

# House Bill 2805

Sponsored by Representative THATCHER (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**.

Prohibits state agencies from providing employment, products, services or licenses to persons who are not lawfully present in United States.

Imposes penalty of five years' imprisonment, \$125,000 fine, or both, for knowingly making false affidavit or declaration of resident status to obtain employment, products, services or license.

## A BILL FOR AN ACT

1  
2 Relating to illegal aliens.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Benefits" means financial assistance, products or services furnished by a state**  
6 **agency and paid for, in whole or in part, with public funds.**

7 (b) **"Lawfully present" or "lawful presence" means a person is a United States citizen or**  
8 **has a lawful immigration status in accordance with United States immigration laws.**

9 (c) **"State agency" has the meaning given that term in ORS 183.750.**

10 (2) **Except as provided in subsection (3) of the section, a state agency may not employ**  
11 **or provide benefits to a person 18 years of age or older who is not lawfully present in the**  
12 **United States. A state agency shall verify lawful presence in the manner provided in sub-**  
13 **sections (4) and (5) of this section.**

14 (3) **A state agency may not require a person seeking benefits to verify lawful presence**  
15 **if verification is not readily available and the person is seeking:**

16 (a) **Health care services that are necessary for the treatment of an emergency medical**  
17 **condition including labor or delivery;**

18 (b) **Emergency disaster relief;**

19 (c) **Immunizations;**

20 (d) **Testing for communicable diseases and treatment of symptoms of communicable dis-**  
21 **eases;**

22 (e) **In-kind services that are delivered in the community through public or private**  
23 **nonprofit entities, that are necessary for the protection of life or safety and that are not**  
24 **means tested;**

25 (f) **Prenatal care; or**

26 (g) **Primary or secondary education.**

27 (4) **The verification requirement in subsection (2) of this section is met if the person**  
28 **seeking employment or benefits:**

29 (a) **Has a valid United States passport;**

30 (b) **Has a valid Social Security number or identifying number issued by the United States**

**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 Department of Homeland Security;

2 (c) Has a temporary or permanent driver license or identification card issued by a state  
3 that requires proof of citizenship or legal status;

4 (d) Has a document issued by the United States Department of Homeland Security  
5 showing lawful presence in the United States;

6 (e) Has a birth certificate showing birth in the United States; or

7 (f) Is receiving or has received aid through a public assistance program that requires  
8 verification of citizenship or legal immigration status in the United States or through the  
9 federal Supplemental Nutrition Assistance Program.

10 (5) State agencies shall use available federal and state matching databases to verify law-  
11 ful presence as required by subsection (2) of this section.

12 **SECTION 2.** (1) As used in this section:

13 (a) "Lawfully present" means a person is a United States citizen or has a lawful immi-  
14 gration status in accordance with United States immigration laws.

15 (b) "License" means any written authority required by law or regulation as a prerequisite  
16 to the conduct of a business, trade or profession.

17 (c) "State agency" has the meaning given that term in ORS 183.750.

18 (2) A person may not obtain a license from a state agency if the person is not lawfully  
19 present in the United States.

20 (3) A state agency may suspend, revoke or refuse to renew a license if the licensee is not  
21 lawfully present in the United States.

22 (4) An agency suspending, revoking or refusing to renew a license under subsection (3)  
23 of this section shall afford the licensee an opportunity for a hearing under ORS 183.413 to  
24 183.470.

25 **SECTION 3.** (1) A person who knowingly makes a false, fictitious or fraudulent statement  
26 in an affidavit or a declaration of lawful presence under section 1 or 2 of this 2011 Act is  
27 guilty of a violation of ORS 162.065. It is a separate violation of ORS 162.065 each time a  
28 person seeks employment, benefits or a license based upon an affidavit or declaration that  
29 contains a false, fictitious or fraudulent statement.

30 (2) As used in this section, "declaration" means a sworn statement described in ORCP 1  
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