

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1312

By: Humphrey

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6 AS INTRODUCED

7 An Act relating to crimes and punishments; making  
8 certain acts unlawful; providing penalties;  
9 authorizing courts to suspend criminal prosecutions  
10 under certain circumstances; remanding persons to the  
11 custody of the Department of Corrections; directing  
12 the Department to notify certain federal agency to  
13 arrange transportation; providing for revocation of  
14 sentence under certain circumstances; providing for  
15 codification; and providing an effective date.

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

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

20 A. Any person who is apprehended and arrested for violating a  
21 criminal law of this state and, after determining the citizenship  
22 status of the person is found to be unlawfully present in the United  
23 States, shall be guilty of a felony punishable by imprisonment in  
24 the custody of the Department of Corrections for a term not to  
exceed life.

1 B. In lieu of the sentence of imprisonment, the court shall  
2 have the authority to suspend the criminal prosecution and issue a  
3 written order discharging the person and requiring said individual  
4 to return to his or her country of origin. Upon issuance of the  
5 written order, the court shall direct the law enforcement agency  
6 having custody of the person to remand the person to the custody of  
7 the Department of Corrections with instructions to return the person  
8 to his or her country of origin.

9 C. Once the Department receives custody of the person, the  
10 Department shall notify the United States Customs and Border  
11 Protection of the Department of Homeland Security to arrange  
12 transportation for the repatriation of said person back to his or  
13 her country of origin.

14 D. Should the person return to the State of Oklahoma after  
15 repatriation and be apprehended by law enforcement, the person shall  
16 be subject to revocation of the suspended sentence and ordered by  
17 the court to serve the entirety of his or her original sentence of  
18 imprisonment.

19 SECTION 2. This act shall become effective November 1, 2025.  
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21 60-1-10122 GRS 01/08/25  
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