

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1407 _____
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: Justin Humphrey _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1407

By: Humphrey

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8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to cities and towns; defining terms;
10 prohibiting certain governing bodies from enacting or
11 adopting sanctuary policies; stating ineligibility
12 for certain funds under certain conditions; providing
13 procedures for determining violation of the act;
14 authorizing the Legislature to request certain legal
15 opinion; providing method of determining eligibility;
16 requiring law enforcement officers to receive copy of
17 law; prohibiting state agencies from enacting or
18 adopting certain policies; prohibiting the exemption
19 of administrative investigation records from the
20 Oklahoma Open Records Act; providing for
21 codification; and providing an effective date.

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

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

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

1. "Law enforcement officer" means a sheriff or peace officer
of a municipality with the duty and power of arrest for violation of

1 the general criminal laws of the state or for violation of
2 ordinances of municipalities;

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

5 3. "Municipal official" means any elected or appointed official
6 or any law enforcement officer serving the municipality; and

7 4. "Sanctuary policy" means any order, ordinance or law
8 enforcement policy, regardless of whether formally enacted or
9 informally adopted, that:

10 a. limits or prohibits any municipal official or person
11 employed by the municipality from communicating or
12 cooperating with federal agencies or officials to
13 verify or report the immigration status of any alien
14 within such municipality,

15 b. grants to illegal aliens the right to lawful presence
16 or status within the municipality in violation of
17 federal law,

18 c. violates Title 8, Section 1373 of the United States
19 Code in any way,

20 d. restricts in any way or imposes any conditions upon
21 the municipality's cooperation or compliance with
22 detainers or other requests from United States
23 Immigration and Customs Enforcement to maintain
24 custody of any alien or to transfer any alien to the

1 custody of United States Immigration and Customs
2 Enforcement,

3 e. requires United States Immigration and Customs
4 Enforcement to obtain a warrant or demonstrate
5 probable cause before complying with detainers or
6 other requests from United States Immigration and
7 Customs Enforcement to maintain custody of any alien
8 or to transfer any alien to the custody of United
9 States Immigration and Customs Enforcement,

10 f. prevents the municipality's law enforcement officers
11 from asking any individual his or her citizenship or
12 immigration status, or

13 g. knowingly provides special benefits, privileges or
14 support to illegal aliens.

15 B. No municipality or political subdivision of this state shall
16 enact or adopt any sanctuary policy. Any municipality or political
17 subdivision of this state that enacts or adopts a sanctuary policy
18 shall be ineligible to receive appropriations, or any monies
19 provided through grants administered by any state agency or
20 department until the sanctuary policy is repealed or is no longer in
21 effect.

22 C. A legislator may request a legal opinion from the Attorney
23 General upon receiving a complaint from any resident of this state
24 regarding a violation of this section by a specific government

1 entity, municipality or political subdivision of this state,
2 pursuant to the provisions of Section 18b of Title 74 of the
3 Oklahoma Statutes. The Attorney General of this state shall issue
4 an opinion stating whether such government entity, municipality or
5 political subdivision has current policies in contravention of this
6 act. If the Attorney General issues an opinion stating that the
7 government entity, municipality or political subdivision has a
8 sanctuary policy in place that violates this act, the government
9 entity, municipality or political subdivision shall be ineligible to
10 receive monies provided through appropriations, grants or other
11 disbursements administered by any state agency or department until
12 the Attorney General certifies that the sanctuary policy is repealed
13 or is no longer in effect.

14 D. Prior to the provision of appropriations, funds or awarding
15 of any grants to a government entity, municipality or political
16 subdivision of this state, any member of the Legislature may request
17 that the Attorney General issue an opinion stating whether the
18 government entity, municipality or political subdivision has current
19 policies in contravention of this section. Any government entity,
20 municipality or political subdivision deemed ineligible for any
21 moneys under this section shall remain ineligible until the Attorney
22 General certifies that the government entity, municipality or
23 political subdivision has come into full compliance with this
24 section.

1 E. The governing body, sheriff or chief of police of each
2 municipality shall provide each law enforcement officer with a copy
3 of this section and with written notice of his or her duty to
4 cooperate with state and federal agencies and officials on matters
5 pertaining to enforcement of state and federal laws governing
6 immigration. Every state agency with law enforcement power shall
7 provide each law enforcement officer with a printed copy of this
8 section and with written notice of his or her duty to cooperate with
9 state and federal agencies and officials on matters pertaining to
10 enforcement of state and federal laws governing immigration.

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

12 G. Records created in connection to administrative
13 investigations related to this act are not subject to the exemptions
14 provided for in the Oklahoma Open Records Act.

15 SECTION 2. This act shall become effective November 1, 2020.

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