

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 2774

By: Pfeiffer

AS INTRODUCED

An Act relating to immigration; amending 57 O.S. 2011, Section 16a, which relates to the retention of United States prisoners by county sheriffs; directing law enforcement personnel to comply with immigration detainer requests issued by certain federal agency; requiring certain notification to persons held pursuant to immigration detainer; providing exemption to certain duty upon proof of citizenship; defining terms; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 57 O.S. 2011, Section 16a, is amended to read as follows:

Section 16a. A. All sheriffs, jailers, prison keepers, and their deputies, within this state, to whom any persons shall be sent or committed, by virtue of legal process, issued by or under the authority of the United States, shall receive such persons into custody, and keep them safely until discharged by due course of the laws of the United States; and all such sheriffs, jailers, prison keepers and their deputies, offending in the premises, shall be

1 liable to the same pains and penalties, and the parties aggrieved
2 shall be entitled to the same remedies against them, or any of them,
3 as if such prisoners had been committed to their custody by virtue
4 of legal process issued under the authority of this state.

5 B. All sheriffs, jailers, prison keepers and their deputies who
6 have custody of a person who is subject to an immigration detainer
7 request issued by the United States Immigration and Customs
8 Enforcement shall:

9 1. Comply with, honor and fulfill any request made in the
10 immigration detainer request provided by the United States
11 Immigration and Customs Enforcement; and

12 2. Inform the person identified in the immigration detainer
13 request that the person is being held pursuant to an immigration
14 detainer issued by the United States Immigration and Customs
15 Enforcement.

16 C. A sheriff, jailer, prison keeper or deputy shall not be
17 required to perform a duty imposed by subsection B of this section
18 with respect to a person who has provided proof that he or she is a
19 citizen of the United States. Such proof may include:

20 1. An Oklahoma driver license or identification card issued by
21 the Department of Public Safety on or after November 1, 2007; or
22 2. State- or federal government-issued identification.

23 D. As used in this section, "immigration detainer request"
24 means a federal government request to a local entity to maintain

1 temporary custody of an alien, including a United States Department
2 of Homeland Security Form I-247 document or a similar successor
3 form.

4 SECTION 2. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 171.3 of Title 22, unless there
6 is created a duplication in numbering, reads as follows:

7 A. A law enforcement agency that has custody of a person who is
8 subject to an immigration detainer request issued by the United
9 States Immigration and Customs Enforcement shall:

10 1. Comply with, honor and fulfill any request made in the
11 immigration detainer request provided by the United States
12 Immigration and Customs Enforcement; and

13 2. Inform the person identified in the immigration detainer
14 request that he or she is being held pursuant to an immigration
15 detainer request issued by the United States Immigration and Customs
16 Enforcement.

17 B. A law enforcement agency shall not be required to perform a
18 duty imposed by subsection A of this section with respect to a
19 person who has provided proof that the person is a citizen of the
20 United States. Such proof may include:

21 1. An Oklahoma driver license or identification card issued by
22 the Department of Public Safety on or after November 1, 2007; or

23 2. State- or federal government-issued identification.

24 C. As used in this section:

1 1. "Immigration detainer request" means a federal government
2 request to a local entity to maintain temporary custody of an alien,
3 including a United States Department of Homeland Security Form I-247
4 document or a similar successor form; and

5 2. "Law enforcement agency" means any state, county or
6 municipal agency or department which maintains custody of persons
7 accused of, charged with or convicted of any criminal offense. This
8 term includes, but shall not be limited to, peace officers,
9 sheriffs, deputy sheriffs, jailers, correctional officers, agents,
10 employees or contractors of a law enforcement agency.

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

12

13 58-1-6741 GRS 12/29/20

14

15

16

17

18

19

20

21

22

23

24