

1 ENGROSSED HOUSE  
2 BILL NO. 4156

By: McCall, Boles, Moore,  
Williams, Hays, George,  
Cantrell, Townley, Wallace,  
West (Josh), Crosswhite  
Hader, McBride, Olsen, West  
(Kevin), Baker, Culver,  
Staires, Sims, Lepak,  
Maynard, Steagall, Bashore,  
Pfeiffer, Manger, Sterling,  
and Smith of the House

7 and

8 Treat, McCortney, Woods,  
9 and Rogers of the Senate

10  
11 An Act relating to immigration; providing legislative  
12 intent; defining term; making certain acts unlawful;  
13 providing penalties; directing law enforcement  
14 agencies to collect identifying information and  
15 cross-reference said information with certain  
16 databases and federal lists or classifications;  
17 authorizing the Oklahoma State Bureau of  
18 Investigation to collect and maintain certain  
19 identifying information; stating legislative finding;  
20 providing preemption provision; providing affirmative  
21 defenses to prosecutions; making defendants charged  
22 with or convicted of certain crimes ineligible for  
23 probation, delayed sentencing, or community  
24 sentencing; providing for severability; providing for  
noncodification; providing for codification;  
providing an effective date; and declaring an  
emergency.

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

23 SECTION 1. NEW LAW A new section of law not to be  
24 codified in the Oklahoma Statutes reads as follows:

1       A. The Legislature finds and declares that protecting the  
2 health, safety, welfare, and constitutional rights of its citizens,  
3 authorized residents, and lawfully present visitors is of utmost  
4 importance. The Legislature further finds that it has a substantial  
5 and compelling interest in ensuring that the rights, privileges, and  
6 immunities of its citizens, authorized residents, and lawfully  
7 present visitors be protected at all costs. The Legislature  
8 recognizes its duty to enact legislation that ensures the protection  
9 and enhancement of these essential rights, privileges, and  
10 immunities for all of its citizens, authorized residents, and  
11 lawfully present visitors. The Legislature further finds that it is  
12 imperative to establish measures to protect the citizens of Oklahoma  
13 from potential harm caused by unauthorized persons entering or  
14 residing within the state. Therefore, the Legislature declares that  
15 it is a compelling public interest of this state to protect its  
16 citizens, authorized residents, and lawfully present visitors and  
17 its borders and to prohibit persons from entering or residing within  
18 this state without proper authorization.

19       B. Further, the Legislature finds and declares that a crisis  
20 exists in Oklahoma. Throughout the state, law enforcement comes  
21 into daily and increasingly frequent contact with foreign nationals  
22 who entered the country illegally or who remain here illegally.  
23 This is particularly common in regard to illegal marijuana grow  
24 operations, which have exploded in number in recent years. Often,

1 these persons are involved with organized crime such as drug  
2 cartels, they have no regard for Oklahoma's laws or public safety,  
3 and they produce or are involved with fentanyl distribution, sex  
4 trafficking, and labor trafficking. Oklahoma agents and law  
5 enforcement partners have seized countless tons of dangerous drugs  
6 and arrested untold numbers of traffickers, many of whom entered  
7 without authorization through our southern border. This crisis of  
8 unauthorized entry and presence is endangering Oklahomans,  
9 devastating rural, urban, and suburban communities and is severely  
10 straining even the most diligent and well-resourced state and local  
11 governmental entities, civil and criminal. It is imperative that  
12 the Legislature take steps to abate the crisis.

13 SECTION 2. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 1795 of Title 21, unless there  
15 is created a duplication in numbering, reads as follows:

16 A. As used in this section, the term "alien" means any person  
17 not a citizen or national of the United States.

18 B. A person commits an impermissible occupation if the person  
19 is an alien and willfully and without permission enters and remains  
20 in the State of Oklahoma without having first obtained legal  
21 authorization to enter the United States.

22 C. 1. Any person found to have committed an impermissible  
23 occupation pursuant to the provisions of subsection B of this  
24 section and who enters this state without having obtained the legal

1 authorization to enter the United States shall, upon conviction, be  
2 guilty of a misdemeanor punishable by imprisonment in the county  
3 jail for a term of not more than one (1) year, or by a fine of not  
4 more than Five Hundred Dollars (\$500.00), or by both such fine and  
5 imprisonment. In addition, the person shall be required to leave  
6 the state within seventy-two (72) hours following his or her  
7 conviction or release from custody, whichever comes later.

