

State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

SENATE BILL 1182

AN ACT

AMENDING TITLE 41, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 51; RELATING
TO THE NATIONAL DEFENSE AUTHORIZATION ACT OF 2012.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 41, Arizona Revised Statutes, is amended by adding
3 chapter 51, to read:

4 CHAPTER 51

5 GOVERNMENTAL COMPLIANCE WITH THE
6 NATIONAL DEFENSE AUTHORIZATION ACT OF 2012

7 ARTICLE 1. GENERAL PROVISIONS

8 41-5050. National defense authorization act of 2012; prohibited
9 acts; violation; classification

10 A. THIS STATE AND ANY AGENCY OF THIS STATE SHALL NOT PROVIDE MATERIAL
11 SUPPORT OR PARTICIPATE IN ANY WAY WITH THE IMPLEMENTATION OF SECTIONS 1021
12 AND 1022 OF THE NATIONAL DEFENSE AUTHORIZATION ACT OF 2012, PUBLIC LAW
13 112-81, AGAINST ANY CITIZEN OF THE UNITED STATES.

14 B. THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY OR A SHERIFF OF THE
15 COUNTY SHALL REPORT TO THE GOVERNOR AND THE LEGISLATURE ANY ATTEMPT BY
16 AGENCIES OR AGENTS OF THE FEDERAL GOVERNMENT TO SECURE THE IMPLEMENTATION OF
17 SECTIONS 1021 AND 1022 OF THE NATIONAL DEFENSE AUTHORIZATION ACT, 2011 PUBLIC
18 LAW 112-81 THROUGH THE OPERATIONS OF THAT OR ANY OTHER STATE DEPARTMENT.

19 C. ANY PUBLIC OFFICER, EMPLOYEE OR AGENT OF THIS STATE WHO ENFORCES OR
20 ATTEMPTS TO ENFORCE AN ACT, ORDER, LAW, STATUTE, RULE OR REGULATION OF THE
21 UNITED STATES IN VIOLATION OF THIS SECTION IS GUILTY OF A CLASS 1
22 MISDEMEANOR.

23 Sec. 2. Findings

24 A. The Legislature finds that the enactment into law by the United
25 States Congress of sections 1021 and 1022 of the National Defense
26 Authorization Act of 2012 is inimical to the liberty, security and well-being
27 of the people of Arizona and that those sections were adopted by Congress in
28 violation of the limits of federal power in the United States Constitution.

29 B. The Legislature further finds that sections 1021 and 1022 of the
30 National Defense Authorization Act of 2012, as they purport to authorize the
31 detainment of persons who are citizens of the United States and captured
32 within the United States without charge or trial, military tribunals for
33 persons captured within the United States who are citizens of the United
34 States and the transfer of persons who are citizens of the United States and
35 who are captured within the United States to foreign jurisdictions, violate
36 the following rights enshrined in the Constitution of the United States:

37 1. Article I, section 9, clause 2 relating to the right to seek a writ
38 of habeas corpus.

39 2. The First Amendment right to petition the government for a redress
40 of grievances.

41 3. The Fourth Amendment right to be free from unreasonable searches
42 and seizures.

43 4. The Fifth Amendment right to be free from charge for an infamous or
44 capitol crime until presentment or indictment by a grand jury.

1 5. The Fifth Amendment right to be free from deprivation of life,
2 liberty or property without due process of law.

3 6. The Sixth Amendment right in criminal prosecutions to enjoy a
4 speedy trial by an impartial jury in the state and district where the crime
5 was allegedly committed.

6 7. The Sixth Amendment right to be informed of the nature and cause of
7 the accusation.

8 8. The Sixth Amendment right to confront witnesses.

9 9. The Sixth Amendment right to counsel.

10 10. The Eighth Amendment right to be free from excessive bail and
11 fines, and cruel and unusual punishment.

12 11. The Fourteenth Amendment right to be free from deprivation of life,
13 liberty or property without due process of law.

14 Sec. 3. Short title

15 This act may be cited as the "Liberty Preservation Act".