

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1362

By: Hardin and Worthen

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6 AS INTRODUCED

7 An Act relating to crimes and punishments; making
8 certain acts unlawful; providing penalties; providing
9 for the posting of a cash bail; authorizing courts to
10 dismiss criminal prosecutions under certain
11 circumstances; remanding persons to the custody of
the Department of Corrections; directing the
Department to notify certain federal agency to
arrange transportation; providing for codification;
and declaring an emergency.

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

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

18 A. Any person who is apprehended and arrested for violating a
19 criminal law of this state, and after determining the citizenship
20 status of the person is found to be unlawfully present in the United
21 States, shall be guilty of a felony punishable by imprisonment in
22 the custody of the Department of Corrections for a term of not less
23 than five (5) years.

1 B. A person arrested for a violation of this section may be
2 allowed to post a cash bond in an amount of not less than Thirty-
3 five Thousand Dollars (\$35,000.00).

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

8 1. The person agrees to the written order;

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

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

13 Upon issuance of the written order, the court shall direct the law
14 enforcement agency having custody of the person to remand the person
15 to the custody of the Department of Corrections with instructions to
16 return the person to his or her country of origin.

17 D. Once the Department of Corrections receives custody of the
18 person, the Department of Corrections shall notify the United States
19 Customs and Border Protection of the Department of Homeland Security
20 within seven (7) days to arrange transportation for the repatriation
21 of said person back to his or her country of origin.

22 SECTION 2. It being immediately necessary for the preservation
23 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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