

REFERENCE TITLE: immigration; government agencies; prohibited acts

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SB 1362

Introduced by
Senator Ortiz

AN ACT

AMENDING TITLE 9, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 9; AMENDING TITLE 11, CHAPTER 7, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 9; AMENDING TITLE 41, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 20; RELATING TO INTERGOVERNMENTAL OPERATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 9, Arizona Revised Statutes, is amended by adding
3 chapter 9, to read:

4 CHAPTER 9

5 IMMIGRANT INTERACTIONS WITH GOVERNMENT AGENCIES

6 ARTICLE 1. GENERAL PROVISIONS

7 9-1001. Prohibited acts; immigration

8 A. A MUNICIPAL LAW ENFORCEMENT AGENCY OR OFFICIAL MAY NOT DO ANY OF
9 THE FOLLOWING:

10 1. STOP, QUESTION, ARREST, SEARCH OR DETAIN ANY PERSON BASED ON
11 ACTUAL OR SUSPECTED CITIZENSHIP OR IMMIGRATION STATUS OR ACTUAL OR
12 SUSPECTED VIOLATIONS OF FEDERAL CIVIL IMMIGRATION LAW.

13 2. INQUIRE ABOUT A PERSON'S IMMIGRATION STATUS, CITIZENSHIP, PLACE
14 OF BIRTH OR ELIGIBILITY FOR A SOCIAL SECURITY NUMBER.

15 3. MAKE AN ARREST OR DETAIN OR PROLONG THE DETENTION OF A PERSON
16 BASED ON CIVIL IMMIGRATION WARRANTS OR IMMIGRATION DETAINERS.

17 4. USE MUNICIPAL MONIES, FACILITIES, PROPERTY, EQUIPMENT OR
18 PERSONNEL TO INVESTIGATE, ENFORCE OR ASSIST IN THE INVESTIGATION OR
19 ENFORCEMENT OF ANY FEDERAL PROGRAM THAT REQUIRES THE REGISTRATION OF
20 PERSONS ON THE BASIS OF RACE, GENDER, SEXUAL ORIENTATION, RELIGION,
21 IMMIGRATION STATUS, CITIZENSHIP OR NATIONAL OR ETHNIC ORIGIN.

22 5. MAKE MUNICIPAL DATABASES AVAILABLE TO ANY PERSON OR ENTITY FOR
23 THE PURPOSE OF IMMIGRATION ENFORCEMENT OR INVESTIGATION OR ENFORCEMENT OF
24 ANY FEDERAL PROGRAM THAT REQUIRES THE REGISTRATION OF PERSONS ON THE BASIS
25 OF RACE, GENDER, SEXUAL ORIENTATION, RELIGION, IMMIGRATION STATUS,
26 CITIZENSHIP OR NATIONAL OR ETHNIC ORIGIN.

27 B. ANY AGREEMENTS, POLICIES OR PRACTICES THAT WERE MADE BEFORE THE
28 EFFECTIVE DATE OF THIS SECTION AND THAT CONFLICT WITH SUBSECTION A,
29 PARAGRAPH 5 OF THIS SUBSECTION ARE VOID ON THE EFFECTIVE DATE OF THIS
30 SECTION.

31 C. A MUNICIPAL LAW ENFORCEMENT AGENCY OR OFFICIAL MAY NOT ASSIST
32 FEDERAL IMMIGRATION AUTHORITIES BY DOING ANY OF THE FOLLOWING:

33 1. PARTICIPATING IN CIVIL IMMIGRATION ENFORCEMENT OPERATIONS.

34 2. PROVIDING TO FEDERAL IMMIGRATION AUTHORITIES ANY INFORMATION
35 THAT IDENTIFIES, RELATES TO, DESCRIBES, IS REASONABLY CAPABLE OF BEING
36 ASSOCIATED WITH OR COULD REASONABLY BE LINKED, DIRECTLY OR INDIRECTLY,
37 WITH A PARTICULAR PERSON.

38 3. PROVIDING ACCESS TO ANY MUNICIPAL LAW ENFORCEMENT EQUIPMENT,
39 OFFICE SPACE, DATABASE OR PROPERTY.

40 4. PROVIDING ACCESS TO A DETAINED PERSON FOR AN INTERVIEW.

41 5. FACILITATING OR COMPLYING WITH IMMIGRATION DETAINERS, CIVIL
42 IMMIGRATION WARRANTS, NOTIFICATION REQUESTS AND TRANSFER REQUESTS FROM
43 FEDERAL IMMIGRATION AUTHORITIES.

1 6. CONTINUING TO DETAIN A PERSON PAST THE TIME THAT THE PERSON
2 WOULD OTHERWISE BE ELIGIBLE FOR RELEASE FROM CUSTODY BASED SOLELY ON AN
3 IMMIGRATION DETAINER OR CIVIL IMMIGRATION WARRANT.

4 7. ENTERING INTO, MODIFYING, RENEWING OR EXTENDING ANY AGREEMENT TO
5 EXERCISE FEDERAL IMMIGRATION AUTHORITY OR CONDUCT IMMIGRATION ENFORCEMENT
6 PURSUANT TO SECTION 287(g) OF THE IMMIGRATION AND NATIONALITY ACT (66
7 STAT. 163; 8 UNITED STATES CODE SECTION 1357(g)) OR OTHERWISE EXERCISING
8 FEDERAL CIVIL IMMIGRATION AUTHORITY OR CONDUCTING IMMIGRATION ENFORCEMENT
9 OUTSIDE OF THE PURVIEW OF SECTION 287(g) OF THE IMMIGRATION AND
10 NATIONALITY ACT (66 STAT. 163; 8 UNITED STATES CODE SECTION 1357(g)).

