



## Arizona bill would impose tougher sentences on undocumented immigrants

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Civil rights groups are digging in their heels in opposition to a bill that would impose stricter sentences on undocumented immigrants who commit a felony than U.S. citizens and make them ineligible for early release.

The American Civil Liberties Union of Arizona sent out an email blast to supporters Monday, urging them to contact their state senators and voice opposition to SB 1279. The full state Senate is expected to debate the bill early next week, with a vote likely the next day, according to a spokesperson for the Senate Republican caucus.

"In addition to padding the wallets of prison operators, this proposal is also likely unconstitutional because of its unfair treatment of immigrants," the email states. "You can help our state avoid yet another immigration controversy, as well as save tens of millions in taxpayer dollars from being spent on prisons each year."

A similar version of the bill, nicknamed "Grant's Law," failed by a single vote in the Arizona House of Representatives last year after passing in the Senate.

### Support for "Grant's Law"

The bill is named after 21-year-old Grant Ronnebeck, who Mesa police say was shot and killed by a man in the country illegally in January 2015.

The accused gunman had been sentenced to probation for two burglaries and turned over to Immigration and Customs Enforcement. In turn, federal authorities released Apolinar Altamirano on bond while awaiting a deportation hearing.

"He should have done jail time. He never served one day of jail time," said the victim's father, Steve Ronnebeck, on Tuesday. "Had he been sentenced to even the minimum, Grant would still be alive."

Altamirano is scheduled to stand trial for murder and other charges next month, according to online court records.

"We want to make sure that people like Grant didn't die in vain, that bad guys actually go to jail," said the bill's lead sponsor, Republican state Senator Steve Smith. "What a novel concept!" he added.

Under the bill, people who are in the country illegally and commit a felony would be ineligible for probation or early release from prison. The bill would also require judges to give these defendants the "presumptive sentence" – essentially the average sentence mandated by law – without the possibility of leniency for mitigating circumstances.

The presumptive sentence for the least severe type of felonies, class six, is one year in prison.

### **A "separate but unequal" system**

Advocacy groups like the Cato Institute, a Libertarian think tank, and the ACLU have criticized Grant's Law as ineffective, costly and possibly unconstitutional.

"The federal government has sole authority to regulate immigration, and this is a scenario where the state of Arizona is trying to use state law to punish people for violations of federal immigration law," said Will Gaona of the ACLU of Arizona. "This is an approach that federal courts have repeatedly denied as being unconstitutional."

Gaona said the bill creates a "separate but unequal system of punishment that isn't based on the actual conduct of this person," but rather their immigration status. He points out the bill would limit discretion by judges, and impose stricter sentences for non-violent crimes.

The net effect, he argues, will be a larger prison population.

"These are people who realistically are going to be turned over to Immigration and Customs Enforcement for deportation. Arizona would be paying to incarcerate these people longer. It's not a good use of taxpayer dollars," he said.

The Arizona Department of Corrections estimated last year's version of Grant's law would cost an additional \$15.1 million a year. That bill would have also imposed stricter sentences on undocumented immigrants who commit misdemeanors. So far, there have been no fiscal analyses of this year's bill.

### **“The trade-off between dollars and lives”**

State Sen. Smith said the bill has been vetted by staff attorneys, and dismissed the notion that unequal treatment of undocumented immigrants might pose a constitutional issue.

“For some reason, the ACLU wants to list the whole world under the United States Constitution,” he said. “The United States Constitution applies to United States citizens.”

On the question of finances, he said the bill may have a deterrent effect that could actually lower prison costs – something the Cato Institute has challenged – but said any added cost was justified.

“Are we not going to talk about how much it costs to put convicted felons in jail? I mean give me a break,” Smith said.

Ronnebeck said he believes this bill could save lives and keep other parents from enduring the pain of losing a child.

“What was my son’s life worth? What was Grant’s life worth?” Ronnebeck asked. “What is somebody else’s child – what is their life worth? If it saves that life, I guess I don’t see the trade-off between dollars and lives.”

[Link to Video](#)