

HB 2932 STAFF MEASURE SUMMARY

Carrier: Rep. Williamson

House Committee On Judiciary

Action Date: 04/04/19

Action: Do Pass.

Vote: 7-4-0-0

Yeas: 7 - Barker, Bynum, Gorsek, Greenlick, Piluso, Power, Williamson

Nays: 4 - Lewis, McLane, Sprenger, Stark

Fiscal: No fiscal impact

Revenue: No revenue impact

Prepared By: Gillian Fischer, Counsel

Meeting Dates: 3/18, 4/4

WHAT THE MEASURE DOES:

Requires courts to provide a defendant additional time to consider a decision to enter a plea of guilty or no contest after informing the defendant of potential immigration consequences relating to criminal convictions. Prohibits courts from inquiring into a defendant's immigration status or requiring a defendant to disclose the defendant's immigration status at any time during a criminal proceeding. Includes within required notices a court must give defendants, that a criminal conviction may result in removal proceedings for non-citizens of the United States. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Undocumented individuals fearful of attending court proceedings due to potential immigration consequences
- Measure only prohibits courts from inquiring of defendant's immigration status, not witness or victims
- Removes opportunity for bias from court based on immigration status

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

ORS 135.385 requires courts, prior to accepting a plea of guilty or no contest to a criminal charge, inform the defendant of certain rights and consequences associated with a defendant's entry of a plea. Included in the statute is the requirement that a court notify the defendant that if they are not a citizen of the United States, a conviction of a crime may result in deportation or exclusion from admission into the United States.

House Bill 2932 prohibits inquiry into a defendant's citizenship status at any time during a criminal proceeding.