

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of:	)	
	)	
IMPLEMENTATION OF SB 1070 AND	)	Administrative Order
HB 2162, 49 <sup>TH</sup> LEGISLATURE,	)	No. <u>2010 - 91</u>
SECOND REGULAR SESSION, 2010	)	(Replacing Administrative
	)	Order No. 2010-90)

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SB 1070, entitled “Support Our Law Enforcement and Safe Neighborhoods Act,” was enacted by the 49<sup>th</sup> Legislature, second regular session. Key provisions of SB 1070 were modified by HB 2162. Both bills were signed by the Governor and became effective on July 29, 2010. On July 28, 2010, United States District Court Judge Susan Bolton issued a preliminary injunction enjoining the following provisions of SB 1070: the portion of Section 2 that creates A.R.S. § 11-1051(B); Section 3, which creates A.R.S. § 13-1509; the portion of Section 5 that creates A.R.S. § 13-2928(C); and Section 6, which creates A.R.S. § 13-3883(A)(5). Upon further review of Judge Bolton’s Order and consistent with the orderly administration of justice, this Administrative Order provides procedures to implement the provisions of SB 1070 and HB 2162 that were not enjoined, until such time as appropriate rule changes can be proposed, circulated for comment, and adopted by the Court.

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that Administrative Order No. 2010-90 is rescinded and the following procedures shall supplement existing rules:

- 1. Notification to ICE Following Sentencing.** To comply with A.R.S. § 11-1051(C), when a defendant in a criminal case is ordered to pay a monetary obligation and sufficient evidence is presented to the court that the defendant has been identified by federal authorities or a 287(g) officer as a person who is unlawfully present in the United States, the court shall include a finding of this fact in the sentencing order and the clerk shall send a copy of the order to an ICE office identified by the Administrative Office of the Courts.
- 2. Transportation of Alien Out of State.** As required by A.R.S. § 11-1051(D), a law enforcement agency may apply for judicial authorization to transport an alien who is unlawfully present in the United States to a point of transfer outside this state by filing a request with a court in the county where the person is located.

Dated this 30th day of July, 2010.

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REBECCA WHITE BERCH  
Chief Justice