

1 STATE OF OKLAHOMA

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

3 SENATE BILL 572

By: Dahm

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5  
6 AS INTRODUCED

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

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

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

19 Section 20j. A. The Attorney General is authorized and  
20 directed to negotiate the terms of a Memorandum of Understanding  
21 between the State of Oklahoma and the United States Department of  
22 Justice or the United States Department of Homeland Security, as  
23 provided by Section 1357(g) of Title 8 of the United States Code,  
24 concerning the enforcement of federal immigration and customs laws,  
25 detention and removals, and investigations in the State of Oklahoma.

1 B. The Memorandum of Understanding negotiated pursuant to  
2 subsection A of this section shall be signed on behalf of this state  
3 by the Attorney General and the Governor or as otherwise required by  
4 the appropriate federal agency.

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

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

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

23 3. Prevents a law enforcement officer from inquiries to a  
24 person about his or her immigration status when specific and

1 articulable facts support probable cause that the person is an  
2 undocumented alien; or

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

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

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

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

17 2. Maintaining such information; or

18 3. Exchanging such information with any other federal, state,  
19 or local government entity.

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

1 sanctuary policy or other policy in violation of this section shall  
2 be ineligible to receive any state appropriation or funding through  
3 a grant administered by any state agency or department until such  
4 ordinance or policy is repealed or no longer in effect.

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

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

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

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