

State of Arizona  
Senate  
Fiftieth Legislature  
First Regular Session  
2011

# SENATE BILL 1611

## AN ACT

AMENDING SECTIONS 1-501, 1-502 AND 13-2009, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 29, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-2930; AMENDING SECTIONS 13-3961, 15-828, 15-1445, 15-1626, 23-214, 28-1559, 28-2051, 28-2059, 28-2157, 28-2163, 28-3151 AND 28-3304, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 12, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-1409.02; AMENDING SECTIONS 41-1080, 41-1758.01 AND 41-1822, ARIZONA REVISED STATUTES; AMENDING TITLE 41, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 48; RELATING TO UNLAWFULLY PRESENT ALIENS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 3. A United States certificate of birth abroad.

33 4. A United States passport.

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

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

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

38 8. A United States certificate of naturalization.

39 9. A United States certificate of citizenship.

40 10. A tribal certificate of Indian blood.

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

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

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

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

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

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

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

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

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

33 Sec. 3. Section 13-2009, Arizona Revised Statutes, is amended to read:  
34 13-2009. Aggravated taking identity of another person or  
35 entity; classification

36 A. A person commits aggravated taking the identity of another person  
37 or entity if the person knowingly takes, purchases, manufactures, records,  
38 possesses or uses any personal identifying information or entity identifying  
39 information of either:

40 1. Three or more other persons or entities, including real or  
41 fictitious persons or entities, without the consent of the other persons or  
42 entities, with the intent to obtain or use the other persons' or entities'  
43 identities for any unlawful purpose or to cause loss to the persons or  
44 entities whether or not the persons or entities actually suffer any economic  
45 loss.

1           2. Another person or entity, including a real or fictitious person or  
2 entity, without the consent of that other person or entity, with the intent  
3 to obtain or use the other person's or entity's identity for any unlawful  
4 purpose and causes another person or entity to suffer an economic loss of  
5 three thousand dollars or more.

6           3. Another person, including a real or fictitious person, with the  
7 intent to obtain employment.

8           B. In an action for aggravated taking the identity of another person  
9 or entity under subsection A, paragraph 1 of this section, proof of  
10 possession out of the regular course of business of the personal identifying  
11 information or entity identifying information of three or more other persons  
12 or entities may give rise to an inference that the personal identifying  
13 information or entity identifying information of the three or more other  
14 persons or entities was possessed for an unlawful purpose.

15           C. This section does not apply to a violation of section 4-241 by a  
16 person who is under twenty-one years of age.

17           D. IF THE COURT SENTENCES A PERSON WHO IS CONVICTED OF A VIOLATION OF  
18 SUBSECTION A, PARAGRAPH 3 OF THIS SECTION TO A TERM OF PROBATION, THE COURT  
19 SHALL ORDER THAT AS AN INITIAL TERM OF PROBATION THE PERSON BE IMPRISONED IN  
20 THE COUNTY JAIL FOR NOT LESS THAN ONE HUNDRED EIGHTY CONSECUTIVE DAYS. THIS  
21 JAIL TERM SHALL COMMENCE ON THE DATE OF SENTENCING.

22           ~~D.~~ E. Aggravated taking the identity of another person or entity is a  
23 class 3 felony.

24           Sec. 4. Title 13, chapter 29, Arizona Revised Statutes, is amended by  
25 adding section 13-2930, to read:

26           13-2930. Unlawful operation of motor vehicle by alien:  
27 forfeiture; classification

28           A. IT IS UNLAWFUL FOR A PERSON TO OPERATE A MOTOR VEHICLE IN THIS  
29 STATE IF THE PERSON IS UNLAWFULLY PRESENT IN THE UNITED STATES.

30           B. IF A PERSON IS CONVICTED OF A VIOLATION OF THIS SECTION, THE COURT,  
31 IN ADDITION TO ANY OTHER PENALTY IMPOSED BY LAW, SHALL ORDER THE MOTOR  
32 VEHICLE OPERATED BY THE PERSON AT THE TIME OF THE OFFENSE FORFEITED IN THE  
33 SAME MANNER AS PROVIDED IN CHAPTER 39 OF THIS TITLE. THIS SUBSECTION DOES  
34 NOT APPLY IF ANY OWNER OF THE MOTOR VEHICLE SHOWS PROOF OF LAWFUL PRESENCE IN  
35 THE UNITED STATES.

36           C. ANY PROPERTY THAT IS SUBJECT TO FORFEITURE AND ALL INTERESTS IN  
37 PROPERTY THAT ARE FORFEITED UNDER THIS SECTION SHALL BE DISPOSED OF AND  
38 ALLOCATED IN THE SAME MANNER AS PROVIDED IN CHAPTER 39 OF THIS TITLE, EXCEPT  
39 THAT ALL MONIES THAT ARE OBTAINED AS A RESULT OF FORFEITURE UNDER THIS  
40 SECTION SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE  
41 STATE GENERAL FUND.

42           D. IN THE ENFORCEMENT OF THIS SECTION, A PERSON'S IMMIGRATION STATUS  
43 MAY BE DETERMINED BY:

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

1           2. THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT OR THE UNITED  
2 STATES CUSTOMS AND BORDER PROTECTION PURSUANT TO 8 UNITED STATES CODE SECTION  
3 1373(c).

4           E. A VIOLATION OF THIS SECTION IS A CLASS 1 MISDEMEANOR.

5           Sec. 5. Section 13-3961, Arizona Revised Statutes, is amended to read:  
6 13-3961. Offenses not bailable; purpose; preconviction;  
7 exceptions

8           A. A person who is in custody shall not be admitted to bail if the  
9 proof is evident or the presumption great that the person is guilty of the  
10 offense charged and the offense charged is one of the following:

11           1. A capital offense.

12           2. Sexual assault.

13           3. Sexual conduct with a minor who is under fifteen years of age.

14           4. Molestation of a child who is under fifteen years of age.

15           5. A serious felony offense if there is probable cause to believe that  
16 the person has entered or remained in the United States illegally. For the  
17 purposes of this paragraph:

18           (a) The court shall consider all of the following in making a  
19 determination that a person has entered or remained in the United States  
20 illegally:

21           (i) Whether a hold has been placed on the arrested person by the  
22 United States immigration and customs enforcement.

23           (ii) Any indication by a law enforcement agency that the person is in  
24 the United States illegally.

25           (iii) Whether an admission by the arrested person has been obtained by  
26 the court or a law enforcement agency that the person has entered or remained  
27 in the United States illegally.

28           (iv) Any information received from a law enforcement agency pursuant  
29 to section 13-3906.

30           (v) Any evidence that the person has recently entered or remained in  
31 the United States illegally.

32           (vi) Any other relevant information that is obtained by the court or  
33 that is presented to the court by a party or any other person.

34           (b) "Serious felony offense" means any class 1, 2, 3, ~~4~~ OR 5 felony  
35 or any violation of section 28-1383.

36           B. The purposes of bail and any conditions of release that are set by  
37 a judicial officer include:

38           1. Assuring the appearance of the accused.

39           2. Protecting against the intimidation of witnesses.

40           3. Protecting the safety of the victim, any other person or the  
41 community.

42           C. The initial determination of whether an offense is bailable  
43 pursuant to subsection A of this section shall be made by the magistrate or  
44 judicial officer at the time of the person's initial appearance.

1 D. Except as provided in subsection A of this section, a person who is  
2 in custody shall not be admitted to bail if the person is charged with a  
3 felony offense and the state certifies by motion and the court finds after a  
4 hearing on the matter that there is clear and convincing evidence that the  
5 person charged poses a substantial danger to another person or the community  
6 or engaged in conduct constituting a violent offense, that no condition or  
7 combination of conditions of release may be imposed that will reasonably  
8 assure the safety of the other person or the community and that the proof is  
9 evident or the presumption great that the person committed the offense for  
10 which the person is charged. For the purposes of this subsection, "violent  
11 offense" means either of the following:

- 12 1. A dangerous crime against children.
- 13 2. Terrorism.

14 E. On oral motion of the state, the court shall order the hearing  
15 required by subsection D of this section at or within twenty-four hours of  
16 the initial appearance unless the person who is subject to detention or the  
17 state moves for a continuance. A continuance that is granted on the motion  
18 of the person shall not exceed five calendar days unless there are  
19 extenuating circumstances. A continuance on the motion of the state shall be  
20 granted on good cause shown and shall not exceed twenty-four hours. The  
21 prosecutor shall provide reasonable notice and an opportunity for victims and  
22 witnesses to be present and heard at any hearing. The person may be detained  
23 pending the hearing. The person is entitled to representation by counsel and  
24 is entitled to present information by proffer or otherwise, to testify and to  
25 present witnesses in the person's own behalf. Testimony of the person  
26 charged that is given during the hearing shall not be admissible on the issue  
27 of guilt in any subsequent judicial proceeding, except as it might relate to  
28 the compliance with or violation of any condition of release subsequently  
29 imposed or the imposition of appropriate sentence or in perjury proceedings,  
30 or for the purposes of impeachment. The case of the person shall be placed  
31 on an expedited calendar and, consistent with the sound administration of  
32 justice, the person's trial shall be given priority. The person may be  
33 admitted to bail in accordance with the Arizona rules of criminal procedure  
34 whenever a judicial officer finds that a subsequent event has eliminated the  
35 basis for detention.

