

House Bill 3227

Sponsored by Representative GALLEGOS

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 law enforcement agency from exchanging information concerning immigration status of victim of sex crime with certain federal agencies.

A BILL FOR AN ACT

1
2 Relating to crime victims; amending ORS 131.007 and 181.850.

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

4 **SECTION 1.** ORS 181.850 is amended to read:

5 181.850. (1) [No] **A** law enforcement agency of the State of Oregon or of any political subdivision
6 of the state [shall] **may not** use agency moneys, equipment or personnel for the purpose of detecting
7 or apprehending persons whose only violation of law is that they are persons of foreign citizenship
8 present in the United States in violation of federal immigration laws.

9 **(2) A law enforcement agency may not exchange information with the United States**
10 **Immigration and Customs Enforcement, the United States Citizenship and Immigration**
11 **Services or the United States Customs and Border Protection concerning the immigration**
12 **status of a victim of a sex crime, as defined in ORS 181.805.**

13 [(2)] **(3)** Notwithstanding [subsection (1)] **subsections (1) and (2)** of this section, a law enforce-
14 ment agency may exchange information with the United States [Bureau of] Immigration and Customs
15 Enforcement, the United States [Bureau of] Citizenship and Immigration Services and the United
16 States [Bureau of] Customs and Border Protection in order to:

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

19 (b) Request criminal investigation information with reference to persons named in records of the
20 United States [Bureau of] Immigration and Customs Enforcement, the United States [Bureau of]
21 Citizenship and Immigration Services or the United States [Bureau of] Customs and Border Pro-
22 tection.

23 [(3)] **(4)** Notwithstanding [subsection (1)] **subsections (1) and (2)** of this section, a law enforce-
24 ment agency may arrest any person who:

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

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

29 [(4)] **(5)** For purposes of subsection (1) of this section, the Bureau of Labor and Industries is not
30 a law enforcement agency.

31 [(5)] **(6)** As used in this section, "warrant of arrest" has the meaning given that term in ORS

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.

1 131.005.

2 **SECTION 2.** ORS 131.007 is amended to read:

3 131.007. As used in ORS 40.385, 135.230, 147.417, 147.419, [*and*] 147.421 **and 181.850** and in ORS
4 chapters 136, 137 and 144, except as otherwise specifically provided or unless the context requires
5 otherwise, “victim” means the person or persons who have suffered financial, social, psychological
6 or physical harm as a result of a crime and includes, in the case of a homicide or abuse of corpse
7 in any degree, a member of the immediate family of the decedent and, in the case of a minor victim,
8 the legal guardian of the minor. In no event shall the criminal defendant be considered a victim.

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