



MEMORANDUM

DATE: April 29, 2010
TO: AzHHA Members
FROM: Coppersmith Schermer & Brockelman PLC
RE: New Immigration Law

AzHHA has requested an assessment of the new immigration law's legal impact on hospitals. Concerns are being expressed in the hospital community that the new law's "harboring" provisions might apply to hospitals and physicians and staff in hospitals.

The law, formerly Senate Bill 1070, does not appear to have any legal impact on hospitals. An early version of the bill criminalized the conduct of any person who transported, concealed or harbored aliens, but a House floor amendment changed the language. In the final version of the bill signed by Governor Brewer, it is unlawful for a person "*who is in violation of a criminal offense*" to transport, conceal or harbor an illegal alien. *See* A.R.S. § 13-2929. The words "who is in violation of a criminal offense" take hospital workers out of the mix, unless such workers are "in violation of a criminal offense" at the time they care for or transport an alien.

The amendment changed A.R.S. § 13-2929 so that it focuses on the actions of criminals. The law as passed essentially states that criminals cannot conceal, harbor or transport aliens. It also specifically states that the provision does not apply to child protective services workers, first responders, ambulance attendants or emergency medical technicians.

In short, the harboring provisions in the new law only apply to activities by criminals, and certainly not by hospital workers. Neither these provisions nor any other remaining sections of the law subject hospital workers to legal sanctions or require hospitals to change their practices in order to avoid liability.