

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

SENATE BILL 781

By: Bullard

AS INTRODUCED

An Act relating to immigration; amending 57 O.S. 2011, Section 16a, which relates to the duty of sheriffs to hold prisoners of the United States; directing law enforcement personnel to comply with requests made in immigration detainers issued by the United States Immigration and Customs Enforcement; 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 persons who are 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 federal government; and

11 2. Inform persons identified in the immigration detainer
12 request that they are being held pursuant to an immigration detainer
13 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 the person 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. As used in this section, "immigration detainer request"
23 means a federal government request to a local entity to maintain
24 temporary custody of an alien including a United States Department

1 of Homeland Security Form I-247 document or a similar successor
2 form.

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

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

9 1. Comply with, honor and fulfill any request made in the
10 immigration detainer request provided by the federal government; and

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

15 B. A law enforcement agency shall not be required to perform a
16 duty imposed by subsection A of this section with respect to a
17 person who has provided proof that the person is a citizen of the
18 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 C. As used in this section:

23 1. "Immigration detainer request" means a federal government
24 request to a local entity to maintain temporary custody of an alien,

1 including a United States Department of Homeland Security Form I-247
2 document or a similar successor form; and

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

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

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