

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 1804

By: Terrill, Sullivan, Key,
Duncan, Banz, Coody,
Cooksey, Dank, Derby,
Faught, Hickman, Inman,
Johnson (Rob), Kern,
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Martin (Steve), McCullough,
McDaniel (Randy), Murphey,
Peterson (Ron), Proctor,
Sears, Tibbs, Worthen,
Johnson (Dennis) and
Peterson (Pam) of the House

and

Williamson, Sykes, Corn,
Ivester, Adelson and
Brogdon of the Senate

14 An Act relating to illegal immigration; creating the
15 Oklahoma Taxpayer and Citizen Protection Act of 2007;
16 stating legislative purpose; making certain acts
17 unlawful; providing penalties; amending 21 O.S. 2001,
18 Section 1550.42, which relates to identification
19 documentation; requiring issuance of identification
20 documents to certain persons; providing exceptions;
21 stating period of validity; providing for renewal
22 under certain circumstances; providing presumption of
23 validity for renewal, duplication or reissuance of
24 driver license; requiring determination of
citizenship status for persons charged with certain
crime; requiring verification of persons determined
to be a foreign national; providing time limitation
for verification; requiring notification to certain
entities; providing rebuttable presumption that
certain persons are a flight risk; defining terms;
requiring participation in certain verification
system; prohibiting certain persons from entering
into contracts; providing an exception; providing for
cause of action under certain circumstances;

1 providing liability provisions for employing entities
2 found to have violated certain prohibited act;
3 providing exemption from liability; requiring certain
4 agency to promulgate certain rules and regulations;
5 requiring agencies and political subdivisions to
6 verify lawful presence of persons applying for
7 certain benefits; providing for nondiscriminatory
8 treatment; excluding verification under certain
9 circumstances; requiring execution of affidavit;
10 requiring certain applicant to receive benefits
11 through the Systematic Alien Verification of
12 Entitlement Program; making certain actions subject
13 to certain criminal penalties; authorizing adoption
14 of variations to stated requirements; requiring
15 certain entities to submit an annual compliance
16 report; requiring certain entities to monitor certain
17 program; requiring publication of annual report and
18 certain recommendations; requiring certain entities
19 to submit a report of errors to certain agency;
20 requiring the withholding of percentage of state
21 income tax under certain circumstances; providing for
22 tax liability for noncompliance; providing an
23 exception; directing Attorney General to negotiate
24 terms of certain memorandum; requiring certain
signatures; prohibiting certain actions by government
entities; authorizing private right of action under
certain circumstances; providing that certain persons
shall not be eligible for postsecondary education
benefits or resident tuition; establishing the
Fraudulent Documents Identification Unit within the
Oklahoma State Bureau of Investigation subject to
availability of funding; stating purpose; stating
duties; providing for employment of sufficient
employees; repealing Section 1, Chapter 210, O.S.L.
2003 (70 O.S. Supp. 2006, Section 3242), which
relates to eligibility for enrollment and resident
tuition; providing for codification; providing for
noncodification; and providing an effective date.

22 AUTHORS: Add the following Senate Coauthors: Jolley,
23 Johnson (Mike), Reynolds, Aldridge, Bingman, Brown,
24 Crain, Ford and Wilcoxson

1 AMENDMENT NO. 1. Page 1, strike the title, enacting clause
and entire bill and insert

2
3 "An Act relating to illegal immigration; creating the
4 Oklahoma Taxpayer and Citizen Protection Act of 2007;
5 stating legislative purpose; making certain acts
6 unlawful; preserving provision of certain benefits
7 and services; providing penalties; amending 21 O.S.
8 2001, Section 1550.42, which relates to
9 identification documentation; requiring issuance of
10 identification documents to certain persons;
11 providing exceptions; stating period of validity;
12 providing for renewal under certain circumstances;
13 providing exception for certain document; providing
14 presumption of validity for renewal, duplication or
15 reissuance of driver license; requiring determination
16 of citizenship status for persons charged with
17 certain crime; requiring verification of persons
18 determined to be a foreign national; providing time
19 limitation for verification; requiring notification
20 to certain entities; providing rebuttable presumption
21 that certain persons are a flight risk; defining
22 terms; requiring participation in certain
23 verification system; prohibiting certain persons from
24 entering into contracts after certain dates;
providing exception; establishing certain
discriminatory practice; providing exception;
limiting certain cause of action; requiring agencies
and political subdivisions to verify lawful presence
of persons applying for certain benefits; providing
for nondiscriminatory treatment; excluding
verification under certain circumstances; requiring
execution of affidavit; requiring certain applicant
to be verified through the Systematic Alien
Verification for Entitlement Program; making certain
actions subject to certain criminal penalties;
authorizing adoption of variations to stated
requirements; requiring certain entities to submit an
annual compliance report; requiring certain entities
to monitor certain program; requiring publication of
annual report and certain recommendations; requiring
certain entities to submit a report of errors to
certain agency; requiring certain withholding of
state income tax under certain circumstances;
providing for tax liability for noncompliance;
preventing certain misinterpretation; directing
Attorney General to negotiate terms of certain

