

Senate Bill 1006

Sponsored by Senators TAYLOR, MANNING JR, Representative BARKER; Representative HERNANDEZ (at the request of former Representative Joseph 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**.

Directs certifying agencies to certify to United States Citizenship and Immigration Services, within specified time, victim helpfulness in detecting, investigating or prosecuting certain criminal activity.

A BILL FOR AN ACT

1
2 Relating to noncitizen crime victims.

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

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

5 (a) **"Certifying entity" means:**

6 (A) **A state or local law enforcement agency;**

7 (B) **A prosecutor;**

8 (C) **A judge; or**

9 (D) **Any other agency that has responsibility for the detection, investigation or prosecution of a qualifying criminal activity.**

10 (b) **"Certifying official" means:**

11 (A) **The head of a certifying entity;**

12 (B) **A judge; or**

13 (C) **A person in a supervisory role who has been designated by the head of the certifying entity to issue victim helpfulness certifications on behalf of the entity.**

14 (c) **"Qualifying criminal activity" means one or more of the following, or any similar activity that constitutes a crime under state or federal law:**

15 (A) **Rape, incest, sexual assault, sexual exploitation or abusive sexual contact;**

16 (B) **Torture or felonious assault;**

17 (C) **Domestic violence;**

18 (D) **Prostitution;**

19 (E) **Stalking;**

20 (F) **Female genital mutilation;**

21 (G) **Being held hostage;**

22 (H) **Peonage;**

23 (I) **Involuntary servitude, trafficking or slave trade;**

24 (J) **Kidnapping, abduction, unlawful criminal restraint or false imprisonment;**

25 (K) **Blackmail or extortion;**

26 (L) **Murder or manslaughter;**

27 (M) **Witness tampering, obstruction of justice or perjury;**

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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 (N) Fraud in foreign labor contracting; or

2 (O) Attempt, conspiracy or solicitation to commit any offense listed in subparagraphs (A)
3 to (N) of this paragraph.

4 (d) "Victim" means a person who has suffered physical or mental harm as a result of a
5 qualifying criminal activity.

6 (2) Upon the request of a victim or a victim's family member, a certifying official shall
7 in writing certify that a victim has been helpful on a certification form designated by the
8 United States Citizenship and Immigration Services if:

9 (a) The victim was a victim of a qualifying criminal activity; and

10 (b) The victim has been helpful, is being helpful or is likely to be helpful to the detection,
11 investigation or prosecution of the qualifying criminal activity.

12 (3) For purposes of determining victim helpfulness, there is a rebuttable presumption
13 that a victim is helpful, has been helpful or is likely to be helpful to the detection, investi-
14 gation or prosecution of a qualifying criminal activity if the victim has not refused or failed
15 to provide information and assistance reasonably requested by law enforcement officials.

16 (4) A certifying official shall fully complete and sign the certification and include specific
17 details about the nature of the crime investigated or prosecuted, and a detailed description
18 of the victim's helpfulness or likely helpfulness.

19 (5) A certifying entity shall process a request for certification:

20 (a) Within 90 days of the request from the victim or the family member of the victim;
21 or

22 (b) Within 14 days of the request from the victim or the family member of the victim if
23 the victim is in removal proceedings.

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