

REFERENCE TITLE: federal search; seizure; sheriff; permission

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

SB 1498

Introduced by
Senator Finchem

AN ACT

AMENDING TITLE 11, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY
ADDING SECTION 11-452; RELATING TO COUNTY SHERIFFS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 11, chapter 3, article 2, Arizona Revised
3 Statutes, is amended by adding section 11-452, to read:

4 11-452. Federal law enforcement actions; required notice to
5 county sheriff; mandatory prosecution;
6 nullification of federal law

7 A. A FEDERAL EMPLOYEE WHO IS NOT CERTIFIED AS A PEACE OFFICER IN
8 THIS STATE PURSUANT TO SECTION 13-3875 MAY NOT MAKE AN ARREST, SEARCH OR
9 SEIZURE IN THIS STATE WITHOUT WRITTEN PERMISSION FROM THE COUNTY SHERIFF
10 OR COUNTY SHERIFF'S DESIGNEE OF THE COUNTY IN WHICH THE ARREST, SEARCH OR
11 SEIZURE WILL OCCUR UNLESS ANY OF THE FOLLOWING APPLIES:

12 1. THE ARREST, SEARCH OR SEIZURE TAKES PLACE ON A FEDERAL ENCLAVE
13 FOR WHICH THIS STATE HAS CEDED JURISDICTION TO THE UNITED STATES.

14 2. THE FEDERAL EMPLOYEE WITNESSES THE COMMISSION OF A CRIME THE
15 NATURE OF WHICH REQUIRES AN IMMEDIATE ARREST.

16 3. THE FEDERAL EMPLOYEE ENTERS THIS STATE IN CLOSE PURSUIT OF A
17 PERSON IN ORDER TO ARREST THAT PERSON, AS LONG AS THE ARREST IS IN
18 ACCORDANCE WITH SECTION 13-3832 AND THE FEDERAL EMPLOYEE BRINGS THE PERSON
19 ARRESTED BEFORE A MAGISTRATE FOR A HEARING AS PRESCRIBED BY SECTION
20 13-3833.

21 4. THE FEDERAL EMPLOYEE IS A UNITED STATES CUSTOMS AND BORDER
22 PROTECTION OFFICER OR A UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT
23 OFFICER.

24 B. THE COUNTY SHERIFF OR COUNTY SHERIFF'S DESIGNEE MAY REFUSE
25 PERMISSION FOR ANY REASON THAT THE COUNTY SHERIFF OR COUNTY SHERIFF'S
26 DESIGNEE CONSIDERS SUFFICIENT.

27 C. IF A FEDERAL EMPLOYEE INTENDS TO ARREST, SEARCH OR SEIZE AN
28 EMPLOYEE OF THE COUNTY SHERIFF'S OFFICE OR AN ELECTED COUNTY OR STATE
29 OFFICER, THE FEDERAL EMPLOYEE SHALL OBTAIN WRITTEN PERMISSION FROM THE
30 ATTORNEY GENERAL INSTEAD OF FROM THE COUNTY SHERIFF. THE FEDERAL EMPLOYEE
31 IS NOT REQUIRED TO REQUEST WRITTEN PERMISSION FROM THE ATTORNEY GENERAL IF
32 THE RESULTING DELAY IN OBTAINING THE PERMISSION WOULD LIKELY CAUSE SERIOUS
33 HARM TO AN INDIVIDUAL OR TO A COMMUNITY OR WOULD LIKELY CAUSE THE INTENDED
34 SUBJECT OF THE ARREST, SEARCH OR SEIZURE TO FLEE IN ORDER TO AVOID
35 PROSECUTION. THE ATTORNEY GENERAL MAY REFUSE PERMISSION FOR ANY REASON
36 THAT THE ATTORNEY GENERAL CONSIDERS SUFFICIENT.

