

HB 4111 A -A9 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 2/23, 2/25

WHAT THE MEASURE DOES:

The measure generally renders an individual's immigration status inadmissible in a civil proceeding unless such status is an essential element of a party's claim. It establishes two employment-claim exceptions, allowing the introduction of immigration status-related evidence through a confidential post-trial filing: 1) for a final removal order in an immigration proceeding solely to calculate damages for future wage loss, and 2) for a federal work authorization if the party was awarded reinstatement to a position. If a party moves to submit immigration-related evidence at trial, the measure directs the court to hold a hearing outside the jury's presence and to render all related materials confidential. The measure prohibits an employer from taking an adverse action against an employee for updating personal information to reflect a lawful change to their federal employment authorization. It states that it is legal for an employer to comply with federal employment authorization verification requirements. The measure protects employers if a third-party benefits administrator independently takes adverse action in response to changes in the employee's personal information or federal employment authorizations. It also prohibits law enforcement officers from profiling a person based on immigration status. The measure takes effect on the 91st day following adjournment sine die.

REVENUE: *No revenue impact*

FISCAL: *Has minimal fiscal impact*

House Vote: Ayes, 34; Nays, 19

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-A9 Directs state and local law enforcement agencies to cooperate with any federal immigration authority in carrying out actions regarding any person convicted of a felony under Oregon law.

BACKGROUND:

Under both the state and federal evidentiary codes, evidence may be excluded from judicial proceedings if its probative value is substantially outweighed by the danger of unfair prejudice (see ORS 40.160 (OEC 403) and FRE 403). In Washington State, evidence of immigration status is generally inadmissible in civil cases unless immigration status is an element of a party's cause of action.

ORS 659A.006 prohibits employment discrimination based on race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, age, disability, or familial status. Immigrants make up [12.5 percent](#) of Oregon's workforce.

ORS 131.920 prohibits law enforcement profiling. ORS 131.930 defines such profiling as the targeting of an individual based solely on their real or perceived age, race, ethnicity, color, national origin, language, sex, gender identity, sexual orientation, political affiliation, religion, homelessness, or disability. Oregon law also establishes associated law enforcement policies, reporting, and training requirements.