

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 ENGROSSED SENATE  
5 BILL NO. 781

By: Bullard and Bergstrom of  
the Senate

6 and

7 Roberts (Sean) and McDugle  
8 of the House

9  
10 An Act relating to immigration; amending 57 O.S.  
11 2011, Section 16a, which relates to the duty of  
12 sheriffs to hold prisoners of the United States;  
13 directing law enforcement personnel to comply with  
14 requests made in immigration detainers issued by the  
15 United States Immigration and Customs Enforcement;  
16 requiring certain notification to persons held  
17 pursuant to immigration detainer; allowing certain  
18 access; defining terms; providing for codification;  
19 and providing an effective date.

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

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

23 Section 16a. A. All sheriffs, jailers, prison keepers, and  
24 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

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

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

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

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

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

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

24 2. State or federal government-issued identification.

1        D. All sheriffs, jailers, prison keepers and their deputies,  
2 within this state, shall allow reasonable access to their detention  
3 facilities to the United States Immigration and Customs Enforcement  
4 for the purpose of identifying inmates.

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

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

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

16        1. Comply with, honor and fulfill any request made in the  
17 immigration detainer request provided by the United States  
18 Immigration and Customs Enforcement; and

19        2. Inform the person identified in the immigration detainer  
20 request that he or she is being held pursuant to an immigration  
21 detainer request issued by the United States Immigration and Customs  
22 Enforcement.

23        B. A law enforcement agency shall not be required to perform a  
24 duty imposed by subsection A of this section with respect to a

1 person who has provided proof that the person is a citizen of the  
2 United States. Such proof may include:

- 3 1. An Oklahoma driver license or identification card issued by  
4 the Department of Public Safety on or after November 1, 2007; or
- 5 2. State or federal government-issued identification.

6 C. All sheriffs, jailers, prison keepers and their deputies,  
7 within this state, shall allow reasonable access to their detention  
8 facilities to United States Immigration and Customs Enforcement for  
9 the purpose of identifying inmates.

10 D. As used in this section:

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

15 2. "Law enforcement agency" means any state, county or  
16 municipal agency or department which maintains custody of persons  
17 accused of, charged with or convicted of any criminal offense. This  
18 term includes, but shall not be limited to, peace officers,  
19 sheriffs, deputy sheriffs, jailers, correctional officers, agents,  
20 employees or contractors of a law enforcement agency.

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

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23 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/30/2021 - DO PASS.

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