36 F. The finding of an indictment or the filing of an information does  
37 not add to the strength of the proof or the presumption to be drawn.

38 G. In a hearing pursuant to subsection ~~C~~ D of this section, proof  
39 that the person is a criminal street gang member may give rise to the  
40 inference that the person poses a substantial danger to another person or the  
41 community and that no condition or combination of conditions of release may  
42 be imposed that will reasonably assure the safety of the other person or the  
43 community.

1           Sec. 6. Section 15-828, Arizona Revised Statutes, is amended to read:  
2           15-828. Citizenship evidence; school records; exception

3           A. On enrollment of a pupil for the first time in a particular school  
4 district ~~or private school~~ offering instruction to pupils in any kindergarten  
5 programs or grades one through twelve, that school or school district shall  
6 notify the person enrolling the pupil in writing that within thirty days the  
7 person must provide one of the following:

8           ~~1. A certified copy of the pupil's birth certificate.~~  
9           ~~2. Other reliable proof of the pupil's identity and age, including the~~  
10 ~~pupil's baptismal certificate, an application for a social security number or~~  
11 ~~original school registration records and~~

12           1. A BIRTH CERTIFICATE OR DELAYED BIRTH CERTIFICATE ISSUED IN ANY  
13 STATE, TERRITORY OR POSSESSION OF THE UNITED STATES.

14           2. A UNITED STATES CERTIFICATE OF BIRTH ABROAD.

15           3. A UNITED STATES PASSPORT.

16           4. A FOREIGN PASSPORT WITH A UNITED STATES VISA.

17           5. AN I-94 FORM WITH A PHOTOGRAPH.

18           6. A UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES EMPLOYMENT  
19 AUTHORIZATION DOCUMENT OR REFUGEE TRAVEL DOCUMENT.

20           7. A UNITED STATES CERTIFICATE OF NATURALIZATION.

21           8. A UNITED STATES CERTIFICATE OF CITIZENSHIP.

22           9. A TRIBAL CERTIFICATE OF INDIAN BLOOD.

23           10. A TRIBAL OR BUREAU OF INDIAN AFFAIRS AFFIDAVIT OF BIRTH.

24           11. AN ARIZONA DRIVER LICENSE ISSUED AFTER 1996 OR AN ARIZONA  
25 NONOPERATING IDENTIFICATION LICENSE.

26           12. An affidavit explaining the inability to provide a copy of the  
27 birth certificate.

28           ~~3.~~ 13. A letter from the authorized representative of an agency  
29 having custody of the pupil pursuant to title 8, chapter 2 certifying that  
30 the pupil has been placed in the custody of the agency as prescribed by law.

31           ~~B. If a child is instructed at home pursuant to section 15-802, the~~  
32 ~~person who has custody of the child shall, within thirty days after the home~~  
33 ~~instruction begins, provide to the county school superintendent of the county~~  
34 ~~in which the child resides one of the following:~~

35           ~~1. A certified copy of the pupil's birth certificate.~~

36           ~~2. Other reliable proof of the pupil's identity and age, including the~~  
37 ~~pupil's baptismal certificate, an application for a social security number or~~  
38 ~~original school registration records and an affidavit explaining the~~  
39 ~~inability to provide a copy of the birth certificate.~~

40           ~~3. A letter from the authorized representative of an agency having~~  
41 ~~custody of the pupil pursuant to title 8, chapter 2 certifying that the pupil~~  
42 ~~has been placed in the custody of the agency as prescribed by law.~~

43           ~~C.~~ B. On presentation of a document pursuant to this section, a  
44 photocopy of the document shall be placed in the pupil's file and the  
45 document that is presented shall be returned.



1 ~~D.~~ C. On the failure of a person enrolling a pupil or instructing a  
2 child at home to comply with subsection A ~~or B~~ of this section, the school,  
3 school district or county school superintendent shall notify that person in  
4 writing that, unless the person complies within ten days, the case shall be  
5 referred to the local law enforcement agency for investigation. If  
6 compliance is not obtained within the ten day period, the school, school  
7 district or county school superintendent shall refer the case to the local  
8 law enforcement agency **AND NOTIFY THE DEPARTMENT OF EDUCATION.**

9 ~~E.~~ D. The school, school district or county school superintendent  
10 shall immediately report to the local law enforcement agency **AND THE**  
11 **DEPARTMENT OF EDUCATION** any affidavit received pursuant to this section ~~which~~  
12 **THAT** appears inaccurate or suspicious in form or content.

13 ~~F.~~ E. Within five school days after enrolling a transfer pupil from a  
14 private school or another school district, a school shall request directly  
15 from the pupil's previous school a certified copy of the pupil's record. The  
16 requesting school shall exercise due diligence in obtaining the copy of the  
17 record requested. Notwithstanding any financial debt owed by the pupil, any  
18 school requested to forward a copy of a transferring pupil's record to the  
19 new school shall comply and forward the record within ten school days after  
20 receipt of the request unless the record has been flagged pursuant to section  
21 15-829. If the record has been flagged, the requested school shall not  
22 forward the copy and shall notify the local law enforcement agency of the  
23 request. School districts shall include in the educational records required  
24 by this subsection data collected pursuant to sections 15-741 and 15-766, as  
25 prescribed by the state board of education.

26 ~~G.~~ F. Any disclosure of educational records by the school district or  
27 charter school shall comply with the family educational rights and privacy  
28 act of 1974 (20 United States Code section 1232g).

29 ~~H.~~ G. The provisions of this section do not apply to homeless pupils  
30 as defined in section 15-824, subsection C.

31 Sec. 7. Section 15-1445, Arizona Revised Statutes, is amended to read:

32 15-1445. Administrative powers of district governing boards

33 A. A district board shall:

34 1. Adopt policies for the government of the community colleges under  
35 its jurisdiction.

36 2. In conjunction with other district boards, set standards for the  
37 establishment, development, administration, operation and accreditation of  
38 community colleges in the district.

39 3. Fix tuitions and graduate the tuitions and fees between  
40 institutions and between residents, nonresidents and students from foreign  
41 countries. The district board may waive tuitions and fees and graduate  
42 tuitions and waivers for an employee or the spouse or dependent child of an  
43 employee of the district, or for a nonresident student enrolled in the  
44 district if the district board determines the waiver is in the best interest  
45 of this state and the student.

1           4. In conjunction with other district boards, submit to the economic  
2 estimates commission before January 10 of each year the estimated number of  
3 full-time equivalent students for the district as prescribed in section  
4 15-1466.01.

5           5. Establish curriculums and designate courses that in its judgment  
6 will best serve the interests of this state.

7           6. Determine academic classes that qualify as open entry, open exit  
8 classes and prescribe policies for the operation of open entry, open exit  
9 classes.

10          7. In conjunction with other district boards and the state board of  
11 education, review and adopt, within the scope of the statutory definitions of  
12 vocational and ~~technological~~ TECHNICAL education, program and staff standards  
13 with modifications as necessary for courses taught in community colleges.  
14 The district board shall base the standards on vocational and ~~technological~~  
15 TECHNICAL competence.

16          8. In conjunction with other district boards, establish qualifications  
17 of the instructional staff that, at a minimum, shall be equal to those  
18 required to meet accreditation guidelines and establish standards of  
19 vocational and ~~technological~~ TECHNICAL competence required to instruct in  
20 occupational as well as academic subjects.

21          9. In conjunction with other district boards, prescribe guidelines  
22 providing for the transferability between community college district  
23 vocational and ~~technological~~ TECHNICAL education programs and in conjunction  
24 with the state board of education prescribe guidelines for the  
25 interrelationship of secondary programs and postsecondary programs.

26          10. In conjunction with other district boards, prescribe the manner in  
27 which the self-evaluation of vocational and ~~technological~~ TECHNICAL education  
28 programs is conducted as provided in section 15-1452.

29          11. If requested by the state board of education, assist in the  
30 preparation, publication and distribution of an annual state plan and a  
31 comprehensive five year state plan.

32          12. In conjunction with other district boards and the state board of  
33 education, develop a process to determine program funding priorities for  
34 state aid purposes. Each district board shall submit state aid  
35 recommendations to the legislature. The recommendations shall be based on  
36 the process and on existing cost studies of vocational and ~~technological~~  
37 TECHNICAL education in this state.

38          13. In conjunction with other district boards, prescribe qualifications  
39 for admission to community colleges for honorably discharged veterans who  
40 served on active duty in the armed forces for a minimum of one year and who  
41 were previously enrolled at a community college or university in this  
42 state. For the purpose of determining the qualifications, the district board  
43 may not consider prior failing grades received by the veteran at a community  
44 college or university in this state.

