

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 908

By: Shortey of the Senate

and

Terrill of the House

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9 COMMITTEE SUBSTITUTE

10 [immigration - smuggling of human beings unlawful -
11 providing penalties - codification - noncodification
- effective date]

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 447 of Title 21, unless there is
17 created a duplication in numbering, reads as follows:

18 A. It shall be unlawful for a person to intentionally engage in
19 the smuggling of human beings for profit or commercial purpose.

20 B. Any person violating the provisions of this section shall,
21 upon conviction, be guilty of a felony punishable by incarceration
22 in the custody of the Department of Corrections for not less than
23 one (1) year, or by a fine of not less than One Thousand Dollars
24 (\$1,000.00), or by both such fine and imprisonment.

1 C. Notwithstanding any other law, in the enforcement of this
2 section a law enforcement officer may lawfully stop any person who
3 is operating a motor vehicle if the officer has probable cause to
4 believe the person is in violation of any traffic law of this state.

5 D. For the purposes of this section:

6 1. "Procurement of transportation" means any participation in
7 or facilitation of transportation and includes:

8 a. providing services that facilitate transportation,
9 including travel arrangement services or money
10 transmission services, or

11 b. providing property that facilitates transportation,
12 including a weapon, a vehicle or other means of
13 transportation, or false identification, or selling,
14 leasing, renting or otherwise making available
15 property or real property; and

16 2. "Smuggling of human beings" means the transportation,
17 procurement of transportation or use of property or real property by
18 a person or an entity that knows or has reason to know that the
19 person or persons transported or to be transported are not United
20 States citizens, permanent resident aliens or persons otherwise
21 lawfully in this state or have attempted to enter, entered or
22 remained in the United States in violation of law.

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1550.44 of Title 21, unless
3 there is created a duplication in numbering, reads as follows:

4 A state or local governmental agency of this state, or any
5 representative of the agency, may not:

6 1. Limit, or by any means restrict by ordinance, regulation,
7 policy, practice, or in any other manner, the authority of any law
8 enforcement agency or officer, or any state or local governmental
9 agency to assist the federal government in the enforcement of any
10 federal law or regulation governing immigration; or

11 2. Limit, or by any means restrict by ordinance, regulation,
12 policy, practice, or in any other manner, the authority of any law
13 enforcement agency to investigate or enforce any violation of the
14 federal misdemeanor offenses of willful failure to register as an
15 alien or willful failure to personally possess an alien registration
16 document as required by 8 U.S.C. 1304(e) or 1306(a).

17 SECTION 3. AMENDATORY 21 O.S. 2001, Section 1738, as
18 last amended by Section 3, Chapter 325, O.S.L. 2010 (21 O.S. Supp.
19 2010, Section 1738), is amended to read as follows:

20 Section 1738. A. Any commissioned peace officer of this state
21 is authorized to seize any vehicle owned by or registered to the
22 defendant used in the commission of any armed robbery offense
23 defined in Section 801 of this title, or any vehicle owned by or
24 registered to the defendant when such vehicle is used to facilitate

1 the intentional discharge of any kind of firearm in violation of
2 Section 652 of this title, or any vehicle, airplane, vessel,
3 vehicles or parts of vehicles whose numbers have been removed,
4 altered or obliterated so as to prevent determination of the true
5 identity or ownership of said property and parts of vehicles which
6 probable cause indicates are stolen but whose true ownership cannot
7 be determined, or any vehicle owned by or registered to the
8 defendant used in violation of the Trademark Anti-Counterfeiting
9 Act, or any equipment owned by or registered to the defendant which
10 is used in the attempt or commission of any act of burglary in the
11 first or second degree, motor vehicle theft, unauthorized use of a
12 vehicle, obliteration of distinguishing numbers on vehicles or
13 criminal possession of vehicles with altered, removed or obliterated
14 numbers as defined by Sections 1431, 1435, 1716, 1719 and 1720 of
15 this title or Sections 4-104 and 4-107 of Title 47 of the Oklahoma
16 Statutes, or any equipment owned by or registered to the defendant
17 used in violation of the Trademark Anti-Counterfeiting Act, or any
18 vehicle, airplane, vessel or equipment owned by or registered to the
19 defendant used in the commission of any arson offense defined in
20 Section 1401, 1402, 1403, 1404 or 1405 of this title, or any vehicle
21 or conveyance used in any manner to facilitate or participate in the
22 commission of any human trafficking offense in violation of Section
23 748 of this title, or any vehicle or other conveyance owned,
24 registered or used by any defendant when such vehicle or other

