

**HB 2932 STAFF MEASURE SUMMARY**

**Carrier:** Sen. Manning Jr

**Senate Committee On Judiciary**

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**Action Date:** 05/13/19

**Action:** Do pass.

**Vote:** 4-0-0-3

**Yeas:** 4 - Fagan, Gelser, Manning Jr, Prozanski

**Abs:** 3 - Bentz, Linthicum, Thatcher

**Fiscal:** No fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Gillian Fischer, Counsel

**Meeting Dates:** 4/25, 5/13

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**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
- Other examples of limitations on what courts may consider

**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.