

## Arizona is Not the First State to Take Immigration Matters into their Own Hands

UPDATED 05/26/10 - Arizona's controversial new immigration law ([SB 1070](#) [1]) is the latest in a long line of efforts to regulate immigration at the state level. While the Grand Canyon State's foray into immigration law is one of the most extreme and punitive, other states have also attempted to enforce federal law through state-specific measures and sanctions. Oklahoma and Georgia have passed measures, with mixed constitutional results, aimed at cracking down on illegal immigration through state enforcement. Legislators in 45 states introduced 1,180 bills and resolutions [\[i\]](#) [2] in the first quarter of 2010 alone, compared to 570 in *all* of 2006. Not all state legislation relating to immigration is punitive—much of it falls within traditional state jurisdiction, such as legislation that attempts to improve high school graduation rates among immigrants or funds. The leap into federal enforcement, however, represents a disturbing trend fueled by the lack of comprehensive immigration reform at the federal level.

A report by the National Conference of State Legislatures, [2010 Immigration-Related Bills and Resolutions in the States](#) [3], shows an increase in individual state action on immigration issues.

### **State laws related to immigration have increased dramatically in recent years:**

- In 2006, 570 immigration bills were introduced; 84 laws were enacted and 12 resolutions were adopted.
- In 2007, 1,562 immigration bills were introduced; 240 laws were enacted and 50 resolutions were adopted.
- In 2008, 1,305 immigration bills were introduced; 206 laws were enacted and 64 resolutions were adopted.
- In 2009, more than 1,500 immigration bills were introduced; 222 laws were enacted and 131 resolutions were adopted.
- In the first quarter of 2010, 1,180 immigration bills were introduced; 107 laws were enacted, and 87 resolutions were adopted.

### **The Arizona law is not the first to pass punitive laws against immigrants. Other states have passed anti-immigrant legislation, though none as strong as Arizona's:**

- Oklahoma enacted [H 1804](#) [4] in 2007, which makes it illegal to knowingly transport unauthorized immigrants, requires state contractors to check the immigration status of all workers, revokes business licenses of employers who knowingly hire unauthorized immigrants, denies unauthorized immigrants driver's licenses, and requires proof of citizenship for certain government benefits. Constitutional challenges to the law were [partially successful](#) [5].

- In 2006, Georgia passed [S 529](#) [6], which mandates use of the E-Verify program for government contractors, taxes workers without a taxpayer ID number, requires jails to check the immigration status of any prisoners charged with a felony or DUI, and requires verification of immigration status to receive any public benefits where the individual is over 18 years of age.
- Arizona enacted [H 2779](#) [7] in 2007, which requires all employers to use the E-Verify system and revokes business licenses from employers who knowingly hire undocumented immigrants more than once. Legal challenges to the law were [unsuccessful](#) [8].

**The report found that the majority of proposed state immigration legislation in the first quarter of 2010 was in the areas of education, employment, identification/licensing, law enforcement, and resolutions:**

- Education: 106 bills were introduced, including [Idaho S 1367](#) [9] which makes unauthorized immigrants unable to qualify for resident student status, and [Washington S 6403](#) [10] which seeks to improve high school graduation rates by serving vulnerable youth, including recent immigrants (both enacted).
- Employment: 173 bills were introduced, including [Virginia H 737](#) [11] (enacted) which requires state agencies, public contractors, localities, and private employers with 15 or more employees to enroll in the E-Verify program by December 1, 2010.
- Identification/Licensing: 156 bills were introduced, including [South Dakota H 1107](#) [12], which requires evidence of legal presence in the U.S. to renew a nonresident commercial driver license (enacted).
- Law Enforcement: 136 bills were introduced, including [Oklahoma H 2751](#) [13] which requires any immigrant unlawfully present under federal immigration law to submit to DNA testing for law enforcement identification purposes once arrested (enacted).
- Resolutions: 188 resolutions were introduced, including Alabama SJR 31, which urges Congress to continue funding the E-Verify program, [New Jersey SR 23](#) [14], which urges Congress to enact the Haitian Protection Act of 2009 to grant qualifying Haitian nationals in the U.S. temporary protected status, and [New Mexico HM 60](#) [15], which urges Congress to enact comprehensive immigration reform legislation (all enacted).