1 14. Require the publisher of each literary and nonliterary textbook  
2 used in the community colleges of the district to furnish computer software  
3 in a standardized format, when software becomes available for nonliterary  
4 textbooks, to the district board from which braille versions of the textbook  
5 may be produced.

6 15. Identify students simultaneously enrolled in a course for both high  
7 school and college credit by using the same student level data element  
8 required by section 15-1042, subsection A. The auditor general shall have  
9 access to this information when certifying the full-time equivalent student  
10 enrollment pursuant to section 15-1466.01, paragraph 4.

11 16. Beginning July 1, 2007, ~~purchase~~ ACQUIRE United States flags that  
12 are manufactured in the United States and that are at least two feet by three  
13 feet and hardware to appropriately display the United States ~~flag and~~  
14 ~~purchase~~ FLAGS, ACQUIRE a legible copy of the Constitution of the United  
15 States and the Bill of Rights that is manufactured in the United States, ~~and~~  
16 display the flags in each classroom in accordance with title 4 of the United  
17 States Code and display a legible copy of the Constitution of the United  
18 States and the Bill of Rights adjacent to the flag.

19 B. A DISTRICT BOARD SHALL NOT ADMIT ANY STUDENT WHO DOES NOT  
20 DEMONSTRATE LAWFUL PRESENCE IN THE UNITED STATES THROUGH ANY OF THE  
21 FOLLOWING:

22 1. AN ARIZONA DRIVER LICENSE ISSUED AFTER 1996 OR AN ARIZONA  
23 NONOPERATING IDENTIFICATION LICENSE.

24 2. A BIRTH CERTIFICATE OR DELAYED BIRTH CERTIFICATE ISSUED IN ANY  
25 STATE, TERRITORY OR POSSESSION OF THE UNITED STATES.

26 3. A UNITED STATES CERTIFICATE OF BIRTH ABROAD.

27 4. A UNITED STATES PASSPORT.

28 5. A FOREIGN PASSPORT WITH A UNITED STATES VISA.

29 6. AN I-94 FORM WITH A PHOTOGRAPH.

30 7. A UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES EMPLOYMENT  
31 AUTHORIZATION DOCUMENT OR REFUGEE TRAVEL DOCUMENT.

32 8. A UNITED STATES CERTIFICATE OF NATURALIZATION.

33 9. A UNITED STATES CERTIFICATE OF CITIZENSHIP.

34 10. A TRIBAL CERTIFICATE OF INDIAN BLOOD.

35 11. A TRIBAL OR BUREAU OF INDIAN AFFAIRS AFFIDAVIT OF BIRTH.

36 Sec. 8. Section 15-1626, Arizona Revised Statutes, is amended to read:

37 15-1626. General administrative powers and duties of board

38 A. The board shall:

39 1. Have and exercise the powers necessary for the effective governance  
40 and administration of the institutions under its control. To that end, the  
41 board may adopt, and authorize each university to adopt, such regulations,  
42 policies, rules or measures as are deemed necessary and may delegate in  
43 writing to its committees, to its university presidents, or their designees,  
44 or to other entities under its control, any part of its authority for the  
45 administration and governance of such institutions, including those powers

1 enumerated in section 15-1625, subsection B, paragraphs 2 and 4, paragraphs  
2 3, 4, 8, 9, 11 and 12 of this subsection and subsection ~~B~~ C of this section.  
3 Any delegation of authority may be rescinded by the board at any time in  
4 whole or in part.

5 2. Appoint and employ and determine the compensation of presidents  
6 with such power and authority and for such purposes in connection with the  
7 operation of the institutions as the board deems necessary.

8 3. Appoint and employ and determine the compensation of  
9 vice-presidents, deans, professors, instructors, lecturers, fellows and such  
10 other officers and employees with such power and authority and for such  
11 purposes in connection with the operation of the institutions as the board  
12 deems necessary, or delegate its authority pursuant to paragraph 1 of this  
13 subsection.

14 4. Remove any officer or employee when the interests of education in  
15 this state so require in accordance with its personnel rules and policies.

16 5. Fix tuitions and fees to be charged and differentiate the tuitions  
17 and fees between institutions and between residents, nonresidents,  
18 undergraduate students, graduate students, students from foreign countries  
19 and students who have earned credit hours in excess of the credit hour  
20 threshold. For the purposes of this paragraph, the undergraduate credit hour  
21 threshold is one hundred forty-five hours for students who attend a  
22 university under the jurisdiction of the board. The undergraduate credit  
23 hour threshold shall be based on the actual full-time equivalent student  
24 enrollment counted on the forty-fifth day of every fall and spring semester,  
25 divided by two, and any budget adjustment based on student enrollment shall  
26 occur in the fiscal year following the actual full-time equivalent student  
27 enrollment count. The undergraduate credit hour threshold shall not apply to  
28 degree programs that require credit hours above the credit hour threshold,  
29 credits earned in the pursuit of up to two baccalaureate degrees, credits  
30 earned in the pursuit of up to two state regulated licensures or  
31 certificates, credits earned in the pursuit of teaching certification,  
32 credits transferred from a private institution of higher education, credits  
33 transferred from an institution of higher education in another state, credits  
34 earned at another institution of higher education but that are not accepted  
35 as transfer credits at the university where the student is currently enrolled  
36 and credits earned by students who enroll at a university under the  
37 jurisdiction of the board more than twenty-four months after the end of that  
38 student's previous enrollment at a public institution of higher education in  
39 this state. On or before October 15 of each year, the board shall report to  
40 the joint legislative budget committee the number of students who were  
41 enrolled at universities under the jurisdiction of the board during the  
42 previous fiscal year who met or exceeded the undergraduate credit hour  
43 threshold prescribed in this paragraph. The amount of tuition, registration  
44 fees and other revenues included in the operating budget for the university  
45 adopted by the board as prescribed in paragraph 13 of this subsection shall

1 be deposited, pursuant to sections 35-146 and 35-147. All other tuition and  
2 fee revenue shall be retained by each university for expenditure as approved  
3 by the board, except that the universities shall not use any tuition or fee  
4 revenue to fund or support an alumni association.

5 6. Except as provided in subsection ~~I~~ J of this section, adopt rules  
6 to govern its tuition and fee setting process that provide for the following:

7 (a) At least one public hearing at each university as an opportunity  
8 for students and members of the public to comment on any proposed increase in  
9 tuition or fees.

10 (b) Publication of the notice of public hearing at least ten days  
11 prior to the hearing in a newspaper of general circulation in Maricopa  
12 county, Coconino county and Pima county. The notice shall include the date,  
13 time and location of the public hearing.

14 (c) Public disclosure by each university of any proposed increases in  
15 tuition or fees at least ten days prior to the public hearing.

16 (d) Final board action on changes in tuition or fees shall be taken by  
17 roll call vote.

18 The procedural requirements of subdivisions (a), (b), (c) and (d) of this  
19 paragraph apply only to those changes in tuition or fees that require board  
20 approval.

21 7. Pursuant to section 35-115, submit a budget request for each  
22 institution under its jurisdiction that includes the estimated tuition and  
23 fee revenue available to support the programs of the institution as described  
24 in the budget request. The estimated available tuition and fee revenue shall  
25 be based on the tuition and registration fee rates in effect at the time the  
26 budget request is submitted with adjustments for projected changes in  
27 enrollment as provided by the board.

28 8. Establish curriculums and designate courses at the several  
29 institutions that in its judgment will best serve the interests of this  
30 state.

31 9. Award such degrees and diplomas on the completion of such courses  
32 and curriculum requirements as it deems appropriate.

33 10. Prescribe qualifications for admission of all students to the  
34 universities. The board shall establish policies for guaranteed admission  
35 that assure fair and equitable access to students in this state from public,  
36 private, charter and home schools. For the purpose of determining the  
37 qualifications of honorably discharged veterans, veterans are those persons  
38 who served in the armed forces for a minimum of two years and who were  
39 previously enrolled at a university or community college in this state. No  
40 prior failing grades received by the veteran at the university or community  
41 college in this state may be considered.

42 11. Adopt any energy conservation standards promulgated by the  
43 department of administration for the construction of new buildings.

44 12. Employ for such time and purposes as the board requires attorneys  
45 whose compensation shall be fixed and paid by the board. Litigation to which

1 the board is a party and for which self-insurance is not provided may be  
2 compromised or settled at the direction of the board.

3 13. Adopt annually an operating budget for each university equal to the  
4 sum of appropriated general fund monies and the amount of tuition,  
5 registration fees and other revenues approved by the board and allocated to  
6 each university operating budget.

7 14. In consultation with the state board of education and other  
8 education groups, develop and implement a program to award honors  
9 endorsements to be affixed to the high school diplomas of qualifying high  
10 school pupils and to be included in the transcripts of pupils who are awarded  
11 endorsements. The board shall develop application procedures and testing  
12 criteria and adopt testing instruments and procedures to administer the  
13 program. In order to receive an honors endorsement, a pupil must demonstrate  
14 an extraordinary level of knowledge, skill and competency as measured by the  
15 testing instruments adopted by the board in mathematics, English, science and  
16 social studies. Additional subjects may be added at the determination of the  
17 board. The program is voluntary for pupils.

