

House Bill 2192

Sponsored by Representative RESCHKE (Pre-session filed.)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Makes a public body that gets and keeps a person's data to get and keep the person's status as an immigrant or citizen. (Flesch Readability Score: 62.1).

Requires each public body that collects and maintains personal information about individuals to collect and maintain information on each individual's immigration or citizenship status. Directs the State Chief Information Officer and the Oregon Department of Administrative Services to adopt rules on uniform standards and procedures for compiling and maintaining the information.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to personal information collected and maintained by public bodies; creating new provisions;
3 amending ORS 180.805, 181A.823 and 181A.826; and declaring an emergency.

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

5 **SECTION 1. (1) As used in this section, "public body" has the meaning given that term**
6 **in ORS 174.109.**

7 **(2) Each public body that collects and maintains personal information about individuals**
8 **residing in this state shall collect and maintain, along with the personal information of each**
9 **individual, information on the individual's immigration or citizenship status.**

10 **(3) The State Chief Information Officer and the Oregon Department of Administrative**
11 **Services shall adopt rules to implement the provisions of this section, including rules estab-**
12 **lishing uniform standards and procedures for compiling and maintaining information on**
13 **individuals' immigration or citizenship statuses.**

14 **SECTION 2. ORS 180.805 is amended to read:**

15 180.805. (1) As used in this section:

16 (a) "Federal immigration authority" means the United States Department of Homeland Security,
17 the United States Immigration and Customs Enforcement, the United States Citizenship and Immi-
18 gration Services, the United States Customs and Border Protection or a successor agency, any other
19 federal immigration agency or official, or any other entity to which a federal immigration agency
20 delegates or assigns the authority to detect, investigate or enforce violations of immigration law.

21 (b) "Information concerning a person's citizenship or immigration status" means information
22 about whether a person is a citizen of the United States or has lawful authority to be present in the
23 United States, either through a visa, a green card or another official documentation. The term does
24 not include information consisting of a person's address, location, contact information, relatives,
25 associates or other information that could lead to the detection or apprehension of the person.

26 (c) "Public body" has the meaning given that term in ORS 174.109.

27 (d) "Social media" has the meaning given that term in ORS 659A.330.

28 (2) Except as required by state or federal law, a public body may not disclose, for the purpose

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 of enforcement of federal immigration laws, the following information concerning any person,
 2 whether current or otherwise:

3 (a) The person's address;

4 (b) The person's workplace or hours of work;

5 (c) The person's school or school hours;

6 (d) The person's contact information, including telephone number, electronic mail address or
 7 social media account information;

8 (e) The identity of known associates or relatives of the person;

9 (f) The date, time or location of the person's hearings, proceedings or appointments with the
 10 public body that are not matters of public record; or

11 (g) Information described in paragraphs (a) through (f) of this subsection with respect to known
 12 relatives or associates of the person.

13 *[(3) Except as required by state or federal law, or as necessary to determine eligibility for a benefit*
 14 *a person is seeking, a public body may not inquire about or request information concerning a person's*
 15 *citizenship or immigration status.]*

16 *[(4)(a)] (3)(a)* If a public body collects information concerning a person's citizenship or immi-
 17 gration status, the public body shall decline to disclose the information unless disclosure is required
 18 by:

19 (A) State or federal law;

20 (B) A court order; or

21 (C) A warrant authorized by a court.

22 (b) Nothing in this subsection:

23 (A) Prevents a person from obtaining records about the person or the person's dependents from
 24 a public body; or

25 (B) Authorizes a public body to withhold aggregated information that is not personally identifi-
 26 able.

27 *[(5)] (4)* A public body shall, within six months of August 15, 2017, and every year thereafter,
 28 review the public body's confidentiality policies to ensure that the public body treats information
 29 concerning a person's citizenship or immigration status, and information described in subsection (2)
 30 of this section, in a manner consistent with this section and ORS 180.810.

31 *[(6)] (5)* Any person may bring a civil action against a law enforcement agency or public body
 32 that violates subsection (2) *[or (3)]* of this section to enjoin the violation.

