

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 523

By: Shortey

4  
5  
6 AS INTRODUCED

7 An Act relating to immigration; making the smuggling  
8 of human beings unlawful; providing penalties;  
9 defining terms; providing guidelines for enforcement;  
10 providing for the admissibility of certain records;  
11 providing penalty; amending 21 O.S. 2011, Section  
12 1738, which relates to seizure and forfeiture  
13 proceedings; authorizing seizure and forfeiture of  
14 property under certain circumstances; amending 22  
15 O.S. 2011, Section 196, as amended by Section 1,  
16 Chapter 200, O.S.L. 2014 (22 O.S. Supp. 2014, Section  
17 196) which relates to arrests by officers without a  
18 warrant; adding circumstance that provides for an  
19 arrest; prohibiting limitations or restrictions when  
20 enforcing federal immigration laws; directing law  
21 enforcement to determine immigration status on stops,  
22 detentions and arrests; directing verification of  
23 immigration status through the federal government;  
24 providing presumption of lawful presence when  
providing certain documents; directing law  
enforcement to notify certain federal agencies of  
unlawfully present persons; providing for the  
transportation of persons to federal facilities;  
providing guidelines for determining immigration  
status; authorizing certain person to file certain  
action; directing payment of civil penalty for  
certain violation; providing for the collection and  
deposit of civil penalties; providing for the award  
of court costs and attorney fees; providing  
indemnification for law enforcement officers;  
prohibiting employers from knowingly and  
intentionally employing unauthorized aliens;  
providing procedures for submitting complaints to the  
Attorney General; directing the Attorney General to  
notify federal authorities for legitimate complaints;  
stating jurisdiction for actions in violation of

1 statute; providing penalties for employers; directing  
2 employers to verify employment eligibility of  
3 employees through certain program; requiring use of  
4 program by employers prior to receiving economic  
5 development incentives; directing repayment of monies  
6 for noncompliance; defining terms; directing Attorney  
7 General to request and make available a list of  
8 employers who use certain program; authorizing  
9 agencies to share information relating to the  
10 immigration status of individuals for certain  
11 purposes; providing for codification; providing for  
12 noncodification; and providing an effective date.

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

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

13 A. It shall be unlawful for a person to intentionally engage in  
14 the smuggling of human beings for profit or commercial purpose.

15 B. Any person violating the provisions of this section shall,  
16 upon conviction, be guilty of a felony punishable by incarceration  
17 in the custody of the Department of Corrections for not less than  
18 one (1) year, or by a fine of not less than One Thousand Dollars  
19 (\$1,000.00), or by both such fine and imprisonment.

20 C. Notwithstanding any other law, in the enforcement of this  
21 section a law enforcement officer may lawfully stop any person who  
22 is operating a motor vehicle if the officer has probable cause to  
23 believe the person is in violation of any traffic law of this state.

24 D. For the purposes of this section:

1 1. "Procurement of transportation" means any participation in  
2 or facilitation of transportation and includes:

3 a. providing services that facilitate transportation,  
4 including travel arrangement services or money  
5 transmission services, or

6 b. providing property that facilitates transportation,  
7 including a weapon, a vehicle or other means of  
8 transportation, or false identification, or selling,  
9 leasing, renting or otherwise making available  
10 property or real property; and

11 2. "Smuggling of human beings" means the transportation,  
12 procurement of transportation or use of property or real property by  
13 a person or an entity that knows or has reason to know that the  
14 person or persons transported or to be transported are not United  
15 States citizens, permanent resident aliens or persons otherwise  
16 lawfully in this state or have attempted to enter, entered or  
17 remained in the United States in violation of law.