1 memorandum; requiring certain signatures; prohibiting
2 certain actions by government entities; authorizing
3 private right of action under certain circumstances;
4 requiring that certain persons be ineligible for
5 postsecondary education benefits or resident tuition;
6 providing exception for persons enrolled during or
7 before certain school year; establishing a Fraudulent
8 Documents Identification Unit within the Department
9 of Public Safety subject to availability of funding;
10 stating purpose; stating duties; providing for
11 employment of sufficient employees; amending Section
12 1, Chapter 210, O.S.L. 2003 (70 O.S. Supp. 2006,
13 Section 3242), which relates to eligibility for
14 enrollment and resident tuition; requiring graduation
15 from certain school; requiring certain period of
16 residence while attending certain school; requiring
17 satisfaction of certain admission standards;
18 requiring presentation of certain documentation or
19 filing of certain affidavit; requiring presentation
20 of certain documents after filing of certain
21 affidavit; requiring maintenance of documentation in
22 certain records; providing qualification for meeting
23 certain criteria; prohibiting certain additional
24 conditions for persons enrolled during or before
certain school year; providing for codification;
providing for noncodification; and providing an
effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Oklahoma
Taxpayer and Citizen Protection Act of 2007".

SECTION 2. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

The State of Oklahoma finds that illegal immigration is causing
economic hardship and lawlessness in this state and that illegal

1 immigration is encouraged when public agencies within this state
2 provide public benefits without verifying immigration status. The
3 State of Oklahoma further finds that when illegal immigrants have
4 been harbored and sheltered in this state and encouraged to reside
5 in this state through the issuance of identification cards that are
6 issued without verifying immigration status, these practices impede
7 and obstruct the enforcement of federal immigration law, undermine
8 the security of our borders, and impermissibly restrict the
9 privileges and immunities of the citizens of Oklahoma. Therefore,
10 the people of the State of Oklahoma declare that it is a compelling
11 public interest of this state to discourage illegal immigration by
12 requiring all agencies within this state to fully cooperate with
13 federal immigration authorities in the enforcement of federal
14 immigration laws. The State of Oklahoma also finds that other
15 measures are necessary to ensure the integrity of various
16 governmental programs and services.

17 SECTION 3. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 446 of Title 21, unless there is
19 created a duplication in numbering, reads as follows:

20 A. It shall be unlawful for any person to transport, move, or
21 attempt to transport in the State of Oklahoma any alien knowing or
22 in reckless disregard of the fact that the alien has come to,
23 entered, or remained in the United States in violation of law, in
24

1 furtherance of the illegal presence of the alien in the United
2 States.

3 B. It shall be unlawful for any person to conceal, harbor, or
4 shelter from detection any alien in any place within the State of
5 Oklahoma, including any building or means of transportation, knowing
6 or in reckless disregard of the fact that the alien has come to,
7 entered, or remained in the United States in violation of law.

8 C. Nothing in this section shall be construed so as to prohibit
9 or restrict the provision of any state or local public benefit
10 described in 8 U.S.C., 1621(b), or regulated public health services
11 provided by a private charity using private funds.

12 D. Any person violating the provisions of subsections A or B of
13 this section shall, upon conviction, be guilty of a felony
14 punishable by imprisonment in the custody of the Department of
15 Corrections for not less than one (1) year, or by a fine of not less
16 than One Thousand Dollars (\$1,000.00), or by both such fine and
17 imprisonment.

