

REFERENCE TITLE: border officers; state laws; enforcement

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

## **HB 2359**

Introduced by  
Representatives Paton, Adams, Senator Bee: Representatives Burns J,  
Hershberger, McClure

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-500.28; AMENDING SECTION 11-441, ARIZONA REVISED STATUTES; RELATING TO MUNICIPAL CHIEFS OF POLICE AND 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 9, chapter 4, article 8, Arizona Revised Statutes, is  
3 amended by adding section 9-500.28, to read:

4 9-500.28. Chiefs of police; deputizing border officers

5 CHIEFS OF POLICE OF MUNICIPALITIES, WITHOUT CITY OR TOWN COUNCIL  
6 APPROVAL, MAY ENTER INTO AGREEMENTS TO CROSS-CERTIFY CUSTOMS AND BORDER  
7 PROTECTION OFFICERS TO ENFORCE STATE AND LOCAL LAWS.

8 Sec. 2. Section 11-441, Arizona Revised Statutes, is amended to read:

9 11-441. Powers and duties

10 A. The sheriff shall:

11 1. Preserve the peace.

12 2. Arrest and take before the nearest magistrate for examination all  
13 persons who attempt to commit or who have committed a public offense.

14 3. Prevent and suppress all affrays, breaches of the peace, riots and  
15 insurrections which may come to the knowledge of the sheriff.

16 4. Attend all courts, except justice and municipal courts, when an  
17 element of danger is anticipated and attendance is requested by the presiding  
18 judge, and obey lawful orders and directions issued by the judge.

19 5. Take charge of and keep the county jail, including a county jail  
20 under the jurisdiction of a county jail district, and the prisoners in the  
21 county jail.

22 6. Endorse upon all process and notices the year, month, day, hour and  
23 minute of reception, and issue to the person delivering it, on payment of  
24 fees, a certificate showing the names of the parties, title of paper and time  
25 of reception.

26 7. Serve process and notices in the manner prescribed by law and  
27 certify under the sheriff's hand upon the process or notices the manner and  
28 time of service, or if the sheriff fails to make service, the reasons for  
29 failure, and return them without delay. When returnable to another county,  
30 the sheriff may enclose such process or notices in an envelope, addressed to  
31 the officer from whom received, and deposit it postage prepaid in the post  
32 office. The return of the sheriff is prima facie evidence of the facts  
33 stated in the return.

34 8. Secure, as soon as possible, the home of a deceased person located  
35 outside the boundaries of an incorporated city or town if the sheriff is  
36 unable to determine or locate the heirs or executor of the deceased person.

37 B. The sheriff may in the execution of the duties prescribed in  
38 subsection A, paragraphs 1 through 4 command the aid of as many inhabitants  
39 of the county as the sheriff deems necessary. THE SHERIFF, WITHOUT THE  
40 AUTHORITY OF THE BOARD OF SUPERVISORS, MAY ENTER INTO AGREEMENTS TO  
41 CROSS-CERTIFY CUSTOMS AND BORDER PROTECTION OFFICERS TO ENFORCE STATE AND  
42 LOCAL LAWS.

43 C. The sheriff shall conduct or coordinate within the county search or  
44 rescue operations involving the life or health of any person, or may assist  
45 in such operations in another county at the request of that county's sheriff,

1 and may request assistance from any persons or agencies in the fulfillment of  
2 duties under this subsection.

3 D. The sheriff, in the execution of the duties prescribed in this  
4 section, may request the aid of volunteer posse and reserve organizations  
5 located in the county.

6 E. The sheriff may assist in the execution of the duties prescribed in  
7 this section in another county at the request of that county's sheriff.

8 F. The sheriff may require any prisoner who is on work release to  
9 reimburse the county for reasonable expenses incurred in connection with the  
10 release.

11 G. The board of supervisors of a county bordering the Republic of  
12 Mexico may adopt an ordinance pursuant to chapter 2 of this title allowing  
13 the sheriff to prevent the entry from this state into the republic of Mexico  
14 at the border by any resident of this state who is under eighteen years of  
15 age if the minor is unaccompanied by a parent or guardian or does not have  
16 written consent for entry from a parent or guardian. The authority of the  
17 sheriff is only to prevent entry and not to otherwise detain the minor. This  
18 subsection shall not be construed to limit the authority of the sheriff  
19 pursuant to any other law. A county is not civilly or criminally liable for  
20 not adopting an ordinance pursuant to this subsection.