

# Minority Report

## B-Engrossed

# House Bill 4111

Ordered by the Senate March 3  
Including House Amendments dated February 18 and Senate Minority  
Report Amendments dated March 3

Sponsored by nonconcurring members of the Senate Committee on Judiciary: Senators MCLANE, THATCHER

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

**Digest: The Act says that data about a party's or a witness's immigration status may not be used in a civil case. The Act makes some exceptions. The Act makes it unlawful for employers to punish employees for taking certain actions after a lawful change in their work authorization documents. The Act makes changes to the definition of "profiling." The Act says that state and local law enforcement and the DOC can work with federal immigration officers with respect to a person who is found guilty of a certain crime for which a victim was named in the charges. The Act becomes law 91 days after sine die. (Flesch Readability Score: 60.6).**

*[Digest: The Act says that data about a party's or a witness's immigration status may not be used in a civil case. The Act makes some exceptions. The Act makes it unlawful for employers to punish employees for taking certain actions after a lawful change in their work authorization documents. The Act makes changes to the definition of "profiling." The Act becomes law 91 days after sine die. (Flesch Readability Score: 60.6).]*

Provides that evidence of a party's or a witness's immigration status is not admissible as evidence in a civil proceeding. Provides exceptions.

Makes it unlawful for employers to discriminate, retaliate or take other adverse action against an employee because the employee updates, or attempts to update, the employee's personal information based on a lawful change to the employee's employment authorization documentation. Clarifies what actions constitute an unlawful practice.

For purposes of law enforcement profiling requirements, modifies the definition of "profiling" to include immigration status.

**Permits state and local law enforcement agencies, including the Department of Corrections, to coordinate with any federal immigration authority to carry out actions concerning persons convicted of certain felony crimes.**

Takes effect on the 91st day following adjournment sine die.

### A BILL FOR AN ACT

1  
2 Relating to immigration-related practices; creating new provisions; amending ORS 131.915, 131.930  
3 and 659A.885; and prescribing an effective date.

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

### ADMISSIBILITY OF EVIDENCE IN CIVIL CASES

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8 **SECTION 1. Section 2 of this 2026 Act is added to and made a part of ORS chapter 40.**

9 **SECTION 2. (1) Except as otherwise allowed in this section, evidence of a party's or a**  
10 **witness's immigration status is not admissible in a civil proceeding unless the party's or**  
11 **witness's immigration status is an essential fact to prove an element of a party's cause of**  
12 **action or essential to establish a party's claim for relief.**

**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 cluding but not limited to reinstatement or the hiring of employees with or without back pay. A  
2 court may order back pay in an action under this subsection only for the two-year period imme-  
3 diately preceding the filing of a complaint under ORS 659A.820 with the Commissioner of the Bureau  
4 of Labor and Industries, or if a complaint was not filed before the action was commenced, the two-  
5 year period immediately preceding the filing of the action. In any action under this subsection, the  
6 court may allow the prevailing party costs and reasonable attorney fees at trial and on appeal. Ex-  
7 cept as provided in subsection (3) of this section:

8 (a) The judge shall determine the facts in an action under this subsection; and

9 (b) Upon any appeal of a judgment in an action under this subsection, the appellate court shall  
10 review the judgment pursuant to the standard established by ORS 19.415 (3).

11 (2) An action may be brought under subsection (1) of this section alleging a violation of:

12 (a) ORS 10.090, 10.092, 25.337, 25.424, 171.120, 243.323, 408.230, 408.237 (2), 468B.519, 475C.285,  
13 476.574, 652.020, 652.220, 652.355, 653.060, 653.263, 653.265, 653.547, 653.549, 653.601 to 653.661,  
14 657B.060, 657B.070, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.063, 659A.069, 659A.082,  
15 659A.088, 659A.103 to 659A.145, 659A.147, 659A.150 to 659A.186, 659A.194, 659A.199, 659A.203,  
16 659A.218, 659A.228, 659A.230, 659A.233, 659A.236, 659A.250 to 659A.262, 659A.277, 659A.290,  
17 659A.300, 659A.306, 659A.309, 659A.315, 659A.318, 659A.320, 659A.343, 659A.355, 659A.357, 659A.370  
18 or 659A.421 **or section 4 of this 2026 Act**; or

19 (b) ORS 653.470, except an action may not be brought for a claim relating to ORS 653.450.