11 8. PROVIDING OR SHARING MONIES, PROPERTY, EQUIPMENT, PERSONNEL OR
12 ACCESS TO FACILITIES OR REAL PROPERTY THAT IS NOT OPEN TO THE GENERAL
13 PUBLIC FOR PURPOSES OF ENGAGING IN, ASSISTING, SUPPORTING OR FACILITATING
14 IMMIGRATION ENFORCEMENT.

15 D. ON RECEIVING AN IMMIGRATION DETAINER, NOTIFICATION REQUEST,
16 CIVIL IMMIGRATION WARRANT OR TRANSFER REQUEST CONCERNING A PERSON IN
17 CUSTODY, THE RECEIVING MUNICIPAL LAW ENFORCEMENT AGENCY OR OFFICIAL SHALL
18 PROVIDE A COPY OF THE DOCUMENT TO THE PERSON AND INFORM THE PERSON WHETHER
19 THE MUNICIPALITY OR OFFICIAL INTENDS TO COMPLY. IF THE MUNICIPALITY OR
20 OFFICIAL INTENDS TO COMPLY, THE MUNICIPALITY OR OFFICIAL SHALL PROVIDE THE
21 PERSON IN CUSTODY WITH A WRITTEN EXPLANATION THAT SPECIFIES THE LEGAL
22 BASIS FOR THAT COMPLIANCE.

23 E. THIS SECTION DOES NOT PREVENT ANY MUNICIPAL LAW ENFORCEMENT
24 AGENCY FROM RESPONDING TO A VALID JUDICIAL WARRANT, COURT ORDER OR WRIT
25 THAT IS ISSUED BY A FEDERAL JUSTICE, JUDGE OR MAGISTRATE OR A JUSTICE OR
26 JUDGE OF THIS STATE.

27 F. THIS SECTION DOES NOT PROHIBIT OR IN ANY WAY RESTRICT ANY ACTION
28 WHERE THE PROHIBITION OR RESTRICTION WOULD BE CONTRARY TO FEDERAL LAW.

29 9-1002. Collection and disclosure of records

30 A. MUNICIPALITIES AND HEALTH CARE FACILITIES MAY COLLECT
31 INFORMATION RELATING TO A PERSON'S IMMIGRATION STATUS, CITIZENSHIP STATUS,
32 PLACE OF BIRTH, SOCIAL SECURITY NUMBER AND INDIVIDUAL TAXPAYER
33 IDENTIFICATION NUMBER ONLY WHEN THIS INFORMATION IS STRICTLY NECESSARY TO
34 ASSESS ELIGIBILITY FOR OR TO ADMINISTER THE REQUESTED PUBLIC SERVICES,
35 BENEFITS OR PROGRAMS THAT THE MUNICIPALITY OR HEALTH CARE FACILITY IS
36 CHARGED WITH ADMINISTERING.

37 B. A MUNICIPALITY OR AN OFFICER OF A MUNICIPALITY MAY NOT DISCLOSE
38 ANY RECORD OR ANY INFORMATION, WHETHER WRITTEN OR ORAL, THAT CONCERNS A
39 PERSON AND THAT THE MUNICIPALITY OR OFFICER SOLICITED, MADE OR KEPT FOR
40 THE PURPOSE OF ASSESSING THE PERSON'S ELIGIBILITY FOR, OR FOR
41 ADMINISTERING OR DELIVERING, ANY SERVICES, BENEFITS OR PROGRAMS, EXCEPT
42 THAT THE MUNICIPALITY OR OFFICER MAY DISCLOSE SUCH INFORMATION AS REQUIRED
43 TO ADMINISTER THE BENEFITS, SERVICES OR PROGRAMS PURSUANT TO THE LAWS OF
44 THIS STATE, FEDERAL LAW OR A VALID COURT ORDER OR WARRANT ISSUED BY A
45 FEDERAL JUSTICE, JUDGE OR MAGISTRATE OR A JUSTICE OR JUDGE OF THIS STATE.

1 C. THIS SECTION DOES NOT PROHIBIT THE SHARING OF RECORDS OR
2 INFORMATION IF THE SUBJECT OF THAT RECORD OR INFORMATION KNOWINGLY
3 PROVIDES WRITTEN CONSENT IN THE PERSON'S LANGUAGE OF CHOICE ALLOWING THE
4 RECORD OR INFORMATION TO BE PROVIDED TO THE PERSON OR MUNICIPALITY THAT
5 REQUESTED THE RECORD OR INFORMATION. THE WRITTEN CONSENT SHALL INCLUDE ALL
6 OF THE FOLLOWING:

7 1. THE EXACT RECORD OR INFORMATION TO BE SHARED.

8 2. THE PURPOSE FOR SHARING THE RECORD OR INFORMATION.

9 3. A STATEMENT CLARIFYING THAT CONSENT IS VOLUNTARY AND DECLINING
10 TO CONSENT DOES NOT RESULT IN DISCRIMINATION OR RETALIATION BY THE
11 GOVERNMENT AGENCY.

12 4. A STATEMENT CLARIFYING THAT CONSENT MAY BE REVOKED, BUT THAT
13 REVOCATION DOES NOT IMPACT A RECORD OR INFORMATION THAT WAS SHARED BEFORE
14 WRITTEN CONSENT WAS GIVEN PURSUANT TO THIS SECTION.

