

## **HB 3265 -3 STAFF MEASURE SUMMARY**

### **House Committee On Judiciary**

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**Prepared By:** Gillian Fischer, Counsel

**Meeting Dates:** 3/25, 4/13

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#### **WHAT THE MEASURE DOES:**

Requires that an officer of a law enforcement agency, who arrests an individual who is a foreign national, to inform the individual of consular notification procedures and possible immigration enforcement actions that may result from the arrest. Prohibits a law enforcement agency or a public body from denying services, benefits, privileges or opportunities to certain individuals on the basis of federal civil immigration actions, inquiring about individual's citizenship status without connection to criminal investigation, or providing information about the individual in custody to federal immigration authority, unless otherwise required by state or federal law. Prohibits the use of public resources to assist in federal immigration enforcement. Requires a public body to decline any request or communication for assistance from federal immigration authority and to report the request or communication to the office of the Governor. Requires the office of the Governor to publish annual report of communications and requests received by public bodies. Requires the office of the Governor to establish a mechanism to receive reports of certain violations and publish certain information monthly regarding complaints received. Prohibits arrest of an individual for civil immigration violations when the individual is in a court facility or going to or returning from a court proceeding, unless the arrest is supported by a judicial warrant. Prohibits a public body, law enforcement agency, or officer, from entering into specified agreements related to federal immigration enforcement. Provides any person a right of action to enjoin a law enforcement agency or public body from providing certain information to federal immigration authority or from using agency resources to enforce immigration laws. Allows any person injured by a law enforcement agency's or public body's provision of information or the use of agency resources to enforce immigration laws to bring civil action for damages. Directs court to award reasonable attorney fees to a prevailing plaintiff. Declares emergency, effective on passage.

#### **ISSUES DISCUSSED:**

#### **EFFECT OF AMENDMENT:**

-3 Replaces the measure. Defines relevant terms. Prohibits a law enforcement agency or a public body from denying services, benefits, privileges or opportunities to an individual in custody, or on parole, probation or post-prison supervision, on the basis of known or suspected immigration status, the existence of an immigration detainer, hold, notification or other related federal immigration request or a civil immigration warrant. Limits authority of law enforcement to inquire into an individuals immigration or citizenship status to circumstances specified. Prohibits the use of public resources to assist in federal immigration enforcement and specifies those prohibited actions. Requires a public body to decline any request or communication for assistance from federal immigration authority and to report the request or communication to the director or similar management personnel of the public body. The public body is directed to submit information about request to the Oregon Criminal Justice Commission for publication by the Commission on a website operated by the Commission as specified by the measure. Directs the Oregon Criminal Justice Commission to create an annual report summarizing the information reported pursuant to the measure and provide the report to the public bodies listed by measure. Directs the Department of Justice to establish a sanctuary reporting mechanism to receive reports of alleged violations of certain sections of this measure and identifies certain requirements for reporting mechanism and information collected. Prohibits arrest of an individual for civil immigration violations unless the arrest is supported by a judicial warrant. Prohibits a public body, law enforcement agency, or officer, from entering into

specified agreements related to federal immigration enforcement. Provides any person a civil right of action to enjoin a law enforcement agency or public body from actions in violation of certain measure provisions.

**BACKGROUND:**

Current law states that no law enforcement agency of the State of Oregon or of any political subdivision of the state shall use agency moneys, equipment or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws. This prohibition is frequently referred to as Oregon's sanctuary law and was signed into law in July of 1987.

The law allows an enforcement agency to exchange information with United States Immigration and Customs Enforcement, United States Citizenship and Immigration Services and United States Customs and Border Protection in order to verify the immigration status of a person if the person is arrested for any criminal offense or to request criminal investigation information with reference to persons named in records of United States Immigration and Customs Enforcement, United States Citizenship and Immigration Services or United States Customs and Border Protection.

House Bill modifies provisions relating to immigration enforcement and information sharing. The measure creates restrictions on the use of public resources to assist in enforcement of federal immigration laws and arrests of individuals based on violations of immigration laws.