

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 4115

By: Roberts (Sean)

AS INTRODUCED

An Act relating to counties and county officers;  
prohibiting operators of detention facilities from  
failing to honor certain federal immigration  
detainer; providing fine for violation; requiring  
judge to determine whether violation occurred;  
requiring judge to solicit certain opinions and  
publish certain information; requiring deposit of  
fines into State Treasury for certain purpose;  
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 747 of Title 19, unless there is  
created a duplication in numbering, reads as follows:

A. No sheriff, warden or other operator of a state, city or  
county detention facility including facilities under the authority  
of a public trust, nor any agent thereof, shall fail to comply with  
a detainer from federal immigration officials with regard to an  
inmate of the detention facility within forty-eight (48) hours.

1 B. Failure to comply with such a detainer shall result in a  
2 fine, to be paid by the operator of the detention facility from its  
3 own budget, of Fifty Thousand Dollars (\$50,000.00) per incident;  
4 provided, that the amount of each fine shall not exceed one percent  
5 (1%) of the total annual budget for the detention facility.

6 C. The presiding judge of the county in which the detention  
7 facility is located shall determine whether or not a violation of  
8 this section has occurred. In making the determination, the judge  
9 shall solicit an opinion from the federal immigration agency with  
10 jurisdiction over the county and from the United States Attorney's  
11 Office with jurisdiction over the county and shall issue published  
12 findings of fact that describe which federal officials were  
13 contacted, the manner in which the officials were contacted and the  
14 responses of the officials.

15 D. Fines provided for in subsection B of this section shall be  
16 deposited into the State Treasury, to be used upon application by  
17 district attorneys for restitution for victims of crimes committed  
18 by persons illegally in the United States.

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