

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

COMMITTEE SUBSTITUTE  
FOR

HOUSE BILL NO. 1407

By: Humphrey

COMMITTEE SUBSTITUTE

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

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 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 monies 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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