

House weighs migrant bill

by *Alia Beard Rau* - Apr. 1, 2010 12:00 AM
The Arizona Republic

A wide-ranging immigration proposal in the [state Legislature](#) continues to attract advocates from both sides of the issue.

During a committee hearing Wednesday, the advocates rallied on the Capitol lawn. Some held signs, others wore yellow T-shirts. They made desperate pleas to lawmakers and sent thousands of [postcards](#) to the governor.

They all have a lot at stake: Senate Bill 1070 could bring Arizona the toughest immigration laws in the nation.

The bill would, among other things, make it a state crime to be in the country illegally. It would require law enforcement to check immigration status as well as enforce federal immigration laws. It also would make it a crime in some cases to pick up a day laborer or be picked up as a day laborer.

And although the Senate passed the bill in February, concerns about wording and legal impacts lingered. The sponsor, Sen. Russell Pearce, R-Mesa, has spent time since working with the Governor's Office, attorneys and stakeholders to further tweak the language.

On Wednesday, the House Military Affairs and Public Safety Committee passed an amended version of the bill with a vote of 5-2. It now goes to the House Committee of the Whole.

Much of Wednesday's hearing focused on arguments over legal interpretation vs. intent. Martha Payan of Phoenix was among a group that showed up wearing bright yellow T-shirts with wording opposing sanctuary policies and a black ribbon in memory of Robert Krentz, the rancher killed in southern

Arizona.

"Counties, cities and the state have been letting the [immigration](#) situation build," Payan said.

In the latest version of SB 1070, the charge of trespassing for illegal immigrants in Arizona was replaced with a state crime of "willful failure to complete or carry an alien registration document." Such a document would include what is more commonly called a green card. Pearce said the new wording reflects existing federal law.

Rep. Kyrsten Sinema, D-Phoenix, voted against the bill. She said nobody has ever been charged under the federal law for failing to carry their legal [identification card](#) but worried that it would be taken to that level in Arizona.

"My concern is that if a person doesn't have documentation but is a legal resident, there would be time they could be held in custody until their legal status is determined," Sinema said.

Levi Bolton, who represents the Phoenix Law Enforcement Association, argued that police are capable of interpreting the bill responsibly.

"We investigate things like murders, and yet folks think we can't figure out how to determine probable cause and reasonable suspicion," he said.

Father Glenn Jenks of St. James Episcopal Church in Tempe and a member of the Valley Interfaith Project said he was concerned that the bill has no clear language exempting crime victims and witnesses from having to prove their legal status.

Pearce said wording in the bill that would require officers to check immigration status when "practicable" allows wiggle room for officers.

The new version of the bill eliminates the requirement that an individual must be in the midst of committing another crime in

order to also be charged with transporting, concealing or harboring an illegal immigrant.

Ron Johnson with the Arizona Catholic Conference argued that under the new wording, soup kitchens, homeless shelters or even crisis pregnancy centers could be charged if someone they are serving turns out to be an illegal immigrant.

Pearce said the bill has no exception for humanitarian efforts because the federal law has no such exceptions. But he said the intent is clear.

"Harboring is not driving people to church," he said.

Rep. Amanda Reeve, R-Phoenix, voted for the bill in committee but said she would reconsider in Committee of the Whole if Pearce didn't change some of the wording causing concern.