18 SECTION 2. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 1550.44 of Title 21, unless  
20 there is created a duplication in numbering, reads as follows:

21 A state or local governmental agency of this state, or any  
22 representative of the agency, may not:

23 1. Limit, or by any means restrict by ordinance, regulation,  
24 policy, practice or in any other manner, the authority of any law

1 enforcement agency or officer, or any state or local governmental  
2 agency to assist the federal government in the enforcement of any  
3 federal law or regulation governing immigration; or

4 2. Limit, or by any means restrict by ordinance, regulation,  
5 policy, practice, or in any other manner, the authority of any law  
6 enforcement agency to investigate or enforce any violation of the  
7 federal misdemeanor offenses of willful failure to register as an  
8 alien or willful failure to personally possess an alien registration  
9 document as required by 8 U.S.C. 1304(e) or 1306(a).

10 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1738, is  
11 amended to read as follows:

12 Section 1738 A. 1. Any commissioned peace officer of this  
13 state is authorized to seize any equipment, vehicle, airplane,  
14 vessel or any other conveyance that is used in the commission of any  
15 armed robbery offense defined in Section 801 of this title, used to  
16 facilitate the intentional discharge of any kind of firearm in  
17 violation of Section 652 of this title, used in violation of the  
18 Trademark Anti-Counterfeiting Act, used in the attempt or commission  
19 of any act of burglary in the first or second degree, motor vehicle  
20 theft, unauthorized use of a vehicle, obliteration of distinguishing  
21 numbers on vehicles or criminal possession of vehicles with altered,  
22 removed or obliterated numbers as defined by Sections 1431, 1435,  
23 1716, 1719 and 1720 of this title or Sections 4-104 and 4-107 of  
24 Title 47 of the Oklahoma Statutes, used in the commission of any

1 arson offense defined in Section 1401, 1402, 1403, 1404 or 1405 of  
2 this title, used in any manner to facilitate or participate in the  
3 commission of any human trafficking offense in violation of Section  
4 748 of this title, or used by any defendant when such vehicle or  
5 other conveyance is used in any manner by a prostitute, pimp or  
6 panderer to facilitate or participate in the commission of any  
7 prostitution offense in violation of Sections 1028, 1029 or 1030 of  
8 this title; provided, however, that the vehicle or conveyance of a  
9 customer or anyone merely procuring the services of a prostitute  
10 shall not be included.

11 2. No conveyance used by a person as a common carrier in the  
12 transaction of business as a common carrier shall be forfeited under  
13 the provisions of this section unless it shall appear that the owner  
14 or other person in charge of such conveyance was a consenting party  
15 or privy to the unlawful use of the conveyance in violation of this  
16 section.

17 3. No conveyance shall be forfeited under the provisions of  
18 this section by reason of any act or omission established by the  
19 owner thereof to have been committed or omitted without the  
20 knowledge or consent of such owner, and if the act is committed by  
21 any person other than such owner, the owner shall establish further  
22 that the conveyance was unlawfully in the possession of a person  
23 other than the owner in violation of the criminal laws of the United  
24 States or of any state.

1 B. In addition to the property described in subsection A of  
2 this section, the following property is also subject to forfeiture  
3 pursuant to this section:

4 1. Property used in the commission of theft of livestock or in  
5 any manner to facilitate the theft of livestock;

6 2. The proceeds gained from the commission of theft of  
7 livestock;

8 3. Personal property acquired with proceeds gained from the  
9 commission of theft of livestock;

10 4. All conveyances, including aircraft, vehicles or vessels,  
11 and horses or dogs which are used to transport or in any manner to  
12 facilitate the transportation for the purpose of the commission of  
13 theft of livestock;

14 5. Any items having a counterfeit mark and all property that is  
15 owned by or registered to the defendant that is employed or used in  
16 connection with any violation of the Trademark Anti-Counterfeiting  
17 Act;

18 6. Any weapon possessed, used or available for use in any  
19 manner during the commission of a felony within the State of  
20 Oklahoma, or any firearm that is possessed by a convicted felon;

21 7. Any police scanner used in violation of Section 1214 of this  
22 title;

23 8. Any computer and its components and peripherals, including  
24 but not limited to the central processing unit, monitor, keyboard,

1 printers, scanners, software, and hardware, when it is used in the  
2 commission of any crime in this state;

3 9. All property used in the commission of, or in any manner to  
4 facilitate, a violation of Section 1040.12a of this title;

