

# D R A F T

## SUMMARY

Digest: Allows for the sharing of data as needed to effect an extradition for a crime of a person from outside of this country to this state. (Flesch Readability Score: 60.0).

Allows a law enforcement agency or public body to provide information, or enter into an agreement to provide information, as required to effect an international extradition and return of a person charged with or convicted of a crime in this state and for whom a warrant of arrest has been issued.

Prohibits a law enforcement agency or public body from entering into an agreement to provide information about an individual in custody to a federal immigration authority. Provides for exceptions.

## A BILL FOR AN ACT

1  
2 Relating to information sharing between state and federal authorities;  
3 amending ORS 181A.823 and 181A.826.

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

5 **SECTION 1.** ORS 181A.823 is amended to read:

6 181A.823. (1) A law enforcement agency or public body may not:

7 (a) Except as required by state or federal law, deny services, benefits,  
8 privileges or opportunities to an individual in custody, or on parole, pro-  
9 bation or post-prison supervision, on the basis of known or suspected immi-  
10 gration status, the existence of an immigration detainer, hold, notification  
11 or other related federal immigration request or a civil immigration warrant;

12 (b) Inquire into or collect information about an individual's immigration  
13 or citizenship status or country of birth unless:

14 (A) The information is required to advance an investigation into a vio-  
15 lation of state or local criminal law;

1 (B) The information is submitted to a court of this state, whether orally  
2 or in writing, in connection with a proceeding in that court; or

3 (C) As necessary to determine the individual's eligibility for a benefit that  
4 the individual is seeking; or

5 (c) Provide information, **or enter into an agreement to provide infor-**  
6 **mation**, about an individual in the custody of the public body or law  
7 enforcement agency to a federal immigration authority for the purpose of  
8 civil immigration enforcement, except:

9 (A) As may be required by a judicial subpoena issued as part of a court  
10 proceeding or by another compulsory court-issued legal process; [*or*]

11 (B) **As may be required to effect the international extradition to this**  
12 **state and return of a person charged with or convicted of crimes in**  
13 **this state and for whom a warrant of arrest has been issued; or**

14 (C) To the extent that the information is available to the general public  
15 and under the same terms and conditions as the information is available to  
16 the general public.

17 (2) For purposes of subsection (1)(c)(A) of this section, a judicial subpoena  
18 does not include an administrative subpoena created and signed by a federal  
19 immigration authority.

20 (3) To ensure compliance with all treaty obligations, including consular  
21 notification, and state and federal laws, on the commitment or detainment  
22 of an individual, a law enforcement agency shall explain to the individual  
23 in writing, with interpretation into another language if requested:

24 (a) The individual's right to refuse to disclose the individual's nationality,  
25 citizenship or immigration status; and

26 (b) That disclosure of the individual's nationality, citizenship or immi-  
27 gration status may result in civil or criminal immigration enforcement, in-  
28 cluding removal from the United States.

29 (4) Any person may bring a civil action against a law enforcement agency  
30 or public body that violates subsections (1) to (3) of this section to enjoin  
31 the violation.

1 (5) Subsection (1)(b) of this section does not prohibit the Oregon Health  
2 Authority or the Department of Human Services from inquiring into or col-  
3 lecting data about country of birth in connection with data collected in ac-  
4 cordance with uniform standards adopted under ORS 413.161.

5 **SECTION 2.** ORS 181A.826 is amended to read:

6 181A.826. (1) Public facilities, property, moneys, equipment, technology  
7 or personnel may not be used for the purpose of investigating, detecting,  
8 apprehending, arresting, detaining or holding individuals for immigration  
9 enforcement.

10 (2) Actions with a purpose described in subsection (1) of this section in-  
11 clude, but are not limited to, the following:

12 (a) Granting a federal immigration agency access to an area of a facility  
13 that is not normally open to the public.

14 (b) Supporting or assisting a federal agency in immigration enforcement,  
15 including but not limited to any of the following:

16 (A) Providing information, including but not limited to an individual's  
17 contact information, country of birth, custody status, release date, parole,  
18 probation or post-prison supervision appointment dates or times, or home or  
19 work address, except as provided in ORS 181A.823;

20 (B) Investigating or interrogating individuals for immigration enforce-  
21 ment; or

22 (C) Establishing traffic perimeters for the purpose of supporting or facil-  
23 itating immigration enforcement.

24 (3)(a) If a public body receives a communication or request from a federal  
25 agency that relates to immigration enforcement, other than a judicial  
26 subpoena described in ORS 181A.823 (1)(c)(A)[,] **or a communication or**  
27 **request made pursuant to an international extradition under ORS**  
28 **181A.823 (1)(c)(B)**, the public body shall decline the request and document  
29 the communication or request. The documentation described in this sub-  
30 section must be provided to the director or other similar management per-  
31 sonnel of the public body.

1 (b) The public body shall submit the information documented under this  
2 subsection to the Oregon Criminal Justice Commission pursuant to proce-  
3 dures established by the commission. The commission shall require at least  
4 monthly submission of the information described in this subsection.

5 (c) A public body shall adopt internal procedures to carry out this sub-  
6 section.

7 (4)(a) The commission shall publish and continually update, on a website  
8 operated by or on behalf of the commission, an entry for each communication  
9 or request described in subsection (3) of this section, the public body that  
10 received the communication or request, the federal agency involved in the  
11 communication or that made the request and a summary of the public body's  
12 response to the communication or request.

13 (b) The information contained on the website described in this subsection  
14 may not contain any personally identifiable information of the individuals  
15 involved in the communication or request, including of an individual tar-  
16 geted by federal immigration authorities, an individual who reported the  
17 communication or request, an individual who witnessed the communication  
18 or request or report of the communication or request or the family members  
19 of an individual described in this paragraph.

20 (c)(A) Information obtained by the commission under this subsection may  
21 be used only for statistical purposes and coordination with the sanctuary  
22 violation reporting mechanism established under ORS 181A.827.

23 (B) Information described in this subsection that may reveal the identity  
24 of an individual described in paragraph (b) of this subsection is exempt from  
25 disclosure under ORS 192.311 to 192.478.

26 (C) Pursuant to a request from the Department of Justice, the commission  
27 may release to the department information described in this subsection that  
28 is necessary to investigate a report made to the sanctuary violation reporting  
29 mechanism established under ORS 181A.827 if the information is used to  
30 support an individual described in paragraph (b) of this subsection.

31 (d) Not later than July 1, 2022, and at least annually thereafter, the

1 commission shall issue a report that summarizes the information reported to  
2 the commission and published on the website described in this subsection.  
3 The commission shall provide the report to the Governor, the Legislative  
4 Assembly, the district attorneys of this state, the Department of State Police,  
5 each law enforcement agency in this state and the Department of Public  
6 Safety Standards and Training.

7 (5) Any person may bring a civil action against a law enforcement agency  
8 or public body that violates subsection (1) of this section to enjoin the vio-  
9 lation.

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