1 conveyance is used in any manner by a prostitute, pimp or panderer
2 to facilitate or participate in the commission of any prostitution
3 offense in violation of Sections 1028, 1029 or 1030 of this title;
4 provided, however, that the vehicle or conveyance of a customer or
5 anyone merely procuring the services of a prostitute shall not be
6 included. Said property may be held as evidence until a forfeiture
7 has been declared or a release ordered. Forfeiture actions under
8 this section may be brought by the district attorney in the proper
9 county of venue as petitioner; provided, in the event the district
10 attorney elects not to file such action, or fails to file such
11 action within ninety (90) days of the date of the seizure of such
12 equipment, the property shall be returned to the owner.

13 B. In addition to the property described in subsection A of
14 this section, the following property is also subject to forfeiture
15 pursuant to this section:

16 1. Property used in the commission of theft of livestock or in
17 any manner to facilitate the theft of livestock;

18 2. The proceeds gained from the commission of theft of
19 livestock;

20 3. Personal property acquired with proceeds gained from the
21 commission of theft of livestock;

22 4. All conveyances, including aircraft, vehicles or vessels,
23 and horses or dogs which are used to transport or in any manner to
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1 facilitate the transportation for the purpose of the commission of
2 theft of livestock;

3 5. Any items having a counterfeit mark and all property that is
4 owned by or registered to the defendant that is employed or used in
5 connection with any violation of the Trademark Anti-Counterfeiting
6 Act;

7 6. Any weapon possessed, used or available for use in any
8 manner during the commission of a felony within the State of
9 Oklahoma, or any firearm that is possessed by a convicted felon;

10 7. Any police scanner used in violation of Section 1214 of this
11 title;

12 8. Any computer and its components and peripherals, including
13 but not limited to the central processing unit, monitor, keyboard,
14 printers, scanners, software, and hardware, when it is used in the
15 commission of any crime in this state;

16 9. All property used in the commission of, or in any manner to
17 facilitate, a violation of Section 1040.12a of this title;

18 10. All conveyances, including aircraft, vehicles or vessels,
19 monies, coins and currency, or other instrumentality used or
20 intended to be used, in any manner or part, to commit a violation of
21 paragraph 1 of subsection A of Section 1021 of this title, where the
22 victim of the crime is a minor child, subsection B of Section 1021
23 of this title, Section 1021.2 of this title, paragraph 1 of
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1 subsection A of Section 1111 of this title, or paragraphs 2 and 3 of
2 subsection A of Section 1123 of this title;

3 11. All conveyances, including aircraft, vehicles or vessels,
4 monies, coins and currency, or other instrumentality used in any
5 manner or part, to commit any violation of the provisions set forth
6 in Section 748 of this title; ~~and~~

7 12. Any and all property used in any manner or part to
8 facilitate, participate or further the commission of a human
9 trafficking offense in violation of Section 748 of this title, and
10 all property, including monies, real estate, or any other tangible
11 assets or property of or derived from or used by a prostitute, pimp
12 or panderer in any manner or part to facilitate, participate or
13 further the commission of any prostitution offense in violation of
14 Sections 1028, 1029 or 1030 of this title; provided, however, any
15 monies, real estate or any other tangible asset or property of a
16 customer or anyone merely procuring the services of a prostitute
17 shall not be included; and

18 13. All conveyances, including aircraft, vehicles or vessels,
19 used in any manner or part to commit any violation of the provisions
20 set forth in Section 446 of this title or Section 1 of this act.

21 C. Notice of seizure and intended forfeiture proceeding shall
22 be filed in the office of the clerk of the district court for the
23 county wherein such property is seized and shall be given all owners
24 and parties in interest.

1 D. Notice shall be given according to one of the following
2 methods:

3 1. Upon each owner or party in interest whose right, title, or
4 interest is of record in the Oklahoma Tax Commission or with the
5 county clerk for filings under the Uniform Commercial Code, served
6 in the manner of service of process in civil cases prescribed by
7 Section 2004 of Title 12 of the Oklahoma Statutes;

8 2. Upon each owner or party in interest whose name and address
9 is known, served in the manner of service of process in civil cases
10 prescribed by Section 2004 of Title 12 of the Oklahoma Statutes; or

11 3. Upon all other owners, whose addresses are unknown, but who
12 are believed to have an interest in the property by one publication
13 in a newspaper of general circulation in the county where the
14 seizure was made.

