

# House Bill 3436

Sponsored by Representative THATCHER; Representatives ESQUIVEL, FREEMAN, GARRARD, GILLIAM, KRIEGER, MAURER, RICHARDSON, THOMPSON, WHISNANT, WINGARD, Senators BOQUIST, KRUSE, 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 legal presence in United States for applicants of public assistance.

## A BILL FOR AN ACT

1  
2 Relating to public 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, 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;**

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, 49 U.S.C. 30301 note; 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 2009 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  
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