

IN THE SUPREME COURT

STATE OF ARIZONA

PETITION TO ADD RULE 65.2, )  
ARIZONA RULES OF CIVIL ) Supreme Court No. R-07-\_\_\_\_\_  
PROCEDURE. )  
\_\_\_\_\_ )

Pursuant to Arizona Supreme Court Rule 28, David K. Byers, Director, Administrative Office of the Courts, respectfully petitions this Court to adopt the attached proposed new Rule 65.2 of the Arizona Rules of Civil Procedure to govern actions filed pursuant to A.R.S. § 23-212.

**I. Background and Purpose of the Proposed New Rule.**

In the First Regular Session of the Forty-eighth Legislature (2007), the Legislature passed House Bill 2779 amending A.R.S. § 13-2009, and amending Title 23, Chapter 2, A.R.S., by adding Article 2, Employment of Unauthorized Aliens. On July 2, 2007, the Governor signed the bill into law. The new law is effective September 19, 2007.

The Legislature intended H.B. 2779 to build upon the federal Immigration Reform and Control Act (IRCA), which makes all United States (U.S.) employers responsible for

verifying the identity and work authorization of all individuals, including U.S. citizens, hired after November 6, 1986.<sup>1</sup>

H.B. 2779 includes new A.R.S. § 23-212, which becomes enforceable January 1, 2008, and which prescribes business license suspension or revocation for an employer who intentionally or knowingly employs an "unauthorized alien" as defined by federal law. The new law provides that "the court" shall order any prescribed license suspension or revocation. While the new law provides a framework for the imposition of a license suspension or revocation, this rule supplements the law with procedures to guide the courts in implementing the law.

## **II. Contents of the Proposed New Rule.**

The proposed new rule includes provisions concerning initiation of the action, contents of the complaint, venue for the action, nature of the proceedings, standard of proof, the requirement of an evidentiary hearing, applicability of the rules of evidence, enforcement of court orders, the manner in which a second violation of the law is to alleged, a requirement for electronic service, and court fees.

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<sup>1</sup> See Senate Final Amended Fact Sheet for H.B. 2779, dated June 22, 2007.

**III. Proposed Public Comment Period**

Petitioner respectfully recommends a public comment period for the proposed new rule ending November 16, 2007.

**IV. Effective Date of the Proposed New Rule**

Petitioner respectfully requests that the proposed new rule be made effective on and after January 1, 2008.

RESPECTFULLY SUBMITTED this \_\_\_\_\_ of  
September, 2007:

By \_\_\_\_\_  
David K. Byers, Director  
Administrative Office of the Courts  
1501 W. Washington St.  
Phoenix, AZ 85007