18 15. Require the publisher of each literary and nonliterary textbook  
19 used in the universities of this state to furnish computer software in a  
20 standardized format when software becomes available for nonliterary textbooks  
21 to the Arizona board of regents from which braille versions of the textbooks  
22 may be produced.

23 16. Require universities that provide a degree in education to require  
24 courses that are necessary to obtain a provisional structured English  
25 immersion endorsement as prescribed by the state board of education.

26 17. Acquire United States flags for each classroom that are  
27 manufactured in the United States and that are at least two feet by three  
28 feet and hardware to appropriately display the United States flags, acquire a  
29 legible copy of the Constitution of the United States and the Bill of Rights,  
30 display the flags in each classroom in accordance with title 4 of the United  
31 States Code and display a legible copy of the Constitution of the United  
32 States and the Bill of Rights adjacent to the flag.

33 18. To facilitate the transfer of military personnel and their  
34 dependents to and from the public schools of this state, pursue, in  
35 cooperation with the state board of education, reciprocity agreements with  
36 other states concerning the transfer credits for military personnel and their  
37 dependents. A reciprocity agreement entered into pursuant to this paragraph  
38 shall:

39 (a) Address procedures for each of the following:

40 (i) The transfer of student records.

41 (ii) Awarding credit for completed course work.

42 (iii) Permitting a student to satisfy the graduation requirements  
43 prescribed in section 15-701.01 through the successful performance on  
44 comparable exit-level assessment instruments administered in another state.

1 (b) Include appropriate criteria developed by the state board of  
2 education and the Arizona board of regents.

3 19. Require a university to publicly post notices of all of its  
4 employment openings, including the title and description, instructions for  
5 applying and relevant contact information.

6 20. In consultation with the community college districts in this state,  
7 develop and implement common equivalencies for specific levels of achievement  
8 on advanced placement examinations and international baccalaureate  
9 examinations in order to award commensurate postsecondary academic credits at  
10 community colleges and public universities in this state.

11 B. THE BOARD SHALL NOT ADMIT ANY STUDENT WHO DOES NOT DEMONSTRATE  
12 LAWFUL PRESENCE IN THE UNITED STATES THROUGH ANY OF THE FOLLOWING:

13 1. AN ARIZONA DRIVER LICENSE ISSUED AFTER 1996 OR AN ARIZONA  
14 NONOPERATING IDENTIFICATION LICENSE.

15 2. A BIRTH CERTIFICATE OR DELAYED BIRTH CERTIFICATE ISSUED IN ANY  
16 STATE, TERRITORY OR POSSESSION OF THE UNITED STATES.

17 3. A UNITED STATES CERTIFICATE OF BIRTH ABROAD.

18 4. A UNITED STATES PASSPORT.

19 5. A FOREIGN PASSPORT WITH A UNITED STATES VISA.

20 6. AN I-94 FORM WITH A PHOTOGRAPH.

21 7. A UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES EMPLOYMENT  
22 AUTHORIZATION DOCUMENT OR REFUGEE TRAVEL DOCUMENT.

23 8. A UNITED STATES CERTIFICATE OF NATURALIZATION.

24 9. A UNITED STATES CERTIFICATE OF CITIZENSHIP.

25 10. A TRIBAL CERTIFICATE OF INDIAN BLOOD.

26 11. A TRIBAL OR BUREAU OF INDIAN AFFAIRS AFFIDAVIT OF BIRTH.

27 ~~B.~~ C. The board shall adopt personnel rules. All nonacademic  
28 employees of the universities are subject to these rules except for  
29 university presidents, university vice-presidents, university deans, legal  
30 counsel and administrative officers. The personnel rules shall be similar to  
31 the personnel rules under section 41-783. The rules shall include provisions  
32 for listing available positions with the department of economic security,  
33 competitive employment processes for applicants, probationary status for new  
34 nonacademic employees, nonprobationary status on successful completion of  
35 probation and due process protections of nonprobationary employees after  
36 discharge. The board shall provide notice of proposed rule adoption and an  
37 opportunity for public comment on all personnel rules proposed for adoption.

38 ~~C.~~ D. In conjunction with the auditor general, the board shall  
39 develop a uniform accounting and reporting system, which shall be reviewed by  
40 the joint legislative budget committee before final adoption by the board.  
41 The board shall require each university to comply with the uniform accounting  
42 and reporting system.

43 ~~D.~~ E. The board may employ legal assistance in procuring loans for  
44 the institutions from the United States government. Fees or compensation

1 paid for such legal assistance shall not be a claim on the general fund of  
2 this state but shall be paid from funds of the institutions.

3 ~~F.~~ F. The board shall approve or disapprove any contract or agreement  
4 entered into by the university of Arizona hospital with the Arizona health  
5 facilities authority.

6 ~~F.~~ G. The board may adopt policies that authorize the institutions  
7 under its jurisdiction to enter into employment contracts with nontenured  
8 employees for periods of more than one year but not more than five years.  
9 The policies shall prescribe limitations on the authority of the institutions  
10 to enter into employment contracts for periods of more than one year but not  
11 more than five years, including the requirement that the board approve the  
12 contracts.

13 ~~G.~~ H. The board may adopt a plan or plans for employee benefits that  
14 allow for participation in a cafeteria plan that meets the requirements of  
15 the United States internal revenue code of 1986.

16 ~~H.~~ I. The board may establish a program for the exchange of students  
17 between the universities under the jurisdiction of the board and colleges and  
18 universities located in the state of Sonora, Mexico. Notwithstanding  
19 subsection A, paragraph 5 of this section, the program may provide for  
20 in-state tuition at the universities under the jurisdiction of the board for  
21 fifty Sonoran students in exchange for similar tuition provisions for up to  
22 fifty Arizona students enrolled or seeking enrollment in Sonoran colleges or  
23 universities. The board may direct the universities to work in conjunction  
24 with the Arizona-Mexico commission to coordinate recruitment and admissions  
25 activities.

26 ~~I.~~ J. Subsection A, paragraph 6, subdivisions (a), (b), (c) and (d)  
27 of this section do not apply to fee increases that are set by individual  
28 universities and that do not require approval by the Arizona board of regents  
29 before the fee increase becomes effective.

30 Sec. 9. Section 23-214, Arizona Revised Statutes, is amended to read:

31 23-214. Verification of employment eligibility; e-verify  
32 program; notice of noncompliance; license suspension;  
33 economic development incentives; list of registered  
34 employers

35 A. After December 31, 2007, every employer, after hiring an employee,  
36 shall verify the employment eligibility of the employee through the e-verify  
37 program and shall keep a record of the verification for the duration of the  
38 employee's employment or at least three years, whichever is longer.

39 B. In addition to any other requirement for an employer to receive an  
40 economic development incentive from a government entity, the employer shall  
41 register with and participate in the e-verify program. Before receiving the  
42 economic development incentive, the employer shall provide proof to the  
43 government entity that the employer is registered with and is participating  
44 in the e-verify program. If the government entity determines that the  
45 employer is not complying with this subsection, the government entity shall



1 notify the employer by certified mail of the government entity's  
2 determination of noncompliance and the employer's right to appeal the  
3 determination. On a final determination of noncompliance, the employer shall  
4 repay all monies received as an economic development incentive to the  
5 government entity within thirty days of the final determination. For the  
6 purposes of this subsection:

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

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

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

18 D. FOR THE PURPOSES OF THIS SECTION, EMPLOYER DOES NOT INCLUDE AN  
19 EMPLOYER THAT ONLY HAS EMPLOYEES WHO ARE RELATED TO AN OWNER OF THE BUSINESS  
20 BY CONSANGUINITY OR AFFINITY TO THE SECOND DEGREE OR AN EMPLOYER THAT IS NOT  
21 CURRENTLY HIRING.

22 Sec. 10. Section 28-1559, Arizona Revised Statutes, is amended to  
23 read:

24 28-1559. Traffic case records; abstract of record; reports

25 A. Each magistrate, judge or hearing officer of a court shall:

26 1. Keep or cause to be kept a record of each traffic complaint or  
27 other legal form of traffic charge deposited with or presented to the court  
28 or its traffic violations bureau.

29 2. Keep a record of each official action by the court or its traffic  
30 violations bureau in reference to each traffic complaint or other legal form  
31 of traffic charge deposited with or presented to the court or its traffic  
32 violations bureau, including but not limited to a record of:

33 (a) Each conviction, forfeiture of bail or deposit, judgment of  
34 acquittal or civil adjudication.

35 (b) The amount of the civil penalty, fine or forfeiture resulting from  
36 each traffic complaint deposited with or presented to the court or traffic  
37 violations bureau.

