

1 **SENATE FLOOR VERSION**

2 February 27, 2020

3 **AS AMENDED**

4 SENATE BILL NO. 1459

5 By: Dahm

6 An Act relating to immigration policies; defining  
7 terms; prohibiting certain governing bodies from  
8 enacting or adopting sanctuary policies; stating  
9 ineligibility for certain funds under certain  
10 conditions; providing certain procedures for  
11 determining violation of the act; authorizing the  
12 Legislature to make certain request; providing method  
13 of determining eligibility; requiring law enforcement  
14 officers to receive copy of law; prohibiting state  
15 agencies from enacting or adopting certain policies;  
16 prohibiting certain investigations from qualifying  
17 for certain exemptions; providing for codification;  
18 and providing an effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 22-126.1 of Title 11, unless  
22 there is created a duplication in numbering, reads as follows:

23 A. As used in this section, unless the context otherwise  
24 requires:

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

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

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

5       4. "Sanctuary policy" means any order, ordinance or law  
6 enforcement policy, regardless of whether formally enacted or  
7 informally adopted, that:

8           a. limits or prohibits any municipal official or person  
9 employed by the municipality from communicating or  
10 cooperating with federal agencies or officials to  
11 verify or report the immigration status of any alien  
12 within such municipality,

13           b. grants to illegal aliens the right to lawful presence  
14 or status within the municipality in violation of  
15 federal law,

16           c. violates Title 8, Section 1373 of the United States  
17 Code, in any way,

18           d. restricts in any way or imposes any conditions upon  
19 the municipality's cooperation or compliance with  
20 detainers or other requests from United States  
21 Immigration and Customs Enforcement to maintain  
22 custody of any alien or to transfer any alien to the  
23 custody of United States Immigration and Customs  
24 Enforcement,

- 1 e. requires United States Immigration and Customs  
2 Enforcement to obtain a warrant or demonstrate  
3 probable cause before complying with detainers or  
4 other requests from United States Immigration and  
5 Customs Enforcement to maintain custody of any alien  
6 or to transfer any alien to the custody of United  
7 States Immigration and Customs Enforcement,
- 8 f. prevents the municipality's law enforcement officers  
9 from asking any individual his or her citizenship or  
10 immigration status **when there are specific and**  
11 **articulable facts supporting probable cause,** or
- 12 g. knowingly provides special benefits, privileges or  
13 support to illegal aliens.

14 B. No municipality or political subdivision of this state shall  
15 enact or adopt any sanctuary policy. Any municipality or political  
16 subdivision of this state that enacts or adopts a sanctuary policy  
17 shall be ineligible to receive appropriations, or any moneys  
18 provided through grants administered by any state agency or  
19 department until the sanctuary policy is repealed or is no longer in  
20 effect.

21 C. A legislator may request a legal opinion upon receiving a  
22 complaint from any resident of this state regarding a violation of  
23 this section by a specific government entity, municipality or  
24 political subdivision of this state, pursuant to the provisions of

1 Section 18b of Title 74 of the Oklahoma Statutes. The Attorney  
2 General of this state shall issue an opinion stating whether such  
3 government entity, municipality or political subdivision has current  
4 policies in contravention of this act. If the Attorney General  
5 issues an opinion stating that the government entity, municipality  
6 or political subdivision has a sanctuary policy in place that  
7 violates this act, the government entity, municipality or political  
8 subdivision shall be ineligible to receive moneys provided through  
9 appropriations, grants or other disbursements administered by any  
10 state agency or department until the Attorney General certifies that  
11 the sanctuary policy is repealed or is no longer in effect.

12 D. Prior to the provision of appropriations, funds or awarding  
13 of any grants to a government entity, municipality or political  
14 subdivision of this state, any member of the Legislature may request  
15 that the Attorney General issue an opinion stating whether the  
16 government entity, municipality or political subdivision has current  
17 policies in contravention of this section. Any government entity,  
18 municipality or political subdivision deemed ineligible for any  
19 moneys under this section shall remain ineligible until the Attorney  
20 General certifies that the government entity, municipality or  
21 political subdivision has come into full compliance with this  
22 section.

23 E. The governing body, sheriff or chief of police of each  
24 municipality shall provide each law enforcement officer with a copy

1 of this section and with written notice of his or her duty to  
2 cooperate with state and federal agencies and officials on matters  
3 pertaining to enforcement of state and federal laws governing  
4 immigration. Every state agency with law enforcement power, shall  
5 provide each law enforcement officer with a printed copy of this  
6 section and with written notice of his or her duty to cooperate with  
7 state and federal agencies and officials on matters pertaining to  
8 enforcement of state and federal laws governing immigration.

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

10 G. Records created in connection to administrative  
11 investigations related to this act are not subject to the exemptions  
12 in the Oklahoma Open Records Act.

13 SECTION 2. This act shall become effective November 1, 2020.

14 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT  
15 February 27, 2020 - DO PASS AS AMENDED  
16  
17  
18  
19  
20  
21  
22  
23  
24