

Date:	February 4, 2026
To:	Chair Kropf, Vice Chair Chotzen, Vice Chair Wallan, Members of the House Judiciary Committee
From:	Association of Oregon Counties Legislative Affairs Manager Tim Dooley
Subject:	HB 4138 – Oppose as written

Thank you for the opportunity to submit testimony on HB 4138. The Association of Oregon Counties represents Oregon’s county governments and is only opposed to the causes of action contained in sections 1, 5, and 18 of the -3 amendment.

AOC appreciates the engagement from the bill sponsor and the Chair in hearing the concerns from local governments about the ability to implement these policies and the costs associated with this bill and working to minimize them from where the base bill started.

AOC does not have a position on the masking, uniform, or task force provisions of the bill, though we note that there may be unintended consequences of these task force requirements, which could prevent local Oregon law enforcement and district attorneys from federal cross-deputization that facilitates our ability to investigate and prosecute serious criminal activity that victimizes Oregonians.

Similarly, we are concerned about how public employees will implement the information sharing requirements in the bill, which is substantially broader than is currently our practice in the Sanctuary Promise Act, and has implications for the routine access to shared databases used for criminal investigations between local, state, and federal agencies.

Counties do not believe that including a cause of action is the right way to resolve disputes over the way an agency implements policy or if an employee violates that policy. Local governments will allocate very scarce tax dollars toward defending claims instead of providing services to our residents. We appreciate Rep. Chaichi’s acknowledgement that this bill is not a reflection of how local governments interact with Oregonians as we enforce laws and promote public safety in a fair and impartial manner for all residents, regardless of immigration status. Given this acknowledgment, counties request that this private right of action be removed from the bill so that we can focus on service delivery instead diverting resources to attorney costs.

We echo the concerns of our colleagues from the Sheriffs’ Association and the School Boards Association and join them in “positive opposition” to the as written bill and look forward to continuing the discussion on how to resolve our concerns.

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