

REFERENCE TITLE: immigration certification form; crime victims

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1229

Introduced by
Senator Quezada

AN ACT

AMENDING TITLE 13, CHAPTER 40, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-4444; RELATING TO CRIME VICTIMS' RIGHTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 13, chapter 40, Arizona Revised Statutes, is
3 amended by adding section 13-4444, to read:

4 13-4444. Immigration certifications for crime victims;
5 requirements; annual report; definitions

6 A. ON THE REQUEST OF THE VICTIM OR VICTIM'S FAMILY MEMBER, A
7 CERTIFYING OFFICIAL FROM A CERTIFYING ENTITY SHALL CERTIFY VICTIM
8 HELPFULNESS ON THE FORM I-918 SUPPLEMENT B CERTIFICATION WHEN THE VICTIM
9 IS A VICTIM OF QUALIFYING CRIMINAL ACTIVITY AND HAS BEEN HELPFUL, IS BEING
10 HELPFUL OR IS LIKELY TO BE HELPFUL TO THE DETECTION, INVESTIGATION OR
11 PROSECUTION OF THAT QUALIFYING CRIMINAL ACTIVITY.

12 B. FOR THE PURPOSES OF DETERMINING HELPFULNESS PURSUANT TO
13 SUBSECTION A OF THIS SECTION, THERE IS A REBUTTABLE PRESUMPTION THAT A
14 VICTIM IS HELPFUL, HAS BEEN HELPFUL OR IS LIKELY TO BE HELPFUL TO THE
15 DETECTION, INVESTIGATION OR PROSECUTION OF THAT QUALIFYING CRIMINAL
16 ACTIVITY IF THE VICTIM HAS NOT REFUSED OR FAILED TO PROVIDE INFORMATION
17 AND ASSISTANCE WHEN REASONABLY REQUESTED BY LAW ENFORCEMENT.

18 C. THE CERTIFYING OFFICIAL SHALL FULLY COMPLETE AND SIGN THE FORM
19 I-918 SUPPLEMENT B CERTIFICATION AND, REGARDING VICTIM HELPFULNESS, SHALL
20 INCLUDE SPECIFIC DETAILS ABOUT THE NATURE OF THE CRIME INVESTIGATED OR
21 PROSECUTED AND A DETAILED DESCRIPTION OF THE VICTIM'S HELPFULNESS OR
22 LIKELY HELPFULNESS TO THE DETECTION, INVESTIGATION OR PROSECUTION OF THE
23 QUALIFYING CRIMINAL ACTIVITY.

24 D. A CERTIFYING ENTITY SHALL PROCESS A FORM I-918 SUPPLEMENT B
25 CERTIFICATION WITHIN NINETY DAYS AFTER RECEIVING THE REQUEST, UNLESS THE
26 PERSON REQUESTING THE FORM IS NOT A CITIZEN AND IS IN REMOVAL PROCEEDINGS,
27 IN WHICH CASE THE CERTIFICATION SHALL BE PROCESSED WITHIN FOURTEEN DAYS
28 AFTER RECEIVING THE REQUEST.

29 E. A CURRENT INVESTIGATION, THE FILING OF CHARGES AND A PROSECUTION
30 OR CONVICTION ARE NOT REQUIRED FOR THE VICTIM TO REQUEST AND OBTAIN THE
31 FORM I-918 SUPPLEMENT B CERTIFICATION FROM A CERTIFYING OFFICIAL.

32 F. A CERTIFYING OFFICIAL MAY WITHDRAW THE CERTIFICATION ONLY IF THE
33 VICTIM REFUSES TO PROVIDE INFORMATION AND ASSISTANCE WHEN REASONABLY
34 REQUESTED.

35 G. A CERTIFYING ENTITY IS PROHIBITED FROM DISCLOSING THE
36 IMMIGRATION STATUS OF A VICTIM OR PERSON REQUESTING THE FORM I-918
37 SUPPLEMENT B CERTIFICATION, EXCEPT TO COMPLY WITH FEDERAL LAW OR LEGAL
38 PROCESS OR IF AUTHORIZED BY THE VICTIM OR PERSON REQUESTING THE FORM I-918
39 SUPPLEMENT B CERTIFICATION.

