

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 4090

By: Hardin of the House

and

**Weaver** and **Jett** of the  
Senate

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10                                   COMMITTEE SUBSTITUTE

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

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

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

24                   A. Any person who:

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

or

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

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

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

14           1. The person agrees to the written order;

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

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

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

23          D. Once the Department receives custody of the person, the  
24 Department shall notify the United States Customs and Border

1 Protection of the Department of Homeland Security to arrange  
2 transportation for the repatriation of said person back to his or  
3 her country of origin.

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

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9 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated  
10 02/28/2024 - DO PASS, As Amended and Coauthored.

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