15 E. Within sixty (60) days after the mailing or publication of
16 the notice, the owner of the property and any other party in
17 interest or claimant may file a verified answer and claim to the
18 property described in the notice of seizure and of the intended
19 forfeiture proceeding.

20 F. If at the end of sixty (60) days after the notice has been
21 mailed or published there is no verified answer on file, the court
22 shall hear evidence upon the fact of the unlawful use and may order
23 the property forfeited to the state, if such fact is proven.

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1 G. If a verified answer is filed, the forfeiture proceeding
2 shall be set for hearing.

3 H. At the hearing the petitioner shall prove by clear and
4 convincing evidence that property was used in the attempt or
5 commission of an act specified in subsection A of this section or is
6 property described in subsection B of this section with knowledge by
7 the owner of the property.

8 I. The claimant of any right, title, or interest in the
9 property may prove the lien, mortgage, or conditional sales contract
10 to be bona fide and that the right, title, or interest created by
11 the document was created without any knowledge or reason to believe
12 that the property was being, or was to be, used for the purpose
13 charged.

14 J. In the event of such proof, the court may order the property
15 released to the bona fide or innocent owner, lien holder, mortgagee,
16 or vendor if the amount due such person is equal to, or in excess
17 of, the value of the property as of the date of the seizure, it
18 being the intention of this section to forfeit only the right,
19 title, or interest of the purchaser, except for items bearing a
20 counterfeit mark or used exclusively to manufacture a counterfeit
21 mark.

22 K. If the amount due to such person is less than the value of
23 the property, or if no bona fide claim is established, the property
24 may be forfeited to the state and may be sold pursuant to judgment

1 of the court, as on sale upon execution, and as provided in Section
2 2-508 of Title 63 of the Oklahoma Statutes, except as otherwise
3 provided for by law and for property bearing a counterfeit mark
4 which shall be destroyed.

5 L. Property taken or detained pursuant to this section shall
6 not be repleviable, but shall be deemed to be in the custody of the
7 petitioner or in the custody of the law enforcement agency as
8 provided in the Trademark Anti-Counterfeiting Act. Except for
9 property required to be destroyed pursuant to the Trademark Anti-
10 Counterfeiting Act, the petitioner shall release said property to
11 the owner of the property if it is determined that the owner had no
12 knowledge of the illegal use of the property or if there is
13 insufficient evidence to sustain the burden of showing illegal use
14 of such property. If the owner of the property stipulates to the
15 forfeiture and waives the hearing, the petitioner may determine if
16 the value of the property is equal to or less than the outstanding
17 lien. If such lien exceeds the value of the property, the property
18 may be released to the lien holder. Property which has not been
19 released by the petitioner shall be subject to the orders and
20 decrees of the court or the official having jurisdiction thereof.

21 M. The petitioner, or the law enforcement agency holding
22 property pursuant to the Trademark Anti-Counterfeiting Act, shall
23 not be held civilly liable for having custody of the seized property
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1 or proceeding with a forfeiture action as provided for in this
2 section.

3 N. Attorney fees shall not be assessed against the state or the
4 petitioner for any actions or proceeding pursuant to Section 1701 et
5 seq. of this title.

6 O. The proceeds of the sale of any property shall be
7 distributed as follows, in the order indicated:

8 1. To the bona fide or innocent purchaser, conditional sales
9 vendor, or mortgagee of the property, if any, up to the amount of
10 such person's interest in the property, when the court declaring the
11 forfeiture orders a distribution to such person;

12 2. To the payment of the actual reasonable expenses of
13 preserving the property;

14 3. To the victim of the crime to compensate said victim for any
15 loss incurred as a result of the act for which such property was
16 forfeited; and

17 4. The balance to a revolving fund in the office of the county
18 treasurer of the county wherein the property was seized, to be
19 distributed as follows: one-third (1/3) to the investigating law
20 enforcement agency; one-third (1/3) of said fund to be used and
21 maintained as a revolving fund by the district attorney for the
22 victim-witness fund, a reward fund or the evidence fund; and one-
23 third (1/3) to go to the jail maintenance fund, with a yearly
24 accounting to the board of county commissioners in whose county the

1 fund is established. If the petitioner is not the district
2 attorney, then the one-third (1/3) which would have been designated
3 to that office shall be distributed to the petitioner. Monies
4 distributed to the jail maintenance fund shall be used to pay costs
5 for the storage of such property if such property is ordered
6 released to a bona fide or innocent owner, lien holder, mortgagee,
7 or vendor and if such funds are available in said fund.

