

# Enrolled House Bill 2932

Sponsored by Representative HERNANDEZ, Senator MANNING JR, Representatives WILLIAMSON, POWER, Senator DEMBROW; Representatives ALONSO LEON, BARKER, BYNUM, GORSEK, GREENLICK, KENY-GUYER, MCLAIN, NOSSE, PILUSO, REARDON, SALINAS, SANCHEZ, SMITH WARNER, SOLLMAN, Senators FAGAN, FREDERICK, GELSER, PROZANSKI, ROBLAN, TAYLOR, WAGNER

CHAPTER .....

AN ACT

Relating to the immigration status of criminal defendants; creating new provisions; amending ORS 135.385; and declaring an emergency.

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

**SECTION 1.** ORS 135.385 is amended to read:

135.385. (1) The court shall not accept a plea of guilty or no contest to a felony or other charge on which the defendant appears in person without first addressing the defendant personally and determining that the defendant understands the nature of the charge.

(2) The court shall inform the defendant:

(a) That by a plea of guilty or no contest the defendant waives the right:

(A) To trial by jury;

(B) Of confrontation; and

(C) Against self-incrimination.

(b) Of the maximum possible sentence on the charge, including the maximum possible sentence from consecutive sentences.

(c) When the offense charged is one for which a different or additional penalty is authorized by reason of the fact that the defendant may be adjudged a dangerous offender, that this fact may be established after a plea in the present action, thereby subjecting the defendant to different or additional penalty.

(d) That if the defendant is not a citizen of the United States conviction of a crime may result, under the laws of the United States, in **removal proceedings**, deportation, exclusion from admission to the United States or denial of naturalization.

(e) That if the defendant is entering a guilty plea pursuant to a plea offer and agreed disposition recommendation under ORS 135.405, the court will agree to impose sentence as provided in the agreed disposition recommendation.

(f) That if the defendant enters a plea of guilty or no contest to an offense involving domestic violence, as defined in ORS 135.230, and is convicted of the offense, federal law may prohibit the defendant from possessing, receiving, shipping or transporting any firearm or firearm ammunition and that the conviction may negatively affect the defendant's ability to serve in the Armed Forces of the United States as defined in ORS 348.282 or to be employed in law enforcement.

(3) At the time of the plea, including while informing the defendant under subsection (2)(d) of this section, the court may not inquire into the defendant's immigration status or require the defendant to disclose the defendant's immigration status.

(4) After informing the defendant under subsection (2)(d) of this section, upon the defendant's request, the court shall allow the defendant additional time to consider the decision to enter a plea of guilty or no contest.

**SECTION 2.** (1) The court may not inquire into a defendant's immigration status, and may not require a defendant to disclose the defendant's immigration status, at any time during a criminal proceeding.

(2) Subsection (1) of this section does not prohibit a defendant from knowingly and voluntarily disclosing to the court the defendant's immigration status at any time during the criminal proceeding.

**SECTION 3.** This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.

Passed by House April 16, 2019

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 12, 2019

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2019

Approved:

.....M.,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2019

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Bev Clarno, Secretary of State