

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1436 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Mike Turner _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1436

By: Turner

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8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to immigration; prohibiting
10 limitations or restrictions when enforcing federal
11 immigration laws; authorizing certain person to file
12 action for declaratory and injunctive relief;
13 providing for the award of court costs and attorney
14 fees; providing indemnification for law enforcement
15 officers; directing employers to verify employment
16 eligibility of employees through certain program;
17 requiring use of program by employers prior to
18 receiving economic development incentives; directing
19 repayment of monies for noncompliance; defining
20 terms; directing Attorney General to request and make
21 available a list of employers who use certain
22 program; providing for codification; and providing an
23 effective date.

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

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

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

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

6 2. 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 to investigate or enforce any violation of the
9 federal misdemeanor offenses of willful failure to register as an
10 alien or willful failure to personally possess an alien registration
11 document as required by 8 U.S.C. 1304(e) or 1306(a).

12 SECTION 2. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 211 of Title 22, unless there is
14 created a duplication in numbering, reads as follows:

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

18 SECTION 3. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 211.1 of Title 22, unless there
20 is created a duplication in numbering, reads as follows:

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

1 that person may bring an action in the appropriate court for
2 declaratory and injunctive relief against the law enforcement agency
3 or governmental body.

4 B. If a court finds that a governmental body knowingly or
5 intentionally violated Section 1 of this act, the court shall enjoin
6 the governmental body from engaging in or encouraging policies,
7 practices, or acts that limit or restrict the enforcement of federal
8 immigration laws in violation of this act.

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

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

17 SECTION 4. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 201 of Title 40, unless there is
19 created a duplication in numbering, reads as follows:

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

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

11 1. "Economic development incentive" means any grant, loan or
12 performance-based incentive from any government entity that is
13 awarded after January 1, 2015; and

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

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

22 SECTION 5. This act shall become effective January 1, 2015.

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