

House Bill 3398

Sponsored by Representative ALONSO LEON

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**.

Allows any person to bring action to enjoin law enforcement agency from using agency resources to enforce immigration laws. Allows person injured by law enforcement agency's use of agency resources to enforce immigration laws to bring civil action for damages. Directs court to award reasonable attorney fees to prevailing plaintiff.

A BILL FOR AN ACT

1
2 Relating to civil actions against law enforcement agencies; creating new provisions; and amending
3 ORS 181A.820.

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

5 **SECTION 1.** ORS 181A.820 is amended to read:

6 181A.820. (1) No law enforcement agency of the State of Oregon or of any political subdivision
7 of the state shall use agency moneys, equipment or personnel for the purpose of detecting or ap-
8 prehending persons whose only violation of law is that they are persons of foreign citizenship pres-
9 ent in the United States in violation of federal immigration laws.

10 (2) Notwithstanding subsection (1) of this section, a law enforcement agency may exchange in-
11 formation with the United States Bureau of Immigration and Customs Enforcement, the United
12 States Bureau of Citizenship and Immigration Services and the United States Bureau of Customs and
13 Border Protection in order to:

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

16 (b) Request criminal investigation information with reference to persons named in records of the
17 United States Bureau of Immigration and Customs Enforcement, the United States Bureau of Citi-
18 zenship and Immigration Services or the United States Bureau of Customs and Border Protection.

19 (3) Notwithstanding subsection (1) of this section, a law enforcement agency may arrest any
20 person who:

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

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

25 (4) **Any person may bring a civil action against a law enforcement agency that violates**
26 **this section to enjoin the violation. A person injured by a violation of this section may also**
27 **bring a civil action against the law enforcement agency to recover damages. If an injunction**
28 **is granted or damages are awarded in an action under this subsection, the court shall award**
29 **the plaintiff reasonable attorney fees and costs, at trial and on appeal.**

30 [(4)] (5) For purposes of subsection (1) of this section, the Bureau of Labor and Industries is not

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 a law enforcement agency.

2 [(5)] (6) As used in this section, “warrant of arrest” has the meaning given that term in ORS
3 131.005.

4 **SECTION 2. The amendments to ORS 181A.820 by section 1 of this 2019 Act apply to**
5 **causes of action arising on or after the effective date of this 2019 Act.**

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