5 10. All conveyances, including aircraft, vehicles or vessels,  
6 monies, coins and currency, or other instrumentality used or  
7 intended to be used, in any manner or part, to commit a violation of  
8 paragraph 1 of subsection A of Section 1021 of this title, where the  
9 victim of the crime is a minor child, subsection B of Section 1021  
10 of this title, Section 1021.2 of this title, paragraph 1 of  
11 subsection A of Section 1111 of this title, or paragraphs 2 and 3 of  
12 subsection A of Section 1123 of this title;

13 11. All conveyances, including aircraft, vehicles or vessels,  
14 monies, coins and currency, or other instrumentality used in any  
15 manner or part, to commit any violation of the provisions set forth  
16 in Section 748 of this title;

17 12. Any and all property used in any manner or part to  
18 facilitate, participate or further the commission of a human  
19 trafficking offense in violation of Section 748 of this title, and  
20 all property, including monies, real estate, or any other tangible  
21 assets or property of or derived from or used by a prostitute, pimp  
22 or panderer in any manner or part to facilitate, participate or  
23 further the commission of any prostitution offense in violation of  
24 Sections 1028, 1029 or 1030 of this title; provided, however, any

1 monies, real estate or any other tangible asset or property of a  
2 customer or anyone merely procuring the services of a prostitute  
3 shall not be included; ~~and~~

4 13. Any vehicle, airplane, vessel, or parts of a vehicle whose  
5 numbers have been removed, altered or obliterated so as to prevent  
6 determination of the true identity or ownership of ~~said~~ the property  
7 and parts of vehicles which probable cause indicates are stolen but  
8 whose true ownership cannot be determined; and

9 14. All conveyances, including aircraft, vehicles or vessels,  
10 used in any manner or part to commit any violation of the provisions  
11 set forth in Section 446 of this title or Section 1 of this act.

12 C. Property described in subsection A or B of this section may  
13 be held as evidence until a forfeiture has been declared or a  
14 release ordered. Forfeiture actions under this section may be  
15 brought by the district attorney in the proper county of venue as  
16 petitioner; provided, in the event the district attorney elects not  
17 to file such action, or fails to file such action within ninety (90)  
18 days of the date of the seizure of such equipment, the property  
19 shall be returned to the owner.

20 D. Notice of seizure and intended forfeiture proceeding shall  
21 be filed in the office of the clerk of the district court for the  
22 county wherein such property is seized and shall be given all owners  
23 and parties in interest.

24



1 E. Notice shall be given according to one of the following  
2 methods:

3 1. Upon each owner or party in interest whose right, title, or  
4 interest is of record in the Oklahoma Tax Commission or with the  
5 county clerk for filings under the Uniform Commercial Code, served  
6 in the manner of service of process in civil cases prescribed by  
7 Section 2004 of Title 12 of the Oklahoma Statutes;

8 2. Upon each owner or party in interest whose name and address  
9 is known, served in the manner of service of process in civil cases  
10 prescribed by Section 2004 of Title 12 of the Oklahoma Statutes; or

11 3. Upon all other owners, whose addresses are unknown, but who  
12 are believed to have an interest in the property by one publication  
13 in a newspaper of general circulation in the county where the  
14 seizure was made.

15 F. Within sixty (60) days after the mailing or publication of  
16 the notice, the owner of the property and any other party in  
17 interest or claimant may file a verified answer and claim to the  
18 property described in the notice of seizure and of the intended  
19 forfeiture proceeding.

20 G. If at the end of sixty (60) days after the notice has been  
21 mailed or published there is no verified answer on file, the court  
22 shall hear evidence upon the fact of the unlawful use and may order  
23 the property forfeited to the state, if such fact is proven.

24

1 H. If a verified answer is filed, the forfeiture proceeding  
2 shall be set for hearing.

3 I. At the hearing the petitioner shall prove by clear and  
4 convincing evidence that property was used in the attempt or  
5 commission of an act specified in subsection A of this section or is  
6 property described in subsection B of this section with knowledge by  
7 the owner of the property.

