

REFERENCE TITLE: traffic violations; prove legal presence

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

HB 2475

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

AN ACT

AMENDING TITLE 28, CHAPTER 5, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-1562; RELATING TO PENALTIES AND PROCEDURES FOR VEHICLE VIOLATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 28, chapter 5, article 3, Arizona Revised Statutes,
3 is amended by adding section 28-1562, to read:
4 28-1562. Proof of legal presence
5 A. IF A PERSON RECEIVES A COMPLAINT FOR AN ALLEGED CIVIL OR CRIMINAL
6 TRAFFIC VIOLATION, THE COURT SHALL REQUIRE THE PERSON TO PROVIDE PROOF TO THE
7 COURT THAT THE PERSON IS LEGALLY PRESENT IN THE UNITED STATES.
8 B. THE PERSON SHALL PROVIDE PROOF OF LEGAL PRESENCE BY PROVIDING VALID
9 DOCUMENTARY EVIDENCE OF ANY OF THE FOLLOWING:
10 1. THE PERSON IS A CITIZEN OR NATIONAL OF THE UNITED STATES.
11 2. THE PERSON IS AN ALIEN LAWFULLY ADMITTED FOR PERMANENT OR TEMPORARY
12 RESIDENCE IN THE UNITED STATES.
13 3. THE PERSON HAS CONDITIONAL PERMANENT RESIDENT STATUS IN THE UNITED
14 STATES.
15 4. THE PERSON HAS AN APPROVED APPLICATION FOR ASYLUM IN THE UNITED
16 STATES OR HAS ENTERED INTO THE UNITED STATES IN REFUGEE STATUS.
17 5. THE PERSON HAS A VALID, UNEXPIRED NONIMMIGRANT VISA OR NONIMMIGRANT
18 VISA STATUS FOR ENTRY INTO THE UNITED STATES.
19 6. THE PERSON HAS A PENDING APPLICATION FOR TEMPORARY PROTECTED STATUS
20 IN THE UNITED STATES.
21 7. THE PERSON HAS A PENDING OR APPROVED APPLICATION FOR TEMPORARY
22 PROTECTED STATUS IN THE UNITED STATES.
23 8. THE PERSON HAS APPROVED DEFERRED ACTION STATUS.
24 9. THE PERSON HAS A PENDING APPLICATION FOR ADJUSTMENT OF STATUS TO
25 THAT OF AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED
26 STATES OR CONDITIONAL PERMANENT RESIDENT STATUS IN THE UNITED STATES.
27 C. IF THE PERSON DOES NOT PROVIDE PROOF OF LEGAL PRESENCE TO THE
28 COURT, BOTH OF THE FOLLOWING SHALL OCCUR:
29 1. NOTWITHSTANDING SECTION 28-3152, THE CITATION SHALL BE AMENDED TO
30 INCLUDE A VIOLATION OF SECTION 28-3151 AND THE COURT SHALL FIND THE PERSON
31 RESPONSIBLE FOR A VIOLATION OF SECTION 28-3151.
32 2. NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, THE COURT SHALL
33 NOT DISMISS ANY COMPLAINT FOR AN ALLEGED CIVIL OR CRIMINAL TRAFFIC VIOLATION.