

# House Bill 3516

Sponsored by Representative C EDWARDS; Representatives CLEM, D EDWARDS, ROBLAN

## 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 public body to verify lawful presence in United States of applicants for assistance. Creates exceptions. Defines "assistance."

Provides that person who knowingly makes false, fictitious or fraudulent statement in affidavit or declaration of lawful presence commits crime of perjury. Punishes each separate violation by maximum of five years' imprisonment, \$125,000 fine, or both.

## A BILL FOR AN ACT

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

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, any public body, as**  
5 **defined in ORS 174.109, must verify that each applicant for 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) A public body shall enforce the requirement of subsection (1) of this section without**  
10 **regard to race, religion, sex, ethnicity or national origin.**

11 **(3) A public body may not require an applicant to verify the applicant's lawful presence:**

12 **(a) If 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 services;**

15 **(B) Emergency disaster relief;**

16 **(C) Immunizations;**

17 **(D) Testing for communicable diseases and treatment of symptoms of communicable**  
18 **diseases;**

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; or**

23 **(b) If requiring verification would cause undue hardship on the applicant and the appli-**  
24 **cant's lawful presence is not questionable.**

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

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

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

**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 (c) Has a temporary or permanent driver license or identification card issued by a state  
2 that requires proof of citizenship or legal status or that issues a card in accordance with the  
3 Real ID Act of 2005 (P.L. 109-13); or

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

6 (5) A public body shall use all federal and state matching databases available to the public  
7 body to verify lawful presence as required by subsection (1) of this section.

8 (6) As used in this section and section 2 of this 2007 Act:

9 (a) "Assistance" means welfare, health or disability benefits, public or government as-  
10 sisted housing, food and nutrition programs or unemployment benefits.

11 (b) "Declaration" means a sworn statement described in ORCP 1 E.

12 (c) "Verify" means to provide authentic documentation, affidavit, declaration or other  
13 reliable evidence of the truth of an asserted fact.

14 **SECTION 2.** A person who knowingly makes a false, fictitious or fraudulent statement  
15 in an affidavit or a declaration of lawful presence under section 1 of this 2007 Act, or who  
16 knowingly uses false information or fraudulent documents to verify lawful presence, is guilty  
17 of a violation of ORS 162.065. It is a separate violation of ORS 162.065 each time a person  
18 receives assistance based upon an affidavit or declaration that contains a false, fictitious or  
19 fraudulent statement.

20 **SECTION 3.** Sections 1 and 2 of this 2007 Act apply to applications for assistance filed  
21 on or after the effective date of this 2007 Act.

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