

Senate Bill 815

Sponsored by Senator WHITSETT; Senators BOQUIST, MORSE

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**.

Permits law enforcement agencies to apprehend person for violation of federal immigration law based upon probable cause.

A BILL FOR AN ACT

Relating to enforcement of immigration laws; amending ORS 181.850.

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

SECTION 1. ORS 181.850 is amended to read:

181.850. (1) *[No]* **To the extent authorized by federal law, and pursuant to a written agreement with the federal government, a law enforcement agency of the State of Oregon or of any political subdivision of the state *[shall use agency moneys, equipment or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States]* may apprehend a person based upon probable cause that the person is** in violation of federal immigration laws.

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

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

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

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

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

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

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

[(5) As used in this section, "warrant of arrest" has the meaning given that term in ORS 131.005.]

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.