8 P. Monies distributed into the revolving fund in the office of
9 the county treasurer from forfeitures initiated under this section
10 by the district attorney shall be limited to One Hundred Thousand
11 Dollars (\$100,000.00) at any one time in counties with population in
12 excess of three hundred thousand (300,000) and Twenty-five Thousand
13 Dollars (\$25,000.00) at any one time in counties with population
14 less than three hundred thousand (300,000). Any amount in excess of
15 these figures shall be placed in the general fund of the county.

16 Q. If the court finds that the property was not used in the
17 attempt or commission of an act specified in subsection A of this
18 section and was not property subject to forfeiture pursuant to
19 subsection B of this section and is not property bearing a
20 counterfeit mark, the court shall order the property released to the
21 owner as the right, title, or interest appears on record in the Tax
22 Commission as of the seizure.

23 R. No vehicle, airplane, or vessel used by a person as a common
24 carrier in the transaction of business as a common carrier shall be

1 forfeited pursuant to the provisions of this section unless it shall
2 be proven that the owner or other person in charge of such
3 conveyance was a consenting party or privy to the attempt or
4 commission of an act specified in subsection A or B of this section.
5 No property shall be forfeited pursuant to the provisions of this
6 section by reason of any act or omission established by the owner
7 thereof to have been committed or omitted without the knowledge or
8 consent of such owner, and by any person other than such owner while
9 such property was unlawfully in the possession of a person other
10 than the owner in violation of the criminal laws of the United
11 States or of any state.

12 S. Whenever any property is forfeited pursuant to this section,
13 the district court having jurisdiction of the proceeding may order
14 that the forfeited property may be retained for its official use by
15 the state, county, or municipal law enforcement agency which seized
16 the property.

17 SECTION 4. AMENDATORY 22 O.S. 2001, Section 196, is
18 amended to read as follows:

19 Section 196. A peace officer may, without a warrant, arrest a
20 person:

21 1. For a public offense, committed or attempted in the
22 officer's presence;

23 2. When the person arrested has committed a felony, although
24 not in the officer's presence;

1 3. When a felony has in fact been committed, and the officer
2 has reasonable cause to believe the person arrested to have
3 committed it;

4 4. On a charge, made upon reasonable cause, of the commission
5 of a felony by the party arrested;

6 5. When the officer has probable cause to believe that the
7 party was driving or in actual physical control of a motor vehicle
8 involved in an accident upon the public highways, streets or
9 turnpikes and was under the influence of alcohol or intoxicating
10 liquor or who was under the influence of any substance included in
11 the Uniform Controlled Dangerous Substances Act, ~~Sections 2-101 et~~
12 ~~seq. of Title 63 of the Oklahoma Statutes;~~

13 6. Anywhere, including a place of residence of the person, if
14 the peace officer has probable cause to believe the person within
15 the preceding seventy-two (72) hours has committed an act of
16 domestic abuse as defined by Section 60.1 of this title, although
17 the assault did not take place in the presence of the peace officer.
18 A peace officer may not arrest a person pursuant to this section
19 without first observing a recent physical injury to, or an
20 impairment of the physical condition of, the alleged victim;

21 7. When a peace officer, in accordance with the provisions of
22 Section 60.9 of this title, is acting on a violation of a protective
23 order offense; ~~or~~

1 8. When the officer has probable cause to believe that the
2 person has threatened another person as defined in subsection B of
3 Section ~~14~~ 1378 of ~~this act~~ Title 21 of the Oklahoma Statutes; or

4 9. When the officer has probable cause to believe that the
5 person is an alien who:

6 a. is subject to:

7 (1) a removal order issued by an immigration court,

8 or

9 (2) a detainer or notice of action issued by the

10 United States Department of Homeland Security,

11 b. has been indicted for or convicted in any state of one

12 (1) or more aggravated felonies as defined in 8 U.S.C.

13 1101(a)(43), or

14 c. has willfully failed to register with the federal

15 government under 8 U.S.C. 1301 et seq.