8 J. The claimant of any right, title, or interest in the  
9 property may prove the lien, mortgage, or conditional sales contract  
10 to be bona fide and that the right, title, or interest created by  
11 the document was created without any knowledge or reason to believe  
12 that the property was being, or was to be, used for the purpose  
13 charged.

14 K. In the event of such proof, the court may order the property  
15 released to the bona fide or innocent owner, lien holder, mortgagee,  
16 or vendor if the amount due such person is equal to, or in excess  
17 of, the value of the property as of the date of the seizure, it  
18 being the intention of this section to forfeit only the right,  
19 title, or interest of the purchaser, except for items bearing a  
20 counterfeit mark or used exclusively to manufacture a counterfeit  
21 mark.

22 L. If the amount due to such person is less than the value of  
23 the property, or if no bona fide claim is established, the property  
24 may be forfeited to the state and may be sold pursuant to judgment

1 of the court, as on sale upon execution, and as provided in Section  
2 2-508 of Title 63 of the Oklahoma Statutes, except as otherwise  
3 provided for by law and for property bearing a counterfeit mark  
4 which shall be destroyed.

5 M. Property taken or detained pursuant to this section shall  
6 not be repleviable, but shall be deemed to be in the custody of the  
7 petitioner or in the custody of the law enforcement agency as  
8 provided in the Trademark Anti-Counterfeiting Act. Except for  
9 property required to be destroyed pursuant to the Trademark Anti-  
10 Counterfeiting Act, the petitioner shall release ~~said~~ the property  
11 to the owner of the property if it is determined that the owner had  
12 no knowledge of the illegal use of the property or if there is  
13 insufficient evidence to sustain the burden of showing illegal use  
14 of such property. If the owner of the property stipulates to the  
15 forfeiture and waives the hearing, the petitioner may determine if  
16 the value of the property is equal to or less than the outstanding  
17 lien. If such lien exceeds the value of the property, the property  
18 may be released to the lien holder. Property which has not been  
19 released by the petitioner shall be subject to the orders and  
20 decrees of the court or the official having jurisdiction thereof.

21 N. The petitioner, or the law enforcement agency holding  
22 property pursuant to the Trademark Anti-Counterfeiting Act, shall  
23 not be held civilly liable for having custody of the seized property  
24

1 or proceeding with a forfeiture action as provided for in this  
2 section.

3 O. Attorney fees shall not be assessed against the state or the  
4 petitioner for any actions or proceeding pursuant to Section 1701 et  
5 seq. of this title.

6 P. The proceeds of the sale of any property shall be  
7 distributed as follows, in the order indicated:

8 1. To the bona fide or innocent purchaser, conditional sales  
9 vendor, or mortgagee of the property, if any, up to the amount of  
10 such person's interest in the property, when the court declaring the  
11 forfeiture orders a distribution to such person;

12 2. To the payment of the actual reasonable expenses of  
13 preserving the property;

14 3. To the victim of the crime to compensate said victim for any  
15 loss incurred as a result of the act for which such property was  
16 forfeited; and

17 4. The balance to a revolving fund in the office of the county  
18 treasurer of the county wherein the property was seized, to be  
19 distributed as follows: one-third (1/3) to the investigating law  
20 enforcement agency; one-third (1/3) of ~~said~~ the fund to be used and  
21 maintained as a revolving fund by the district attorney to be used  
22 to defray any lawful expenses of the office of the district  
23 attorney; and one-third (1/3) to go to the jail maintenance fund,  
24 with a yearly accounting to the board of county commissioners in

1 whose county the fund is established. If the petitioner is not the  
2 district attorney, then the one-third (1/3) which would have been  
3 designated to that office shall be distributed to the petitioner.  
4 Monies distributed to the jail maintenance fund shall be used to pay  
5 costs for the storage of such property if such property is ordered  
6 released to a bona fide or innocent owner, lien holder, mortgagee,  
7 or vendor and if such funds are available in ~~said~~ the fund.

