

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2445

By: Braddock

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5
6 AS INTRODUCED

7 An Act relating to immigration; amending 21 O.S.
8 2001, Section 1550.42, as amended by Section 4,
9 Chapter 112, O.S.L. 2007 (21 O.S. Supp. 2007, Section
10 1550.42), which relates to creating identification
11 documents; deleting certain document issuance
12 requirements and exceptions; deleting certain
13 presumption and verification requirements; amending
14 Section 1, Chapter 210, O.S.L. 2003, as amended by
15 Section 13, Chapter 112, O.S.L. 2007 (70 O.S. Supp.
16 2007, Section 3242), which relates to the Oklahoma
17 Higher Education Code; deleting permissive language
18 regarding policy adoption; modifying and deleting
19 certain resident tuition eligibility requirements;
20 repealing Sections 1 and 2, Chapter 112, O.S.L. 2007,
21 which relate to the creation of the Oklahoma Taxpayer
22 and Citizen Protection Act of 2007; repealing Section
23 3, Chapter 112, O.S.L. 2007 (21 O.S. Supp. 2007,
24 Section 446), which relates to unlawful
transportation of aliens; repealing Section 5,
Chapter 112, O.S.L. 2007 (22 O.S. Supp. 2007, Section
171.2), which relates to citizenship verification of
arrested persons; repealing Sections 6 and 7, Chapter
112, O.S.L. 2007 (25 O.S. Supp. 2007, Sections 1312
and 1313), which relate to status verification of
citizenship or immigration status by employers;
repealing Section 8, Chapter 112, O.S.L. 2007 (56
O.S. Supp. 2007, Section 71), which relates to the
Oklahoma Indigent Health Care Act; repealing Section
9, Chapter 112, O.S.L. 2007 (68 O.S. Supp. 2007,
Section 2385.32), which relates to state income tax
withholding rate for certain employers; repealing
Section 10, Chapter 112, O.S.L. 2007 (74 O.S. Supp.
2007, Section 20j), which relates to a Memorandum of
Understanding between the State of Oklahoma and the
United States Department of Justice; repealing

1 Section 11, Chapter 112, O.S.L. 2007 (70 O.S. Supp.
2 2007, Section 3242.2), which relates to the Oklahoma
3 Higher Education Code; repealing Section 12, Chapter
4 112, O.S.L. 2007 (74 O.S. Supp. 2007, Section 151.2),
5 which relates to the Fraudulent Documents
6 Identification Unit of the Department of Public
7 Safety; and declaring an emergency.

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

9 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1550.42, as
10 amended by Section 4, Chapter 112, O.S.L. 2007 (21 O.S. Supp. 2007,
11 Section 1550.42), is amended to read as follows:

12 Section 1550.42 ~~A-~~ The following entities may create, publish
13 or otherwise manufacture an identification document, identification
14 card, or identification certificate and may possess an engraved
15 plate or other such device for the printing of such identification;
16 provided, the name of the issuing entity shall be clearly printed
17 upon the face of the identification:

18 1. Businesses, companies, corporations, service organizations
19 and federal, state and local governmental agencies for employee
20 identification which is designed to identify the bearer as an
21 employee;

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

1 3. Federal, state and local government agencies for purposes
2 authorized or required by law or any legitimate purpose consistent
3 with the duties of such an agency, including, but not limited to,
4 voter identification cards, driver licenses, nondriver
5 identification cards, passports, birth certificates and social
6 security cards;

7 4. Any public school or state or private educational
8 institution, as defined by Sections 1-106, 21-101 or 3102 of Title
9 70 of the Oklahoma Statutes, to identify the bearer as an
10 administrator, faculty member, student or employee;

11 5. Any professional organization or labor union to identify the
12 bearer as a member of the professional organization or labor union;
13 and

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

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

19 ~~C. The provisions of subsection B of this section shall not~~
20 ~~apply when an applicant presents, in person, valid documentary~~
21 ~~evidence of:~~

22 ~~1. A valid, unexpired immigrant or nonimmigrant visa status for~~
23 ~~admission into the United States;~~

24

1 ~~2. A pending or approved application for asylum in the United~~
2 ~~States;~~

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

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

6 ~~5. Approved deferred action status; or~~

7 ~~6. A pending application for adjustment of status to legal~~
8 ~~permanent residence status or conditional resident status.~~

9 ~~Upon approval, the applicant may be issued an identification~~

10 ~~document provided for in paragraph 3 or 4 of subsection A of this~~

11 ~~section. Such identification document shall be valid only during~~

12 ~~the period of time of the authorized stay of the applicant in the~~

13 ~~United States or, if there is no definite end to the period of~~

14 ~~authorized stay, a period of one (1) year. Any identification~~

15 ~~document issued pursuant to the provisions of this subsection shall~~

16 ~~clearly indicate that it is temporary and shall state the date that~~

17 ~~the identification document expires. Such identification document~~

18 ~~may be renewed only upon presentation of valid documentary evidence~~

19 ~~that the status by which the applicant qualified for the~~

20 ~~identification document has been extended by the United States~~

21 ~~Citizenship and Immigration Services or other authorized agency of~~

22 ~~the United States Department of Homeland Security.~~

23 ~~D. The provisions of subsection B of this section shall not~~

24 ~~apply to an identification document described in paragraph 4 of~~

1 ~~subsection A of this section that is only valid for use on the~~
2 ~~campus or facility of that educational institution and includes a~~
3 ~~statement of such restricted validity clearly and conspicuously~~
4 ~~printed upon the face of the identification document.~~

