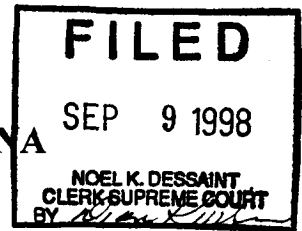


IN THE SUPREME COURT OF THE STATE OF ARIZONA



In The Matter of:)
)
REPORTING ALIEN CONVICTIONS)
TO IMMIGRATION AND)
NATURALIZATION SERVICES)
_____)

Administrative Order
No. 98- 49
(Rescinding Administrative
Order 96-7)

Administrative Order 96-7, is now being revised to reflect modification and additions to section B.

Pursuant to Administrative Orders No. 92-20 and 92-21, entered July 2, 1992, the procedures for reporting alien convictions to the Immigration and Naturalization Services (INS) were established. The procedures were updated in 1996 in Administrative Order 96-7.

Now, therefore, pursuant to Article VI Section 3, of the Arizona Constitution,

IT IS ORDERED that the attached Administrative Requirements for Reporting of Alien Convictions to Immigration and Naturalization Services (INS) be approved and replace Administrative Orders No. 96-7, and

IT IS ORDERED that this Administrative Order shall be effective upon entry and that Administrative Order No. 96-7 be rescinded.

IT IS FURTHER ORDERED that this Administrative Order is effective nunc pro tunc to July 2, 1992.

Dated this 9th day of September 1998.

THOMAS A. ZLAKET
Chief Justice

**ADMINISTRATIVE REQUIREMENTS
FOR REPORTING OF ALIEN CONVICTIONS
TO IMMIGRATION AND NATURALIZATION SERVICES (INS)**

A. General Administration

The Administrative Director of the Courts, or designee, is authorized and directed to adopt procedure, practices, and forms as required by the Order. Further, the Administrative Director of the Courts may adopt or implement other administrative practices or procedures not inconsistent with this Order as may be necessary and expedient for the administration of these procedures.

These procedures are implemented for purposes of compliance with the United States Immigration and Nationality Act, as amended on December 1991, in Section II, Guidance For Reporting Alien Convictions To The Immigration and Naturalization Services, and to conform with the requirement that Arizona comply as a condition for receipt of the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant. This Order provides for use of electronic communication to perform Arizona's responsibilities under the United States Immigration and Nationality Act.

As provided in the federal requirements, aliens or suspected aliens are defined as offenders who hold a foreign citizenship or who are foreign born. For purposes of compliance with the requirements, all aliens or suspected aliens who are sentenced in the superior court for a criminal offense shall be reported to the Immigration and Naturalization Services as prescribed in these procedures.

B. Reporting Procedures

1. In every case in the superior court where an offender pleads guilty or is found guilty and the case is referred to the adult probation department for a presentence report, the probation officer shall inquire as to the person's citizenship. Beginning February 1, 1996 in every case where the person is an alien or suspected alien, as defined above, the probation officer shall make an electronic inquiry through the National Law Enforcement Telecommunications System (NLETS) via the Arizona Criminal Justice Information System (ACJIS) prior to sentencing. Such an inquiry will serve as automatic notification to Immigration and Naturalization Services.

2. When the probation department files the presentence report with the court, a statement based on the electronic inquiry or copy of the Immigration and Naturalization Services' response to the electronic inquiry shall be included in the report, informing the court of known or suspected alien status.

3. Should the capability for electronic inquiry, described in Section B (1) and (2) above, cease at any time, upon notification by the Administrative Office of the Courts to each Arizona probation department, the probation officer shall use the following procedure: In every case in the superior court where an offender pleads guilty or is found guilty and the case is referred to the adult probation department for a presentence report, the probation officer shall inquire as to the person's citizenship by completing the Notification of Criminal Alien form, a copy of which is attached hereto and incorporated herein, and transmit this form to the local designated Immigration and Naturalization Services office prior to sentencing. When the probation department files the presentence report with the court and makes an inquiry via the Notification of Criminal Alien form, a copy of the form shall be attached to the report as notice to the court of the known or suspected alien status of the offender.

4. At the time of sentencing in all cases where the court is informed the person is an alien or suspected alien, the court shall order the Clerk of the Court to transmit to the regional office of Immigration and Naturalization Services, Phoenix, Arizona, a certified copy of:

- a. the minute order of conviction and sentencing, including the entry of judgement of guilt, as to all charges and sentence(s) imposed, and including amended changes;
- b. the original "charging document" or a certified copy to wit: The indictment(s) and or information(s) relating to the offenses of conviction including amendments.

5. Upon request of the Immigration and Naturalization Services, the Clerk of Court shall transmit the above documents for previous convictions.

6. The Clerk of Court may charge for multiple or duplicate copies of documents.

7. Upon request of the Immigration and Naturalization Service, the Clerk of Court shall transmit any of the following: Presentence reports including supplemental information, Warrants, Probation Relocation Orders, Probation Violation, Notices, Plea agreements.

The court shall further order that the Clerk of the Court transmit these documents at no expense and no fee to Immigration and Naturalization Services, within 30 days of the sentencing or request to:

Immigration and Naturalization Services
Phoenix District Office
Post Office Box 25159
Phoenix, Arizona 85002