8 Q. If the court finds that the property was not used in the  
9 attempt or commission of an act specified in subsection A of this  
10 section and was not property subject to forfeiture pursuant to  
11 subsection B of this section and is not property bearing a  
12 counterfeit mark, the court shall order the property released to the  
13 owner as the right, title, or interest appears on record in the Tax  
14 Commission as of the seizure.

15 R. No vehicle, airplane, or vessel used by a person as a common  
16 carrier in the transaction of business as a common carrier shall be  
17 forfeited pursuant to the provisions of this section unless it shall  
18 be proven that the owner or other person in charge of such  
19 conveyance was a consenting party or privy to the attempt or  
20 commission of an act specified in subsection A or B of this section.  
21 No property shall be forfeited pursuant to the provisions of this  
22 section by reason of any act or omission established by the owner  
23 thereof to have been committed or omitted without the knowledge or  
24 consent of such owner, and by any person other than such owner while

1 such property was unlawfully in the possession of a person other  
2 than the owner in violation of the criminal laws of the United  
3 States or of any state.

4 S. Whenever any property is forfeited pursuant to this section,  
5 the district court having jurisdiction of the proceeding may order  
6 that the forfeited property may be retained for its official use by  
7 the state, county, or municipal law enforcement agency which seized  
8 the property.

9 SECTION 4. AMENDATORY 22 O.S. 2011, Section 196, as  
10 amended by Section 1, Chapter 200, O.S.L. 2014 (22 O.S. Supp. 2014,  
11 Section 196), is amended to read as follows:

12 Section 196. A peace officer may, without a warrant, arrest a  
13 person:

14 1. For a public offense, committed or attempted in the  
15 officer's presence;

16 2. When the person arrested has committed a felony, although  
17 not in the officer's presence;

18 3. When a felony has in fact been committed, and the officer  
19 has reasonable cause to believe the person arrested to have  
20 committed it;

21 4. On a charge, made upon reasonable cause, of the commission  
22 of a felony by the party arrested;

23 5. When the officer has probable cause to believe that the  
24 party was driving or in actual physical control of a motor vehicle

1 involved in an accident within this state, whether upon public  
2 roads, highways, streets, turnpikes, other public places, or upon  
3 any private road, street, alley or lane which provides access to one  
4 or more single- or multi-family dwellings and was under the  
5 influence of alcohol or intoxicating liquor or who was under the  
6 influence of any substance included in the Uniform Controlled  
7 Dangerous Substances Act;

8       6. Anywhere, including a place of residence of the person, if  
9 the peace officer has probable cause to believe the person within  
10 the preceding seventy-two (72) hours has committed an act of  
11 domestic abuse as defined by Section 60.1 of this title, although  
12 the assault did not take place in the presence of the peace officer.  
13 A peace officer may not arrest a person pursuant to this section  
14 without first observing a recent physical injury to, or an  
15 impairment of the physical condition of, the alleged victim;

16       7. When a peace officer, in accordance with the provisions of  
17 Section 60.9 of this title, is acting on a violation of a protective  
18 order offense; ~~or~~

19       8. When the officer has probable cause to believe that the  
20 person has threatened another person as defined in subsection B of  
21 Section 1378 of Title 21 of the Oklahoma Statutes; or

22       9. When the officer has probable cause to believe that the  
23 person is an alien who:

24           a. is subject to:

1           (1) a removal order issued by an immigration court,  
2                           or

3           (2) a detainer or notice of action issued by the  
4                           United States Department of Homeland Security,

5           b. has been indicted for or convicted in any state of one  
6                           or more aggravated felonies as defined in 8 U.S.C.  
7                           1101(a)(43), or

8           c. has willfully failed to register with the federal  
9                           government under 8 U.S.C. 1301 et seq.

10           SECTION 5.           NEW LAW           A new section of law to be codified  
11 in the Oklahoma Statutes as Section 210.1 of Title 22, unless there  
12 is created a duplication in numbering, reads as follows:

13           A governmental body may not limit or restrict the enforcement of  
14 federal immigration laws to less than the full extent permitted by  
15 federal law.