15 5. THE PERSON OR MUNICIPALITY TO RECEIVE THE RECORD OR INFORMATION.

16 D. EACH MUNICIPALITY SHALL REVIEW THEIR CONFIDENTIALITY POLICIES,
17 GUIDELINES AND RULES AND IDENTIFY ANY CHANGES THAT ARE NECESSARY TO ENSURE
18 COMPLIANCE WITH THIS SECTION. A MUNICIPALITY SHALL MAKE ANY NECESSARY
19 CHANGES TO THOSE POLICIES, GUIDELINES OR RULES AS EXPEDITIOUSLY AS
20 POSSIBLE, CONSISTENT WITH MUNICIPALITY PROCEDURES, BUT NOT LATER THAN ONE
21 CALENDAR YEAR FOLLOWING THE EFFECTIVE DATE OF THIS SECTION AND SHALL
22 PROMINENTLY POST THE CHANGES ON THE MUNICIPALITY'S WEBSITE.

23 E. THIS SECTION DOES NOT PROHIBIT OR IN ANY WAY RESTRICT ANY ACTION
24 WHERE THE PROHIBITION OR RESTRICTION WOULD BE CONTRARY TO FEDERAL LAW.

25 9-1003. Reports

26 A. EACH MUNICIPAL LAW ENFORCEMENT AGENCY SHALL SUBMIT TO THE
27 ATTORNEY GENERAL WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE EFFECTIVE DATE
28 OF THIS SECTION AND WITHIN THIRTY DAYS AFTER THE END OF EACH FISCAL YEAR
29 THEREAFTER A REPORT THAT INCLUDES:

30 1. THE NUMBER OF DETAINER REQUESTS, TRANSFER REQUESTS AND
31 NOTIFICATION REQUESTS THAT ARE MADE BY IMMIGRATION AUTHORITIES AND THE
32 RESPONSES OF THE MUNICIPAL LAW ENFORCEMENT AGENCY. FOR ANY REQUEST THAT
33 WAS GRANTED, THE REPORT SHALL SPECIFY ANY LEGAL BASIS FOR GRANTING THAT
34 REQUEST.

35 2. THE NUMBER OF INTERVIEWS REQUESTED AND THE NUMBER OF INTERVIEWS
36 CONDUCTED, EITHER IN PERSON OR TELEPHONICALLY, BY IMMIGRATION AUTHORITIES
37 OF PERSONS WHO ARE IN MUNICIPAL LAW ENFORCEMENT CUSTODY. FOR EACH
38 INTERVIEW CONDUCTED, THE REPORT SHALL SPECIFY ANY LEGAL BASIS FOR GRANTING
39 THE INTERVIEW.

40 3. ANY OTHER REQUESTS THAT ARE MADE BY IMMIGRATION AUTHORITIES FOR
41 MUNICIPAL LAW ENFORCEMENT AGENCY PARTICIPATION IN IMMIGRATION ENFORCEMENT,
42 THE RESPONSES OF THE MUNICIPAL LAW ENFORCEMENT AGENCY AND THE LEGAL BASIS
43 FOR GRANTING THE REQUEST.

1 4. TO THE EXTENT THAT THE MUNICIPAL LAW ENFORCEMENT AGENCY HAS
2 KNOWLEDGE, ANY INFORMATION ABOUT MUNICIPAL DATABASES TO WHICH IMMIGRATION
3 AUTHORITIES HAVE HAD ACCESS AT ANY TIME IN THE COURSE OF THE YEAR,
4 INCLUDING ALL OF THE FOLLOWING:

5 (a) THE NAME OF THE DATABASE.

6 (b) AN OVERVIEW OF INFORMATION THAT IS AVAILABLE ON THE DATABASE.

7 (c) THE PURPOSE FOR WHICH IMMIGRATION AUTHORITIES HAVE ACCESS TO
8 THE DATABASE.

9 (d) THE PROCESS THROUGH WHICH IMMIGRATION AUTHORITIES REQUESTED
10 ACCESS AND AGENCIES REVIEWED THIS REQUEST, IF APPLICABLE.

11 (e) ANY LEGAL BASIS FOR PROVIDING IMMIGRATION AUTHORITIES WITH
12 ACCESS TO THE DATABASE.

13 (f) THE FREQUENCY WITH WHICH IMMIGRATION AUTHORITIES ACCESSED THE
14 DATABASE OVER THE COURSE OF THE YEAR.

15 B. THE ATTORNEY GENERAL SHALL POST ON ITS WEBSITE THE INFORMATION
16 SUBMITTED PURSUANT TO SUBSECTION A OF THIS SECTION WITHIN NINETY DAYS
17 AFTER RECEIVING THE INITIAL SUBMISSION AND WITHIN NINETY DAYS AFTER THE
18 END OF EACH FISCAL YEAR THEREAFTER.

19 C. THE ATTORNEY GENERAL SHALL REPORT ANNUALLY TO THE GOVERNOR AND
20 THE LEGISLATURE A SUMMARY OF EACH MUNICIPAL LAW ENFORCEMENT AGENCY'S
21 COMPLIANCE WITH THIS CHAPTER AND SHALL APPEND THE SUBMISSIONS BY MUNICIPAL
22 LAW ENFORCEMENT AGENCIES THAT ARE REQUIRED PURSUANT TO SUBSECTION A OF
23 THIS SECTION.

