

# House Bill 2805

Sponsored by Representative THATCHER (Presession filed.)

## 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**.

Prohibits state agencies from providing employment, products, services or licenses to persons who are not lawfully present in United States.

Imposes penalty of five years' imprisonment, \$125,000 fine, or both, for knowingly making false affidavit or declaration of resident status to obtain employment, products, services or license.

## A BILL FOR AN ACT

2 Relating to illegal aliens.

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

4     **SECTION 1.** (1) As used in this section:

5       (a) "Benefits" means financial assistance, products or services furnished by a state  
6 agency and paid for, in whole or in part, with public funds.

7       (b) "Lawfully present" or "lawful presence" means a person is a United States citizen or  
8 has a lawful immigration status in accordance with United States immigration laws.

9       (c) "State agency" has the meaning given that term in ORS 183.750.

10      (2) Except as provided in subsection (3) of the section, a state agency may not employ  
11 or provide benefits to a person 18 years of age or older who is not lawfully present in the  
12 United States. A state agency shall verify lawful presence in the manner provided in sub-  
13 sections (4) and (5) of this section.

14      (3) A state agency may not require a person seeking benefits to verify lawful presence  
15 if verification is not readily available and the person is seeking:

16       (a) Health care services that are necessary for the treatment of an emergency medical  
17 condition including labor or delivery;

18       (b) Emergency disaster relief;

19       (c) Immunizations;

20       (d) Testing for communicable diseases and treatment of symptoms of communicable dis-  
21 eases;

22       (e) In-kind services that are delivered in the community through public or private  
23 nonprofit entities, that are necessary for the protection of life or safety and that are not  
24 means tested;

25       (f) Prenatal care; or

26       (g) Primary or secondary education.

27      (4) The verification requirement in subsection (2) of this section is met if the person  
28 seeking employment or benefits:

29       (a) Has a valid United States passport;

30       (b) Has a valid Social Security number or identifying number issued by the United States

**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      **Department of Homeland Security;**  
2            (c) Has a temporary or permanent driver license or identification card issued by a state  
3      that requires proof of citizenship or legal status;  
4            (d) Has a document issued by the United States Department of Homeland Security  
5      showing lawful presence in the United States;  
6            (e) Has a birth certificate showing birth in the United States; or  
7            (f) Is receiving or has received aid through a public assistance program that requires  
8      verification of citizenship or legal immigration status in the United States or through the  
9      federal Supplemental Nutrition Assistance Program.  
10        (5) State agencies shall use available federal and state matching databases to verify law-  
11      ful presence as required by subsection (2) of this section.

12      **SECTION 2.** (1) As used in this section:

13            (a) "Lawfully present" means a person is a United States citizen or has a lawful immi-  
14      gration status in accordance with United States immigration laws.

15            (b) "License" means any written authority required by law or regulation as a prerequisite  
16      to the conduct of a business, trade or profession.

17            (c) "State agency" has the meaning given that term in ORS 183.750.

18            (2) A person may not obtain a license from a state agency if the person is not lawfully  
19      present in the United States.

20            (3) A state agency may suspend, revoke or refuse to renew a license if the licensee is not  
21      lawfully present in the United States.

22            (4) An agency suspending, revoking or refusing to renew a license under subsection (3)  
23      of this section shall afford the licensee an opportunity for a hearing under ORS 183.413 to  
24      183.470.

25      **SECTION 3.** (1) A person who knowingly makes a false, fictitious or fraudulent statement  
26      in an affidavit or a declaration of lawful presence under section 1 or 2 of this 2011 Act is  
27      guilty of a violation of ORS 162.065. It is a separate violation of ORS 162.065 each time a  
28      person seeks employment, benefits or a license based upon an affidavit or declaration that  
29      contains a false, fictitious or fraudulent statement.

30            (2) As used in this section, "declaration" means a sworn statement described in ORCP 1  
31      E.