

1 provided by Section 1357(g) of Title 8 of the United States Code,
2 concerning the enforcement of federal immigration and customs laws,
3 detention and removals, and investigations in the State of Oklahoma.

4 B. The Memorandum of Understanding negotiated pursuant to
5 subsection A of this section shall be signed on behalf of this state
6 by the Attorney General and the Governor or as otherwise required by
7 the appropriate federal agency.

8 C. No political subdivision or agency of the state or any local
9 government, whether acting through its governing body or by an
10 initiative, referendum, or any other process, shall enact or adopt
11 any ordinance, sanctuary policy or other policy that limits or
12 prohibits a law enforcement officer, ~~local~~ government official, or
13 ~~local~~ government employee from communicating or cooperating with
14 federal officials with regard to the immigration status of any
15 person within this state. For the purposes of this section,
16 "sanctuary policy" includes, but is not limited to, any ordinance or
17 policy that:

18 1. Restricts or imposes conditions on compliance with a
19 detainer or other request from United States Immigration and Customs
20 Enforcement to maintain custody of an undocumented alien or to
21 transfer custody of an undocumented alien to the United States
22 Immigration and Customs Enforcement;

23
24

1 2. Requires United States Immigration and Customs Enforcement
2 to obtain a warrant or court order before compliance with a detainer
3 or other request;

4 3. Prevents a law enforcement officer from inquiries to a
5 person about his or her immigration status when specific and
6 articulable facts support probable cause that the person is an
7 undocumented alien; or

8 4. Knowingly provides special benefits, privileges or support
9 to an undocumented alien.

10 D. Notwithstanding any other provision of law, no government
11 entity or official within the State of Oklahoma may prohibit, or in
12 any way restrict, any government entity or official from sending to,
13 or receiving from, the United States Department of Homeland
14 Security, information regarding the citizenship or immigration
15 status, lawful or unlawful, of any individual.

16 E. Notwithstanding any other provision of law, no person or
17 agency may prohibit, or in any way restrict, a public employee from
18 doing any of the following with respect to information regarding the
19 immigration status, lawful or unlawful, of any individual:

20 1. Sending such information to, or requesting or receiving such
21 information from, the United States Department of Homeland Security;

22 2. Maintaining such information; or

23 3. Exchanging such information with any other federal, state,
24 or local government entity.

1 F. Upon request for an opinion pursuant to paragraph 5 of
2 subsection A of Section 18b of this title, the Attorney General of
3 this state shall determine whether an ordinance or policy is in
4 violation of this section. A political subdivision or agency of the
5 state or any local government that enacts or adopts any ordinance,
6 sanctuary policy or other policy in violation of this section shall
7 be ineligible to receive any state appropriation or funding through
8 a grant administered by any state agency or department until such
9 ordinance or policy is repealed or no longer in effect.

10 G. The provisions of this section shall allow for a private
11 right of action by any natural or legal person lawfully domiciled in
12 this state to file for a writ of mandamus to compel any
13 noncooperating local or state governmental agency or political
14 subdivision to comply with such reporting laws.

15 H. An elected or appointed official who willfully violates the
16 provisions of this section shall be subject to removal for official
17 misconduct pursuant to Section 93 of Title 51 of the Oklahoma
18 Statutes.

19 SECTION 2. This act shall become effective November 1, 2021.

20
21 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 03/30/2021 -
22 DO PASS, As Coauthored.
23
24