

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 2841

By: Roberts (Sean)

AS INTRODUCED

An Act relating to cities and towns; defining terms; prohibiting governing bodies from enacting or adopting sanctuary policies; stating ineligibility for funds under certain conditions; providing procedures for determining violations of the act; authorizing the legislator to request certain legal opinion; providing method of determining eligibility; directing certain entities to provide law enforcement officers with copies of the law and certain notice; prohibiting state agencies from enacting or adopting certain policies; prohibiting the exemption of administrative investigation records from the Oklahoma Open Records Act; providing for noncodification; 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 not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "No Sanctuary Cities in Oklahoma Act of 2021".

SECTION 2. 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:

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

3 1. "Law enforcement officer" means a sheriff or peace officer
4 of a municipality with the duty and power of arrest for violations
5 of the general criminal laws of the state or ordinances of
6 municipalities;

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

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

11 4. "Sanctuary policy" means any order, ordinance or law
12 enforcement policy, regardless of whether formally enacted or
13 informally adopted, that:

14 a. limits or prohibits any municipal official or employee
15 of the municipality from communicating or cooperating
16 with federal agencies or officials to verify or report
17 the immigration status of any alien within such
18 municipality,

19 b. grants to illegal aliens the right to lawful presence
20 or status within the municipality in violation of
21 federal law,

22 c. violates Title 8, Section 1373 of the United States
23 Code in any way,
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- d. restricts in any way or imposes any conditions upon the municipality's cooperation or compliance with detainers or other requests from United States Immigration and Customs Enforcement to maintain custody of any alien or to transfer any alien to the custody of United States Immigration and Customs Enforcement,
- e. requires United States Immigration and Customs Enforcement to obtain a warrant or demonstrate probable cause before complying with detainers or other requests from United States Immigration and Customs Enforcement to maintain custody of any alien or to transfer any alien to the custody of United States Immigration and Customs Enforcement,
- f. prevents the municipality's law enforcement officers from asking any individual his or her citizenship or immigration status, or
- g. knowingly provides special benefits, privileges or support to illegal aliens.

B. No municipality or political subdivision of this state shall enact or adopt any sanctuary policy. Any municipality or political subdivision of this state that enacts or adopts a sanctuary policy shall be ineligible to receive appropriations, or any monies provided through grants administered by any state agency or

1 department, until the sanctuary policy is repealed or is no longer
2 in effect.

3 C. A legislator may request a legal opinion from the Attorney
4 General upon receiving a complaint from any resident of this state
5 regarding a violation of this section by a specific government
6 entity, municipality or political subdivision of this state,
7 pursuant to the provisions of Section 18b of Title 74 of the
8 Oklahoma Statutes. The Attorney General of this state shall issue
9 an opinion stating whether such government entity, municipality or
10 political subdivision has current policies in contravention of this
11 act. If the Attorney General issues an opinion stating that the
12 government entity, municipality or political subdivision has a
13 sanctuary policy in place that violates this act, the government
14 entity, municipality or political subdivision shall be ineligible to
15 receive monies provided through appropriations, grants or other
16 disbursements administered by any state agency or department until
17 the Attorney General certifies that the sanctuary policy is repealed
18 or is no longer in effect.

19 D. Prior to the provision of appropriations, funds or awarding
20 of any grants to a government entity, municipality or political
21 subdivision of this state, any member of the Legislature may request
22 that the Attorney General issue an opinion stating whether the
23 government entity, municipality or political subdivision has current
24 policies in contravention of this section. Any government entity,

1 municipality or political subdivision deemed ineligible for any
2 monies under this section shall remain ineligible until the Attorney
3 General certifies that the government entity, municipality or
4 political subdivision has come into full compliance with this
5 section.

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

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

17 G. Records created in connection to administrative
18 investigations related to this act are not subject to the exemptions
19 provided for in the Oklahoma Open Records Act.

20 SECTION 3. This act shall become effective November 1, 2021.
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