24 Sec. 2. Title 11, chapter 7, Arizona Revised Statutes, is amended
25 by adding article 9, to read:

26 ARTICLE 9. IMMIGRANT INTERACTIONS WITH GOVERNMENT AGENCIES

27 11-1061. Prohibited acts: immigration

28 A. A COUNTY LAW ENFORCEMENT AGENCY OR OFFICIAL MAY NOT DO ANY OF
29 THE FOLLOWING:

30 1. STOP, QUESTION, ARREST, SEARCH OR DETAIN ANY PERSON BASED ON
31 ACTUAL OR SUSPECTED CITIZENSHIP OR IMMIGRATION STATUS OR ACTUAL OR
32 SUSPECTED VIOLATIONS OF FEDERAL CIVIL IMMIGRATION LAW.

33 2. INQUIRE ABOUT A PERSON'S IMMIGRATION STATUS, CITIZENSHIP, PLACE
34 OF BIRTH OR ELIGIBILITY FOR A SOCIAL SECURITY NUMBER.

35 3. MAKE AN ARREST OR DETAIN OR PROLONG THE DETENTION OF A PERSON
36 BASED ON CIVIL IMMIGRATION WARRANTS OR IMMIGRATION DETAINERS.

37 4. USE COUNTY MONIES, FACILITIES, PROPERTY, EQUIPMENT OR PERSONNEL
38 TO INVESTIGATE, ENFORCE OR ASSIST IN THE INVESTIGATION OR ENFORCEMENT OF
39 ANY FEDERAL PROGRAM THAT REQUIRES THE REGISTRATION OF PERSONS ON THE BASIS
40 OF RACE, GENDER, SEXUAL ORIENTATION, RELIGION, IMMIGRATION STATUS,
41 CITIZENSHIP OR NATIONAL OR ETHNIC ORIGIN.

42 5. MAKE COUNTY DATABASES AVAILABLE TO ANY PERSON OR ENTITY FOR THE
43 PURPOSE OF IMMIGRATION ENFORCEMENT OR INVESTIGATION OR ENFORCEMENT OF ANY
44 FEDERAL PROGRAM THAT REQUIRES THE REGISTRATION OF PERSONS ON THE BASIS OF

1 RACE, GENDER, SEXUAL ORIENTATION, RELIGION, IMMIGRATION STATUS,
2 CITIZENSHIP OR NATIONAL OR ETHNIC ORIGIN.

3 B. ANY AGREEMENTS, POLICIES OR PRACTICES THAT WERE MADE BEFORE THE
4 EFFECTIVE DATE OF THIS SECTION AND THAT CONFLICT WITH SUBSECTION A,
5 PARAGRAPH 5 OF THIS SUBSECTION ARE VOID ON THE EFFECTIVE DATE OF THIS
6 SECTION.

7 C. A COUNTY LAW ENFORCEMENT AGENCY OR OFFICIAL MAY NOT ASSIST
8 FEDERAL IMMIGRATION AUTHORITIES BY DOING ANY OF THE FOLLOWING:

9 1. PARTICIPATING IN CIVIL IMMIGRATION ENFORCEMENT OPERATIONS.

10 2. PROVIDING TO FEDERAL IMMIGRATION AUTHORITIES ANY INFORMATION
11 THAT IDENTIFIES, RELATES TO, DESCRIBES, IS REASONABLY CAPABLE OF BEING
12 ASSOCIATED WITH OR COULD REASONABLY BE LINKED, DIRECTLY OR INDIRECTLY,
13 WITH A PARTICULAR PERSON.

14 3. PROVIDING ACCESS TO ANY COUNTY LAW ENFORCEMENT EQUIPMENT, OFFICE
15 SPACE, DATABASE OR PROPERTY.

16 4. PROVIDING ACCESS TO A DETAINED PERSON FOR AN INTERVIEW.

17 5. FACILITATING OR COMPLYING WITH IMMIGRATION DETAINERS, CIVIL
18 IMMIGRATION WARRANTS, NOTIFICATION REQUESTS AND TRANSFER REQUESTS FROM
19 FEDERAL IMMIGRATION AUTHORITIES.

20 6. CONTINUING TO DETAIN A PERSON PAST THE TIME THAT THE PERSON
21 WOULD OTHERWISE BE ELIGIBLE FOR RELEASE FROM CUSTODY BASED SOLELY ON AN
22 IMMIGRATION DETAINER OR CIVIL IMMIGRATION WARRANT.

23 7. ENTERING INTO, MODIFYING, RENEWING OR EXTENDING ANY AGREEMENT TO
24 EXERCISE FEDERAL IMMIGRATION AUTHORITY OR CONDUCT IMMIGRATION ENFORCEMENT
25 PURSUANT TO SECTION 287(g) OF THE IMMIGRATION AND NATIONALITY ACT (66
26 STAT. 163; 8 UNITED STATES CODE SECTION 1357(g)) OR OTHERWISE EXERCISING
27 FEDERAL CIVIL IMMIGRATION AUTHORITY OR CONDUCTING IMMIGRATION ENFORCEMENT
28 OUTSIDE OF THE PURVIEW OF SECTION 287(g) OF THE IMMIGRATION AND
29 NATIONALITY ACT (66 STAT. 163; 8 UNITED STATES CODE SECTION 1357(g)).