40 H. ON OR BEFORE JANUARY 1, 2023 AND ANNUALLY THEREAFTER, A
41 CERTIFYING ENTITY THAT RECEIVES A REQUEST FOR A FORM I-918 SUPPLEMENT B
42 CERTIFICATION SHALL REPORT TO THE LEGISLATURE THE NUMBER OF VICTIMS THAT
43 REQUESTED FORM I-918 SUPPLEMENT B CERTIFICATIONS FROM THE ENTITY, THE
44 NUMBER OF THOSE CERTIFICATION FORMS THAT WERE SIGNED AND THE NUMBER THAT
45 WERE DENIED.

- 1 I. FOR THE PURPOSES OF THIS SECTION:
2 1. "CERTIFYING ENTITY" MEANS ANY OF THE FOLLOWING:
3 (a) A STATE OR LOCAL LAW ENFORCEMENT AGENCY.
4 (b) A PROSECUTOR.
5 (c) A JUDGE.
6 (d) ANY OTHER AUTHORITY THAT HAS RESPONSIBILITY FOR THE DETECTION,
7 INVESTIGATION OR PROSECUTION OF A QUALIFYING CRIME OR QUALIFYING CRIMINAL
8 ACTIVITY.
9 (e) AGENCIES THAT HAVE CRIMINAL DETECTION OR INVESTIGATIVE
10 JURISDICTION IN THEIR RESPECTIVE AREAS OF EXPERTISE, INCLUDING THE
11 DEPARTMENT OF CHILD SAFETY AND THE INDUSTRIAL COMMISSION OF ARIZONA.
12 2. "CERTIFYING OFFICIAL" MEANS ANY OF THE FOLLOWING:
13 (a) THE HEAD OF THE CERTIFYING ENTITY.
14 (b) A PERSON IN A SUPERVISORY ROLE WHO HAS BEEN SPECIFICALLY
15 DESIGNATED BY THE HEAD OF THE CERTIFYING ENTITY TO ISSUE FORM I-918
16 SUPPLEMENT B CERTIFICATIONS ON BEHALF OF THAT AGENCY.
17 (c) A JUDGE.
18 (d) ANY OTHER CERTIFYING OFFICIAL AS DEFINED IN 8 CODE OF FEDERAL
19 REGULATIONS SECTION 214.14(a)(3).
20 3. "QUALIFYING CRIME" INCLUDES CRIMINAL OFFENSES FOR WHICH THE
21 NATURE AND ELEMENTS OF THE OFFENSES ARE SUBSTANTIALLY SIMILAR TO THE
22 CRIMINAL ACTIVITY LISTED IN PARAGRAPH 4 OF THIS SUBSECTION AND THE
23 ATTEMPT, CONSPIRACY OR SOLICITATION TO COMMIT ANY OF THOSE OFFENSES.
24 4. "QUALIFYING CRIMINAL ACTIVITY" MEANS QUALIFYING CRIMINAL
25 ACTIVITY PRESCRIBED IN THE IMMIGRATION AND NATIONALITY ACT (8 UNITED
26 STATES CODE SECTION 1101(a)(15)(U)(iii)), INCLUDING:
27 (a) RAPE.
28 (b) TORTURE.
29 (c) HUMAN TRAFFICKING.
30 (d) INCEST.
31 (e) DOMESTIC VIOLENCE.
32 (f) SEXUAL ASSAULT.
33 (g) ABUSIVE SEXUAL CONDUCT.
34 (h) PROSTITUTION.
35 (i) SEXUAL EXPLOITATION.
36 (j) FEMALE GENITAL MUTILATION.
37 (k) BEING HELD HOSTAGE.
38 (l) PEONAGE.
39 (m) PERJURY.
40 (n) INVOLUNTARY SERVITUDE.
41 (o) SLAVERY.
42 (p) KIDNAPING.
43 (q) ABDUCTION.
44 (r) UNLAWFUL CRIMINAL RESTRAINT.
45 (s) FALSE IMPRISONMENT.

- 1 (t) BLACKMAIL.
- 2 (u) EXTORTION.
- 3 (v) MANSLAUGHTER.
- 4 (w) MURDER.
- 5 (x) FELONIOUS ASSAULT.
- 6 (y) WITNESS TAMPERING.
- 7 (z) OBSTRUCTION OF JUSTICE.
- 8 (aa) FRAUD IN FOREIGN LABOR CONTRACTING.
- 9 (bb) STALKING.