

House Bill 3440

Sponsored by Representative THATCHER; Representatives BERGER, CAMERON, ESQUIVEL, FREEMAN, GARRARD, JENSON, MAURER, OLSON, RICHARDSON, G SMITH, THOMPSON, WEIDNER, WHISNANT, WINGARD (at the request of Craig Cox in memory of Judy Cox)

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 county to verify immigration status of person incarcerated in county correctional facility.

Authorizes law enforcement agency to enforce federal immigration law pursuant to agreement with federal government.

A BILL FOR AN ACT

1
2 Relating to immigration; creating new provisions; and amending ORS 181.850 and section 7, chapter
3 35, Oregon Laws 2008.

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

5 **SECTION 1.** Section 7, chapter 35, Oregon Laws 2008, is amended to read:

6 **Sec. 7.** (1) During the intake process, each county shall conduct a national criminal history
7 check on every person incarcerated in the county correctional facility. **The national criminal**
8 **history check must include verification of the person's immigration status through the Law**
9 **Enforcement Support Center of the United States Department of Homeland Security.**

10 (2) The county shall develop policies and procedures to ensure that the results of the national
11 criminal history check are received before an inmate is released.

12 (3) The state shall reimburse each county for the costs of conducting the national criminal his-
13 tory checks.

14 **SECTION 2.** ORS 181.850 is amended to read:

15 181.850. (1) [No] **A** law enforcement agency of the State of Oregon or of any political subdivision
16 of the state *[shall]* **may:**

17 (a) **Enter into a written agreement with the Attorney General of the United States under**
18 **8 U.S.C. 1357(g) that authorizes the officers or employees of the agency to perform the**
19 **functions of an immigration officer.**

20 (b) **Enter into a cooperative agreement with the federal government under 8 U.S.C.**
21 **1103(c) for the purpose of assisting in the enforcement of immigration laws.**

22 (c) **Pursuant to the written or cooperative agreements described in this subsection,** use
23 agency moneys, equipment or personnel for the purpose of detecting or apprehending persons *[whose*
24 *only violation of law is that they are persons]* of foreign citizenship present in the United States in
25 violation of federal immigration laws.

26 (2) *[Notwithstanding subsection (1) of this section,]* A law enforcement agency may exchange in-
27 formation with the United States Bureau of Immigration and Customs Enforcement, the United
28 States Bureau of Citizenship and Immigration Services and the United States Bureau of Customs and
29 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 **SECTION 3. The amendments to section 7, chapter 35, Oregon Laws 2008, by section 1**
17 **of this 2009 Act apply to persons incarcerated on or after the effective date of this 2009 Act.**

18