

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 2774

 By: Pfeiffer

7 AS INTRODUCED

8 An Act relating to immigration; amending 57 O.S.
9 2011, Section 16a, which relates to the retention of
10 United States prisoners by county sheriffs; directing
11 law enforcement personnel to comply with immigration
12 detainer requests issued by certain federal agency;
13 requiring certain notification to persons held
14 pursuant to immigration detainer; providing exemption
15 to certain duty upon proof of citizenship; defining
16 terms; providing for codification; and providing an
17 effective date.

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

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

19 Section 16a. A. All sheriffs, jailers, prison keepers, and
20 their deputies, within this state, to whom any persons shall be sent
21 or committed, by virtue of legal process, issued by or under the
22 authority of the United States, shall receive such persons into
23 custody, and keep them safely until discharged by due course of the
24 laws of the United States; and all such sheriffs, jailers, prison

1 keepers and their deputies, offending in the premises, shall be
2 liable to the same pains and penalties, and the parties aggrieved
3 shall be entitled to the same remedies against them, or any of them,
4 as if such prisoners had been committed to their custody by virtue
5 of legal process issued under the authority of this state.

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

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

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

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

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

23 2. State- or federal government-issued identification.

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

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

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

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

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

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

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

1 2. State- or federal government-issued identification.

2 C. As used in this section:

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

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

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

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15 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/16/2021 -
16 DO PASS.