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

20 SECTION 2. AMENDATORY Section 1, Chapter 210, O.S.L.
21 2003, as amended by Section 13, Chapter 112, O.S.L. 2007 (70 O.S.
22 Supp. 2007, Section 3242), is amended to read as follows:

23 Section 3242. A. The Oklahoma State Regents for Higher
24 Education ~~may~~ shall adopt a policy which allows a student to enroll

1 in an institution within The Oklahoma State System of Higher
2 Education and allows a student to be eligible for resident tuition
3 if the student:

4 1. Graduated from a public or private high school in this state
5 or successfully completed the General Educational Development test
6 in this state; and

7 2. Resided in this state with a parent or ~~legal~~ guardian ~~while~~
8 ~~attending classes at a public or private high school in this state~~
9 for at least two (2) years prior to:

10 a. graduation from high school, or

11 b. successful completion of the General Educational
12 Development test.

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

15 1. Satisfy admission standards as determined by the Oklahoma
16 State Regents for Higher Education for the appropriate type of
17 institution and have secured admission to, and enrolled in, an
18 institution within The Oklahoma State System of Higher Education;
19 and

20 2. If the student ~~cannot present to the institution valid~~
21 ~~documentation of United States nationality or an immigration status~~
22 ~~permitting study at a postsecondary institution~~ is without lawful
23 immigration status;

24

- 1 a. ~~provide to the institution a copy of a true and~~
2 ~~correct~~ file an affidavit with the institution stating
3 that the student has filed an application or has a
4 petition filed pending with the United States Bureau
5 of Citizenship and Immigration Services to legalize
6 the student's immigration status, or
- 7 b. file an affidavit with the institution stating that
8 the student will file an application to legalize his
9 or her immigration status at the earliest opportunity
10 the student is eligible to do so, ~~but in no case later~~
11 ~~than:~~
- 12 ~~(1) one (1) year after the date on which the student~~
13 ~~enrolls for study at the institution, or~~
- 14 ~~(2) if there is no formal process to permit children~~
15 ~~of parents without lawful immigration status to~~
16 ~~apply for lawful status without risk of~~
17 ~~deportation, one (1) year after the date the~~
18 ~~United States Citizenship and Immigration~~
19 ~~Services provide such a formal process, and~~
- 20 c. ~~if the student files an affidavit pursuant to~~
21 ~~subparagraph b of this paragraph, present to the~~
22 ~~institution a copy of a true and correct application~~
23 ~~or petition filed with the United States Citizenship~~
24 ~~and Immigration Services no later than:~~

1 ~~(1) one (1) year after the date on which the student~~
2 ~~enrolls for study at the institution, or~~
3 ~~(2) if there is no formal process to permit children~~
4 ~~of parents without lawful immigration status to~~
5 ~~apply for lawful status without risk of~~
6 ~~deportation, one (1) year after the date the~~
7 ~~United States Citizenship and Immigration~~
8 ~~Services provide such a formal process, which~~
9 ~~copy shall be maintained in the institution's~~
10 ~~records for that student.~~ High school counselors
11 shall inform immigrant students that they should apply
12 for legal status as soon as possible to enhance their
13 opportunity for higher education in Oklahoma.

14 C. Any student who ~~completes~~ meets the ~~required~~ criteria
15 prescribed in ~~subsection~~ subsections A and B of this section,
16 ~~paragraph 1 of subsection B of this section, and subparagraph a of~~
17 ~~paragraph 2 of subsection B of this section~~ shall not be
18 disqualified on the basis of the student's immigration status from
19 any scholarships or financial aid provided by this state.

20 D. ~~The provisions of this section shall not impose any~~
21 ~~additional conditions to maintain resident tuition status at a~~
22 ~~postsecondary educational institution within The Oklahoma State~~
23 ~~System of Higher Education on a student who was enrolled in a degree~~
24

1 ~~program and first received such resident tuition status at that~~
2 ~~institution during the 2006 2007 school year or any prior year.~~

3 SECTION 3. REPEALER Sections 1 and 2, Chapter 112,
4 O.S.L. 2007, are hereby repealed.

5 SECTION 4. REPEALER Section 3, Chapter 112, O.S.L. 2007
6 (21 O.S. Supp. 2007, Section 446), is hereby repealed.

7 SECTION 5. REPEALER Section 5, Chapter 112, O.S.L. 2007
8 (22 O.S. Supp. 2007, Section 171.2), is hereby repealed.

9 SECTION 6. REPEALER Sections 6 and 7, Chapter 112,
10 O.S.L. 2007 (25 O.S. Supp. 2007, Sections 1312 and 1313), are hereby
11 repealed.

12 SECTION 7. REPEALER Section 8, Chapter 112, O.S.L. 2007
13 (56 O.S. Supp. 2007, Section 71), is hereby repealed.

14 SECTION 8. REPEALER Section 9, Chapter 112, O.S.L. 2007
15 (68 O.S. Supp. 2007, Section 2385.32), is hereby repealed.

16 SECTION 9. REPEALER Section 10, Chapter 112, O.S.L. 2007
17 (74 O.S. Supp. 2007, Section 20j), is hereby repealed.

18 SECTION 10. REPEALER Section 11, Chapter 112, O.S.L.
19 2007 (70 O.S. Supp. 2007, Section 3242.2), is hereby repealed.

20 SECTION 11. REPEALER Section 12, Chapter 112, O.S.L.
21 2007 (74 O.S. Supp. 2007, Section 151.2), is hereby repealed.

22 SECTION 12. It being immediately necessary for the preservation
23 of the public peace, health and safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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