30 8. PROVIDING OR SHARING MONIES, PROPERTY, EQUIPMENT, PERSONNEL OR
31 ACCESS TO FACILITIES OR REAL PROPERTY THAT IS NOT OPEN TO THE GENERAL
32 PUBLIC FOR PURPOSES OF ENGAGING IN, ASSISTING, SUPPORTING OR FACILITATING
33 IMMIGRATION ENFORCEMENT.

34 D. ON RECEIVING AN IMMIGRATION DETAINER, NOTIFICATION REQUEST,
35 CIVIL IMMIGRATION WARRANT OR TRANSFER REQUEST CONCERNING A PERSON IN
36 CUSTODY, THE RECEIVING COUNTY LAW ENFORCEMENT AGENCY OR OFFICIAL SHALL
37 PROVIDE A COPY OF THE DOCUMENT TO THE PERSON AND INFORM THE PERSON WHETHER
38 THE COUNTY OR OFFICIAL INTENDS TO COMPLY. IF THE COUNTY OR OFFICIAL
39 INTENDS TO COMPLY, THE COUNTY OR OFFICIAL SHALL PROVIDE THE PERSON IN
40 CUSTODY WITH A WRITTEN EXPLANATION THAT SPECIFIES THE LEGAL BASIS FOR THAT
41 COMPLIANCE.

42 E. THIS SECTION DOES NOT PREVENT ANY COUNTY LAW ENFORCEMENT AGENCY
43 FROM RESPONDING TO A VALID JUDICIAL WARRANT, COURT ORDER OR WRIT THAT IS
44 ISSUED BY A FEDERAL JUSTICE, JUDGE OR MAGISTRATE OR A JUSTICE OR JUDGE OF
45 THIS STATE.

1 F. THIS SECTION DOES NOT PROHIBIT OR IN ANY WAY RESTRICT ANY ACTION
2 WHERE THE PROHIBITION OR RESTRICTION WOULD BE CONTRARY TO FEDERAL LAW.

3 11-1062. Collection and disclosure of records

4 A. COUNTIES AND HEALTH CARE FACILITIES MAY COLLECT INFORMATION
5 RELATING TO A PERSON'S IMMIGRATION STATUS, CITIZENSHIP STATUS, PLACE OF
6 BIRTH, SOCIAL SECURITY NUMBER AND INDIVIDUAL TAXPAYER IDENTIFICATION
7 NUMBER ONLY WHEN THIS INFORMATION IS STRICTLY NECESSARY TO ASSESS
8 ELIGIBILITY FOR OR TO ADMINISTER THE REQUESTED PUBLIC SERVICES, BENEFITS
9 OR PROGRAMS THAT THE COUNTY OR HEALTH CARE FACILITY IS CHARGED WITH
10 ADMINISTERING.

11 B. A COUNTY OR AN OFFICER OF A COUNTY MAY NOT DISCLOSE ANY RECORD
12 OR ANY INFORMATION, WHETHER WRITTEN OR ORAL, THAT CONCERNS A PERSON AND
13 THAT THE COUNTY OR OFFICER SOLICITED, MADE OR KEPT FOR THE PURPOSE OF
14 ASSESSING THE PERSON'S ELIGIBILITY FOR, OR FOR ADMINISTERING OR
15 DELIVERING, ANY SERVICES, BENEFITS OR PROGRAMS, EXCEPT THAT THE COUNTY OR
16 OFFICER MAY DISCLOSE SUCH INFORMATION AS REQUIRED TO ADMINISTER THE
17 BENEFITS, SERVICES OR PROGRAMS PURSUANT TO THE LAWS OF THIS STATE, FEDERAL
18 LAW OR A VALID COURT ORDER OR WARRANT ISSUED BY A FEDERAL JUSTICE, JUDGE
19 OR MAGISTRATE OR A JUSTICE OR JUDGE OF THIS STATE.

20 C. THIS SECTION DOES NOT PROHIBIT THE SHARING OF RECORDS OR
21 INFORMATION IF THE SUBJECT OF THAT RECORD OR INFORMATION KNOWINGLY
22 PROVIDES WRITTEN CONSENT IN THE PERSON'S LANGUAGE OF CHOICE ALLOWING THE
23 RECORD OR INFORMATION TO BE PROVIDED TO THE PERSON OR COUNTY THAT
24 REQUESTED THE RECORD OR INFORMATION. THE WRITTEN CONSENT SHALL INCLUDE ALL
25 OF THE FOLLOWING:

- 26 1. THE EXACT RECORD OR INFORMATION TO BE SHARED.
- 27 2. THE PURPOSE FOR SHARING THE RECORD OR INFORMATION.
- 28 3. A STATEMENT CLARIFYING THAT CONSENT IS VOLUNTARY AND DECLINING
29 TO CONSENT DOES NOT RESULT IN DISCRIMINATION OR RETALIATION BY THE
30 GOVERNMENT AGENCY.

31 4. A STATEMENT CLARIFYING THAT CONSENT MAY BE REVOKED, BUT THAT
32 REVOCATION DOES NOT IMPACT A RECORD OR INFORMATION THAT WAS SHARED BEFORE
33 WRITTEN CONSENT WAS GIVEN PURSUANT TO THIS SECTION.

- 34 5. THE PERSON OR COUNTY TO RECEIVE THE RECORD OR INFORMATION.

