

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

FLOOR AMENDMENT

No. _____

(Date)

Mr./Madame President:

I move to amend House Bill No. 1446, Page 18, Line 21 1/2, as follows:

By inserting new SECTIONS 8, 9, 10, 11, 12, 13, and 14 as attached and by renumbering subsequent sections.

Submitted by:

Senator Shortey

Shortey-MD-FA1-HB1446
4/13/2011 5:30 PM

[Insert attachment]

1 “SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes
2 as Section 447 of Title 21, unless there is created a duplication in numbering, reads as follows:

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

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

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

4 D. For the purposes of this section:

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

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

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

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

17 SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes
18 as Section 1550.44 of Title 21, unless there is created a duplication in numbering, reads as follows:

19 A state or local governmental agency of this state, or any representative of the agency, may
20 not:

21 1. Limit, or by any means restrict by ordinance, regulation, policy, practice, or in any other
22 manner, the authority of any law enforcement agency or officer, or any state or local governmental
23 agency to assist the federal government in the enforcement of any federal law or regulation
24 governing immigration; or

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

5 SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes
6 as Section 210 of Title 22, unless there is created a duplication in numbering, reads as follows:

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

9 SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes
10 as Section 210.2 of Title 22, unless there is created a duplication in numbering, reads as follows:

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

15 SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes
16 as Section 210.3 of Title 22, unless there is created a duplication in numbering, reads as follows:

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

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

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

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

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

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

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

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

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

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

22 B. The terms of this act regarding immigration shall be construed to have the meanings given
23 to them under federal immigration law.”

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

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

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