

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 2841

By: Roberts (Sean)

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6 AS INTRODUCED

7 An Act relating to cities and towns; defining terms;  
8 prohibiting governing bodies from enacting or  
adopting sanctuary policies; stating ineligibility  
9 for funds under certain conditions; providing  
procedures for determining violations of the act;  
10 authorizing the legislator to request certain legal  
opinion; providing method of determining eligibility;  
11 directing certain entities to provide law enforcement  
officers with copies of the law and certain notice;  
12 prohibiting state agencies from enacting or adopting  
certain policies; prohibiting the exemption of  
13 administrative investigation records from the  
Oklahoma Open Records Act; providing for  
14 noncodification; providing for codification; and  
providing an effective date.

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

18 SECTION 1. NEW LAW A new section of law not to be  
19 codified in the Oklahoma Statutes reads as follows:

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

22 SECTION 2. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 22-126.1 of Title 11, unless  
24 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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- 1 d. restricts in any way or imposes any conditions upon the  
2 municipality's cooperation or compliance with detainers  
3 or other requests from United States Immigration and  
4 Customs Enforcement to maintain custody of any alien or  
5 to transfer any alien to the custody of United States  
6 Immigration and Customs Enforcement,
- 7 e. requires United States Immigration and Customs  
8 Enforcement to obtain a warrant or demonstrate probable  
9 cause before complying with detainers or other requests  
10 from United States Immigration and Customs Enforcement  
11 to maintain custody of any alien or to transfer any  
12 alien to the custody of United States Immigration and  
13 Customs Enforcement,
- 14 f. prevents the municipality's law enforcement officers  
15 from asking any individual his or her citizenship or  
16 immigration status, or
- 17 g. knowingly provides special benefits, privileges or  
18 support to illegal aliens.

19 B. No municipality or political subdivision of this state shall  
20 enact or adopt any sanctuary policy. Any municipality or political  
21 subdivision of this state that enacts or adopts a sanctuary policy  
22 shall be ineligible to receive appropriations, or any monies  
23 provided through grants administered by any state agency or  
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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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22 58-1-7071 GRS 01/08/21

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