38 B. Within ten days after the conviction, judgment or forfeiture of  
39 bail or deposit of a person on a charge of violating chapter 3 or 4 of this  
40 title or this chapter or any other law regulating the operation of vehicles  
41 on highways, each magistrate of the court or clerk of the court of record in  
42 which the conviction or judgment was had or bail or deposit was forfeited  
43 shall prepare and immediately forward to the department an abstract of the  
44 record of the court covering the case in which the person either:

- 1           1. Was convicted.
- 2           2. Was adjudicated to have committed a civil traffic violation.
- 3           3. Forfeited bail or deposit.
- 4           C. The person required to prepare the abstract shall certify that it
- 5 is true and correct.
- 6           D. A report is not required for a conviction or civil adjudication
- 7 involving the illegal parking or standing of a vehicle.
- 8           E. The abstract shall be made on a form furnished or in a manner
- 9 prescribed by the department and shall include:
  - 10           1. The name and address of the party charged.
  - 11           2. The number, if any, of the driver license of the party charged.
  - 12           3. The registration number of the vehicle involved.
  - 13           4. The nature of the offense or civil traffic violation.
  - 14           5. The date of the hearing, the plea, the judgment or whether bail or
  - 15 deposit was forfeited.
  - 16           6. The amount of the fine, civil penalty or forfeiture.
- 17           F. Each court of record shall also forward a like report to the
- 18 department on the conviction of a person of homicide or aggravated assault
- 19 resulting from the operation of a motor vehicle, **A VIOLATION OF SECTION**
- 20 **13-2930** or any other felony in the commission of which a motor vehicle was
- 21 used. To facilitate the preparation of the report, the sentencing minute
- 22 entry that is issued by the court shall indicate if the person was convicted
- 23 of an offense that required the mandatory revocation of a driver license
- 24 pursuant to section 28-3304, subsection A, paragraph 1, 3, 4, 5, ~~or 6~~ **OR 14**.
- 25           G. The department shall keep all abstracts received under this section
- 26 for inspection as required by law.
- 27           H. Each judge, referee, hearing officer, probation officer or other
- 28 person responsible for the disposition of cases involving traffic offenses or
- 29 civil violations committed by persons under eighteen years of age shall:
  - 30           1. Keep a full record of each case in which the person is charged with
  - 31 a violation of chapter 3 or 4 of this title or this chapter or any other law
  - 32 regulating the operation of vehicles on highways.
  - 33           2. Report the offense or civil violation to the department at its
  - 34 office in Phoenix not more than thirty days after the date on which it was
  - 35 committed, except that a report is not required for parking violations or if
  - 36 it is found that the offense or civil violation was not committed.
- 37           I. The report required by subsection H of this section shall:
  - 38           1. Be made on a form furnished or in a manner prescribed by the
  - 39 department.
  - 40           2. Contain:
    - 41           (a) All necessary information as to the identity of the offender.
    - 42           (b) The citing or arresting agency.
    - 43           (c) The date and nature of the offense or civil violation.
    - 44           (d) The date of the hearing, the plea, the judgment or whether bail or
    - 45 deposit was forfeited.

1 (e) The amount of the fine, civil penalty or forfeiture.

2 J. Failure, refusal or neglect of a judicial officer to comply with  
3 this section is misconduct in office and grounds for removal from office.

4 Sec. 11. Section 28-2051, Arizona Revised Statutes, is amended to  
5 read:

6 28-2051. Application for certificate of title; vision screening  
7 test

8 A. A person shall apply to the department on a form prescribed or  
9 authorized by the department for a certificate of title to a motor vehicle,  
10 trailer or semitrailer. The person shall make the application within fifteen  
11 days of the purchase or transfer of the vehicle, trailer or semitrailer. All  
12 transferees shall sign the application, except that one transferee may sign  
13 the application if both of the following apply:

14 1. The application is for the purposes of converting an out-of-state  
15 certificate of title to a certificate of title issued pursuant to this  
16 article.

17 2. The ownership or legal status of the motor vehicle, trailer or  
18 semitrailer does not change.

19 B. The application shall contain:

20 1. The transferee's full name and either the driver license number of  
21 the transferee or a number assigned by the department.

22 2. The transferee's complete residence address.

23 3. A brief description of the vehicle to be titled.

24 4. The name of the manufacturer of the vehicle.

25 5. The serial number of the vehicle.

26 6. The last license plate number if applicable and if known and the  
27 state in which the license plate number was issued.

28 7. If the application is for a certificate of title to a new vehicle,  
29 the date of sale by the manufacturer or dealer to the person first operating  
30 the vehicle.

31 8. If the application is in the name of a lessor:

32 (a) The lessor shown on the application as the owner or transferee.

33 (b) At the option of the lessor, the lessee shown on the application  
34 as the registrant.

35 (c) The address of either the lessor or lessee.

36 (d) The signature of the lessor.

37 9. If the application is for a certificate of title to a specially  
38 constructed, reconstructed or foreign vehicle, a statement of that fact. For  
39 the purposes of this paragraph, "specially constructed vehicle" means a  
40 vehicle not originally constructed under a distinctive name, make, model or  
41 type by a generally recognized manufacturer of vehicles.

42 10. If an applicant rents or intends to rent the vehicle without a  
43 driver, a statement of that fact.

44 11. IF AN APPLICANT'S PRESENCE IN THE UNITED STATES IS AUTHORIZED UNDER  
45 FEDERAL LAW, A STATEMENT BY THE APPLICANT ACKNOWLEDGING THAT FACT.

1       ~~11.~~ 12. Other information required by the department.

2       C. Unless subsection B, paragraph 8 of this section applies, on  
3 request of an applicant, the department shall allow the applicant to provide  
4 on the title of a motor vehicle, trailer or semitrailer a post office box  
5 address that is regularly used by the applicant.

6       D. A person shall submit the following information with an application  
7 for a certificate of title:

8       1. To a vehicle previously registered:

9       (a) The odometer mileage disclosure statement prescribed by section  
10 28-2058.

11       (b) If the applicant is applying for title pursuant to section  
12 28-2060, the applicant's statement of the odometer reading as of the date of  
13 application.

14       (c) PROOF SATISFACTORY TO THE DEPARTMENT THAT THE APPLICANT'S PRESENCE  
15 IN THE UNITED STATES IS AUTHORIZED UNDER FEDERAL LAW. THIS SUBDIVISION DOES  
16 NOT APPLY TO ANY OF THE FOLLOWING:

17       (i) A MOTOR VEHICLE DEALER AS DEFINED IN SECTION 28-4301 THAT APPLIES  
18 FOR A CERTIFICATE OF TITLE IN THE NAME OF THE MOTOR VEHICLE DEALER.

19       (ii) A FINANCIAL INSTITUTION AS DEFINED IN SECTION 6-101 THAT APPLIES  
20 FOR A CERTIFICATE OF TITLE IN THE NAME OF THE FINANCIAL INSTITUTION.

21       (iii) AN INSURER AUTHORIZED TO TRANSACT INSURANCE PURSUANT TO TITLE 20  
22 THAT APPLIES FOR A CERTIFICATE OF TITLE IN THE NAME OF THE INSURER.

23       (iv) THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE THAT APPLIES  
24 FOR A CERTIFICATE OF TITLE IN THE NAME OF THIS STATE OR THE POLITICAL  
25 SUBDIVISION OF THIS STATE.

26       2. To a new vehicle:

27       (a) A certificate or electronic title from the manufacturer showing  
28 the date of sale to the dealer or person first receiving the vehicle from the  
29 manufacturer. Before the department issues a certificate of title to a new  
30 vehicle, a certificate or electronic title from the manufacturer shall be  
31 surrendered to the department.

32       (b) The name of the dealer or person.

33       (c) A description sufficient to identify the vehicle.

34       (d) A statement certifying that the vehicle was new when sold.

35       (e) If sold through a dealer, a statement by the dealer certifying  
36 that the vehicle was new when sold to the applicant.

37       (f) PROOF SATISFACTORY TO THE DEPARTMENT THAT THE APPLICANT'S PRESENCE  
38 IN THE UNITED STATES IS AUTHORIZED UNDER FEDERAL LAW.

39       E. The department may request THAT an applicant who appears in person  
40 for a certificate of title of a motor vehicle, trailer or semitrailer ~~to~~  
41 SATISFACTORILY complete ~~satisfactorily~~ the vision screening test prescribed  
42 by the department.

43       F. AN APPLICATION FOR A CERTIFICATE OF TITLE DUE TO AN ELECTRONIC  
44 LIEN, THE ADDITION OF A LIEN OR A DUPLICATE TITLE IS NOT A NEW APPLICATION  
45 FOR A CERTIFICATE OF TITLE AND THE APPLICANT IS NOT REQUIRED TO PROVE THAT

1 THE APPLICANT'S PRESENCE IN THE UNITED STATES IS AUTHORIZED UNDER FEDERAL  
2 LAW.

3 G. AN APPLICATION FOR A CERTIFICATE OF TITLE DUE TO AN ADDITIONAL  
4 OWNER IS A NEW APPLICATION AND SUBSECTIONS B AND D OF THIS SECTION APPLY.

