

APPLICATION FOR INITIATIVE OR REFERENDUM PETITION SERIAL NUMBER

Secretary of State  
1700 W. Washington, 7th Floor  
Phoenix, AZ 85007

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The undersigned intends to circulate and file an INITIATIVE or a REFERENDUM (circle the appropriate word) petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Pursuant to Arizona Revised Statutes § 19-111, attached hereto is the full text, in no less than eight point type, of the MEASURE or CONSTITUTIONAL AMENDMENT (circle appropriate word) intended to be INITIATED or REFERRED (circle appropriate word) at the next general election.

**SUMMARY:** A description of no more than one hundred words of the principal provisions of the proposed law, constitutional amendment or measure that will appear in no less than eight point type on the face of each petition signature sheet to be circulated .

This initiative requires this state, counties and municipalities to comply with and assist in the enforcement of federal immigration laws. It also makes it unlawful for any person to be in this state in violation of federal law and makes it a crime to take the identity of another to obtain employment. If a person is an illegal alien, the person shall either be prosecuted by this state or shall be turned over to federal authorities. The initiative would also allow government agencies to send, receive and maintain information with other agencies relating to a person's immigration status.

Russell Pearce  
Signature of Applicant

Russell K. Pearce  
Printed Name of Applicant

1928 E. Highland F-104 #616  
Address

Phoenix AZ 85016  
City State Zip

480 703-6700  
Telephone Number

Support our Law Enforcement  
Name of Organization (if any)

1928 E. Highland F-104 #616  
Address

Phoenix AZ 85016  
City State Zip

480-703-6700  
Telephone Number

Russell K. Pearce - Chairman  
Name of Officer and Title

1928 E. Highland F-104 #616  
Address

Phoenix AZ 85016  
City State Zip

480 703 6700  
Telephone Number

Gene Reed - Treasurer  
Name of Officer and Title

1928 E. Highland F-104 #616  
Address

Phoenix AZ 85016  
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602 274-1967  
Telephone Number

Date of Application March 23, 2007  
Signatures Required 153,365  
Deadline for Filing July 3, 2008  
Serial Number Issued I-07-2008  
FOR OFFICE USE ONLY

Revised 11/92

S.O.O. Support our Law Enforcement  
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AN INITIATIVE MEASURE

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AMENDING TITLE 11, CHAPTER 7, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 8; AMENDING TITLE 13, CHAPTER 15, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-1509; AMENDING SECTION 13-2009, ARIZONA REVISED STATUTES; RELATING TO ILLEGAL ALIENS.

Be it enacted by the People of the State of Arizona:

Section 1. Title 11, chapter 7, Arizona Revised Statutes, is amended by adding article 8, to read:

ARTICLE 8. ENFORCEMENT OF IMMIGRATION LAWS

11-1051. Cooperation and assistance in enforcement of immigration laws

A. ALL OFFICIALS, AGENCIES AND PERSONNEL OF THIS STATE AND COUNTIES, CITIES AND TOWNS OF THIS STATE SHALL FULLY COMPLY WITH AND, TO THE FULL EXTENT PERMITTED BY LAW, ASSIST IN THE ENFORCEMENT OF FEDERAL IMMIGRATION LAWS OF THE UNITED STATES. FOR EVERY ARREST MADE BY SUCH OFFICIALS, AGENCIES AND PERSONNEL, THE CITIZENSHIP OF THE PERSON SHALL BE DETERMINED. IF THE PERSON WHO IS ARRESTED IS AN ALIEN, THE PERSON'S IMMIGRATION STATUS SHALL BE VERIFIED WITH THE FEDERAL GOVERNMENT PURSUANT TO 8 UNITED STATES CODE SECTION 1373(c). IF THE PERSON IS AN ALIEN WHO IS UNLAWFULLY PRESENT IN THE UNITED STATES AND THIS STATE OR A LOCAL GOVERNMENTAL ENTITY ELECTS NOT TO PROSECUTE THE PERSON FOR A VIOLATION OF STATE OR LOCAL LAW, THE PERSON SHALL BE TRANSFERRED TO THE CUSTODY OF THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT OR THE UNITED STATES CUSTOMS AND BORDER PROTECTION. IF AN ALIEN WHO IS UNLAWFULLY PRESENT IN THE UNITED STATES IS ACQUITTED OF ANY VIOLATION OF STATE OR LOCAL LAW, IS DISCHARGED FROM IMPRISONMENT OR PAYS ANY FINE IMPOSED, THE ALIEN IMMEDIATELY SHALL BE TRANSFERRED TO THE CUSTODY OF THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT. IF THE UNAUTHORIZED ALIEN IS CONVICTED OF A CRIME, THE ALIEN MUST COMPLETE THE FULL SENTENCE BEFORE BEING RELEASED TO THE CUSTODY OF THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT OR THE UNITED STATES CUSTOMS AND BORDER PROTECTION.