18 SECTION 4. AMENDATORY 21 O.S. 2001, Section 1550.42, is
19 amended to read as follows:

20 Section 1550.42 A. The following entities may create, publish
21 or otherwise manufacture an identification document, identification
22 card, or identification certificate and may possess an engraved
23 plate or other such ~~devise~~ device for the printing of such
24

1 identification; provided, the name of the issuing entity shall be
2 clearly printed upon the face of the identification:

3 1. Businesses, companies, corporations, service organizations
4 and federal, state and local governmental agencies for employee
5 identification which is designed to identify the bearer as an
6 employee;

7 2. Businesses, companies, corporations and service
8 organizations for customer identification which is designed to
9 identify the bearer as a customer or member;

10 3. Federal, state and local government agencies for purposes
11 authorized or required by law or any legitimate purpose consistent
12 with the duties of such an agency, including, but not limited to,
13 voter identification cards, ~~driver's~~ driver licenses, ~~nondriver's~~
14 nondriver identification cards, passports, birth certificates and
15 social security cards;

16 4. Any public school or state or private educational
17 institution, as defined by Sections 1-106, 21-101 or 3102 of Title
18 70 of the Oklahoma Statutes, to identify the bearer as an
19 administrator, faculty member, student or employee;

20 5. Any professional organization or labor union to identify the
21 bearer as a member of the professional organization or labor union;
22 and

23 6. Businesses, companies or corporations which manufacture
24 medical-alert identification for the wearer thereof.

1 B. All identification documents as provided for in paragraphs 3
2 or 4 of subsection A of this section shall be issued only to United
3 States citizens, nationals and legal permanent resident aliens.

4 C. The provisions of subsection B of this section shall not
5 apply when an applicant presents, in person, valid documentary
6 evidence of:

7 1. A valid, unexpired immigrant or nonimmigrant visa status for
8 admission into the United States;

9 2. A pending or approved application for asylum in the United
10 States;

11 3. Admission into the United States in refugee status;

12 4. A pending or approved application for temporary protected
13 status in the United States;

14 5. Approved deferred action status; or

15 6. A pending application for adjustment of status to legal
16 permanent residence status or conditional resident status.

17 Upon approval, the applicant may be issued an identification
18 document provided for in paragraphs 3 or 4 of subsection A of this
19 section. Such identification document shall be valid only during
20 the period of time of the authorized stay of the applicant in the
21 United States or, if there is no definite end to the period of
22 authorized stay, a period of one (1) year. Any identification
23 document issued pursuant to the provisions of this subsection shall
24 clearly indicate that it is temporary and shall state the date that

1 the identification document expires. Such identification document
2 may be renewed only upon presentation of valid documentary evidence
3 that the status by which the applicant qualified for the
4 identification document has been extended by the United States
5 Citizenship and Immigration Services or other authorized agency of
6 the United States Department of Homeland Security.

7 D. The provisions of subsection B of this section shall not
8 apply to an identification document described in paragraph 4 of
9 subsection A of this section that is only valid for use on the
10 campus or facility of that educational institution and includes a
11 statement of such restricted validity clearly and conspicuously
12 printed upon the face of the identification document.

13 E. Any driver license issued to a person who is not a United
14 States citizen, national or legal permanent resident alien for which
15 an application has been made for renewal, duplication or reissuance
16 shall be presumed to have been issued in accordance with the
17 provisions of subsection C of this section; provided that, at the
18 time the application is made, the driver license has not expired, or
19 been cancelled, suspended or revoked. The requirements of
20 subsection C of this section shall apply, however, to a renewal,
21 duplication or reissuance if the Department of Public Safety is
22 notified by a local, state or federal government agency of
23 information in the possession of the agency indicating a reasonable
24 suspicion that the individual seeking such renewal, duplication or

1 reissuance is present in the United States in violation of law. The
2 provisions of this subsection shall not apply to United States
3 citizens, nationals or legal permanent resident aliens.

4 SECTION 5. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 171.2 of Title 22, unless there
6 is created a duplication in numbering, reads as follows:

7 A. When a person charged with a felony or with driving under
8 the influence pursuant to Section 11-902 of Title 47 of the Oklahoma
9 Statutes is confined, for any period, in the jail of the county, any
10 municipality or a jail operated by a regional jail authority, a
11 reasonable effort shall be made to determine the citizenship status
12 of the person so confined.

