

# House Bill 2466

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary for Oregon District Attorneys Association)

## 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:** 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; amending ORS 181A.823 and  
3 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, privileges or opportunities  
8 to an individual in custody, or on parole, probation or post-prison supervision, on the basis of known  
9 or suspected immigration status, the existence of an immigration detainer, hold, notification or other  
10 related federal immigration request or a civil immigration warrant;

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

13 (A) The information is required to advance an investigation into a violation of state or local  
14 criminal law;

15 (B) The information is submitted to a court of this state, whether orally or in writing, in con-  
16 nection with a proceeding in that court; or

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

19 (c) Provide information, **or enter into an agreement to provide information**, about an indi-  
20 vidual in the custody of the public body or law enforcement agency to a federal immigration au-  
21 thority for the purpose of civil immigration enforcement, except:

22 (A) As may be required by a judicial subpoena issued as part of a court proceeding or by an-  
23 other compulsory court-issued legal process; [*or*]

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

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

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

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

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

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

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

14 (5) Subsection (1)(b) of this section does not prohibit the Oregon Health Authority or the De-  
 15 partment of Human Services from inquiring into or collecting data about country of birth in con-  
 16 nection with data collected in accordance with uniform standards adopted under ORS 413.161.

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

18 181A.826. (1) Public facilities, property, moneys, equipment, technology or personnel may not be  
 19 used for the purpose of investigating, detecting, apprehending, arresting, detaining or holding indi-  
 20 viduals for immigration enforcement.

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

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

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

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

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

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

33 (3)(a) If a public body receives a communication or request from a federal agency that relates  
 34 to immigration enforcement, other than a judicial subpoena described in ORS 181A.823 (1)(c)(A)[,]  
 35 **or a communication or request made pursuant to an international extradition under ORS**  
 36 **181A.823 (1)(c)(B)**, the public body shall decline the request and document the communication or  
 37 request. The documentation described in this subsection must be provided to the director or other  
 38 similar management personnel of the public body.

39 (b) The public body shall submit the information documented under this subsection to the  
 40 Oregon Criminal Justice Commission pursuant to procedures established by the commission. The  
 41 commission shall require at least monthly submission of the information described in this subsection.

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

43 (4)(a) The commission shall publish and continually update, on a website operated by or on be-  
 44 half of the commission, an entry for each communication or request described in subsection (3)  
 45 of this section, the public body that received the communication or request, the federal agency in-

1 volved in the communication or that made the request and a summary of the public body's response  
 2 to the communication or request.

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

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

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

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

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

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

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