35 D. EACH COUNTY SHALL REVIEW THEIR CONFIDENTIALITY POLICIES,
36 GUIDELINES AND RULES AND IDENTIFY ANY CHANGES THAT ARE NECESSARY TO ENSURE
37 COMPLIANCE WITH THIS SECTION. A COUNTY SHALL MAKE ANY NECESSARY CHANGES
38 TO THOSE POLICIES, GUIDELINES OR RULES AS EXPEDITIOUSLY AS POSSIBLE,
39 CONSISTENT WITH COUNTY PROCEDURES, BUT NOT LATER THAN ONE CALENDAR YEAR
40 FOLLOWING THE EFFECTIVE DATE OF THIS SECTION AND SHALL PROMINENTLY POST
41 THE CHANGES ON THE COUNTY'S WEBSITE.

42 E. THIS SECTION DOES NOT PROHIBIT OR IN ANY WAY RESTRICT ANY ACTION
43 WHERE THE PROHIBITION OR RESTRICTION WOULD BE CONTRARY TO FEDERAL LAW.

1 11-1063. Reports

2 A. EACH COUNTY LAW ENFORCEMENT AGENCY SHALL SUBMIT TO THE ATTORNEY
3 GENERAL WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE EFFECTIVE DATE OF THIS
4 SECTION AND WITHIN THIRTY DAYS AFTER THE END OF EACH FISCAL YEAR
5 THEREAFTER A REPORT THAT INCLUDES:

6 1. THE NUMBER OF DETAINER REQUESTS, TRANSFER REQUESTS AND
7 NOTIFICATION REQUESTS THAT ARE MADE BY IMMIGRATION AUTHORITIES AND THE
8 RESPONSES OF THE COUNTY LAW ENFORCEMENT AGENCY. FOR ANY REQUEST THAT WAS
9 GRANTED, THE REPORT SHALL SPECIFY ANY LEGAL BASIS FOR GRANTING THAT
10 REQUEST.

11 2. THE NUMBER OF INTERVIEWS REQUESTED AND THE NUMBER OF INTERVIEWS
12 CONDUCTED, EITHER IN PERSON OR TELEPHONICALLY, BY IMMIGRATION AUTHORITIES
13 OF PERSONS WHO ARE IN COUNTY LAW ENFORCEMENT CUSTODY. FOR EACH INTERVIEW
14 CONDUCTED, THE REPORT SHALL SPECIFY ANY LEGAL BASIS FOR GRANTING THE
15 INTERVIEW.

16 3. ANY OTHER REQUESTS THAT ARE MADE BY IMMIGRATION AUTHORITIES FOR
17 COUNTY LAW ENFORCEMENT AGENCY PARTICIPATION IN IMMIGRATION ENFORCEMENT,
18 THE RESPONSES OF THE COUNTY LAW ENFORCEMENT AGENCY AND THE LEGAL BASIS FOR
19 GRANTING THE REQUEST.

20 4. TO THE EXTENT THAT THE COUNTY LAW ENFORCEMENT AGENCY HAS
21 KNOWLEDGE, ANY INFORMATION ABOUT COUNTY DATABASES TO WHICH IMMIGRATION
22 AUTHORITIES HAVE HAD ACCESS AT ANY TIME IN THE COURSE OF THE YEAR,
23 INCLUDING ALL OF THE FOLLOWING:

24 (a) THE NAME OF THE DATABASE.

25 (b) AN OVERVIEW OF INFORMATION THAT IS AVAILABLE ON THE DATABASE.

26 (c) THE PURPOSE FOR WHICH IMMIGRATION AUTHORITIES HAVE ACCESS TO
27 THE DATABASE.

28 (d) THE PROCESS THROUGH WHICH IMMIGRATION AUTHORITIES REQUESTED
29 ACCESS AND AGENCIES REVIEWED THIS REQUEST, IF APPLICABLE.

30 (e) ANY LEGAL BASIS FOR PROVIDING IMMIGRATION AUTHORITIES WITH
31 ACCESS TO THE DATABASE.

32 (f) THE FREQUENCY WITH WHICH IMMIGRATION AUTHORITIES ACCESSED THE
33 DATABASE OVER THE COURSE OF THE YEAR.

34 B. THE ATTORNEY GENERAL SHALL POST ON ITS WEBSITE THE INFORMATION
35 SUBMITTED PURSUANT TO SUBSECTION A OF THIS SECTION WITHIN NINETY DAYS
36 AFTER RECEIVING THE INITIAL SUBMISSION AND WITHIN NINETY DAYS AFTER THE
37 END OF EACH FISCAL YEAR THEREAFTER.

38 C. THE ATTORNEY GENERAL SHALL REPORT ANNUALLY TO THE GOVERNOR AND
39 THE LEGISLATURE A SUMMARY OF EACH COUNTY LAW ENFORCEMENT AGENCY'S
40 COMPLIANCE WITH THIS CHAPTER AND SHALL APPEND THE SUBMISSIONS BY COUNTY
41 AND LAW ENFORCEMENT AGENCIES THAT ARE REQUIRED PURSUANT TO SUBSECTION A OF
42 THIS SECTION.

1 7. ENTERING INTO, MODIFYING, RENEWING OR EXTENDING ANY AGREEMENT TO
2 EXERCISE FEDERAL IMMIGRATION AUTHORITY OR CONDUCT IMMIGRATION ENFORCEMENT
3 PURSUANT TO SECTION 287(g) OF THE IMMIGRATION AND NATIONALITY ACT (66
4 STAT. 163; 8 UNITED STATES CODE SECTION 1357(g)) OR OTHERWISE EXERCISING
5 FEDERAL CIVIL IMMIGRATION AUTHORITY OR CONDUCTING IMMIGRATION ENFORCEMENT
6 OUTSIDE OF THE PURVIEW OF SECTION 287(g) OF THE IMMIGRATION AND
7 NATIONALITY ACT (66 STAT. 163; 8 UNITED STATES CODE SECTION 1357(g)).