13 B. If the prisoner is a foreign national, the keeper of the
14 jail or other officer shall make a reasonable effort to verify that
15 the prisoner has been lawfully admitted to the United States and, if
16 lawfully admitted, that such lawful status has not expired. If
17 verification of lawful status cannot be made from documents in the
18 possession of the prisoner, verification shall be made within forty-
19 eight (48) hours through a query to the Law Enforcement Support
20 Center of the United States Department of Homeland Security or other
21 office or agency designated for that purpose by the United States
22 Department of Homeland Security. If the lawful immigration status
23 of the prisoner cannot be verified, the keeper of the jail or other
24

1 officer shall notify the United States Department of Homeland
2 Security.

3 C. For the purpose of determining the grant of or issuance of
4 bond, it shall be a rebuttable presumption that a person whose
5 citizenship status has been verified pursuant to subsection B of
6 this section to be a foreign national who has not been lawfully
7 admitted to the United States is at risk of flight.

8 SECTION 6. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1312 of Title 25, unless there
10 is created a duplication in numbering, reads as follows:

11 As used in Sections 6 and 7 of this act:

12 1. "Status Verification System" means an electronic system
13 operated by the federal government, through which an authorized
14 official of an agency of the State of Oklahoma or of a political
15 subdivision therein may make an inquiry, by exercise of authority
16 delegated pursuant to Section 1373 of Title 8 of the United States
17 Code, to verify or ascertain the citizenship or immigration status
18 of any individual within the jurisdiction of the agency for any
19 purpose authorized by Section 7 of this act. The Status
20 Verification System shall be deemed to include:

21 a. the electronic verification of work authorization
22 program of the Illegal Immigration Reform and
23 Immigration Responsibility Act of 1996, P.L. 104-208,
24 Division C, Section 403(a); 8 U.S.C. 1324a, and

1 operated by the United States Department of Homeland
2 Security, known as the Basic Pilot Program,

3 b. any equivalent federal program designated by the
4 United States Department of Homeland Security or any
5 other federal agency authorized to verify the work
6 eligibility status of newly hired employees, pursuant
7 to the Immigration Reform and Control Act of 1986
8 (IRCA), D.L. 99-603,

9 c. any other independent, third-party system with an
10 equal or higher degree of reliability as the programs,
11 systems, or processes described in this paragraph, or

12 d. the Social Security Number Verification Service, or
13 such similar online verification process implemented
14 by the United States Social Security Administration;

15 2. "Public employer" means every department, agency, or
16 instrumentality of the state or a political subdivision of the
17 state;

18 3. "Subcontractor" means a subcontractor, contract employee,
19 staffing agency, or any contractor regardless of its tier; and

20 4. "Unauthorized alien" means an alien as defined in Section
21 1324a(h) (3) of Title 8 of the United States Code.

22 SECTION 7. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1313 of Title 25, unless there
24 is created a duplication in numbering, reads as follows:

1 A. Every public employer shall register with and utilize a
2 Status Verification System as described in subparagraphs a or b of
3 paragraph 1 of Section 6 of this act to verify the federal
4 employment authorization status of all new employees.

5 B. 1. After July 1, 2008, no public employer shall enter into
6 a contract for the physical performance of services within this
7 state unless the contractor registers and participates in the Status
8 Verification System to verify the work eligibility status of all new
9 employees.

10 2. After July 1, 2008, no contractor or subcontractor who
11 enters into a contract with a public employer shall enter into such
12 a contract or subcontract in connection with the physical
13 performance of services within this state unless the contractor or
14 subcontractor registers and participates in the Status Verification
15 System to verify information of all new employees.

16 3. The provisions of this subsection shall not apply to any
17 contracts entered into prior to the effective date of this section
18 even though such contracts may involve the physical performance of
19 services within this state after July 1, 2008.

20 C. 1. It shall be a discriminatory practice for an employing
21 entity to discharge an employee working in Oklahoma who is a United
22 States citizen or permanent resident alien while retaining an
23 employee who the employing entity knows, or reasonably should have
24 known, is an unauthorized alien hired after July 1, 2008, and who is

1 working in Oklahoma in a job category that requires equal skill,
2 effort, and responsibility, and which is performed under similar
3 working conditions, as defined by 29 U.S.C., Section 206(d)(1), as
4 the job category held by the discharged employee.

5 2. An employing entity which, on the date of the discharge in
6 question, was currently enrolled in and used a Status Verification
7 System to verify the employment eligibility of its employees in
8 Oklahoma hired after July 1, 2008, shall be exempt from liability,
9 investigation, or suit arising from any action under this section.

