

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 1459, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Dahm

Dahm-TEK-FS-Req#4024
3/10/2020 5:21 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE

4 FOR

SENATE BILL NO. 1459

By: Dahm of the Senate

5 and

6 Pfeiffer of the House

7
8 FLOOR SUBSTITUTE

9 An Act relating to immigration and customs laws;
10 amending 74 O.S. 2011, Section 20j, which relates to
11 Attorney General enforcement of federal immigration
12 and customs laws; prohibiting enactment or adoption
13 of certain policies; defining term; requiring
14 Attorney General to make certain determination upon
15 request; providing for ineligibility for certain
16 funding; subjecting certain officials to removal from
17 office; and providing an effective date.

18
19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. AMENDATORY 74 O.S. 2011, Section 20j, is
21 amended to read as follows:

22 Section 20j. A. The Attorney General is authorized and
23 directed to negotiate the terms of a Memorandum of Understanding
24 between the State of Oklahoma and the United States Department of
Justice or the United States Department of Homeland Security, as
provided by Section 1357(g) of Title 8 of the United States Code,

1 concerning the enforcement of federal immigration and customs laws,
2 detention and removals, and investigations in the State of Oklahoma.

3 B. The Memorandum of Understanding negotiated pursuant to
4 subsection A of this section shall be signed on behalf of this state
5 by the Attorney General and the Governor or as otherwise required by
6 the appropriate federal agency.

7 C. No political subdivision or agency of the state or any local
8 government, whether acting through its governing body or by an
9 initiative, referendum, or any other process, shall enact or adopt
10 any ordinance, sanctuary policy or other policy that limits or
11 prohibits a law enforcement officer, ~~local~~ government official, or
12 ~~local~~ government employee from communicating or cooperating with
13 federal officials with regard to the immigration status of any
14 person within this state. For the purposes of this section,
15 "sanctuary policy" includes, but is not limited to, any ordinance or
16 policy that:

17 1. Restricts or imposes conditions on compliance with a
18 detainer or other request from United States Immigration and Customs
19 Enforcement to maintain custody of an undocumented alien or to
20 transfer custody of an undocumented alien to the United States
21 Immigration and Customs Enforcement;

22 2. Requires United States Immigration and Customs Enforcement
23 to obtain a warrant or court order before compliance with a detainer
24 or other request;

1 3. Prevents a law enforcement officer from inquiries to a
2 person about his or her immigration status when specific and
3 articulable facts support probable cause that the person is an
4 undocumented alien; or

5 4. Knowingly provides special benefits, privileges or support
6 to an undocumented alien.

7 D. Notwithstanding any other provision of law, no government
8 entity or official within the State of Oklahoma may prohibit, or in
9 any way restrict, any government entity or official from sending to,
10 or receiving from, the United States Department of Homeland
11 Security, information regarding the citizenship or immigration
12 status, lawful or unlawful, of any individual.

13 E. Notwithstanding any other provision of law, no person or
14 agency may prohibit, or in any way restrict, a public employee from
15 doing any of the following with respect to information regarding the
16 immigration status, lawful or unlawful, of any individual:

17 1. Sending such information to, or requesting or receiving such
18 information from, the United States Department of Homeland Security;

19 2. Maintaining such information; or

20 3. Exchanging such information with any other federal, state,
21 or local government entity.

22 F. Upon request for an opinion pursuant to paragraph 5 of
23 subsection A of Section 18b of this title, the Attorney General of
24 this state shall determine whether an ordinance or policy is in

1 violation of this section. A political subdivision or agency of the
2 state or any local government that enacts or adopts any ordinance,
3 sanctuary policy or other policy in violation of this section shall
4 be ineligible to receive any state appropriation or funding through
5 a grant administered by any state agency or department until such
6 ordinance or policy is repealed or no longer in effect.

7 G. The provisions of this section shall allow for a private
8 right of action by any natural or legal person lawfully domiciled in
9 this state to file for a writ of mandamus to compel any
10 noncooperating local or state governmental agency or political
11 subdivision to comply with such reporting laws.

12 H. An elected or appointed official who willfully violates the
13 provisions of this section shall be subject to removal for official
14 misconduct pursuant to Section 93 of Title 51 of the Oklahoma
15 Statutes.

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

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18 57-2-4024 TEK 3/10/2020 5:21:53 PM
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