

1 ENGROSSED SENATE  
2 BILL NO. 781

By: Bullard and Bergstrom of  
the Senate

3 and

4 Roberts (Sean) and McDugle  
5 of the House

6  
7 An Act relating to immigration; amending 57 O.S.  
8 2011, Section 16a, which relates to the duty of  
9 sheriffs to hold prisoners of the United States;  
10 directing law enforcement personnel to comply with  
11 requests made in immigration detainers issued by the  
12 United States Immigration and Customs Enforcement;  
13 requiring certain notification to persons held  
14 pursuant to immigration detainer; allowing certain  
15 access; defining terms; providing for codification;  
16 and providing an effective date.

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

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

20 Section 16a. A. All sheriffs, jailers, prison keepers, and  
21 their deputies, within this state, to whom any persons shall be sent  
22 or committed, by virtue of legal process, issued by or under the  
23 authority of the United States, shall receive such persons into  
24 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  
liable to the same pains and penalties, and the parties aggrieved

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

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

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

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

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

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

21 2. State or federal government-issued identification.

22 D. All sheriffs, jailers, prison keepers and their deputies,  
23 within this state, shall allow reasonable access to their detention  
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1 facilities to the United States Immigration and Customs Enforcement  
2 for the purpose of identifying inmates.

3 E. As used in this section, "immigration detainer request"  
4 means a federal government request to a local entity to maintain  
5 temporary custody of an alien including a United States Department  
6 of Homeland Security Form I-247 document or a similar successor  
7 form.

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

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

14 1. Comply with, honor and fulfill any request made in the  
15 immigration detainer request provided by the United States  
16 Immigration and Customs Enforcement; and

17 2. Inform the person identified in the immigration detainer  
18 request that he or she is being held pursuant to an immigration  
19 detainer request issued by the United States Immigration and Customs  
20 Enforcement.

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

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

3           2. State or federal government-issued identification.

4           C. All sheriffs, jailers, prison keepers and their deputies,  
5 within this state, shall allow reasonable access to their detention  
6 facilities to United States Immigration and Customs Enforcement for  
7 the purpose of identifying inmates.

8           D. As used in this section:

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

13           2. "Law enforcement agency" means any state, county or  
14 municipal agency or department which maintains custody of persons  
15 accused of, charged with or convicted of any criminal offense. This  
16 term includes, but shall not be limited to, peace officers,  
17 sheriffs, deputy sheriffs, jailers, correctional officers, agents,  
18 employees or contractors of a law enforcement agency.

19           SECTION 3. This act shall become effective November 1, 2021.  
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1 Passed the Senate the 9th day of March, 2021.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2021.

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9 Presiding Officer of the House  
10 of Representatives