

# 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

## 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 court from inquiring into defendant's immigration status or requiring defendant to disclose defendant's immigration status at time of plea or at any other time during criminal proceeding. Requires court to allow defendant, upon request, additional time for plea decision after informing defendant about possible adverse immigration consequences of plea.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to the immigration status of criminal defendants; creating new provisions; amending ORS  
3 135.385; and declaring an emergency.

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

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

6 135.385. (1) The court shall not accept a plea of guilty or no contest to a felony or other charge  
7 on which the defendant appears in person without first addressing the defendant personally and  
8 determining that the defendant understands the nature of the charge.

9 (2) The court shall inform the defendant:

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

11 (A) To trial by jury;

12 (B) Of confrontation; and

13 (C) Against self-incrimination.

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

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

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

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

26 (f) That if the defendant enters a plea of guilty or no contest to an offense involving domestic  
27 violence, as defined in ORS 135.230, and is convicted of the offense, federal law may prohibit the  
28 defendant from possessing, receiving, shipping or transporting any firearm or firearm ammunition

**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 and that the conviction may negatively affect the defendant's ability to serve in the Armed Forces  
2 of the United States as defined in ORS 348.282 or to be employed in law enforcement.

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

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

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

12 **(2) Subsection (1) of this section does not prohibit a defendant from knowingly and vol-**  
13 **untarily disclosing to the court the defendant's immigration status at any time during the**  
14 **criminal proceeding.**

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

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