

Enrolled House Bill 3464

Sponsored by Representatives ALONSO LEON, HERNANDEZ, Senator TAYLOR, Representatives KOTEK, LININGER, WILLIAMSON, Senators BURDICK, DEMBROW, FREDERICK, GELSER, MANNING JR, ROBLAN; Representatives BARKER, BARNHART, DOHERTY, FAHEY, GOMBERG, GORSEK, GREENLICK, HELM, HOLVEY, KENY-GUYER, LIVELY, MALSTROM, MARSH, MCLAIN, MEEK, NOSSE, PILUSO, POWER, RAYFIELD, REARDON, SANCHEZ, SMITH WARNER, SOLLMAN (at the request of Governor Kate Brown and Attorney General Ellen Rosenblum)

CHAPTER

AN ACT

Relating to the involvement of public bodies in immigration enforcement; and declaring an emergency.

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

SECTION 1. (1) Except as required by state or federal law, a public body may not disclose, for the purpose of enforcement of federal immigration laws, the following information concerning any person, whether current or otherwise:

- (a) The person's address;
- (b) The person's workplace or hours of work;
- (c) The person's school or school hours;
- (d) The person's contact information, including telephone number, electronic mail address or social media account information;
- (e) The identity of known associates or relatives of the person;
- (f) The date, time or location of the person's hearings, proceedings or appointments with the public body that are not matters of public record; or
- (g) Information described in paragraphs (a) through (f) of this subsection with respect to known relatives or associates of the person.

(2) Except as required by state or federal law, or as necessary to determine eligibility for a benefit a person is seeking, a public body may not inquire about or request information concerning a person's citizenship or immigration status.

(3)(a) If a public body collects information concerning a person's citizenship or immigration status, the public body may decline to disclose the information unless disclosure is required by:

- (A) State or federal law;
 - (B) A court order; or
 - (C) A warrant authorized by a court.
- (b) Nothing in this subsection:

(A) Prevents a person from obtaining records about the person or the person's dependents from a public body; or

(B) Authorizes a public body to withhold aggregated information that is not personally identifiable.

(4) A public body shall, within six months of the effective date of this 2017 Act and every year thereafter, review the public body's confidentiality policies to ensure that the public body treats information concerning a person's citizenship or immigration status, and information described in subsection (1) of this section, in a manner consistent with this section and section 2 of this 2017 Act.

(5) Nothing in this section prohibits any public body from complying with a federal immigration authority as required by federal law.

(6) As used in this section:

(a) "Federal immigration authority" means the United States Department of Homeland Security, the United States Immigration and Customs Enforcement, the United States Citizenship and Immigration Services or a successor agency, any other federal immigration agency or official, or any other entity to which a federal immigration agency delegates or assigns the authority to detect, investigate or enforce violations of immigration law.

(b) "Information concerning a person's citizenship or immigration status" means information about whether a person is a citizen of the United States or has lawful authority to be present in the United States, either through a visa, a green card or another official documentation. The term does not include information consisting of a person's address, location, contact information, relatives, associates or other information that could lead to the detection or apprehension of the person.

(c) "Public body" has the meaning given that term in ORS 174.109.

(d) "Social media" has the meaning given that term in ORS 659A.330.

SECTION 2. (1) The Attorney General shall publish model policies intended to limit, to the fullest extent possible consistent with state and federal law, immigration enforcement at public schools, public health facilities, courthouses, public shelters and other public facilities operated by a public body.

(2) All public bodies are encouraged to implement policies based on the model policies described in subsection (1) of this section.

(3) Any entity that contracts with a public body to provide services related to physical or mental health, education or access to justice is encouraged to adopt policies based on the model policies described in subsection (1) of this section.

(4) The Attorney General may adopt rules to implement this section.

SECTION 3. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.

Passed by House June 20, 2017

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate July 6, 2017

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2017

Approved:

.....M,....., 2017

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2017

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Dennis Richardson, Secretary of State