37 D. IF A FEDERAL EMPLOYEE HAS PROBABLE CAUSE TO BELIEVE THAT THE
38 SUBJECT OF AN ARREST, SEARCH OR SEIZURE HAS A CLOSE CONNECTION WITH THE
39 COUNTY SHERIFF AND IS LIKELY TO BE INFORMED OF THE IMPENDING ARREST,
40 SEARCH OR SEIZURE, THE FEDERAL EMPLOYEE SHALL OBTAIN WRITTEN PERMISSION
41 FROM THE ATTORNEY GENERAL INSTEAD OF FROM THE COUNTY SHERIFF. THE REQUEST
42 FOR WRITTEN PERMISSION MUST INCLUDE A WRITTEN STATEMENT, UNDER OATH,
43 DESCRIBING THE FEDERAL EMPLOYEE'S PROBABLE CAUSE. THE ATTORNEY GENERAL
44 MAY REFUSE PERMISSION FOR ANY REASON THAT THE ATTORNEY GENERAL CONSIDERS
45 SUFFICIENT.

- 1 E. A PERMISSION REQUEST TO THE COUNTY SHERIFF OR ATTORNEY GENERAL
2 MAY BE IN LETTER FORM, EITHER TYPED OR HANDWRITTEN, AND MUST CONTAIN ALL
3 OF THE FOLLOWING:
- 4 1. THE NAME OF THE SUBJECT OF THE ARREST, SEARCH OR SEIZURE.
 - 5 2. A CLEAR STATEMENT OF PROBABLE CAUSE FOR THE ARREST, SEARCH OR
6 SEIZURE OR PROVIDE A FEDERAL ARREST, SEARCH OR SEIZURE WARRANT THAT
7 CONTAINS A CLEAR STATEMENT OF PROBABLE CAUSE.
 - 8 3. A DESCRIPTION OF SPECIFIC ASSETS, IF ANY, THAT THE FEDERAL
9 EMPLOYEE INTENDS TO SEARCH OR SEIZE.
 - 10 4. THE DATE, TIME AND LOCATION OF THE INTENDED ARREST, SEARCH OR
11 SEIZURE.
- 12 F. TO CONSTITUTE VALID WRITTEN PERMISSION, THE COUNTY SHERIFF,
13 COUNTY SHERIFF'S DESIGNEE OR ATTORNEY GENERAL MUST COUNTERSIGN THE
14 PERMISSION REQUEST. THE PERMISSION IS VALID FOR FORTY-EIGHT HOURS AFTER
15 IT IS SIGNED. THE COUNTY SHERIFF OR ATTORNEY GENERAL SHALL KEEP A COPY OF
16 THE PERMISSION REQUEST ON FILE.
- 17 G. THE COUNTY ATTORNEY SHALL PROSECUTE AN INDIVIDUAL WHO VIOLATES
18 SUBSECTION A OF THIS SECTION FOR:
- 19 1. KIDNAPPING, IF AN ARREST OR ATTEMPTED ARREST OCCURS.
 - 20 2. TRESPASS, IF A SEARCH OR ATTEMPTED SEARCH OCCURS.
 - 21 3. THEFT, IF A SEIZURE OR ATTEMPTED SEIZURE OCCURS.
 - 22 4. AN APPLICABLE HOMICIDE OFFENSE, IF LOSS OF LIFE OCCURS.
 - 23 5. ANY OTHER APPLICABLE CRIMINAL OFFENSE PRESCRIBED IN TITLE 13.
- 24 H. THE COUNTY ATTORNEY MAY NOT REFUSE TO PROSECUTE AFTER THE COUNTY
25 SHERIFF OR COUNTY SHERIFF'S DESIGNEE CLAIMS THAT A VIOLATION OF SUBSECTION
26 A OF THIS SECTION HAS OCCURRED. FAILURE TO ABIDE BY THIS MANDATE SUBJECTS
27 THE COUNTY ATTORNEY TO RECALL BY THE VOTERS AND TO PROSECUTION BY THE
28 ATTORNEY GENERAL FOR OFFICIAL MISCONDUCT.