accidents and violations. Allows a law enforcement officer to confiscate license plate and registration card of a vehicle if the officer has reasonable cause to believe that vehicle registration has been cancelled, suspended, revoked, or denied.</p>
<p>Public Housing</p>	<p>Public Housing Requires a person applying for public housing to provide verification of legal status. Prohibits a public housing authority from offering public housing to any person that cannot provide legal status verification. Requires a public housing unit to evict all persons in a dwelling unit who allow an illegal alien to reside in</p>



	<p>that unit. Charges a violator of this section with a Class 1 Misdemeanor.</p>
<p>Definitions Defines an “agency” as any agency, department, board or commission of this state or any political subdivision of this state that issues a license <i>for the purposes of operating a business in this state</i>. Defines a “license” as any agency permit, certificate, approval, registration, charter, or similar form of authorization that is required by law and issued by an agency <i>for the purposes of operating a business in this state</i>.</p>	<p>Definitions Redefines an “agency” as any agency, department, board or commission of this state or any political subdivision of this state that issues a license. Redefines a “license” as any agency permit, certificate, approval, registration, charter, or similar form of authorization that is required by law and issued by an agency.</p>
<p>Fingerprint Clearance Cards Specifies the duties of the Fingerprinting Division.</p>	<p>Fingerprint Clearance Cards Allows fingerprint clearance cards to be issued only to persons who have provided documentation of legal status.</p>
<p>Arizona Peace Officer Standards and Training Board Specifies the duties of the Arizona Peace Officer Standards and Training Board.</p>	<p>Arizona Peace Officer Standards and Training Board <u>Adds</u> that the Arizona Peace Officer Standards and Training Board to revoke certification of any officer who refuses to uphold the US and Arizona Constitutions and enforce the laws of the state.</p>
	<p>Valid Identification Prohibits the state or political subdivisions from accepting consular identification cards issued by a foreign government as valid forms of identification.</p>