16           SECTION 6.           NEW LAW           A new section of law to be codified  
17 in the Oklahoma Statutes as Section 210.2 of Title 22, unless there  
18 is created a duplication in numbering, reads as follows:

19           A law enforcement agency that has custody of an individual who  
20 has been verified by federal immigration authorities as an alien  
21 unlawfully present in the United States shall request the United  
22 States Department of Homeland Security to issue a detainer  
23 authorizing transfer of the alien into federal custody.



1 SECTION 7. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 210.3 of Title 22, unless there  
3 is created a duplication in numbering, reads as follows:

4 A law enforcement agency of this state may securely transport an  
5 alien in the law enforcement agency's custody who has been verified  
6 by federal immigration authorities as unlawfully present in the  
7 United States to:

- 8 1. A federal facility located in this state; or
- 9 2. Any other point of transfer into federal custody that is  
10 outside this state, if the receiving federal agency agrees to the  
11 transfer of the alien.

12 SECTION 8. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 210.4 of Title 22, unless there  
14 is created a duplication in numbering, reads as follows:

15 An individual whose immigration status is being verified by  
16 federal immigration authorities pursuant to Section 6 of this act is  
17 not presumed to be an alien who is unlawfully present in the United  
18 States if the individual provides one or more of the following to  
19 the law enforcement officer:

- 20 1. A valid Oklahoma driver license;
- 21 2. A valid Oklahoma identification card;
- 22 3. A valid tribal enrollment card or other form of  
23 identification issued by a federally recognized Indian tribe that  
24 bears a photographic image of the holder;

1           4. A valid Oklahoma permit for carrying a concealed weapon  
2 issued pursuant to the Oklahoma Self-Defense Act; or

3           5. Any valid identification document issued by a federal,  
4 state, or local government, if:

5           a. the document bears a photographic image of the  
6 individual, and

7           b. the issuing entity requires proof of legal presence in  
8 the United States as a condition for issuance.

9           SECTION 9.       NEW LAW       A new section of law to be codified  
10 in the Oklahoma Statutes as Section 210.5 of Title 22, unless there  
11 is created a duplication in numbering, reads as follows:

12           A. If any person who is a legal resident of this state believes  
13 that a law enforcement agency or any governmental body has adopted  
14 or implemented a policy or practice that limits or restricts the  
15 enforcement of federal immigration laws in violation of this act,  
16 that person may bring an action in the appropriate court for  
17 declaratory and injunctive relief against the law enforcement agency  
18 or governmental body.

19           B. If a court finds that a governmental body knowingly or  
20 intentionally violated Section 2 of this act or a law enforcement  
21 agency knowingly or intentionally failed to comply with Section 6 of  
22 this act, the court shall enjoin the law enforcement agency or  
23 political subdivision from engaging in or encouraging policies,  
24

1 practices or acts that limit or restrict the enforcement of federal  
2 immigration laws in violation of this act.

3 C. The court may award costs and reasonable attorney fees to  
4 any plaintiff who prevails in an action under this act.

5 D. If a law enforcement officer is a party to an action under  
6 this act, the law enforcement agency with whom the law enforcement  
7 officer is employed shall indemnify the law enforcement officer for  
8 all reasonable costs and expenses, including attorney fees, incurred  
9 by the law enforcement officer in connection with the action unless  
10 the law enforcement officer is found to have acted in bad faith.

11 SECTION 10. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 201 of Title 40, unless there is  
13 created a duplication in numbering, reads as follows:

14 A. In addition to any other requirement for an employer to  
15 receive an economic development incentive from a government entity,  
16 the employer shall register with and participate in the E-Verify  
17 program. Before receiving the economic development incentive, the  
18 employer shall provide proof to the government entity that the  
19 employer is registered with and is participating in the E-Verify  
20 program. If the government entity determines that the employer is  
21 not complying with this subsection, the government entity shall  
22 notify the employer by certified mail of the determination of  
23 noncompliance by the government entity and the right of the employer  
24 to appeal the determination. On a final determination of

1 noncompliance, the employer shall repay all monies received as an  
2 economic development incentive to the government entity within  
3 thirty (30) days of the final determination. For the purposes of  
4 this subsection:

5 1. "Economic development incentive" means any grant, loan or  
6 performance-based incentive from any government entity that is  
7 awarded after January 1, 2014; and

8 2. "Government entity" means this state and any political  
9 subdivision of this state that receives and uses tax revenues.