8 8. PROVIDING OR SHARING MONIES, PROPERTY, EQUIPMENT, PERSONNEL OR
9 ACCESS TO FACILITIES OR REAL PROPERTY THAT IS NOT OPEN TO THE GENERAL
10 PUBLIC FOR PURPOSES OF ENGAGING IN, ASSISTING, SUPPORTING OR FACILITATING
11 IMMIGRATION ENFORCEMENT.

12 D. ON RECEIVING AN IMMIGRATION DETAINER, NOTIFICATION REQUEST,
13 CIVIL IMMIGRATION WARRANT OR TRANSFER REQUEST CONCERNING A PERSON IN
14 CUSTODY, THE RECEIVING STATE LAW ENFORCEMENT AGENCY OR OFFICIAL SHALL
15 PROVIDE A COPY OF THE DOCUMENT TO THE PERSON AND INFORM THE PERSON WHETHER
16 THIS STATE OR THE OFFICIAL INTENDS TO COMPLY. IF THIS STATE OR THE
17 OFFICIAL INTENDS TO COMPLY, THIS STATE OR THE OFFICIAL SHALL PROVIDE THE
18 PERSON IN CUSTODY WITH A WRITTEN EXPLANATION THAT SPECIFIES THE LEGAL
19 BASIS FOR THAT COMPLIANCE.

20 E. THIS SECTION DOES NOT PREVENT ANY STATE LAW ENFORCEMENT AGENCY
21 FROM RESPONDING TO A VALID JUDICIAL WARRANT, COURT ORDER OR WRIT THAT IS
22 ISSUED BY A FEDERAL JUSTICE, JUDGE OR MAGISTRATE OR A JUSTICE OR JUDGE OF
23 THIS STATE.

24 F. THIS SECTION DOES NOT PROHIBIT OR IN ANY WAY RESTRICT ANY ACTION
25 WHERE THE PROHIBITION OR RESTRICTION WOULD BE CONTRARY TO FEDERAL LAW.

26 41-2352. Collection and disclosure of records

27 A. THIS STATE AND HEALTH CARE FACILITIES MAY COLLECT INFORMATION
28 RELATING TO A PERSON'S IMMIGRATION STATUS, CITIZENSHIP STATUS, PLACE OF
29 BIRTH, SOCIAL SECURITY NUMBER AND INDIVIDUAL TAXPAYER IDENTIFICATION
30 NUMBER ONLY WHEN THIS INFORMATION IS STRICTLY NECESSARY TO ASSESS
31 ELIGIBILITY FOR OR TO ADMINISTER THE REQUESTED PUBLIC SERVICES, BENEFITS
32 OR PROGRAMS THAT THIS STATE OR HEALTH CARE FACILITY IS CHARGED WITH
33 ADMINISTERING.

34 B. THIS STATE OR AN OFFICER OF THIS STATE MAY NOT DISCLOSE ANY
35 RECORD OR ANY INFORMATION, WHETHER WRITTEN OR ORAL, THAT CONCERNS A PERSON
36 AND THAT THIS STATE OR THE OFFICER SOLICITED, MADE OR KEPT FOR THE PURPOSE
37 OF ASSESSING THE PERSON'S ELIGIBILITY FOR, OR FOR ADMINISTERING OR
38 DELIVERING, ANY SERVICES, BENEFITS OR PROGRAMS, EXCEPT THAT THIS STATE OR
39 OFFICER MAY DISCLOSE SUCH INFORMATION AS REQUIRED TO ADMINISTER THE
40 BENEFITS, SERVICES OR PROGRAMS PURSUANT TO THE LAWS OF THIS STATE, FEDERAL
41 LAW OR A VALID COURT ORDER OR WARRANT ISSUED BY A FEDERAL JUSTICE, JUDGE
42 OR MAGISTRATE OR A JUSTICE OR JUDGE OF THIS STATE.

43 C. THIS SECTION DOES NOT PROHIBIT THE SHARING OF RECORDS OR
44 INFORMATION IF THE SUBJECT OF THAT RECORD OR INFORMATION KNOWINGLY
45 PROVIDES WRITTEN CONSENT IN THE PERSON'S LANGUAGE OF CHOICE ALLOWING THE

1 RECORD OR INFORMATION TO BE PROVIDED TO THE PERSON OR THIS STATE THAT
2 REQUESTED THE RECORD OR INFORMATION. THE WRITTEN CONSENT SHALL INCLUDE ALL
3 OF THE FOLLOWING:

4 1. THE EXACT RECORD OR INFORMATION TO BE SHARED.
5 2. THE PURPOSE FOR SHARING THE RECORD OR INFORMATION.
6 3. A STATEMENT CLARIFYING THAT CONSENT IS VOLUNTARY AND DECLINING
7 TO CONSENT DOES NOT RESULT IN DISCRIMINATION OR RETALIATION BY THE
8 GOVERNMENT AGENCY.

9 4. A STATEMENT CLARIFYING THAT CONSENT MAY BE REVOKED, BUT THAT
10 REVOCATION DOES NOT IMPACT A RECORD OR INFORMATION THAT WAS SHARED BEFORE
11 WRITTEN CONSENT WAS GIVEN PURSUANT TO THIS SECTION.