20 (3) In any action under subsection (1) of this section alleging a violation of ORS 25.337, 25.424,  
21 243.323, 652.220, 652.355, 653.547, 653.549, 657B.060, 657B.070, 659.852, 659A.030, 659A.040, 659A.043,  
22 659A.046, 659A.069, 659A.082, 659A.103 to 659A.145, 659A.199, 659A.203, 659A.228, 659A.230,  
23 659A.250 to 659A.262, 659A.290, 659A.318, 659A.343, 659A.355, 659A.357, 659A.370 or 659A.421 **or**  
24 **section 4 of this 2026 Act**:

25 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,  
26 compensatory damages or \$200, whichever is greater, and punitive damages;

27 (b) At the request of any party, the action shall be tried to a jury;

28 (c) Upon appeal of any judgment finding a violation, the appellate court shall review the judg-  
29 ment pursuant to the standard established by ORS 19.415 (1); and

30 (d) Any attorney fee agreement shall be subject to approval by the court.

31 (4) Notwithstanding ORS 31.730, in an action under subsection (1) of this section alleging a vi-  
32 olation of ORS 652.220, the court may award punitive damages if:

33 (a) It is proved by clear and convincing evidence that an employer has engaged in fraud, acted  
34 with malice or acted with willful and wanton misconduct; or

35 (b) An employer was previously adjudicated in a proceeding under this section or under ORS  
36 659A.850 for a violation of ORS 652.220.

37 (5) In any action under subsection (1) of this section alleging a violation of ORS 653.060 or  
38 659A.147, the court may award, in addition to the relief authorized under subsection (1) of this sec-  
39 tion, compensatory damages or \$200, whichever is greater.

40 (6) In any action under subsection (1) of this section alleging a violation of ORS 171.120, 476.574  
41 or 659A.218, the court may award, in addition to the relief authorized under subsection (1) of this  
42 section, compensatory damages or \$250, whichever is greater.

43 (7) In any action under subsection (1) of this section alleging a violation of ORS 10.090 or 10.092,  
44 the court may award, in addition to the relief authorized under subsection (1) of this section, a civil  
45 penalty in the amount of \$720.

1 (8) Any individual against whom any distinction, discrimination or restriction on account of  
2 race, color, religion, sex, sexual orientation, gender identity, national origin, marital status or age,  
3 if the individual is 18 years of age or older, has been made by any place of public accommodation,  
4 as defined in ORS 659A.400, by any employee or person acting on behalf of the place or by any  
5 person aiding or abetting the place or person in violation of ORS 659A.406 may bring an action  
6 against the operator or manager of the place, the employee or person acting on behalf of the place  
7 or the aider or abettor of the place or person. Notwithstanding subsection (1) of this section, in an  
8 action under this subsection:

9 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,  
10 compensatory and punitive damages;

11 (b) The operator or manager of the place of public accommodation, the employee or person  
12 acting on behalf of the place, and any aider or abettor shall be jointly and severally liable for all  
13 damages awarded in the action;

14 (c) At the request of any party, the action shall be tried to a jury;

15 (d) The court shall award reasonable attorney fees to a prevailing plaintiff;

16 (e) The court may award reasonable attorney fees and expert witness fees incurred by a de-  
17 fendant who prevails only if the court determines that the plaintiff had no objectively reasonable  
18 basis for asserting a claim or no reasonable basis for appealing an adverse decision of a trial court;  
19 and

20 (f) Upon any appeal of a judgment under this subsection, the appellate court shall review the  
21 judgment pursuant to the standard established by ORS 19.415 (1).

22 (9) When the commissioner or the Attorney General has reasonable cause to believe that a  
23 person or group of persons is engaged in a pattern or practice of resistance to the rights protected  
24 by ORS 659A.145 or 659A.421 or federal housing law, or that a group of persons has been denied  
25 any of the rights protected by ORS 659A.145 or 659A.421 or federal housing law, the commissioner  
26 or the Attorney General may file a civil action on behalf of the aggrieved persons in the same  
27 manner as a person or group of persons may file a civil action under this section. In a civil action  
28 filed under this subsection, the court may assess against the respondent, in addition to the relief  
29 authorized under subsections (1) and (3) of this section, a civil penalty:

30 (a) In an amount not exceeding \$50,000 for a first violation; and

31 (b) In an amount not exceeding \$100,000 for any subsequent violation.

32 (10) In any action under subsection (1) of this section alleging a violation of ORS 659A.145 or  
33 659A.421 or alleging discrimination under federal housing law, when the commissioner is pursuing  
34 the action on behalf of an aggrieved complainant, the court shall award reasonable attorney fees to  
35 the commissioner if the commissioner prevails in the action. The court may award reasonable at-  
36 torney fees and expert witness fees incurred by a defendant that prevails in the action if the court  
37 determines that the commissioner had no objectively reasonable basis for asserting the claim or for  
38 appealing an adverse decision of the trial court.

39 (11) In an action under subsection (1) or (9) of this section alleging a violation of ORS 659A.145  
40 or 659A.421 or discrimination under federal housing law:

41 (a) "Aggrieved person" includes a person who believes that the person:

42 (A) Has been injured by an unlawful practice or discriminatory housing practice; or

43 (B) Will be injured by an unlawful practice or discriminatory housing practice that is about to  
44 occur.

