

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 3265 - 3

81st Oregon Legislative Assembly – 2021 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

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Measure Description:

Requires that officer of law enforcement agency who arrests individual who is foreign national inform individual of consular notification procedures.

Government Unit(s) Affected:

District Attorneys and their Deputies (DAs), Oregon Judicial Department (OJD), Public Defense Services Commission (PDSC), Department of Justice (DOJ), Department of Public Safety Standards and Training (DPSST), Counties, Cities, Criminal Justice Commission (CJC)

Summary of Fiscal Impact:

Costs related to the measure may require budgetary action - See analysis.

Summary of Expenditure Impact:

	2021-23 Biennium	2023-25 Biennium
General Fund	\$905,071	\$102,627
Total Funds	\$905,071	\$102,627
Positions	4	4
FTE	3.50	4.00

Analysis: The measure 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 individual’s 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.

The Department of Justice will need two Operations and Policy Analyst (2.00 FTE), one Program Analyst 2 (1.00 FTE), and one Investigator 3 (1.00 FTE) to develop processes for intake and referral, data collection, data request,

dissemination, investigation, analysis, and create a staffed hotline for suspected violations. Training and outreach will also be necessary. This level of staffing will requires further budgetary analysis.

The Department of Corrections indicates that the provisions of this bill may endanger the State Criminal Alien Assistance Program grants. The grant funds are intended to partially offset the cost of incarceration relative to the actual undocumented population in the prison system. DOC estimates the grants at \$2.5 million Federal Funds per biennium. The grants require that certain information be provided to the U.S. Department of Justice concerning adults in custody and it would appear this measure would prohibit disclosing this information. This may put in jeopardy DOC's ability to apply for these grants.

The District Attorneys, Oregon Judicial Department, Public Defense Serves Commission, Department of Public Safety Standards and Training, Cities, Counties, and Criminal Justice Commission anticipate a minimal fiscal impact due to the provisions of this measure.

This measure warrants a subsequent referral to the Joint Committee on Ways and Means for consideration of its budgetary impact on the State's General Fund.