

Support Our Law Enforcement and Safe Neighborhoods Act

Summary of Arizona SB 1070 as Enacted

April 27, 2010

Arizona Governor Jan Brewer signed SB 1070 into law on April 23, 2010. The legislative intent of the bill, set forth in Section 1, states that there is a compelling interest in the cooperative enforcement of federal immigration laws throughout all of Arizona, and declares that the intent of the law is to make attrition through enforcement the public policy of all state and local government agencies in Arizona. The provisions of the law are intended to work together to discourage and deter “the unlawful entry and presence of illegal aliens and economic activity by illegal aliens in the United States.” The following is a summary of the main provisions of the bill.

Arizona SB 1070

- Declares attrition through enforcement to be the official policy of state and local government agencies in Arizona. (§ 1, page 1).
- Prohibits local police agencies from adopting sanctuary-type policies that limit or restrict enforcement of federal immigration laws. (§ 2(A), page 1).
- During a lawful stop, directs law enforcement officers to determine immigration status of individuals who they reasonably suspect to be illegal aliens, and for all persons who are arrested. (§ 2(B), page 1).
- Provides that persons who present any federal, state or local identification documents that require verification of lawful status (e.g., an Arizona driver’s license) when issued are presumed to be lawfully present. (§ 2(B), page 1).
- Authorizes law enforcement agencies to securely transfer verified illegal aliens into federal custody. (§ 2(D), page 2).
- Prohibits state officials and agencies from imposing bans or restrictions on sending, receiving, or maintaining information relating to an individual’s immigration status, or exchanging it with any other federal, state, or local governmental entity for these purposes (§ 2(E), page 2):
 - Determining eligibility for any public benefit, service, or license provided by the state.
 - Verifying a claim of residence or domicile if such determination is mandated by law or judicial order.
 - Confirming the identity of any person who is detained.
 - Determining whether an alien is in compliance with federal registration laws under the INA (Title II, Chapter 7).
- Allows legal residents of Arizona to sue if they feel a government agency adopts a policy that limits or restricts the enforcement of federal immigration laws. (§ 2(G), page 2).

- Mirrors federal alien registration laws; provides that illegal aliens who violate federal alien registration laws (8 U.S.C. 1304(e) and 8 U.S.C. 1306(a), which require aliens to register and carry their documents with them at all times) are now subject to arrest and penalties under the Arizona criminal code. (§ 3, page 3 – 4).
- Prohibits people who are hiring and/or picking up day laborers, and day laborers soliciting work, from impeding traffic. (§ 5, page 5 – 6).
- Prohibits illegal aliens without work authorization from applying for work, soliciting work in a public place, or performing work in the state. (§ 5(C), page 5).
- Makes it illegal to transport, harbor, or encourage illegal aliens to remain in the United States if the driver knows or recklessly disregards that they are illegal (as under federal law). Provides exemptions for child care providers and first responders. (§ 5, page 6).
- Authorizes law enforcement officers to arrest an individual without a warrant if they have probable cause to believe the individual has committed any public offense that makes him/her removable from the U.S. (§ 6(A), page 6 – 7).
- Requires employers to maintain a record of an employee's E-Verify eligibility verification for either (a) the duration of employment or (b) at least three years. (§ 9(A), page 15).
- Authorizes the impoundment or forfeiture of vehicles driven by illegal aliens, or used to unlawfully transport them. (§ 10, page 16).
- Establishes the Gang and Immigration Intelligence Team Enforcement Mission Fund to use fines and penalties for gang and immigration enforcement and for county jail reimbursement costs relating to illegal immigration. (§ 11, page 17).