

# House Bill 4140

Sponsored by Representatives HERNANDEZ, POWER, PILUSO, ALONSO LEON, MCLAIN, WILLIAMSON, Senator DEMBROW; Representatives FAHEY, KENY-GUYER (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**.

Requires attorney who represents defendant in criminal action to inform defendant that disposition of criminal action may impact defendant's immigration status, including defendant's admissibility, deportability and eligibility for naturalization. Requires prosecuting attorney, if defendant so requests, to consider immigration consequences as mitigating factor during plea negotiations and when making sentencing recommendations to court.

## A BILL FOR AN ACT

1  
2 Relating to immigration.

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

4 **SECTION 1. (1) An attorney who represents a defendant in a criminal action shall inform**  
5 **the defendant that:**

6 (a) **The disposition of a criminal action may impact the defendant's immigration status,**  
7 **including the defendant's admissibility, deportability and eligibility for naturalization;**

8 (b) **The defendant may consult with an attorney knowledgeable in the area of immi-**  
9 **gration law regarding the specific potential consequences to the defendant's immigration**  
10 **status, including the defendant's admissibility, deportability and eligibility for naturalization;**  
11 **and**

12 (c) **If the defendant so requests, the prosecuting attorney is required to consider as a**  
13 **mitigating factor during plea negotiations, and when making any sentencing recommen-**  
14 **dations to the court, the potential immigration consequences to the defendant.**

15 (2) **At the request of the defendant described in subsection (1) of this section, the**  
16 **defendant's attorney shall inform the prosecuting attorney that the defendant may face po-**  
17 **tential immigration consequences as a result of the disposition of the criminal action.**

18 (3) **If the defendant's attorney informs the prosecuting attorney of any potential immi-**  
19 **gration consequences to the defendant under subsection (2) of this section, the prosecuting**  
20 **attorney shall accordingly consider as a mitigating factor those potential immigration con-**  
21 **sequences when determining a plea offer or when making sentencing recommendations to**  
22 **the court.**

23 **SECTION 2. The requirements of section 1 of this 2018 Act apply to criminal offenses**  
24 **charged on or after the effective date of this 2018 Act.**

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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.