

BILL SUMMARY
2nd Session of the 59th Legislature

Bill No.:	HB4156
Version:	INT
Request Number:	10947
Author:	Treat/McCall
Date:	4/18/2024
Impact:	AOC: Revenue positive
	DOC: Minimal
	State Budget: No material impact

Research Analysis

HB 4156 creates the criminal act of impermissible occupation. The measure provides legislative intent. The measure provides that impermissible occupation occurs if the person is an alien and willfully and without permission enters and remains in the State of Oklahoma without having first obtained legal authorization to enter the United States. A conviction is a misdemeanor punishable by imprisonment in the county jail for up to 1 year, a fine of not more than \$500 or both fine and imprisonment. A second or subsequent conviction is a felony, punishable by imprisonment for up to 2 years, a fine of up to \$1,000 or both fine and imprisonment. Any person convicted of impermissible occupation is required to leave the state within 72 hours following conviction or release from custody, whichever comes later. The measure provides penalties for any alien who has been denied admission, excluded, or removed, or has departed the United States while an order of removal is outstanding and then enters or attempts to enter or is found in Oklahoma is guilty of a felony. Law enforcement is required to collect all identifying information of persons arrested for impermissible occupation and cross-reference the information with relevant criminal databases. The Oklahoma State Bureau of Investigation is authorized to maintain the collected information. The measure provides that it is an affirmative defense that the person has been granted lawful presence by the federal government or has been granted asylum by the federal government or the defendant was approved for benefits under DACA. The measure prohibits eligibility for probation or delayed sentencing or participation in community sentencing for convictions of impermissible occupation. The measure declares a statewide preemption on legislation concerting the presence of persons who enter and remain in the state without legal authorization. The measure provides a severability clause.

Prepared By: Brad Wolgamott

Fiscal Analysis

This measure provides penalties for certain acts related to immigration, and codifies provisions for agencies to collect, maintain, and cross-reference identifying information. The penalties set forth in the measure range from a fine of \$500 to \$1000 and a term of imprisonment of not more than 1 year to not more than 2 years depending on the offense. The collections of these fines would be revenue positive to the Administrative Office of the Courts (AOC), and any imprisonments would cost the Department of Corrections (DOC) \$16.60/day per inmate to be absorbed by existing budgetary resources. Therefore, the introduced version of HB4156 is not anticipated to have a material impact on state budget or appropriations.

Prepared By: Robert Flipping IV, House Fiscal Staff

Other Considerations

None.

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