B. EXCEPT AS PROVIDED IN FEDERAL LAW, OFFICIALS, AGENCIES OR PERSONNEL OF THIS STATE AND COUNTIES, CITIES AND TOWNS OF THIS STATE MAY NOT BE PROHIBITED OR IN ANY WAY RESTRICTED FROM SENDING, RECEIVING OR MAINTAINING INFORMATION RELATING TO THE IMMIGRATION STATUS, LAWFUL OR UNLAWFUL, OF ANY INDIVIDUAL OR EXCHANGING THAT INFORMATION WITH ANY OTHER FEDERAL, STATE OR LOCAL GOVERNMENTAL ENTITY FOR THE FOLLOWING OFFICIAL PURPOSES:

1. DETERMINATION OF ELIGIBILITY FOR ANY FEDERAL, STATE OR LOCAL PUBLIC BENEFIT, SERVICE OR LICENSE THAT IS RESTRICTED IN WHOLE OR IN PART ON THE BASIS OF IMMIGRATION STATUS.
2. VERIFICATION OF ANY CLAIM OF LEGAL DOMICILE IF LEGAL DOMICILE IS REQUIRED BY LAW OR CONTRACT.
3. CONFIRMATION OF THE IDENTITY OF ANY PERSON WHO IS DETAINED.

1 C. ANY LAW ENFORCEMENT AGENCY IN THIS STATE THAT ADOPTS OR IMPLEMENTS  
2 ANY POLICY PREVENTING OR LIMITING ITS OFFICERS FROM INQUIRING INTO THE  
3 IMMIGRATION STATUS OF ANY PERSON OR REPORTING TO THE FEDERAL GOVERNMENT AN  
4 ALIEN WHO IS UNLAWFULLY PRESENT IN THE UNITED STATES SHALL BE INELIGIBLE FOR  
5 ANY STATE FUNDING. A LAW ENFORCEMENT AGENCY IS DEEMED TO BE IN VIOLATION OF  
6 THIS SUBSECTION IF THE ATTORNEY GENERAL OR A COUNTY ATTORNEY DETERMINES THAT  
7 A VIOLATION HAS OCCURRED.

8 Sec. 2. Title 13, chapter 15, Arizona Revised Statutes, is amended by  
9 adding section 13-1509, to read:

10 13-1509. Trespassing by illegal aliens; fingerprinting; civil  
11 penalty; classification

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

17 B. A PEACE OFFICER SHALL NOT STOP OR ARREST A PERSON FOR A VIOLATION  
18 OF THIS SECTION UNLESS THE PEACE OFFICER HAS REASONABLE BELIEF THAT THE  
19 PERSON HAS COMMITTED OR IS COMMITTING A VIOLATION OF THIS SECTION.

20 C. THE ARRESTING AUTHORITY SHALL FINGERPRINT A PERSON WHO IS ARRESTED  
21 FOR A VIOLATION OF THIS SECTION. FOR A FIRST OFFENSE, THE ARRESTING  
22 AUTHORITY HAS DISCRETION TO TRANSFER THE PERSON TO THE FEDERAL AGENCY WITH  
23 JURISDICTION OR REFER THE PERSON FOR PROSECUTION.

24 D. A VIOLATION OF THIS SECTION IS A CLASS 1 MISDEMEANOR, EXCEPT THAT A  
25 SECOND OR SUBSEQUENT VIOLATION IS A CLASS 4 FELONY. THE COURT SHALL SENTENCE  
26 A PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION TO IMPRISONMENT FOR  
27 NOT LESS THAN THE PRESUMPTIVE SENTENCE AUTHORIZED BY LAW. THE PERSON IS NOT  
28 ELIGIBLE FOR SUSPENSION OR COMMUTATION OF SENTENCE OR RELEASE ON ANY BASIS  
29 UNTIL THE SENTENCE IMPOSED IS SERVED. THE SENTENCE SHALL RUN CONSECUTIVELY  
30 TO ANY OTHER SENTENCE IMPOSED ON THE PERSON AND TO ANY UNDISCHARGED TERM OF  
31 IMPRISONMENT OF THE PERSON.

