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February 4, 2021

By: Dahm

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

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

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

Section 20j. A. The Attorney General is authorized and directed to negotiate the terms of a Memorandum of Understanding 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, concerning the enforcement of federal immigration and customs laws, detention and removals, and investigations in the State of Oklahoma.

B. The Memorandum of Understanding negotiated pursuant to subsection A of this section shall be signed on behalf of this state

1 by the Attorney General and the Governor or as otherwise required by
2 the appropriate federal agency.

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

13 1. Restricts or imposes conditions on compliance with a
14 detainer or other request from United States Immigration and Customs
15 Enforcement to maintain custody of an undocumented alien or to
16 transfer custody of an undocumented alien to the United States
17 Immigration and Customs Enforcement;

18 2. Requires United States Immigration and Customs Enforcement
19 to obtain a warrant or court order before compliance with a detainer
20 or other request;

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

1 4. Knowingly provides special benefits, privileges or support
2 to an undocumented alien.

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

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

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

15 2. Maintaining such information; or

16 3. Exchanging such information with any other federal, state,
17 or local government entity.

18 F. Upon request for an opinion pursuant to paragraph 5 of
19 subsection A of Section 18b of this title, the Attorney General of
20 this state shall determine whether an ordinance or policy is in
21 violation of this section. A political subdivision or agency of the
22 state or any local government that enacts or adopts any ordinance,
23 sanctuary policy or other policy in violation of this section shall
24 be ineligible to receive any state appropriation or funding through

1 a grant administered by any state agency or department until such
2 ordinance or policy is repealed or no longer in effect.

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

8 H. An elected or appointed official who willfully violates the
9 provisions of this section shall be subject to removal for official
10 misconduct pursuant to Section 93 of Title 51 of the Oklahoma
11 Statutes.

12 SECTION 2. This act shall become effective November 1, 2021.

13 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
14 February 4, 2021 - DO PASS
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