House Engrossed

FILED
JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 174

HOUSE BILL 2387

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-500.26; AMENDING SECTION 11-441, ARIZONA REVISED STATUTES; RELATING TO MINORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Title 9, chapter 4, article 8, Arizona Revised Statutes, is amended by adding section 9-500.26, to read:

9-500.26. Authority to regulate the entry of minors into Mexico; exemption from liability

A. THE GOVERNING BODY OF AN INCORPORATED CITY OR TOWN MAY ADOPT AN ORDINANCE PURSUANT TO CHAPTER 7 OF THIS TITLE ALLOWING A PEACE OFFICER OF A CITY OR TOWN TO PREVENT THE ENTRY FROM THIS STATE INTO THE REPUBLIC OF MEXICO AT THE BORDER BY ANY RESIDENT OF THIS STATE WHO IS UNDER EIGHTEEN YEARS OF AGE IF THE MINOR IS UNACCOMPANIED BY A PARENT OR GUARDIAN OR DOES NOT HAVE WRITTEN CONSENT FOR ENTRY FROM A PARENT OR GUARDIAN. THE AUTHORITY OF THE PEACE OFFICER IS ONLY TO PREVENT ENTRY AND NOT TO OTHERWISE DETAIN THE MINOR.

B. THIS SECTION SHALL NOT BE CONSTRUED TO LIMIT THE AUTHORITY OF A PEACE OFFICER PURSUANT TO ANY OTHER LAW.

C. A CITY OR TOWN IS NOT CIVILLY OR CRIMINALLY LIABLE FOR NOT ADOPTING AN ORDINANCE PURSUANT TO THIS SECTION.

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

11-441. Powers and duties

A. The sheriff shall:

1. Preserve the peace.

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

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

4. Attend all courts, except justice and ~~police~~ MUNICIPAL courts, when an element of danger is anticipated and attendance is requested by the presiding judge, and obey lawful orders and directions issued by the judge.

5. Take charge of and keep the county jail, including a county jail under the jurisdiction of a county jail district, and the prisoners ~~therein~~ IN THE COUNTY JAIL.

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

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

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

B. The sheriff may in the execution of the duties prescribed in subsection A, paragraphs 1 through 4 command the aid of as many inhabitants of the county as the sheriff deems necessary.

C. The sheriff shall conduct or coordinate within the county search or rescue operations involving the life or health of any person, or may assist in such operations in another county at the request of that county's sheriff, and may request assistance from any persons or agencies in the fulfillment of duties under this subsection.

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

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

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

G. THE BOARD OF SUPERVISORS OF A COUNTY BORDERING THE REPUBLIC OF MEXICO MAY ADOPT AN ORDINANCE PURSUANT TO CHAPTER 2 OF THIS TITLE ALLOWING THE SHERIFF TO PREVENT THE ENTRY FROM THIS STATE INTO THE REPUBLIC OF MEXICO AT THE BORDER BY ANY RESIDENT OF THIS STATE WHO IS UNDER EIGHTEEN YEARS OF AGE IF THE MINOR IS UNACCOMPANIED BY A PARENT OR GUARDIAN OR DOES NOT HAVE WRITTEN CONSENT FOR ENTRY FROM A PARENT OR GUARDIAN. THE AUTHORITY OF THE SHERIFF IS ONLY TO PREVENT ENTRY AND NOT TO OTHERWISE DETAIN THE MINOR. THIS SUBSECTION SHALL NOT BE CONSTRUED TO LIMIT THE AUTHORITY OF THE SHERIFF PURSUANT TO ANY OTHER LAW. A COUNTY IS NOT CIVILLY OR CRIMINALLY LIABLE FOR NOT ADOPTING AN ORDINANCE PURSUANT TO THIS SUBSECTION.

APPROVED BY THE GOVERNOR APRIL 18, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2006.