

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SENATE CONCURRENT RESOLUTION 1030

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO IDENTIFICATION REQUIREMENTS FOR THE DISBURSEMENT OF PUBLIC SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the Senate of the State of Arizona, the House of
2 Representatives concurring:

3 1. Under the power of the referendum, as vested in the Legislature,
4 the following measure, relating to identification requirements for the
5 disbursement of public services, is enacted to become valid as a law if
6 approved by the voters and on proclamation of the Governor:

7 AN ACT

8 AMENDING TITLE 41, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 41;
9 RELATING TO IDENTIFICATION REQUIREMENTS.

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

11 Section 1. Title 41, Arizona Revised Statutes, is amended
12 by adding chapter 41, to read:

13 CHAPTER 41

14 SECURE AND VERIFIABLE IDENTIFICATION

15 ARTICLE 1. GENERAL PROVISIONS

16 41-4251. Identification requirements; exceptions;
17 consequences; definitions

18 A. FOR THE DISBURSEMENT OF PUBLIC SERVICES, INCLUDING LAW
19 ENFORCEMENT SERVICES, IN THIS STATE THAT REQUIRE RECIPIENTS TO
20 PRODUCE IDENTIFICATION, A DEPARTMENT, AGENCY, COMMISSION, BOARD
21 OR DISTRICT OF THIS STATE OR A POLITICAL SUBDIVISION OF THIS
22 STATE SHALL NOT ACCEPT OR RECOGNIZE ANY IDENTIFICATION DOCUMENT
23 UNLESS THE DOCUMENT WAS ISSUED BY A POLITICAL SUBDIVISION OF
24 THIS STATE, A FEDERALLY RECOGNIZED INDIAN TRIBE OR A STATE OR
25 FEDERAL AUTHORITY AND IS VERIFIABLE BY A LAW ENFORCEMENT OR
26 HOMELAND SECURITY AGENCY. LAW ENFORCEMENT SERVICES SHALL NOT BE
27 WITHHELD BECAUSE OF THE PRESENTATION OF AN UNVERIFIABLE
28 IDENTIFICATION DOCUMENT, BUT THE UNVERIFIABLE DOCUMENT CANNOT BE
29 USED TO ESTABLISH IDENTITY. A POLITICAL SUBDIVISION OF THIS
30 STATE SHALL NOT AUTHORIZE ACCEPTANCE OF AN UNVERIFIABLE
31 IDENTIFICATION DOCUMENT AND A PUBLIC OFFICIAL ACTING IN THE
32 CAPACITY OF A PUBLIC OFFICIAL SHALL NOT ACCEPT, ACKNOWLEDGE OR
33 RECOGNIZE ANYTHING OTHER THAN A VERIFIABLE IDENTIFICATION
34 DOCUMENT. FOR THE PURPOSE OF ISSUING ANY FORM OF
35 IDENTIFICATION, LICENSE, PERMIT OR OFFICIAL DOCUMENT TO ANY
36 PERSON, A POLITICAL SUBDIVISION OF THIS STATE SHALL NOT RELY ON,
37 OR USE IN ANY MANNER, ANY DOCUMENT OTHER THAN A VERIFIABLE
38 IDENTIFICATION DOCUMENT.

39 B. AN EXCEPTION TO THIS SECTION SHALL BE MADE ONLY AS
40 REQUIRED BY TREATY OR FEDERAL LAW OR FOR THE PURPOSE OF
41 REPORTING A CRIME. AN ACTION THAT IS KNOWINGLY TAKEN AND THAT
42 IS INCONSISTENT WITH THIS SECTION IS DEEMED TO BE OUTSIDE OF THE
43 OFFICIAL CAPACITY OF THE AGENCY, OFFICER, ELECTED OFFICIAL,
44 AGENT OR EMPLOYEE AND IS NOT PROTECTED BY GOVERNMENTAL IMMUNITY.

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C. FOR THE PURPOSES OF THIS ARTICLE:

1. "LAW ENFORCEMENT AGENCY" MEANS ANY LAW ENFORCEMENT OR INTELLIGENCE AGENCY, DEPARTMENT OR AUTHORITY OF THE UNITED STATES GOVERNMENT, A STATE GOVERNMENT OR A POLITICAL SUBDIVISION OF THE UNITED STATES GOVERNMENT OR A STATE GOVERNMENT.

2. "PUBLIC SERVICES" MEANS SERVICES FUNDED IN WHOLE OR IN PART BY STATE OR LOCAL TAX REVENUES.

3. "VERIFIABLE" MEANS THAT THE ISSUANCE OF A DOCUMENT BY THE ISSUING AGENCY TO THE INDIVIDUAL NAMED ON THE DOCUMENT IS CAPABLE OF BEING CONFIRMED ON REQUEST BY A UNITED STATES LAW ENFORCEMENT AGENCY.

Sec. 2. Legislative history

During the 2005 legislative session, the legislature enacted S.B. 1511, secure and verifiable identification. However, this bill did not become law because the governor of the state of Arizona vetoed this bill. The legislature is therefore proposing this measure, which is identical to the language of the vetoed S.B. 1511, to give the qualified electors of this state the opportunity to override the governor's veto of S.B. 1511 and enact this measure into law.

2. The Secretary of State shall submit this proposition to the voters at the next general election as provided by article IV, part 1, section 1, Constitution of Arizona.