

1 ENGROSSED SENATE
2 BILL NO. 1462

By: Shortey and Silk of the
Senate

3 and

4 Christian of the House

5
6
7 [immigration policies - sanctuary - violation -
8 eligibility - codification - effective date]
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10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 22-126.1 of Title 11, unless
13 there is created a duplication in numbering, reads as follows:

14 A. As used in this section, unless the context otherwise
15 requires:

16 1. "Law enforcement officer" means a sheriff or peace officer
17 of a municipality with the duty and power of arrest for violation of
18 the general criminal laws of the state or for violation of
19 ordinances of municipalities;

20 2. "Municipality" means any political subdivision, county,
21 city, town, community or village;

22 3. "Municipal official" means any elected or appointed official
23 or any law enforcement officer serving the municipality; and
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1 4. "Sanctuary policy" means any ordinance or law enforcement
2 policy, formally enacted that:

- 3 a. limits or prohibits any municipal official or person
4 employed by the municipality from communicating or
5 cooperating with federal agencies or officials to
6 verify or report the immigration status of any alien
7 within such municipality, or
- 8 b. grants to illegal aliens the right to lawful presence
9 or status within the municipality in violation of
10 federal law, or
- 11 c. violates Title 8, Section 1373 of the United States
12 Code, in any way, or
- 13 d. restricts in a material the municipality's cooperation
14 or compliance with detainers or other requests from
15 United States Immigration and Customs Enforcement to
16 maintain custody of any alien or to transfer any alien
17 to the custody of United States Immigration and
18 Customs Enforcement, or
- 19 e. requires United States Immigration and Customs
20 Enforcement to obtain a warrant or demonstrate
21 probable cause before complying with detainers or
22 other requests from United States Immigration and
23 Customs Enforcement to maintain custody of any alien

1 or to transfer any alien to the custody of United
2 States Immigration and Customs Enforcement, or
3 f. prevents the municipality's law enforcement officers
4 from asking any individual his or her citizenship or
5 immigration status, as long as such inquiry occurs
6 during the enforcement of any state law or ordinance
7 by making a lawful stop, detention or arrest of an
8 individual for a violation of a state law or local
9 ordinance and has probable cause to believe that the
10 individual stopped, detained or arrested is an alien
11 and is not lawfully present in the United States.

12 B. No municipality or political subdivision of this state shall
13 enact or adopt any sanctuary policy. Any municipality or political
14 subdivision of this state that enacts or adopts a sanctuary policy
15 shall be ineligible for any moneys provided through grants
16 administered by any state agency or department until the sanctuary
17 policy is repealed or is no longer in effect.

18 C. Upon receiving a request from any person or entity
19 authorized to make a request for advisement or an opinion from the
20 Attorney General pursuant to Section 18b of Title 74 of the Oklahoma
21 Statutes regarding a violation of this section by a specific
22 government entity, municipality or political subdivision of this
23 state, the Attorney General of this state shall issue an opinion
24 stating whether such government entity, municipality or political

1 subdivision has current policies in contravention of this act. If
2 the Attorney General issues an opinion stating that the government
3 entity, municipality or political subdivision has a sanctuary policy
4 in place that violates this act, the government entity, municipality
5 or political subdivision shall be ineligible to receive moneys
6 provided through grants or other disbursements administered by any
7 state agency or department until the Attorney General certifies that
8 the sanctuary policy is repealed or is no longer in effect.

9 D. Prior to the provision of funds or awarding of any grants to
10 a government entity, municipality or political subdivision of this
11 state, any person or entity authorized to make a request pursuant to
12 Section 18b of Title 74 of the Oklahoma Statutes may request that
13 the Attorney General issue an opinion stating whether the government
14 entity, municipality or political subdivision has enacted current
15 policies in contravention of this section. Any government entity,
16 municipality or political subdivision deemed ineligible for any
17 moneys under this section shall remain ineligible until the Attorney
18 General issues an opinion that the government entity, municipality
19 or political subdivision has come into full compliance with this
20 section.

21 E. The governing body, sheriff or chief of police of each
22 municipality shall provide each law enforcement officer with a
23 printed copy of this section and with written notice of his or her
24 duty to cooperate with state and federal agencies and officials on

1 matters pertaining to enforcement of state and federal laws
2 governing immigration. Every state agency with law enforcement
3 power shall provide each law enforcement officer with a printed copy
4 of this section and with written notice of his or her duty to
5 cooperate with state and federal agencies and officials on matters
6 pertaining to enforcement of state and federal laws governing
7 immigration.

8 F. No state agency shall enact or adopt any sanctuary policy.

9 G. Records created in connection to administrative
10 investigations related to this act are not subject to the exemptions
11 in the Oklahoma Open Records Act.

12 SECTION 2. This act shall become effective November 1, 2016.

13 Passed the Senate the 10th day of March, 2016.

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Presiding Officer of the Senate

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17 Passed the House of Representatives the ____ day of _____,

18 2016.

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Presiding Officer of the House
of Representatives

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