

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 4090

By: Hardin

AS INTRODUCED

An Act relating to crimes and punishments; making certain acts unlawful; providing penalties; authorizing courts to dismiss criminal prosecutions under certain circumstances; remanding persons to the custody of the Department of Corrections; providing for codification; and providing an effective date.

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

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

A. Any person who:

1. Is apprehended and arrested for violating a criminal law of this state; and

2. After determining the citizenship status of the person, is found to be unlawfully present in the United States, shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not less than ten (10) years.

1 B. In lieu of the sentence of imprisonment, the court shall
2 have the authority to dismiss the criminal prosecution and issue a
3 written order discharging the person and requiring said individual
4 to return to the foreign nation from which the person entered if:

5 1. The person agrees to the order;

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

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

10 Upon issuance of the written order returning the person to the
11 foreign nation from which the person entered, the court shall direct
12 the law enforcement agency having custody of the person to remand
13 the person to the custody of the Department of Corrections with
14 instructions to return the person to his or her country of origin.

15 SECTION 2. This act shall become effective November 1, 2024.

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