

# House Bill 2685

Sponsored by Representatives FLORES, THATCHER; Representatives DALLUM, ESQUIVEL, GILLIAM, GIROD, KRUMMEL, MAURER, MORGAN, Senator WHITSETT

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires Department of Human Services to verify lawful presence in United States of applicants for public assistance. Lists documents that satisfy verification requirement. Exempts specified types of assistance.

## A BILL FOR AN ACT

1  
2 Relating to verification of lawful presence in United States for public assistance applicants.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) Except as provided in subsection (3) of this section, the Department of**  
5 **Human Services must verify that each applicant for public assistance who is 18 years of age**  
6 **or older is lawfully present in the United States. A person is lawfully present if the person**  
7 **is a citizen or permanent legal resident of the United States or is otherwise legally present**  
8 **in the United States in accordance with federal immigration laws.**

9 (2) The department shall enforce the requirement of subsection (1) of this section without  
10 regard to race, religion, sex, ethnicity or national origin.

11 (3) The department may not require an applicant to verify lawful presence if verification  
12 is not readily available and the applicant is seeking:

13 (a) Health care services that are necessary for the treatment of an emergency medical  
14 condition including labor or delivery;

15 (b) Emergency disaster relief;

16 (c) Immunizations for immunizable diseases;

17 (d) Testing for communicable diseases and treatment of symptoms of communicable dis-  
18 eases;

19 (e) In-kind services that are delivered in the community through public or private  
20 nonprofit entities, that are necessary for the protection of life or safety and that are not  
21 means tested; or

22 (f) Prenatal care.

23 (4) In lieu of other authentic documentation or reliable evidence, the verification re-  
24 quirement in subsection (1) of this section is met if the applicant:

25 (a) Is receiving or has received public assistance conditioned upon verification of citi-  
26 zenship or legal status in the United States or food stamp benefits;

27 (b) Has a valid Social Security number or identifying number issued by the United States  
28 Department of Homeland Security;

29 (c) Has a temporary or permanent driver license or identification card issued by a state  
30 that requires proof of citizenship or legal status or that issues the card in accordance with

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 the Real ID Act of 2005, P.L. 109-13; or

2 (d) Has a document issued by the United States Department of Homeland Security  
3 showing lawful presence in the United States.

4 (5) The Department of Human Services shall use available federal and state matching  
5 databases to verify lawful presence as required by subsection (1) of this section.

6 (6) As used in this section:

7 (a) "Public assistance" has the meaning given that term in ORS 411.010.

8 (b) "Verify" means to provide authentic documentary evidence or other reliable evidence  
9 of the truth of an asserted fact.

10 **SECTION 2.** (1) A person who knowingly makes a false, fictitious or fraudulent statement  
11 in an affidavit or a declaration of lawful presence under section 1 of this 2007 Act is guilty  
12 of a violation of ORS 162.065. It is a separate violation of ORS 162.065 each time a person  
13 receives public assistance based upon an affidavit or declaration that contains a false, ficti-  
14 tious or fraudulent statement.

15 (2) As used in this section, "declaration" means a sworn statement described in ORCP 1  
16 E.

17 \_\_\_\_\_