16 SECTION 5. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 210 of Title 22, unless there is
18 created a duplication in numbering, reads as follows:

19 A governmental body may not limit or restrict the enforcement of
20 federal immigration laws to less than the full extent permitted by
21 federal law.

22 SECTION 6. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 210.1 of Title 22, unless there
24 is created a duplication in numbering, reads as follows:

1 A. Except as provided under subsection B of this section, if a
2 law enforcement officer acting in the enforcement of any state law
3 or local ordinance:

4 1. Makes a lawful stop, detention, or arrest of an individual
5 for a violation of a state law or local ordinance; and

6 2. Has probable cause to believe that the individual stopped,
7 detained, or arrested as described under paragraph 1 of this
8 subsection:

9 a. is an alien, and

10 b. is not lawfully present in the United States,
11 the law enforcement officer shall request verification of identity
12 and the citizenship or immigration status of the individual from
13 federal immigration authorities under 8 U.S.C. 1373(c).

14 B. A law enforcement officer may, but is not required to
15 request verification of citizenship or immigration status under
16 subsection A if the law enforcement officer reports in writing to
17 the law enforcement agency that:

18 1. The attempt would have hindered or obstructed a criminal
19 investigation or the treatment of a medical emergency; or

20 2. The law enforcement officer was the only officer on patrol
21 duty within a municipality or county at the time of the initial stop
22 or detention.

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1 SECTION 7. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 210.2 of Title 22, unless there
3 is created a duplication in numbering, reads as follows:

4 A law enforcement agency that has custody of an individual who
5 has been verified by federal immigration authorities as an alien
6 unlawfully present in the United States shall request the United
7 States Department of Homeland Security to issue a detainer
8 authorizing transfer of the alien into federal custody.

9 SECTION 8. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 210.3 of Title 22, unless there
11 is created a duplication in numbering, reads as follows:

12 A law enforcement agency of this state may securely transport an
13 alien in the law enforcement agency's custody who has been verified
14 by federal immigration authorities as unlawfully present in the
15 United States to:

- 16 1. A federal facility located in this state; or
- 17 2. Any other point of transfer into federal custody that is
18 outside this state, if the receiving federal agency agrees to the
19 transfer of the alien.

20 SECTION 9. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 210.4 of Title 22, unless there
22 is created a duplication in numbering, reads as follows:

23 An individual whose immigration status is being verified by a
24 law enforcement officer pursuant to Section 6 of this act is

1 presumed not to be an alien who is unlawfully present in the United
2 States if the individual provides one or more of the following to
3 the law enforcement officer:

4 1. A valid Oklahoma driver license;

5 2. A valid Oklahoma identification card;

6 3. A valid tribal enrollment card or other form of
7 identification issued by a federally recognized Indian tribe that
8 bears a photographic image of the holder;

9 4. Any valid identification document issued by a federal,
10 state, or local government, if:

11 a. the document bears a photographic image of the holder,
12 and

13 b. the issuing entity requires proof of legal presence in
14 the United States as a condition for issuance; or

15 5. A valid Oklahoma permit for carrying a concealed weapon
16 issued pursuant to the Oklahoma Self-Defense Act.

17 SECTION 10. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 210.5 of Title 22, unless there
19 is created a duplication in numbering, reads as follows:

20 A. If any person who is a legal resident of this state believes
21 that a law enforcement agency or any governmental body has adopted
22 or implemented a policy or practice that limits or restricts the
23 enforcement of federal immigration laws in violation of this act,
24 that person may bring an action in the appropriate court for

1 declaratory and injunctive relief against the law enforcement agency
2 or governmental body.

3 B. If a court finds that a governmental body knowingly or
4 intentionally violated Section 2 of this act or a law enforcement
5 agency knowingly or intentionally failed to comply with section 7 of
6 this act, the court shall enjoin the law enforcement agency or
7 political subdivision from engaging in or encouraging policies,
8 practices, or acts that limit or restrict the enforcement of federal
9 immigration laws in violation of this act.

10 C. The court may award costs and reasonable attorney fees to
11 any plaintiff who prevails in an action under this act.

12 D. If a law enforcement officer is a party to an action under
13 this act, the law enforcement agency with whom the law enforcement
14 officer is employed shall indemnify the law enforcement officer for
15 all reasonable costs and expenses, including attorney fees, incurred
16 by the law enforcement officer in connection with the action unless
17 the law enforcement officer is found to have acted in bad faith.

