

HB 3265 A STAFF MEASURE SUMMARY

House Committee On Judiciary

Action Date: 04/13/21

Action: Do pass with amendments and be referred to Ways and Means. (Printed A-Eng.)

Vote: 7-3-0-0

Yeas: 7 - Bynum, Dexter, Helm, Kropf, Noble, Power, Wilde

Nays: 3 - Lewis, Morgan, Wallan

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: Gillian Fischer, Counsel

Meeting Dates: 3/25, 4/13

WHAT THE MEASURE DOES:

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 individual's immigration or citizenship status to circumstances specified. Prohibits 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. Directs public body to submit information about request to the Oregon Criminal Justice Commission (CJC) for publication by the CJC on a website operated by the CJC as specified by the measure. Directs the CJC to create an annual report summarizing the information reported and provide the report to the public bodies listed. Directs the Department of Justice to establish a sanctuary reporting mechanism to receive reports of alleged violations pursuant to the measure and identifies 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. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- History of Oregon's Sanctuary law
- State demographics and immigrant population
- Separation of State and federal interests for purposes of allocating state resources
- Importance of increased clarity in statutes prohibiting support for enforcement of federal immigration laws

EFFECT OF AMENDMENT:

Replaces the measure.

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

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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 3265 A 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.