5 H. IF AN APPLICATION FOR A CERTIFICATE OF TITLE IS IN THE NAME OF A  
6 BUSINESS ENTITY, THE PERSON AUTHORIZED TO SIGN FOR THE BUSINESS ENTITY SHALL  
7 PROVE THAT THE PERSON'S PRESENCE IN THE UNITED STATES IS AUTHORIZED UNDER  
8 FEDERAL LAW.

9 I. WITHIN NINETY DAYS AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO  
10 THIS SECTION, THE DIRECTOR SHALL ADOPT RULES NECESSARY TO CARRY OUT THE  
11 PURPOSES OF THIS SECTION. THE RULES SHALL INCLUDE PROCEDURES FOR ALL OF THE  
12 FOLLOWING:

13 1. VERIFICATION THAT THE APPLICANT'S PRESENCE IN THE UNITED STATES IS  
14 AUTHORIZED UNDER FEDERAL LAW. A DRIVER LICENSE ISSUED IN THIS STATE ON OR  
15 AFTER OCTOBER 1, 1996 IS EVIDENCE THAT THE APPLICANT'S PRESENCE IN THE UNITED  
16 STATES IS AUTHORIZED UNDER FEDERAL LAW.

17 2. ISSUANCE OF A TEMPORARY REGISTRATION PENDING VERIFICATION OF THE  
18 APPLICANT'S STATUS IN THE UNITED STATES.

19 3. PERSONS WHO ARE LICENSED OR AUTHORIZED BY THE DEPARTMENT TO PERFORM  
20 TITLE AND REGISTRATION FUNCTIONS PURSUANT TO CHAPTERS 10, 12 AND 13 OF THIS  
21 TITLE TO COMPLY WITH THIS SECTION.

22 Sec. 12. Section 28-2059, Arizona Revised Statutes, is amended to  
23 read:

24 28-2059. Obtaining a certificate of title; revocation

25 A. If satisfactory proof of ownership ~~is~~ AND SATISFACTORY PROOF THAT  
26 THE APPLICANT'S PRESENCE IN THE UNITED STATES IS AUTHORIZED UNDER FEDERAL LAW  
27 ARE furnished to the director, the director may issue a certificate of title  
28 for a motor vehicle, trailer or semitrailer whether or not a certificate of  
29 title has ever been issued for that motor vehicle, trailer or semitrailer.

30 B. If the director determines that an applicant for a certificate of  
31 title to a motor vehicle, trailer or semitrailer is not entitled to a  
32 certificate of title, the director may refuse to issue a certificate or to  
33 register the vehicle and, after notice and a hearing, the director may revoke  
34 a registration already acquired or an outstanding certificate of title. The  
35 director shall serve the notice in person or by ~~regular~~ FIRST CLASS mail.  
36 Within fifteen days after the date the notice is delivered or mailed, the  
37 applicant may request a hearing.

38 Sec. 13. Section 28-2157, Arizona Revised Statutes, is amended to  
39 read:

40 28-2157. Application for registration

41 A. A person shall apply to the department for registration of a motor  
42 vehicle, trailer or semitrailer on forms prescribed or authorized by the  
43 department.

44 B. The application shall contain:

45 1. The name and complete residence address of the owner.

- 1           2. A description of the vehicle, including the serial number.  
2           3. If it is a new vehicle, the date of sale by the manufacturer or  
3 dealer to the person first operating the vehicle.  
4           4. If the owner of the vehicle rents or intends to rent the vehicle  
5 without a driver, a statement of that fact.  
6           5. FOR AN INITIAL REGISTRATION APPLICATION, IF THE APPLICANT'S  
7 PRESENCE IN THE UNITED STATES IS AUTHORIZED UNDER FEDERAL LAW, A STATEMENT BY  
8 THE APPLICANT ACKNOWLEDGING THAT FACT. THIS PARAGRAPH DOES NOT APPLY TO ANY  
9 OF THE FOLLOWING:  
10           (a) A MOTOR VEHICLE DEALER AS DEFINED IN SECTION 28-4301 THAT APPLIES  
11 FOR REGISTRATION IN THE NAME OF THE MOTOR VEHICLE DEALER.  
12           (b) A FINANCIAL INSTITUTION AS DEFINED IN SECTION 6-101 THAT APPLIES  
13 FOR REGISTRATION IN THE NAME OF THE FINANCIAL INSTITUTION.  
14           (c) AN INSURER AUTHORIZED TO TRANSACT INSURANCE PURSUANT TO TITLE 20  
15 THAT APPLIES FOR REGISTRATION IN THE NAME OF THE INSURER.  
16           (d) THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE THAT APPLIES  
17 FOR REGISTRATION IN THE NAME OF THIS STATE OR THE POLITICAL SUBDIVISION OF  
18 THIS STATE.  
19           ~~5.~~ 6. Other facts required by the department.  
20           C. The registering officer shall indicate on the face of the  
21 registration application that the registrant may be subject to vehicle  
22 emissions testing requirements pursuant to section 49-542.  
23           D. On request of an applicant, the department shall allow the  
24 applicant to provide on the registration of a motor vehicle, trailer or  
25 semitrailer a post office box address that is regularly used by the applicant  
26 and that is located in the county in which the applicant resides.  
27           E. The person shall include with the application the required fees and  
28 the certificate of title to the vehicle for which registration is sought.  
29 The registering officer may waive the requirement that the applicant present  
30 a certificate of title at the time of making an application for renewal if  
31 the registering officer has available complete and sufficient records to  
32 accurately compute the vehicle license tax.  
33           F. EXCEPT FOR VEHICLE REGISTRATIONS ISSUED PURSUANT TO ARTICLES 6, 7  
34 AND 8 OF THIS CHAPTER AND SECTIONS 28-2154, 28-2154.01, 28-2155, 28-2156 AND  
35 28-2325, AND EXCEPT AS PROVIDED IN SUBSECTION B, PARAGRAPH 5 OF THIS SECTION,  
36 AN APPLICANT SHALL INCLUDE WITH THE INITIAL REGISTRATION APPLICATION PROOF  
37 SATISFACTORY TO THE DEPARTMENT THAT THE APPLICANT'S PRESENCE IN THE UNITED  
38 STATES IS AUTHORIZED UNDER FEDERAL LAW. WITHIN NINETY DAYS AFTER THE  
39 EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION, THE DIRECTOR SHALL ADOPT  
40 RULES NECESSARY TO CARRY OUT THE PURPOSES OF THIS SUBSECTION. THE RULES  
41 SHALL INCLUDE PROCEDURES FOR BOTH OF THE FOLLOWING:  
42           1. VERIFICATION THAT THE APPLICANT'S PRESENCE IN THE UNITED STATES IS  
43 AUTHORIZED UNDER FEDERAL LAW. A DRIVER LICENSE ISSUED IN THIS STATE ON OR  
44 AFTER OCTOBER 1, 1996 IS EVIDENCE THAT THE APPLICANT'S PRESENCE IN THE UNITED  
45 STATES IS AUTHORIZED UNDER FEDERAL LAW.

1           2. ISSUANCE OF A TEMPORARY REGISTRATION PENDING VERIFICATION OF THE  
2 APPLICANT'S STATUS IN THE UNITED STATES.

3           G. IF AN INITIAL APPLICATION FOR REGISTRATION IS IN THE NAME OF A  
4 BUSINESS ENTITY, THE PERSON AUTHORIZED TO SIGN FOR THE BUSINESS ENTITY SHALL  
5 PROVE THAT THE PERSON'S PRESENCE IN THE UNITED STATES IS AUTHORIZED UNDER  
6 FEDERAL LAW.

7           ~~F.~~ H. The department may request THAT an applicant who appears in  
8 person to register a motor vehicle, trailer or semitrailer ~~to~~ SATISFACTORILY  
9 complete ~~satisfactorily~~ the vision screening test prescribed by the  
10 department.

11          ~~G.~~ I. A person applying for initial registration of a neighborhood  
12 electric vehicle shall certify in writing that a notice of the operational  
13 restrictions applying to the vehicle as provided in section 28-966 are  
14 contained on a permanent notice attached to or painted on the vehicle in a  
15 location that is in clear view of the driver.

16          Sec. 14. Section 28-2163, Arizona Revised Statutes, is amended to  
17 read:

18          28-2163. Cancellation of registration

19          A. The department shall cancel, suspend, revoke or deny the  
20 registration of a vehicle ~~that it~~ IF THE DEPARTMENT determines THAT THE  
21 VEHICLE is unsafe or unfit to be operated or ~~that~~ is not equipped as required  
22 by law ~~and shall retrieve license plates and registration cards for these~~  
23 ~~vehicles~~.

