

1 STATE OF OKLAHOMA

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

3 SENATE BILL 819

By: Allen

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6 AS INTRODUCED

7 An Act relating to illegal immigration; amending
8 Section 2, Chapter 455, O.S.L. 2009 (57 O.S. Supp.
9 2010, Section 530.4), which relates to the Oklahoma
10 Criminal Illegal Alien Rapid Repatriation Act of
11 2009; requiring certain release of prisoners for
12 deportation under certain circumstances; modifying
13 release authority for certain crimes; and providing
14 an effective date.

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

16 SECTION 1. AMENDATORY Section 2, Chapter 455, O.S.L.
17 2009 (57 O.S. Supp. 2010, Section 530.4), is amended to read as
18 follows:

19 Section 530.4 A. Notwithstanding any law to the contrary, the
20 Director of the Department of Corrections ~~may~~ shall release a
21 prisoner to the custody and control of the United States Immigration
22 and Customs Enforcement without prejudice to nationality, color,
23 race, religion, or gender, provided the Department has received an
24 order of deportation for the prisoner from the United States
Citizenship and Immigration Services, ~~the prisoner has served at~~

1 ~~least one third (1/3) of the total amount of incarceration imposed~~
2 ~~by the court, and unless the prisoner has ~~not~~ been convicted of an~~
3 ~~offense as provided in pursuant to Section 13.1 of Title 21 of the~~
4 ~~Oklahoma Statutes. The Director shall consider all sentences being~~
5 ~~served when calculating the total amount of incarceration, but shall~~
6 ~~not consider the suspended portion of any sentence. The Director may~~
7 ~~only release a prisoner convicted of an offense pursuant to Section~~
8 ~~13.1 of Title 21 of the Oklahoma Statutes upon receipt of an order~~
9 ~~of deportation for the prisoner from the United States Citizenship~~
10 ~~and Immigration Services and upon completion of any statutorily~~
11 ~~required punishment or penalty of the court, if applicable.~~

12 B. If a prisoner released pursuant to this section returns
13 illegally to the United States, upon notice from any federal or
14 state law enforcement agency that the prisoner is incarcerated, the
15 Director shall revoke the release of the prisoner and the prisoner
16 shall serve the remainder of the incarceration originally imposed by
17 the court. The prisoner shall not thereafter be eligible for parole
18 on any sentence affected by the release provided above.

19 SECTION 2. This act shall become effective November 1, 2011.

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