10 3. No cause of action for a violation of this subsection shall
11 arise anywhere in Oklahoma law but from the provisions of this
12 subsection.

13 SECTION 8. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 71 of Title 56, unless there is
15 created a duplication in numbering, reads as follows:

16 A. Except as provided in subsection C of this section or where
17 exempted by federal law, every agency or a political subdivision of
18 this state shall verify the lawful presence in the United States of
19 any natural person fourteen (14) years of age or older who has
20 applied for state or local public benefits, as defined in 8 U.S.C.,
21 Section 1621, or for federal public benefits, as defined in 8
22 U.S.C., Section 1611, that is administered by an agency or a
23 political subdivision of this state.

24

1 B. The provisions of this section shall be enforced without
2 regard to race, religion, gender, ethnicity, or national origin.

3 C. Verification of lawful presence under the provisions of this
4 section shall not be required:

5 1. For any purpose for which lawful presence in the United
6 States is not restricted by law, ordinance, or regulation;

7 2. For assistance for health care items and services that are
8 necessary for the treatment of an emergency medical condition, as
9 defined in 42 U.S.C., Section 1396b(v)(3), of the alien involved and
10 are not related to an organ transplant procedure;

11 3. For short-term, noncash, in-kind emergency disaster relief;

12 4. For public health assistance for immunizations with respect
13 to diseases and for testing and treatment of symptoms of
14 communicable diseases whether or not such symptoms are caused by a
15 communicable disease; or

16 5. For programs, services, or assistance such as soup kitchens,
17 crisis counseling and intervention, and short-term shelter specified
18 by the United States Attorney General, in the sole and unreviewable
19 discretion of the United States Attorney General after consultation
20 with appropriate federal agencies and departments which:

21 a. deliver in-kind services at the community level,
22 including through public or private nonprofit
23 agencies,

24

1 b. do not condition the provision of assistance, the
2 amount of assistance provided, or the cost of
3 assistance provided on the income or resources of the
4 individual recipient, and

5 c. are necessary for the protection of life or safety.

6 D. Verification of lawful presence in the United States by the
7 agency or political subdivision required to make such verification
8 shall require that the applicant execute an affidavit under penalty
9 of perjury that:

10 1. He or she is a United States citizen; or

11 2. He or she is a qualified alien under the federal Immigration
12 and Nationality Act and is lawfully present in the United States.

13 The agency or political subdivision providing the state or local
14 public benefits shall provide notary public services at no cost to
15 the applicant.

16 E. For any applicant who has executed the affidavit described
17 in paragraph 2 of subsection D of this section, eligibility for
18 benefits shall be verified through the Systematic Alien Verification
19 for Entitlements (SAVE) Program operated by the United States
20 Department of Homeland Security or an equivalent program designated
21 by the United States Department of Homeland Security. Until such
22 eligibility verification is made, the affidavit may be presumed to
23 be proof of lawful presence for the purposes of this section.

1 F. Any person who knowingly and willfully makes a false,
2 fictitious, or fraudulent statement of representation in an
3 affidavit executed pursuant to subsection D of this section shall be
4 subject to criminal penalties applicable in this state for
5 fraudulently obtaining public assistance program benefits. If the
6 affidavit constitutes a false claim of U.S. citizenship under 18
7 U.S.C., Section 911, a complaint shall be filed by the agency
8 requiring the affidavit with the United States Attorney General for
9 the applicable district based upon the venue in which the affidavit
10 was executed.

11 G. Agencies or political subdivisions of this state may adopt
12 variations to the requirements of the provisions of this section
13 which demonstrably improve the efficiency or reduce delay in the
14 verification process, or to provide for adjudication of unique
15 individual circumstances where the verification procedures in this
16 section would impose unusual hardship on a legal resident of
17 Oklahoma.

18 H. It shall be unlawful for any agency or a political
19 subdivision of this state to provide any state, local, or federal
20 benefit, as defined in 8 U.S.C., Section 1621, or 8 U.S.C., Section
21 1611, in violation of the provisions of this section.