8       2. Any second or subsequent offense for an impermissible  
9 occupation pursuant to the provisions of subsection B of this  
10 section, or any such offense committed during the commission of any  
11 other crime shall, upon conviction, be guilty of a felony punishable  
12 by imprisonment in the custody of the Department of Corrections for  
13 a term of not more than two (2) years, or by a fine of not more than  
14 One Thousand Dollars (\$1,000.00), or by both such fine and  
15 imprisonment. In addition, the person shall be required to leave  
16 the state within seventy-two (72) hours following his or her  
17 conviction or release from custody, whichever comes later.

18       D. Any alien who has been denied admission, excluded, deported,  
19 or removed, or has departed the United States while an order of  
20 exclusion, deportation, or removal is outstanding, and thereafter  
21 enters, attempts to enter, or is at any time found in Oklahoma  
22 shall, upon conviction, be guilty of a felony and shall be punished  
23 in accordance with the provisions set forth in paragraph 2 of  
24 subsection C of this section, unless:

1 1. Prior to reembarkation of the alien at a place outside the  
2 United States or application by the alien for admission from a  
3 foreign contiguous territory, the United States Attorney General has  
4 expressly consented to such alien's reapplying for admission; or

5 2. With respect to an alien previously denied admission and  
6 removed, such alien established that he or she was not required to  
7 obtain such advance consent under this section or any prior statute.

8 E. The arresting law enforcement agency shall collect all  
9 available identifying information of the person including all  
10 fingerprints and any other applicable photographic and biometric  
11 data to identify the person. Once obtained, the law enforcement  
12 agency shall cross-reference the collected information with:

13 1. All relevant local, state, and federal criminal databases;  
14 and

15 2. Federal lists or classifications used to identify a person  
16 as a threat or potential threat to national security.

17 The Oklahoma State Bureau of Investigation shall have the  
18 authority to collect and maintain the identifying information  
19 collected by law enforcement agencies pursuant to the provisions of  
20 this subsection.

21 F. It shall be an affirmative defense to prosecution under the  
22 provisions of paragraphs 1 and 2 of subsection C of this section  
23 that:

24 1. The federal government has granted the defendant:

- 1           a.    lawful presence in the United States, or
- 2           b.    asylum under Section 1158 of Title 8 of the United
- 3                 States Code; or

4           2.    The defendant was approved for benefits under the federal  
5 Deferred Action for Childhood Arrivals program between June 15,  
6 2012, and July 16, 2021.

7           G.    Any person convicted of an offense pursuant to the  
8 provisions of this section shall not be eligible for probation or  
9 delayed sentencing.

10          H.    The Legislature finds that the presence of persons who are  
11 unauthorized to be present within the State of Oklahoma is a matter  
12 of statewide concern.  Therefore, the Legislature hereby occupies  
13 and preempts the entire field of legislation in this state regarding  
14 the presence of persons who have entered and remained in this state  
15 without first having obtained the legal authorization to do so.  Any  
16 municipality or other political subdivision of this state shall be  
17 prohibited from adopting any ordinance, regulation, resolution,  
18 rule, or policy that conflicts with the provisions of this act.

19          SECTION 3.       NEW LAW        A new section of law to be codified  
20 in the Oklahoma Statutes as Section 988.25 of Title 22, unless there  
21 is created a duplication in numbering, reads as follows:

22                Notwithstanding any other provision of the Oklahoma Community  
23 Sentencing Act, a defendant is not eligible for community sentencing  
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1 if the defendant is charged with or convicted of an offense under  
2 Section 2 of this act.

3 SECTION 4. The provisions of this act are severable and if any  
4 part or provision shall be held void the decision of the court so  
5 holding shall not affect or impair any of the remaining parts or  
6 provisions of this act.

7 SECTION 5. This act shall become effective July 1, 2024.

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

12 Passed the House of Representatives the 18th day of April, 2024.

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Presiding Officer of the House  
of Representatives

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Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2024.

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Presiding Officer of the Senate

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