

REFERENCE TITLE: **illegal alien trespass**

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

## **HCR 2022**

Introduced by  
Representatives Pearce, Burges, Senator Harper: Representatives Crump,  
Groe, Murphy, Nichols, Senators Gray L, Johnson

**A CONCURRENT RESOLUTION**

**ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO  
ILLEGAL ALIEN TRESPASS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

3 1. Under the power of the referendum, as vested in the Legislature,  
4 the following measure, relating to illegal alien trespass, is enacted to  
5 become valid as a law if approved by the voters and on proclamation of the  
6 Governor:

7 AN ACT

8 AMENDING TITLE 13, CHAPTER 15, ARIZONA REVISED STATUTES, BY  
9 ADDING SECTION 13-1509; RELATING TO TRESPASS.

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

11 Section 1. Title 13, chapter 15, Arizona Revised  
12 Statutes, is amended by adding section 13-1509, to read:

13 13-1509. Trespassing by illegal aliens; fingerprinting;  
14 civil penalty; classification

15 A. IN ADDITION TO ANY VIOLATION OF FEDERAL LAW, IT IS  
16 UNLAWFUL FOR A PERSON WHO IS A CITIZEN OF ANY COUNTRY OTHER THAN  
17 THE UNITED STATES TO ENTER INTO OR BE ON ANY PUBLIC OR PRIVATE  
18 LAND IN THIS STATE IF, AT THE TIME OF THE COMMISSION OF THE  
19 OFFENSE, THE PERSON IS IN VIOLATION OF 8 UNITED STATES CODE  
20 SECTION 1325.

21 B. A PEACE OFFICER SHALL NOT STOP OR ARREST A PERSON FOR  
22 A VIOLATION OF THIS SECTION UNLESS THE PEACE OFFICER HAS  
23 REASONABLE SUSPICION TO BELIEVE THE PERSON HAS COMMITTED OR IS  
24 COMMITTING ANOTHER VIOLATION OF A LAW OF THIS STATE OR A FEDERAL  
25 LAW.

26 C. THE ARRESTING AUTHORITY SHALL FINGERPRINT A PERSON WHO  
27 IS ARRESTED FOR A VIOLATION OF THIS SECTION. FOR A FIRST  
28 OFFENSE, THE ARRESTING AUTHORITY HAS DISCRETION TO TRANSFER THE  
29 PERSON TO THE FEDERAL AGENCY WITH JURISDICTION OR REFER THE  
30 PERSON FOR PROSECUTION.

31 D. A VIOLATION OF THIS SECTION IS A CLASS 1 MISDEMEANOR,  
32 EXCEPT THAT A SECOND OR SUBSEQUENT VIOLATION IS A CLASS 4  
33 FELONY. THE COURT SHALL SENTENCE A PERSON WHO IS CONVICTED OF A  
34 VIOLATION OF THIS SECTION TO IMPRISONMENT FOR NOT LESS THAN THE  
35 MAXIMUM SENTENCE AUTHORIZED BY LAW. THE PERSON IS NOT ELIGIBLE  
36 FOR SUSPENSION OR COMMUTATION OF SENTENCE OR RELEASE ON ANY  
37 BASIS UNTIL THE SENTENCE IMPOSED IS SERVED. THE SENTENCE SHALL  
38 RUN CONSECUTIVELY TO ANY OTHER SENTENCE IMPOSED ON THE PERSON  
39 AND TO ANY UNDISCHARGED TERM OF IMPRISONMENT OF THE PERSON.

40 E. IN ADDITION TO ANY OTHER FINE, THE COURT SHALL ORDER  
41 THE PERSON TO PAY A CIVIL PENALTY IN AN AMOUNT:

42 1. OF AT LEAST FIFTY DOLLARS AND NOT MORE THAN TWO  
43 HUNDRED FIFTY DOLLARS FOR A FIRST VIOLATION.

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2. THAT IS TWICE THE AMOUNT SPECIFIED IN PARAGRAPH 1 OF THIS SUBSECTION IF THE PERSON WAS PREVIOUSLY SUBJECT TO A CIVIL PENALTY PURSUANT TO THIS SUBSECTION.

F. A COURT SHALL COLLECT THE CIVIL PENALTY PRESCRIBED IN SUBSECTION E OF THIS SECTION AND REMIT THE CIVIL PENALTY TO THE SUPREME COURT, WHICH SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, THE CIVIL PENALTY IN THE \_\_\_\_\_ FUND ESTABLISHED BY SECTION \_\_\_\_\_.

G. NOTWITHSTANDING SUBSECTION D OF THIS SECTION, IF THE PERSON VIOLATES THIS SECTION WHILE IN POSSESSION OF ANY OF THE FOLLOWING, THE VIOLATION IS A CLASS 2 FELONY:

- 1. A DANGEROUS DRUG AS DEFINED IN SECTION 13-3401.
- 2. PRECURSOR CHEMICALS THAT ARE USED IN THE MANUFACTURING OF METHAMPHETAMINE IN VIOLATION OF SECTION 13-3404.01.
- 3. A DEADLY WEAPON AS DEFINED IN SECTION 13-3101 OR A DANGEROUS INSTRUMENT AS DEFINED IN SECTION 13-105.
- 4. PROPERTY THAT IS USED FOR THE PURPOSE OF COMMITTING AN ACT OF TERRORISM AS PRESCRIBED IN SECTION 13-2308.01.

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.