22 I. Each state agency or department which administers any
23 program of state or local public benefits shall provide an annual
24 report to the Governor, the President Pro Tempore of the Senate and

1 the Speaker of the House of Representatives with respect to its
2 compliance with the provisions of this section. Each agency or
3 department shall monitor the Systematic Alien Verification for
4 Entitlements Program for application verification errors and
5 significant delays and shall provide an annual public report on such
6 errors and significant delays and recommendations to ensure that the
7 application of the Systematic Alien Verification of Entitlements
8 Program is not erroneously denying benefits to legal residents of
9 Oklahoma. Errors shall also be reported to the United States
10 Department of Homeland Security by each agency or department.

11 SECTION 9. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 2385.32 of Title 68, unless
13 there is created a duplication in numbering, reads as follows:

14 A. If an individual independent contractor, contracting for the
15 physical performance of services in this state, fails to provide to
16 the contracting entity documentation to verify the independent
17 contractor's employment authorization, pursuant to the prohibition
18 against the use of unauthorized alien labor through contract set
19 forth in 8 U.S.C., Section 1324a(a)(4), the contracting entity shall
20 be required to withhold state income tax at the top marginal income
21 tax rate as provided in Section 2355 of Title 68 of the Oklahoma
22 Statutes as applied to compensation paid to such individual for the
23 performance of such services within this state which exceeds the
24 minimum amount of compensation the contracting entity is required to

1 report as income on United States Internal Revenue Service Form
2 1099.

3 B. Any contracting entity who fails to comply with the
4 withholding requirements of this subsection shall be liable for the
5 taxes required to have been withheld unless such contracting entity
6 is exempt from federal withholding with respect to such individual
7 pursuant to a properly filed Internal Revenue Service Form 8233 or
8 its equivalent.

9 C. Nothing in this section is intended to create, or should be
10 construed as creating, an employer-employee relationship between a
11 contracting entity and an individual independent contractor.

12 SECTION 10. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 20j of Title 74, unless there is
14 created a duplication in numbering, reads as follows:

15 A. The Attorney General is authorized and directed to negotiate
16 the terms of a Memorandum of Understanding between the State of
17 Oklahoma and the United States Department of Justice or the United
18 States Department of Homeland Security, as provided by Section
19 1357(g) of Title 8 of the United States Code, concerning the
20 enforcement of federal immigration and customs laws, detention and
21 removals, and investigations in the State of Oklahoma.

22 B. The Memorandum of Understanding negotiated pursuant to
23 subsection A of this section shall be signed on behalf of this state
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1 by the Attorney General and the Governor or as otherwise required by
2 the appropriate federal agency.

3 C. No local government, whether acting through its governing
4 body or by an initiative, referendum, or any other process, shall
5 enact any ordinance or policy that limits or prohibits a law
6 enforcement officer, local official, or local government employee
7 from communicating or cooperating with federal officials with regard
8 to the immigration status of any person within this state.

9 D. Notwithstanding any other provision of law, no government
10 entity or official within the State of Oklahoma may prohibit, or in
11 any way restrict, any government entity or official from sending to,
12 or receiving from, the United States Department of Homeland
13 Security, information regarding the citizenship or immigration
14 status, lawful or unlawful, of any individual.

15 E. Notwithstanding any other provision of law, no person or
16 agency may prohibit, or in any way restrict, a public employee from
17 doing any of the following with respect to information regarding the
18 immigration status, lawful or unlawful, of any individual:

- 19 1. Sending such information to, or requesting or receiving such
20 information from, the United States Department of Homeland Security;
- 21 2. Maintaining such information; or
- 22 3. Exchanging such information with any other federal, state,
23 or local government entity.

24

1 F. The provisions of this section shall allow for a private
2 right of action by any natural or legal person lawfully domiciled in
3 this state to file for a writ of mandamus to compel any
4 noncooperating local or state governmental agency to comply with
5 such reporting laws.

6 SECTION 11. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 3242.2 of Title 70, unless there
8 is created a duplication in numbering, reads as follows:

9 A. Except as otherwise provided in Section 3242 of Title 70 of
10 the Oklahoma Statutes, an individual who is not lawfully present in
11 the United States shall not be eligible on the basis of residence
12 within the state for:

13 1. Any postsecondary education benefit, including, but not
14 limited to, scholarships or financial aid; or

15 2. Resident tuition.

16 B. The provisions of subsection A of this section shall not
17 apply to a student enrolled in a degree program at a postsecondary
18 educational institution within The Oklahoma State System of Higher
19 Education during the 2006-2007 school year or any prior year who
20 received a resident tuition benefit pursuant to Section 3242 of
21 Title 70 of the Oklahoma Statutes at that institution.