While some of the state laws are beneficial to immigrants, others, including Arizona SB 1070 are overreaching and misguided. **Now legislators in at least twenty-two states—Arkansas, Colorado, Delaware, Georgia, Idaho, Indiana, Maryland, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas, and Utah—have introduced or are considering introducing similar legislation.** Unless Congress addresses the immigration issue soon, state legislators will continue to find it politically expedient to take matters into their own hands, leading to more constitutional challenges and wasted resources spent fighting a federal problem at the state level.

---

[\[i\]](#) [16] A resolution is a non-binding statement passed to express the intent or thought of a legislature, but does not affect the laws of the state.

# Arizona is Not the First State to Take Immigration Matters into their Own Hands

Published on Immigration Policy Center (<http://www.immigrationpolicy.org>)

---

Published On: **Thu, May 06, 2010** | [Download File](#) [17]

- [Just the Facts](#)
- [Enforcement](#)
- [State and Local Legislation](#)
- [Policy](#)

## Source URL:

<http://www.immigrationpolicy.org/just-facts/arizona-not-first-state-take-immigration-matters-their-own-hands>

## Links:

[1] <http://www.azleg.gov/legtext/49leg/2r/bills/sb1070s.pdf>

[2]

[http://www.immigrationpolicy.org/just-facts/arizona-not-first-state-take-immigration-matters-their-own-hands#\\_edn1](http://www.immigrationpolicy.org/just-facts/arizona-not-first-state-take-immigration-matters-their-own-hands#_edn1)

[3] [http://www.ncsl.org/portals/1/documents/immig/immigration\\_report\\_april2010.pdf](http://www.ncsl.org/portals/1/documents/immig/immigration_report_april2010.pdf)

[4] <http://www.tulsaworld.com/webextra/content/2007/1804bill/1804.pdf>

[5]

<http://www.legalactioncenter.org/clearinghouse/litigation-issue-pages/state-and-local-law-enforcement#OK>

[6] [http://www.legis.ga.gov/legis/2005\\_06/pdf/sb529.pdf](http://www.legis.ga.gov/legis/2005_06/pdf/sb529.pdf)

[7] <http://www.azleg.gov/legtext/48leg/1r/bills/hb2779h.pdf>

[8]

<http://www.legalactioncenter.org/clearinghouse/litigation-issue-pages/state-and-local-law-enforcement#AZ>

[9] <http://www.legislature.idaho.gov/legislation/2010/S1367.pdf>

[10] [http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/Senate Passed Legislature/6403-S.PL.pdf](http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/Senate%20Passed%20Legislature/6403-S.PL.pdf)

[11] [http://leg1.state.va.us/cgi-bin/legp504.exe?101 ful HB737ER](http://leg1.state.va.us/cgi-bin/legp504.exe?101%20ful%20HB737ER) pdf

[12] <http://legis.state.sd.us/sessions/2010/Bills/HB1107ENR.pdf>

[13]

[http://www.scribd.com/doc/25895741/HB-2751-DNA-Upon-Arrest-“I-felt-like-if-we-could-get-their-DNA-upon-arrest-and-they-commit-serial-crimes-we-could-catch-them-faster”-Rep-Lee-Denney](http://www.scribd.com/doc/25895741/HB-2751-DNA-Upon-Arrest-\)

[14] [http://www.njleg.state.nj.us/2010/Bills/SR/23\\_S1.HTM](http://www.njleg.state.nj.us/2010/Bills/SR/23_S1.HTM)

[15] [http://legis.state.nm.us/Sessions/10 Regular/final/HM060.pdf](http://legis.state.nm.us/Sessions/10%20Regular/final/HM060.pdf)

[16]

[http://www.immigrationpolicy.org/just-facts/arizona-not-first-state-take-immigration-matters-their-own-hands#\\_ednref1](http://www.immigrationpolicy.org/just-facts/arizona-not-first-state-take-immigration-matters-their-own-hands#_ednref1)

[17]

[http://www.immigrationpolicy.org/sites/default/files/docs/State\\_Immigration\\_Legislation\\_050610\\_0.pdf](http://www.immigrationpolicy.org/sites/default/files/docs/State_Immigration_Legislation_050610_0.pdf)