33 **SECTION 3.** ORS 181A.823 is amended to read:

34 181A.823. (1) A law enforcement agency or public body may not:

35 (a) Except as required by state or federal law, deny services, benefits, privileges or opportunities
 36 to an individual in custody, or on parole, probation or post-prison supervision, on the basis of known
 37 or suspected immigration status, the existence of an immigration detainer, hold, notification or other
 38 related federal immigration request or a civil immigration warrant; **or**

39 *[(b) Inquire into or collect information about an individual's immigration or citizenship status or*
 40 *country of birth unless:]*

41 *[(A) The information is required to advance an investigation into a violation of state or local*
 42 *criminal law;]*

43 *[(B) The information is submitted to a court of this state, whether orally or in writing, in con-*
 44 *nection with a proceeding in that court; or]*

45 *[(C) As necessary to determine the individual's eligibility for a benefit that the individual is seek-*

1 *ing; or]*

2 [(c)] (b) Provide information about an individual in the custody of the public body or law
 3 enforcement agency to a federal immigration authority for the purpose of civil immigration
 4 enforcement, except:

5 (A) As may be required by a judicial subpoena issued as part of a court proceeding or by an-
 6 other compulsory court-issued legal process; or

7 (B) To the extent that the information is available to the general public and under the same
 8 terms and conditions as the information is available to the general public.

9 (2) For purposes of subsection [(1)(c)(A)] (1)(b)(A) of this section, a judicial subpoena does not
 10 include an administrative subpoena created and signed by a federal immigration authority.

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

14 (a) The individual's right to refuse to disclose the individual's nationality, citizenship or immi-
 15 gration status; and

16 (b) That disclosure of the individual's nationality, citizenship or immigration status may result
 17 in civil or criminal immigration enforcement, including removal from the United States.

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

20 [(5) Subsection (1)(b) of this section does not prohibit the Oregon Health Authority or the Depart-
 21 ment of Human Services from inquiring into or collecting data about country of birth in connection
 22 with data collected in accordance with uniform standards adopted under ORS 413.161.]

23 **SECTION 4.** ORS 181A.826 is amended to read:

24 181A.826. (1) Public facilities, property, moneys, equipment, technology or personnel may not be
 25 used for the purpose of investigating, detecting, apprehending, arresting, detaining or holding indi-
 26 viduals for immigration enforcement.

27 (2) Actions with a purpose described in subsection (1) of this section include, but are not limited
 28 to, the following:

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

31 (b) Supporting or assisting a federal agency in immigration enforcement, including but not lim-
 32 ited to any of the following:

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

36 (B) Investigating or interrogating individuals for immigration enforcement; or

37 (C) Establishing traffic perimeters for the purpose of supporting or facilitating immigration
 38 enforcement.

39 (3)(a) If a public body receives a communication or request from a federal agency that relates
 40 to immigration enforcement, other than a judicial subpoena described in ORS 181A.823 [(1)(c)(A)]
 41 (1)(b)(A), the public body shall decline the request and document the communication or request. The
 42 documentation described in this subsection must be provided to the director or other similar man-
 43 agement personnel of the public body.

44 (b) The public body shall submit the information documented under this subsection to the
 45 Oregon Criminal Justice Commission pursuant to procedures established by the commission. The

1 commission shall require at least monthly submission of the information described in this subsection.

2 (c) A public body shall adopt internal procedures to carry out this subsection.

3 (4)(a) The commission shall publish and continually update, on a website operated by or on be-
4 half of the commission, an entry for each communication or request described in subsection (3) of
5 this section, the public body that received the communication or request, the federal agency in-
6 volved in the communication or that made the request and a summary of the public body's response
7 to the communication or request.

8 (b) The information contained on the website described in this subsection may not contain any
9 personally identifiable information of the individuals involved in the communication or request, in-
10 cluding of an individual targeted by federal immigration authorities, an individual who reported the
11 communication or request, an individual who witnessed the communication or request or report of
12 the communication or request or the family members of an individual described in this paragraph.

13 (c)(A) Information obtained by the commission under this subsection may be used only for sta-
14 tistical purposes and coordination with the sanctuary violation reporting mechanism established
15 under ORS 181A.827.

16 (B) Information described in this subsection that may reveal the identity of an individual de-
17 scribed in paragraph (b) of this subsection is exempt from disclosure under ORS 192.311 to 192.478.

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

22 (d) Not later than July 1, 2022, and at least annually thereafter, the commission shall issue a
23 report that summarizes the information reported to the commission and published on the website
24 described in this subsection. The commission shall provide the report to the Governor, the Legisla-
25 tive Assembly, the district attorneys of this state, the Department of State Police, each law
26 enforcement agency in this state and the Department of Public Safety Standards and Training.

27 (5) Any person may bring a civil action against a law enforcement agency or public body that
28 violates subsection (1) of this section to enjoin the violation.

29 **SECTION 5. This 2025 Act being necessary for the immediate preservation of the public**
30 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**
31 **on its passage.**

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