22 SECTION 12. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 151.2 of Title 74, unless there
24 is created a duplication in numbering, reads as follows:

1 Subject to the availability of funding, the Department of Public
2 Safety shall establish a Fraudulent Documents Identification (FDI)
3 Unit for the primary purpose of investigating and apprehending
4 persons or entities that participate in the sale or distribution of
5 fraudulent documents used for identification purposes. The unit
6 shall additionally specialize in fraudulent identification documents
7 created and prepared for persons who are unlawfully residing within
8 the State of Oklahoma. The Department shall employ sufficient
9 employees to investigate and implement an FDI Unit.

10 SECTION 13. AMENDATORY Section 1, Chapter 210, O.S.L.
11 2003 (70 O.S. Supp. 2006, Section 3242), is amended to read as
12 follows:

13 Section 3242. A. The Oklahoma State Regents for Higher
14 Education ~~shall~~ may adopt a policy which allows a student to enroll
15 in an institution within The Oklahoma State System of Higher
16 Education and allows a student to be eligible for resident tuition
17 if the student:

18 1. Graduated from a public or private high school in this state
19 ~~or successfully completed the General Educational Development test~~
20 ~~in this state; and~~

21 2. Resided in this state with a parent or legal guardian while
22 attending classes at a public or private high school in this state
23 for at least two (2) years prior to+

24 a. ~~graduation from high school, or~~

1 ~~b. successful completion of the General Educational~~
2 ~~Development test.~~

3 B. To be eligible for the provisions of subsection A of this
4 section, an eligible student shall:

5 1. Satisfy admission standards as determined by the Oklahoma
6 State Regents for Higher Education for the appropriate type of
7 institution and have secured admission to, and enrolled in, an
8 institution within The Oklahoma State System of Higher Education;
9 and

10 2. If the student ~~is without lawful immigration status~~ cannot
11 present to the institution valid documentation of United States
12 nationality or an immigration status permitting study at a
13 postsecondary institution:

14 a. ~~file an affidavit with the institution stating that~~
15 ~~the student has filed an~~ provide to the institution a
16 copy of a true and correct application or has a
17 petition pending filed with the Bureau of United
18 States Citizenship and Immigration Services to
19 legalize the student's immigration status, or

20 b. file an affidavit with the institution stating that
21 the student will file an application to legalize his
22 or her immigration status at the earliest opportunity
23 the student is eligible to do so. ~~High school~~
24 ~~counselors shall inform immigrant students that they~~

1 ~~should apply for legal status as soon as possible to~~
2 ~~enhance their opportunity for higher education in~~
3 ~~Oklahoma, but in no case later than:~~

4 (1) one year after the date on which the student
5 enrolls for study at the institution, or

6 (2) if there is no formal process to permit children
7 of parents without lawful immigration status to
8 apply for lawful status without risk of
9 deportation, one year after the date the United
10 States Citizenship and Immigration Services
11 provide such a formal process, and

12 c. if the student files an affidavit pursuant to
13 subparagraph b of this paragraph, present to the
14 institution a copy of a true and correct application
15 or petition filed with the United States Citizenship
16 and Immigration Services no later than:

17 (1) one year after the date on which the student
18 enrolls for study at the institution, or

19 (2) if there is no formal process to permit children
20 of parents without lawful immigration status to
21 apply for lawful status without risk of
22 deportation, one year after the date the United
23 States Citizenship and Immigration Services
24 provide such a formal process, which copy shall

1 be maintained in the institution's records for
2 that student.

3 C. Any student who ~~meets~~ completes the required criteria
4 prescribed in ~~subsections~~ subsection A ~~and B~~ of this section,
5 paragraph 1 of subsection B of this section, and subparagraph a of
6 paragraph 2 of subsection B of this section shall not be
7 disqualified on the basis of the student's immigration status from
8 any scholarships or financial aid provided by this state.

9 D. The provisions of this section shall not impose any
10 additional conditions to maintain resident tuition status at a
11 postsecondary educational institution within The Oklahoma State
12 System of Higher Education on a student who was enrolled in a degree
13 program and first received such resident tuition status at that
14 institution during the 2006-2007 school year or any prior year.

15 SECTION 14. This act shall become effective November 1, 2007."
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