10 B. Every three (3) months the Attorney General shall request  
11 from the United States Department of Homeland Security a list of  
12 employers in this state that are registered with the E-Verify  
13 program. On receipt of the list of employers, the Attorney General  
14 shall make the list available on the website of the Attorney  
15 General.

16 SECTION 11. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 209 of Title 40, unless there is  
18 created a duplication in numbering, reads as follows:

19 A. As used in this section, "commence day labor employment"  
20 means the physical act of beginning any employment in which no  
21 employment agreement has been executed specifying that the term of  
22 the employment is to be more than three (3) working days.

23 B. As used in this section, "peace officer" has the meaning set  
24 forth in Section 648 of Title 21 of the Oklahoma Statutes.

1 C. An individual who is at least eighteen (18) years of age  
2 shall not commence day labor employment in this state unless the  
3 individual has completed the individual attestation of employment  
4 authorization required under 8 U.S.C. 1324a(b) (2).

5 D. If a peace officer or any other entity authorized to enforce  
6 the employment laws of this state has probable cause that an  
7 individual has violated this section, the peace officer or entity  
8 shall submit a complaint in the form prescribed under 8 CFR 274a.9,  
9 as amended, to the United States Immigration and Customs Enforcement  
10 office that has jurisdiction over the residence of the individual  
11 who is allegedly in violation of this section.

12 SECTION 12. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 1176 of Title 21, unless there  
14 is created a duplication in numbering, reads as follows:

15 A. As used in this section, "consular identification" means an  
16 identification, other than a passport, issued by the government of a  
17 foreign state for the purpose of providing consular services in the  
18 United States to a national of the foreign state.

19 B. As used in this chapter, "individual taxpayer identification  
20 number" means a tax processing number issued by the United States  
21 Internal Revenue Service for the purpose of facilitating federal tax  
22 reporting by individuals who are not eligible to obtain a federal  
23 Social Security number.

24

1 C. 1. This section does not apply to a law enforcement officer  
2 who is presented with a consular identification during the  
3 investigation of a crime.

4 2. Except as otherwise provided under federal law or to  
5 document the foreign nationality of a cardholder, a person who  
6 knowingly or intentionally offers in writing, accepts or records a  
7 consular identification for any public purpose shall be guilty of a  
8 misdemeanor.

9 D. Except as otherwise provided under law, a person who  
10 knowingly or intentionally offers in writing, accepts or records an  
11 individual taxpayer identification number as a valid form of  
12 identification for any public or private purpose, other than for  
13 reporting, payment or other processing of federal or state personal  
14 taxation for which a Social Security number would otherwise be  
15 required of a United States citizen, shall be guilty of a  
16 misdemeanor.

17 SECTION 13. NEW LAW A new section of law not to be  
18 codified in the Oklahoma Statutes reads as follows:

19 A. If a provision of this act or its application to any person  
20 or circumstance is held invalid, the invalidity does not affect  
21 other provisions or applications of the act that can be given effect  
22 without the invalid provision or application, and to this end the  
23 provisions of this act are severable.

24

1 B. The terms of this act regarding immigration shall be  
2 construed to have the meanings given to them under federal  
3 immigration law.

4 C. The requirements of this act shall be enforced without  
5 regard to race, religion, gender, ethnicity or national origin.

6 D. This act shall be implemented in a manner consistent with  
7 federal laws regulating immigration, protecting the civil rights of  
8 all persons, and respecting the privileges and immunities of United  
9 States citizens.

10 SECTION 14. This act shall become effective January 1, 2016.

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