45 (b) An aggrieved person in regard to issues to be determined in an action may intervene as of

1 right in the action. The Attorney General may intervene in the action if the Attorney General cer-  
2 tifies that the case is of general public importance. The court may allow an intervenor prevailing  
3 party costs and reasonable attorney fees at trial and on appeal.

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5 **LAW ENFORCEMENT PROFILING**

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7 **SECTION 6.** ORS 131.915 is amended to read:

8 131.915. As used in ORS 131.915 to 131.925:

9 (1) "Gender identity" has the meaning given that term in ORS 174.100.

10 (2) "Law enforcement agency" means:

11 (a) The Department of State Police;

12 (b) The Department of Justice;

13 (c) A district attorney's office; and

14 (d) Any of the following that maintains a law enforcement unit as defined in ORS 181A.355:

15 (A) A political subdivision or an instrumentality of the State of Oregon.

16 (B) A municipal corporation of the State of Oregon.

17 (C) A tribal government.

18 (D) A university.

19 (3) "Law enforcement officer" means:

20 (a) A member of the Oregon State Police;

21 (b) A sheriff, constable, marshal, municipal police officer or reserve officer or a police officer  
22 commissioned by a university under ORS 352.121 or 353.125;

23 (c) An investigator of a district attorney's office if the investigator is or has been certified as  
24 a law enforcement officer in this or any other state;

25 (d) An investigator of the Criminal Justice Division of the Department of Justice;

26 (e) A humane special agent as defined in ORS 181A.345;

27 (f) A judicial marshal of the Marshal's Office of the Judicial Department who is appointed under  
28 ORS 1.177 and trained pursuant to ORS 181A.540;

29 (g) A regulatory specialist exercising authority described in ORS 471.775 (2); or

30 (h) An authorized tribal police officer as defined in ORS 181A.940.

31 (4) "Profiling" means the targeting of an individual by a law enforcement agency or a law  
32 enforcement officer, on suspicion of the individual's having violated a provision of law, based solely  
33 on the individual's real or perceived age, race, ethnicity, color, national origin, **immigration status**,  
34 language, sex, gender identity, sexual orientation, political affiliation, religion, homelessness or dis-  
35 ability, unless the agency or officer is acting on a suspect description or information related to an  
36 identified or suspected violation of a provision of law.

37 (5) "Sexual orientation" has the meaning given that term in ORS 174.100.

38 **SECTION 7.** ORS 131.930 is amended to read:

39 131.930. As used in ORS 131.930 to 131.945:

40 (1) "Gender identity" has the meaning given that term in ORS 174.100.

41 (2) "Law enforcement agency" means an agency employing law enforcement officers to enforce  
42 criminal laws.

43 (3) "Law enforcement officer" means a member of the Oregon State Police, a sheriff or a mu-  
44 nicipal police officer.

45 (4) "Officer-initiated pedestrian stop" means a detention of a pedestrian by a law enforcement

1 officer that is not associated with a call for service. The term does not apply to detentions for  
2 routine searches performed at the point of entry to or exit from a controlled area.

3 (5) "Officer-initiated traffic stop" means a detention of a driver of a motor vehicle by a law  
4 enforcement officer, not associated with a call for service, for the purpose of investigating a sus-  
5 pected violation of the Oregon Vehicle Code.

6 (6) "Profiling" means the targeting of an individual by a law enforcement agency or a law  
7 enforcement officer, on suspicion of the individual's having violated a provision of law, based solely  
8 on the individual's real or perceived age, race, ethnicity, color, national origin, **immigration status**,  
9 language, sex, gender identity, sexual orientation, political affiliation, religion, homelessness or dis-  
10 ability, unless the agency or officer is acting on a suspect description or information related to an  
11 identified or suspected violation of a provision of law.

12 (7) "Sexual orientation" has the meaning given that term in ORS 174.100.

13 **SECTION 8. Notwithstanding ORS 180.805, 181A.820 and 181A.822 to 181A.829 and any**  
14 **other law, all state and local law enforcement agencies in this state, including the Depart-**  
15 **ment of Corrections, may coordinate with any federal immigration authority, as defined in**  
16 **ORS 180.805, in carrying out any action concerning a person convicted of a felony for which**  
17 **there was a named victim in the indictment.**

18 **SECTION 9. The unit captions used in this 2026 Act are provided only for the convenience**  
19 **of the reader and do not become part of the statutory law of this state or express any leg-**  
20 **islative intent in the enactment of this 2026 Act.**

21 **SECTION 10. This 2026 Act takes effect on the 91st day after the date on which the 2026**  
22 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**

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