32 E. IN ADDITION TO ANY OTHER PENALTY PRESCRIBED BY LAW, THE COURT SHALL  
33 ORDER THE PERSON TO PAY JAIL COSTS AND AN ADDITIONAL ASSESSMENT IN THE  
34 FOLLOWING AMOUNTS:

35 1. AT LEAST FIVE HUNDRED DOLLARS FOR A FIRST VIOLATION.

36 2. TWICE THE AMOUNT SPECIFIED IN PARAGRAPH 1 OF THIS SUBSECTION IF THE  
37 PERSON WAS PREVIOUSLY SUBJECT TO AN ASSESSMENT PURSUANT TO THIS SUBSECTION.

38 F. A COURT SHALL COLLECT THE ASSESSMENTS PRESCRIBED IN SUBSECTION E OF  
39 THIS SECTION AND REMIT THE ASSESSMENTS TO THE DEPARTMENT OF PUBLIC SAFETY,  
40 WHICH SHALL ESTABLISH A SPECIAL SUBACCOUNT FOR THE MONIES IN THE ACCOUNT  
41 ESTABLISHED FOR THE GANG AND IMMIGRATION INTELLIGENCE TEAM ENFORCEMENT  
42 MISSION APPROPRIATION. MONIES IN THE SPECIAL SUBACCOUNT ARE SUBJECT TO  
43 LEGISLATIVE APPROPRIATION FOR DISTRIBUTION TO COUNTIES FOR COUNTY JAIL  
44 REIMBURSEMENT COSTS RELATING TO ILLEGAL IMMIGRATION.

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

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

11 Sec. 3. Section 13-2009, Arizona Revised Statutes, is amended to read:  
12 13-2009. Aggravated taking the identity of another person or  
13 entity; classification

14 A. A person commits aggravated taking the identity of another person  
15 or entity if the person knowingly takes, purchases, manufactures, records,  
16 possesses or uses any personal identifying information or entity identifying  
17 information of either:

- 18 1. Five or more other persons or entities, including real or  
19 fictitious persons or entities, without the consent of the other persons or  
20 entities, with the intent to obtain or use the other persons' or entities'  
21 identities for any unlawful purpose or to cause loss to the persons or  
22 entities whether or not the persons or entities actually suffer any economic  
23 loss.
- 24 2. Another person or entity, including a real or fictitious person or  
25 entity, without the consent of that other person or entity, with the intent  
26 to obtain or use the other person's or entity's identity for any unlawful  
27 purpose and causes another person or entity to suffer an economic loss of  
28 three thousand dollars or more.

29 3. ANOTHER PERSON, INCLUDING A REAL OR FICTITIOUS PERSON, WITH THE  
30 INTENT TO OBTAIN EMPLOYMENT.

31 B. In an action for aggravated taking the identity of another person  
32 or entity under subsection A, paragraph 1 of this section, proof of  
33 possession out of the regular course of business of the personal identifying  
34 information or entity identifying information of five or more other persons  
35 or entities may give rise to an inference that the personal identifying  
36 information or entity identifying information of the five or more other  
37 persons or entities was possessed for an unlawful purpose.

38 C. This section does not apply to a violation of section 4-241 by a  
39 person who is under twenty-one years of age.

40 D. Aggravated taking the identity of another person or entity is a  
41 class 3 felony.

42 Sec. 4. Intent

43 The requirements and obligations of this measure shall be implemented  
44 in a manner fully consistent with federal law regulating immigration and  
45 protecting the civil rights of citizens and aliens, including compliance with

1 the federal cases of United States v. Di Re, 332 U.S. 581 (1948), United  
2 States v. Janik, 723 F.2d 537 (7th Cir. 1983) and United States v.  
3 Salinas-Calderon, 728 F.2d 1298 (10th Cir. 1984) and compliance with 8 United  
4 States Code section 1644.

5 Sec. 5. Severability

6 If any provision of this measure or its application to any person or  
7 circumstance is held invalid, the invalidity does not affect other provisions  
8 or applications of this measure that can be given effect without the invalid  
9 provision or application, and to this end the provisions of this measure are  
10 severable.