

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 4090

By: Hardin

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to crimes and punishments; making
9 certain acts unlawful; providing penalties; providing
10 for the posting of a cash bail; authorizing courts to
11 dismiss criminal prosecutions under certain
12 circumstances; remanding persons to the custody of
the Department of Corrections; directing the
Department to notify certain federal agency to
arrange transportation; providing for codification;
and declaring an emergency.

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

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 447 of Title 21, unless there is
18 created a duplication in numbering, reads as follows:

19 A. Any person who:

20 1. Upon reasonable suspicion, is detained by law enforcement;

21 or

22 2. Is apprehended and arrested for violating a criminal law of
23 this state,

1 and after determining the citizenship status of the person is found
2 to be unlawfully present in the United States, shall be guilty of a
3 felony punishable by imprisonment in the custody of the Department
4 of Corrections for a term of not less than five (5) years.

5 B. A person arrested for a violation of this section may be
6 allowed to post a cash bail in an amount of not less than One
7 Hundred Thousand Dollars (\$100,000.00).

8 C. In lieu of the sentence of imprisonment, the court shall
9 have the authority to dismiss the criminal prosecution and issue a
10 written order discharging the person and requiring said individual
11 to return to his or her country of origin if:

12 1. The person agrees to the written order;

13 2. The person has not previously been convicted of a violent
14 crime, as provided for in Section 571 of Title 57 of the Oklahoma
15 Statutes, in this state or another state; and

16 3. The person is not charged with another felony offense.

17 Upon issuance of the written order, the court shall direct the law
18 enforcement agency having custody of the person to remand the person
19 to the custody of the Department of Corrections with instructions to
20 return the person to his or her country of origin.

21 D. Once the Department receives custody of the person, the
22 Department shall notify the United States Customs and Border
23 Protection of the Department of Homeland Security to arrange

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1 transportation for the repatriation of said person back to his or
2 her country of origin.

3 SECTION 2. It being immediately necessary for the preservation
4 of the public peace, health or safety, an emergency is hereby
5 declared to exist, by reason whereof this act shall take effect and
6 be in full force from and after its passage and approval.

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8 59-2-10583 GRS 02/28/24

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