18 SECTION 11. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 201 of Title 40, unless there is
20 created a duplication in numbering, reads as follows:

21 A. In addition to any other requirement for an employer to
22 receive an economic development incentive from a government entity,
23 the employer shall register with and participate in the e-verify
24 program. Before receiving the economic development incentive, the

1 employer shall provide proof to the government entity that the
2 employer is registered with and is participating in the e-verify
3 program. If the government entity determines that the employer is
4 not complying with this subsection, the government entity shall
5 notify the employer by certified mail of the determination of
6 noncompliance by the government entity and the right of the employer
7 to appeal the determination. On a final determination of
8 noncompliance, the employer shall repay all monies received as an
9 economic development incentive to the government entity within
10 thirty (30) days of the final determination. For the purposes of
11 this subsection:

12 1. "Economic development incentive" means any grant, loan or
13 performance-based incentive from any government entity that is
14 awarded after January 1, 2012; and

15 2. "Government entity" means this state and any political
16 subdivision of this state that receives and uses tax revenues.

17 B. Every three (3) months the Attorney General shall request
18 from the United States Department of Homeland Security a list of
19 employers from this state that are registered with the e-verify
20 program. On receipt of the list of employers, the Attorney General
21 shall make the list available on the website of the Attorney
22 General.

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1 SECTION 12. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 209 of Title 40, unless there is
3 created a duplication in numbering, reads as follows:

4 A. As used in this section, "commence day labor employment"
5 means the physical act of beginning any employment in which no
6 employment agreement has been executed specifying that the term of
7 the employment is to be more than three (3) working days.

8 B. As used in this section, "peace officer" has the meaning set
9 forth in Section 648 of Title 21 of the Oklahoma Statutes.

10 C. An individual who is at least eighteen (18) years of age
11 shall not commence day labor employment in this state unless the
12 individual has completed the individual attestation of employment
13 authorization required under 8 U.S.C. 1324a(b) (2).

14 D. If a peace officer or any other entity authorized to enforce
15 the employment laws of this state has probable cause that an
16 individual has violated this section, the peace officer or entity
17 shall submit a complaint in the form prescribed under 8 CFR 274a.9,
18 as amended, to the United States Immigration and Customs Enforcement
19 office that has jurisdiction over the residence of the individual
20 who is allegedly in violation of this section.

21 SECTION 13. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1176 of Title 21, unless there
23 is created a duplication in numbering, reads as follows:

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1 A. As used in this section, "consular identification" means an
2 identification, other than a passport, issued by the government of a
3 foreign state for the purpose of providing consular services in the
4 United States to a national of the foreign state.

5 B. As used in this chapter, "individual taxpayer identification
6 number" means a tax processing number issued by the United States
7 Internal Revenue Service for the purpose of facilitating federal tax
8 reporting by individuals who are not eligible to obtain a federal
9 Social Security number.

10 C. 1. This section does not apply to a law enforcement officer
11 who is presented with a consular identification during the
12 investigation of a crime.

13 2. Except as otherwise provided under federal law or to
14 document the foreign nationality of a cardholder, a person who
15 knowingly or intentionally offers in writing, accepts, or records a
16 consular identification for any public purpose shall be guilty of a
17 misdemeanor.

18 D. Except as otherwise provided under law, a person who
19 knowingly or intentionally offers in writing, accepts, or records an
20 individual taxpayer identification number as a valid form of
21 identification for any public or private purpose, other than for
22 reporting, payment, or other processing of federal or state personal
23 taxation for which a Social Security number would otherwise be
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1 required of a United States citizen, shall be guilty of a
2 misdemeanor.

3 SECTION 14. NEW LAW A new section of law not to be
4 codified in the Oklahoma Statutes reads as follows:

5 A. If a provision of this act or its application to any person
6 or circumstance is held invalid, the invalidity does not affect
7 other provisions or applications of the act that can be given effect
8 without the invalid provision or application, and to this end the
9 provisions of this act are severable.

10 B. The terms of this act regarding immigration shall be
11 construed to have the meanings given to them under federal
12 immigration law.

13 C. The requirements of this act shall be enforced without
14 regard to race, religion, gender, ethnicity, or national origin.

15 D. This act shall be implemented in a manner consistent with
16 federal laws regulating immigration, protecting the civil rights of
17 all persons and respecting the privileges and immunities of United
18 States citizens.

19 SECTION 15. This act shall become effective January 1, 2012.

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