24          B. The department shall ~~cancel the registration of a vehicle if~~ NOTE  
25 THE CANCELLATION, SUSPENSION, REVOCATION OR DENIAL OF A VEHICLE REGISTRATION  
26 ON ITS COMPUTERIZED RECORDS AND MAKE THE RECORD OF CANCELLATION, SUSPENSION,  
27 REVOCATION OR DENIAL OF A VEHICLE REGISTRATION AVAILABLE ELECTRONICALLY TO  
28 LAW ENFORCEMENT AGENCIES.

29          C. ON THE INVESTIGATION OF A VEHICLE ACCIDENT OR AN ALLEGED VIOLATION  
30 OF THE VEHICLE LAWS OF THIS STATE OR A TRAFFIC ORDINANCE OF A LOCAL  
31 AUTHORITY, A LAW ENFORCEMENT OFFICER SHALL ACCESS THE DEPARTMENT COMPUTER  
32 SYSTEM TO DETERMINE IF THERE IS A NOTICE OF VALID CANCELLATION, SUSPENSION,  
33 REVOCATION OR DENIAL OF THE VEHICLE REGISTRATION APPLICABLE TO THE VEHICLE.

34          D. IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW, A LAW  
35 ENFORCEMENT OFFICER MAY CONFISCATE THE LICENSE PLATE AND REGISTRATION CARD OF  
36 A VEHICLE IF THE LAW ENFORCEMENT OFFICER HAS REASONABLE CAUSE TO BELIEVE  
37 EITHER OF THE FOLLOWING:

38           1. THE DEPARTMENT REPORT INDICATES THAT THERE IS A NOTICE OF  
39 CANCELLATION, SUSPENSION, REVOCATION OR DENIAL OF THE VEHICLE REGISTRATION.

40           2. The person to whom the registration card or license ~~plates have~~  
41 PLATE HAS been issued makes or ~~permits~~ ~~ALLOWS~~ to be made an unlawful use of  
42 the vehicle or ~~permits~~ ~~ALLOWS~~ the use of the vehicle by a person not entitled  
43 to the use.

1           Sec. 15. Section 28-3151, Arizona Revised Statutes, is amended to  
2 read:

3           28-3151. Driver license requirement

4           A. Unless exempt pursuant to this chapter, a person ~~shall not drive~~  
5 WHO DRIVES a motor vehicle or vehicle combination on a highway without a  
6 valid driver license and proper endorsement as prescribed by this chapter IS  
7 GUILTY OF A CLASS 1 MISDEMEANOR.

8           B. A person who is licensed under this chapter is entitled to exercise  
9 the privilege granted by this chapter on highways and is not required to  
10 obtain another license to exercise the privilege by a county, municipal or  
11 local board or a body with authority to adopt local police regulations.

12          Sec. 16. Section 28-3304, Arizona Revised Statutes, is amended to  
13 read:

14          28-3304. Mandatory revocation of license; definition

15          A. In addition to the grounds for mandatory revocation provided for in  
16 chapters 3, 4 and 5 of this title, the department shall immediately revoke  
17 the license of a driver on receipt of a record of the driver's conviction of  
18 any of the following offenses if the conviction is final:

19           1. A homicide or aggravated assault resulting from the operation of a  
20 motor vehicle.

21           2. Driving a motor vehicle while under the influence of a drug as  
22 defined in section 13-3401 or in violation of section 28-1381, subsection A,  
23 paragraph 3.

24           3. A felony in the commission of which a motor vehicle is used.

25           4. Theft of a motor vehicle pursuant to section 13-1802.

26           5. Unlawful use of means of transportation pursuant to section  
27 13-1803.

28           6. Theft of means of transportation pursuant to section 13-1814.

29           7. Drive by shooting pursuant to section 13-1209.

30           8. Failure to stop and render aid as required under the laws of this  
31 state if a motor vehicle accident results in the death or personal injury of  
32 another.

33           9. Perjury or the making of a false affidavit or statement under oath  
34 to the department under this chapter or under any other law relating to the  
35 ownership or operation of a motor vehicle.

36           10. Conviction or forfeiture of bail not vacated on a second or  
37 subsequent charge of the following offenses that are committed within  
38 eighty-four months:

39           (a) Reckless driving.

40           (b) Racing on highways.

41           (c) Any combination of a violation of section 28-1381 or 28-1382 and  
42 reckless driving, of a violation of section 28-1381 or 28-1382 and racing on  
43 highways, or of reckless driving and racing on highways, if they do not arise  
44 out of the same event.



1 11. Conviction or forfeiture of bail not vacated on a second charge of  
2 violating section 28-1381 or 28-1382 within eighty-four months.

3 12. Conviction or forfeiture of bail not vacated on a third or  
4 subsequent charge of violating section 28-1381 or 28-1382 within eighty-four  
5 months.

6 13. Conviction or forfeiture of bail not vacated on a charge of  
7 violating section 28-1381 or 28-1382 and the driver has been convicted within  
8 a period of eighty-four months of an offense in another jurisdiction that if  
9 committed in this state would be a violation of section 28-1381 or 28-1382.

10 14. CONVICTION OR FORFEITURE OF BAIL NOT VACATED ON A CHARGE OF  
11 VIOLATING SECTION 13-2930.

12 B. In determining the starting date for the eighty-four month period  
13 prescribed in subsection A, paragraphs 10 through 13 of this section, the  
14 department shall use the date of the commission of the offense.

15 C. For the purposes of this section, "conviction" means a final  
16 adjudication or judgment, including an order of a juvenile court finding that  
17 a juvenile violated any provision of this title or committed a delinquent act  
18 that if committed by an adult would constitute a criminal offense.

19 Sec. 17. Title 36, chapter 12, article 1, Arizona Revised Statutes, is  
20 amended by adding section 36-1409.02, to read:

21 36-1409.02. Public housing; residents; legal status; eviction  
22 requirements; violation; classification

23 A. A PUBLIC HOUSING AUTHORITY, CITY, TOWN OR COUNTY SHALL REQUIRE THAT  
24 A PERSON WHO IS APPLYING FOR PUBLIC HOUSING PROVIDE VERIFICATION OF UNITED  
25 STATES CITIZENSHIP OR DOCUMENTED VERIFICATION OF QUALIFIED ALIEN STATUS. A  
26 PUBLIC HOUSING AUTHORITY, CITY, TOWN OR COUNTY SHALL NOT OFFER PUBLIC HOUSING  
27 TO ANY PERSON WHO CANNOT PROVIDE THIS VERIFICATION.

28 B. A PUBLIC HOUSING AUTHORITY SHALL EVICT ALL RESIDENTS OF A DWELLING  
29 UNIT IN RENTAL HOUSING ACCOMMODATIONS OWNED, OPERATED, MANAGED OR CONTRACTED  
30 FOR BY THE PUBLIC HOUSING AUTHORITY IF A RESIDENT OF THAT UNIT ALLOWS A  
31 PERSON WHO IS IN THIS COUNTRY ILLEGALLY TO RESIDE IN THAT UNIT.

32 C. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 1  
33 MISDEMEANOR.

34 Sec. 18. Section 41-1080, Arizona Revised Statutes, is amended to  
35 read:

36 41-1080. Licensing eligibility; authorized presence;  
37 documentation; applicability; definitions

38 A. ~~After September 30, 2008 and~~ Subject to subsections C and D, an  
39 agency or political subdivision of this state shall not issue a license to an  
40 individual if the individual does not provide documentation of citizenship or  
41 alien status by presenting any of the following documents to the agency or  
42 political subdivision indicating that the individual's presence in the United  
43 States is authorized under federal law:

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

1           2. A driver license issued by a state that verifies lawful presence in  
2 the United States.

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

5           4. A United States certificate of birth abroad.

6           5. A United States passport.

7           6. A foreign passport with a United States visa.

8           7. An I-94 form with a photograph.

9           8. A United States citizenship and immigration services employment  
10 authorization document or refugee travel document.

11          9. A United States certificate of naturalization.

12          10. A United States certificate of citizenship.

13          11. A tribal certificate of Indian blood.

14          12. A tribal or bureau of Indian affairs affidavit of birth.

15          B. This section does not apply to an individual, ~~if~~ if all of the  
16 following apply:

17           1. The individual is a citizen of a foreign country or, if at the time  
18 of application, the individual resides in a foreign country.

19           2. The benefits that are related to the license do not require the  
20 individual to be present in the United States in order to receive those  
21 benefits.

22          C. If, pursuant to subsection A, an individual has affirmatively  
23 established citizenship of the United States or a form of nonexpiring work  
24 authorization issued by the federal government, the individual, on renewal or  
25 reinstatement of a license, is not required to provide subsequent  
26 documentation of that status.

27          D. If, on renewal or reinstatement of a license, an individual holds a  
28 limited form of work authorization issued by the federal government that has  
29 expired, the individual shall provide documentation of that status.