12 5. THE PERSON OR THIS STATE TO RECEIVE THE RECORD OR INFORMATION.
13 D. THIS STATE SHALL REVIEW THEIR CONFIDENTIALITY POLICIES,
14 GUIDELINES AND RULES AND IDENTIFY ANY CHANGES THAT ARE NECESSARY TO ENSURE
15 COMPLIANCE WITH THIS SECTION. THIS STATE SHALL MAKE ANY NECESSARY CHANGES
16 TO THOSE POLICIES, GUIDELINES OR RULES AS EXPEDITIOUSLY AS POSSIBLE,
17 CONSISTENT WITH MUNICIPALITY PROCEDURES, BUT NOT LATER THAN ONE CALENDAR
18 YEAR FOLLOWING THE EFFECTIVE DATE OF THIS SECTION AND SHALL PROMINENTLY
19 POST THE CHANGES ON THE DEPARTMENT'S WEBSITE.

20 E. THIS SECTION DOES NOT PROHIBIT OR IN ANY WAY RESTRICT ANY ACTION
21 WHERE THE PROHIBITION OR RESTRICTION WOULD BE CONTRARY TO FEDERAL LAW.

22 41-2353. Reports

23 A. THIS STATE SHALL SUBMIT TO THE ATTORNEY GENERAL WITHIN ONE
24 HUNDRED EIGHTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION AND WITHIN
25 THIRTY DAYS AFTER THE END OF EACH FISCAL YEAR THEREAFTER A REPORT THAT
26 INCLUDES:

27 1. THE NUMBER OF DETAINER REQUESTS, TRANSFER REQUESTS AND
28 NOTIFICATION REQUESTS THAT ARE MADE BY IMMIGRATION AUTHORITIES AND THE
29 RESPONSES OF THE STATE LAW ENFORCEMENT AGENCY. FOR ANY REQUEST THAT WAS
30 GRANTED, THE REPORT SHALL SPECIFY ANY LEGAL BASIS FOR GRANTING THAT
31 REQUEST.

32 2. THE NUMBER OF INTERVIEWS REQUESTED AND THE NUMBER OF INTERVIEWS
33 CONDUCTED, EITHER IN PERSON OR TELEPHONICALLY, BY IMMIGRATION AUTHORITIES
34 OF PERSONS WHO ARE IN STATE LAW ENFORCEMENT CUSTODY. FOR EACH INTERVIEW
35 CONDUCTED, THE REPORT SHALL SPECIFY ANY LEGAL BASIS FOR GRANTING THE
36 INTERVIEW.

37 3. ANY OTHER REQUESTS THAT ARE MADE BY IMMIGRATION AUTHORITIES FOR
38 STATE LAW ENFORCEMENT AGENCY PARTICIPATION IN IMMIGRATION ENFORCEMENT, THE
39 RESPONSES OF THE STATE LAW ENFORCEMENT AGENCY AND THE LEGAL BASIS FOR
40 GRANTING THE REQUEST.

41 4. TO THE EXTENT THAT THE STATE LAW ENFORCEMENT AGENCY HAS
42 KNOWLEDGE, ANY INFORMATION ABOUT MUNICIPAL DATABASES TO WHICH IMMIGRATION
43 AUTHORITIES HAVE HAD ACCESS AT ANY TIME IN THE COURSE OF THE YEAR,
44 INCLUDING ALL OF THE FOLLOWING:

45 (a) THE NAME OF THE DATABASE.

1 (b) AN OVERVIEW OF INFORMATION THAT IS AVAILABLE ON THE DATABASE.
2 (c) THE PURPOSE FOR WHICH IMMIGRATION AUTHORITIES HAVE ACCESS TO
3 THE DATABASE.
4 (d) THE PROCESS THROUGH WHICH IMMIGRATION AUTHORITIES REQUESTED
5 ACCESS AND AGENCIES REVIEWED THIS REQUEST, IF APPLICABLE.
6 (e) ANY LEGAL BASIS FOR PROVIDING IMMIGRATION AUTHORITIES WITH
7 ACCESS TO THE DATABASE.
8 (f) THE FREQUENCY WITH WHICH IMMIGRATION AUTHORITIES ACCESSED THE
9 DATABASE OVER THE COURSE OF THE YEAR.
10 B. THE ATTORNEY GENERAL SHALL POST ON ITS WEBSITE THE INFORMATION
11 SUBMITTED PURSUANT TO SUBSECTION A OF THIS SECTION WITHIN NINETY DAYS
12 AFTER RECEIVING THE INITIAL SUBMISSION AND WITHIN NINETY DAYS AFTER THE
13 END OF EACH FISCAL YEAR THEREAFTER.
14 C. THE ATTORNEY GENERAL SHALL REPORT ANNUALLY TO THE GOVERNOR AND
15 THE LEGISLATURE A SUMMARY OF EACH STATE LAW ENFORCEMENT AGENCY'S
16 COMPLIANCE WITH THIS CHAPTER AND SHALL APPEND THE SUBMISSIONS BY STATE LAW
17 ENFORCEMENT AGENCIES THAT ARE REQUIRED PURSUANT TO SUBSECTION A OF THIS
18 SECTION.
19 Sec. 4. Severability
20 If a provision of this act or its application to any person or
21 circumstance is held invalid, the invalidity does not affect other
22 provisions or applications of the act that can be given effect without the
23 invalid provision or application, and to this end the provisions of this
24 act are severable.
25 Sec. 5. Short title
26 This act may be cited as the "Immigrant Trust Act".