

House Bill 3426

Sponsored by Representative SCOTT; Representatives BOQUIST, BRUUN, BUTLER, CAMERON, DALLUM, FLORES, GILLIAM, GILMAN, HANNA, JENSON, KRIEGER, MAURER, MINNIS, NELSON, OLSON, RICHARDSON, G SMITH, THATCHER, WHISNANT

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**.

Allows state employee to report to federal immigration enforcement authorities information about individual who cannot produce valid, independently verifiable documents to prove that individual is legally present in United States. Prohibits state employer from discriminating against employee for making report.

Directs Department of Transportation to immediately inform law enforcement if applicant for driver license, driver permit or identification card submits false information.

Allows law enforcement agencies to use agency moneys, equipment or personnel for purpose of detecting or apprehending persons of foreign citizenship present in United States in violation of federal immigration laws.

A BILL FOR AN ACT

1
2 Relating to illegal aliens; creating new provisions; and amending ORS 181.850.

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

4 **SECTION 1. (1) Notwithstanding any other law, an employee of state government, as**
5 **defined in ORS 174.111, may report to federal immigration enforcement authorities the name**
6 **of, and any other relevant information about, an individual who cannot produce valid, inde-**
7 **pendently verifiable documents to prove that the individual is legally present in the United**
8 **States.**

9 **(2) A state government employer may not discriminate in any manner against an em-**
10 **ployee who makes a report described in subsection (1) of this section. Any violation of this**
11 **subsection is an unlawful employment practice under ORS chapter 659A.**

12 **SECTION 2. Section 3 of this 2007 Act is added to and made a part of the Oregon Vehicle**
13 **Code.**

14 **SECTION 3. Whenever the Department of Transportation has reason to believe that an**
15 **applicant for a driver license, driver permit or identification card has provided a false appli-**
16 **cation in violation of ORS 807.430 or 807.530, the department shall immediately notify a law**
17 **enforcement agency having jurisdiction over the crime.**

18 **SECTION 4. ORS 181.850 is amended to read:**

19 181.850. (1) [*No*] **A** law enforcement agency of the State of Oregon or of any political subdivision
20 of the state [*shall*] **may** use agency moneys, equipment or personnel for the purpose of detecting or
21 apprehending persons [*whose only violation of law is that they are persons*] of foreign citizenship
22 present in the United States in violation of federal immigration laws.

23 (2) [*Notwithstanding subsection (1) of this section,*] A law enforcement agency may exchange in-
24 formation with the United States Bureau of Immigration and Customs Enforcement, the United
25 States Bureau of Citizenship and Immigration Services and the United States Bureau of Customs and
26 Border Protection in order to:

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 (a) Verify the immigration status of a person if the person is arrested for any criminal offense;

2 or

3 (b) Request criminal investigation information with reference to persons named in records of the
4 United States Bureau of Immigration and Customs Enforcement, the United States Bureau of Citi-
5 zenship and Immigration Services or the United States Bureau of Customs and Border Protection.

6 (3) *[Notwithstanding subsection (1) of this section,]* A law enforcement agency may arrest any
7 person who:

8 (a) Is charged by the United States with a criminal violation of federal immigration laws under
9 Title II of the Immigration and Nationality Act or 18 U.S.C. 1015, 1422 to 1429 or 1505; and

10 (b) Is subject to arrest for the crime pursuant to a warrant of arrest issued by a federal
11 magistrate.

12 *[(4) For purposes of subsection (1) of this section, the Bureau of Labor and Industries is not a law*
13 *enforcement agency.]*

14 *[(5)]* (4) As used in this section, “warrant of arrest” has the meaning given that term in ORS
15 131.005.

16