30          E. For the purposes of this section:

31           1. "Agency" means any agency, department, board or commission of this  
32 state or any political subdivision of this state that issues a license ~~for~~  
33 ~~the purposes of operating a business in this state.~~

34           2. "License" means any agency permit, certificate, approval,  
35 registration, charter or similar form of authorization that is required by  
36 law and that is issued by any agency ~~for the purposes of operating a business~~  
37 ~~in this state.~~

38          Sec. 19. Section 41-1758.01, Arizona Revised Statutes, is amended to  
39 read:

40          41-1758.01. Fingerprinting division; duties

41          The fingerprinting division is established in the department of public  
42 safety and shall:

43           1. Conduct fingerprint background checks for persons and applicants  
44 who are seeking licenses from state agencies, employment with licensees,  
45 contract providers and state agencies or employment or educational

1 opportunities with agencies that require fingerprint background checks  
2 pursuant to sections 8-105, 8-322, 8-509, 8-802, 15-183, 15-503, 15-512,  
3 15-534, 15-1330, 15-1881, 26-103, 32-2108.01, 32-2123, 36-411, 36-425.03,  
4 36-446.04, 36-594.01, 36-594.02, 36-882, 36-883.02, 36-897.01, 36-897.03,  
5 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01, 41-1968, 41-1969 and  
6 41-2814, section 46-141, subsection A and section 46-321.

7 2. Issue fingerprint clearance cards **TO QUALIFIED PERSONS AND**  
8 **APPLICANTS AFTER THE PERSON OR APPLICANT HAS PROVIDED DOCUMENTATION OF**  
9 **CITIZENSHIP OR ALIEN STATUS BY PRESENTING ANY OF THE DOCUMENTS PRESCRIBED IN**  
10 **SECTION 41-1080.** On issuance, a fingerprint clearance card becomes the  
11 personal property of the cardholder and the cardholder shall retain  
12 possession of the fingerprint clearance card.

13 3. On submission of an application for a fingerprint clearance card,  
14 collect the fees established by the board of fingerprinting pursuant to  
15 section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147, the  
16 monies collected in the board of fingerprinting fund.

17 4. Inform in writing each person who submits fingerprints for a  
18 fingerprint background check of the person's right to petition the board of  
19 fingerprinting for a good cause exception pursuant to sections 41-1758.03 and  
20 41-1758.07.

21 5. Administer and enforce this article.

22 Sec. 20. Section 41-1822, Arizona Revised Statutes, is amended to  
23 read:

24 **41-1822. Powers and duties of board; definition**

25 A. With respect to peace officer training and certification, the board  
26 shall:

27 1. ~~Establish~~ **ADOPT** rules for the government and conduct of the board,  
28 including meeting times, **MEETING** places and matters to be placed on the  
29 agenda of each meeting.

30 2. Make recommendations, consistent with this article, to the  
31 governor, the speaker of the house of representatives and the president of  
32 the senate on all matters relating to law enforcement and public safety.

33 3. Prescribe reasonable minimum qualifications for officers to be  
34 appointed to enforce the laws of this state and the political subdivisions of  
35 this state and certify officers in compliance with these qualifications.  
36 Notwithstanding any other law, the qualifications shall require United States  
37 citizenship, shall relate to physical, mental and moral fitness and shall  
38 govern the recruitment, appointment and retention of all agents, peace  
39 officers and police officers of every political subdivision of this state.  
40 The board shall ~~constantly~~ **CONTINUALLY** review the qualifications established  
41 by this section and may amend the qualifications at any time, subject to the  
42 requirements of section 41-1823.

43 4. Prescribe minimum courses of training and minimum standards for  
44 training facilities for law enforcement officers. Only this state and  
45 political subdivisions of this state may conduct basic peace officer

1 training. Basic peace officer academies may admit individuals who are not  
2 peace officer cadets only if a cadet meets the minimum qualifications  
3 established by paragraph 3 of this subsection. Training shall include:

4 (a) Courses in responding to and reporting all criminal offenses that  
5 are motivated by race, color, religion, national origin, sexual orientation,  
6 gender or disability.

7 (b) Training certified by the director of the department of health  
8 services with assistance from a representative of the board on the nature of  
9 unexplained infant death and the handling of cases involving the unexplained  
10 death of an infant.

11 (c) Medical information on unexplained infant death for first  
12 responders, including awareness and sensitivity in dealing with families and  
13 child care providers, and the importance of forensically competent death  
14 scene investigations.

15 (d) Information on the protocol of investigation in cases of an  
16 unexplained infant death, including the importance of a consistent policy of  
17 thorough death scene investigation.

18 (e) The use of the infant death investigation checklist pursuant to  
19 section 36-2293.

20 (f) If an unexplained infant death occurs, the value of timely  
21 communication between the medical examiner's office, the department of health  
22 services and appropriate social service agencies that address the issue of  
23 infant death and bereavement, to achieve a better understanding of these  
24 deaths and to connect families to various community and public health support  
25 systems to enhance recovery from grief.

26 5. Recommend curricula for advanced courses and seminars in law  
27 enforcement and intelligence training in universities, colleges and community  
28 colleges, in conjunction with the governing body of the educational  
29 institution.

30 6. Make inquiries to determine whether this state or political  
31 subdivisions of this state are adhering to the standards for recruitment,  
32 appointment, retention and training established pursuant to this article.  
33 The failure of this state or any political subdivision to adhere to the  
34 standards shall be reported at the next regularly scheduled meeting of the  
35 board for action deemed appropriate by that body.

36 7. Employ an executive director and other staff as are necessary to  
37 fulfill the powers and duties of the board in accordance with the  
38 requirements of the law enforcement merit system council.

39 B. With respect to state department of corrections correctional  
40 officers, the board shall:

41 1. Approve a basic training curriculum of at least two hundred forty  
42 hours.

43 2. Establish uniform minimum standards. These standards shall include  
44 high school graduation or the equivalent and a physical examination as  
45 prescribed by the director of the state department of corrections.

1 3. Establish uniform standards for background investigations,  
2 including criminal histories under section 41-1750, of all applicants before  
3 enrolling in the academy. The board may adopt special procedures for  
4 extended screening and investigations in extraordinary cases to ensure  
5 suitability and adaptability to a career as a correctional officer.

6 4. Issue a certificate of completion to any state department of  
7 corrections correctional officer who satisfactorily complies with the minimum  
8 standards and completes the basic training program. The board may issue a  
9 certificate of completion to a state department of corrections correctional  
10 officer who has received comparable training in another state if the board  
11 determines that the training was at least equivalent to that provided by the  
12 academy and if the person complies with the minimum standards.

13 5. Establish continuing training requirements and approve curricula.

14 C. The board may:

15 1. Deny, suspend, revoke or cancel the certification of an officer who  
16 is not in compliance with the qualifications established pursuant to  
17 subsection A, paragraph 3 of this section.

18 2. Provide training and related services to assist state, tribal and  
19 local law enforcement agencies to better serve the public.

20 3. Enter into contracts to carry out its powers and duties.

21 D. This section does not create a cause of action or a right to bring  
22 an action, including an action based on discrimination due to sexual  
23 orientation.

24 E. THE BOARD SHALL REVOKE THE CERTIFICATION OF ANY OFFICER IT FINDS BY  
25 A PREPONDERANCE OF THE EVIDENCE REFUSES TO UPHOLD THE UNITED STATES AND  
26 ARIZONA CONSTITUTIONS OR INTENTIONALLY REFUSES TO ENFORCE THE LAWS OF THIS  
27 STATE IF THE ACTIONS OF THE LAW ENFORCEMENT OFFICER ARE DIRECTED BY STATUTE.

28 ~~E. F. As used in~~ FOR THE PURPOSES OF this section, "sexual  
29 orientation" means consensual homosexuality or heterosexuality.

30 Sec. 21. Title 41, Arizona Revised Statutes, is amended by adding  
31 chapter 48, to read:

32 CHAPTER 48

33 VALID IDENTIFICATION

34 ARTICLE 1. GENERAL PROVISIONS

35 41-4801. Valid identification; consular identification cards;  
36 prohibition

37 THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE SHALL NOT ACCEPT  
38 A CONSULAR IDENTIFICATION CARD THAT IS ISSUED BY A FOREIGN GOVERNMENT AS A  
39 VALID FORM OF IDENTIFICATION. THE LEGISLATURE FINDS THAT THE ESTABLISHMENT  
40 OF A UNIFORM STANDARD FOR VALID IDENTIFICATION IS A MATTER OF STATEWIDE  
41 CONCERN.

42 Sec. 22. Applicability

43 A. Sections 28-2051 and 28-2059, Arizona Revised Statutes, as amended  
44 by this act, only apply to applicants who apply for vehicle certificates of  
45 title on or after the effective date of this act.

1           B. Section 28-2157, Arizona Revised Statutes, as amended by this act,  
2 only applies to applicants for new vehicle registration on or after the  
3 effective date of this act.

4           Sec. 23. Severability

5           If a provision of this act or its application to any person or  
6 circumstance is held invalid, the invalidity does not affect other provisions  
7 or applications of the act that can be given effect without the invalid  
8 provision or application, and to this end the provisions of this act are  
9 severable.