

Requested by Representative ALONSO LEON

**PROPOSED AMENDMENTS TO
HOUSE BILL 3265**

1 On page 1 of the printed bill, delete lines 5 through 21 and delete pages
2 2 through 6 and insert:

3 **“SECTION 1. As used in sections 1 to 6 of this 2021 Act:**

4 **“(1) ‘Court facility’ means a building or space occupied or used by**
5 **a court of this state or local jurisdiction of this state, and any adjacent**
6 **property including, but not limited to, sidewalks, parking area, grass**
7 **or landscaped area, plazas, court-related offices, commercial and gov-**
8 **ernmental spaces within the building or space and entrances to and**
9 **exits from the building or space.**

10 **“(2) ‘Federal immigration authority’ means the United States De-**
11 **partment of Homeland Security, the United States Immigration and**
12 **Customs Enforcement, the United States Citizenship and Immigration**
13 **Services, the United States Customs and Border Protection or a suc-**
14 **cessor agency, any other federal immigration agency or official, or any**
15 **other entity to which a federal immigration agency delegates or as-**
16 **signs the authority to detect, investigate or enforce violations of im-**
17 **migration law.**

18 **“(3) ‘Immigration enforcement’ means any activity that has as a**
19 **purpose the apprehension or identification of an individual in order to:**

20 **“(a) Subject the individual to civil immigration arrest, civil immi-**
21 **gration detention, removal or deportation proceedings or removal or**

1 **deportation from the United States; or**

2 **“(b) Criminally prosecute the individual for offenses related to fed-**
3 **eral laws regarding immigration status.**

4 **“(4) ‘Law enforcement agency’ means:**

5 **“(a) County sheriffs, municipal police departments, police depart-**
6 **ments established by a university under ORS 352.121 or 353.125;**

7 **“(b) The Oregon State Police; and**

8 **“(c) Corrections officers.**

9 **“(5) ‘Officer’ means an individual employed or contracted as an of-**
10 **ficer of a law enforcement agency whether or not the individual is on**
11 **duty.**

12 **“(6) ‘Public body’ has the meaning given that term in ORS 174.109.**

13 **“SECTION 2. (1) A law enforcement agency or public body may not:**

14 **“(a) Except as required by state or federal law, deny services, ben-**
15 **efits, privileges or opportunities to an individual in custody, or on**
16 **parole, probation or post-prison supervision, on the basis of known or**
17 **suspected immigration status, the existence of an immigration**
18 **detainer, hold, notification or other related federal immigration re-**
19 **quest or a civil immigration warrant.**

20 **“(b) Inquire into or collect information about an individual’s im-**
21 **migration or citizenship status or country of birth unless:**

22 **“(A) The information is required to advance an investigation into**
23 **a violation of state or local criminal law;**

24 **“(B) The information is submitted to a court of this state, whether**
25 **orally or in writing, in connection with a proceeding in that court; or**

26 **“(C) As necessary to determine the individual’s eligibility for a**
27 **benefit that the individual is seeking; or**

28 **“(c) Provide information about an individual in the custody of the**
29 **public body or law enforcement agency to a federal immigration au-**
30 **thority for the purpose of civil immigration enforcement, except:**

1 “(A) As may be required by a judicial subpoena issued as part of a
2 court proceeding or by another compulsory court-issued legal process;
3 or

4 “(B) To the extent that the information is available to the general
5 public and under the same terms and conditions as the information is
6 available to the general public.

7 “(2) For purposes of subsection (1)(c)(A) of this section, a judicial
8 subpoena does not include an administrative subpoena created and
9 signed by a federal immigration authority.

10 “(3) To ensure compliance with all treaty obligations, including
11 consular notification, and state and federal laws, on the commitment
12 or detainment of an individual, a law enforcement agency shall explain
13 to the individual in writing, with interpretation into another language
14 if requested:

15 “(a) The individual’s right to refuse to disclose the individual’s
16 nationality, citizenship or immigration status; and

17 “(b) That disclosure of the individual’s nationality, citizenship or
18 immigration status may result in civil or criminal immigration
19 enforcement, including removal from the United States.

20 “(4) Any person may bring a civil action against a law enforcement
21 agency or public body that violates subsections (1) to (3) of this section
22 to enjoin the violation.

23 “SECTION 3. (1) Public facilities, property, moneys, equipment,
24 technology or personnel may not be used for the purpose of investi-
25 gating, detecting, apprehending, arresting, detaining or holding indi-
26 viduals for immigration enforcement.

27 “(2) Actions with a purpose described in subsection (1) of this sec-
28 tion include, but are not limited to, the following:

29 “(a) Granting a federal immigration agency access to an area of a
30 facility that is not normally open to the public.

1 **“(b) Supporting or assisting a federal agency in immigration**
2 **enforcement, including but not limited to any of the following:**

3 **“(A) Providing information, including but not limited to an**
4 **individual’s contact information, country of birth, custody status, re-**
5 **lease date, parole, probation or post-prison supervision appointment**
6 **dates or times, or home or work address, except as provided in section**
7 **2 of this 2021 Act;**

8 **“(B) Investigating or interrogating individuals for immigration**
9 **enforcement; or**

10 **“(C) Establishing traffic perimeters for the purpose of supporting**
11 **or facilitating immigration enforcement.**

12 **“(3)(a) If a public body receives a communication or request from**
13 **a federal agency that relates to immigration enforcement, other than**
14 **a judicial subpoena described in section 2 (1)(c)(A) of this 2021 Act, the**
15 **public body shall decline the request and document the communication**
16 **or request. The documentation described in this subsection must be**
17 **provided to the director or other similar management personnel of the**
18 **public body.**

19 **“(b) The public body shall submit the information documented un-**
20 **der this subsection to the Oregon Criminal Justice Commission pur-**
21 **suant to procedures established by the commission. The commission**
22 **shall require at least monthly submission of the information described**
23 **in this subsection.**

24 **“(c) A public body shall adopt internal procedures to carry out this**
25 **subsection.**

26 **“(4)(a) The commission shall publish and continually update, on a**
27 **website operated by or on behalf of the commission, an entry for each**
28 **communication or request described in subsection (3) of this section,**
29 **the public body that received the communication or request, the fed-**
30 **eral agency involved in the communication or that made the request**

1 and a summary of the public body’s response to the communication
2 or request.

3 “(b) The information contained on the website described in this
4 subsection may not contain any personally identifiable information of
5 the individuals involved in the communication or request, including
6 of an individual targeted by federal immigration authorities, an indi-
7 vidual who reported the communication or request, an individual who
8 witnessed the communication or request or report of the communi-
9 cation or request or the family members of an individual described in
10 this paragraph.

11 “(c)(A) Information obtained by the commission under this sub-
12 section may be used only for statistical purposes and coordination with
13 the sanctuary violation reporting mechanism established under section
14 4 of this 2021 Act.

15 “(B) Information described in this subsection that may reveal the
16 identity of an individual described in paragraph (b) of this subsection
17 is exempt from disclosure under ORS 192.311 to 192.478.

18 “(C) Pursuant to a request from the Department of Justice, the
19 commission may release to the department information described in
20 this subsection that is necessary to investigate a report made to the
21 sanctuary violation reporting mechanism established under section 4
22 of this 2021 Act if the information is used to support an individual
23 described in paragraph (b) of this subsection.

24 “(d) Not later than July 1, 2022, and at least annually thereafter,
25 the commission shall issue a report that summarizes the information
26 reported to the commission and published on the website described in
27 this subsection. The commission shall provide the report to the Gov-
28 ernor, the Legislative Assembly, the district attorneys of this state,
29 the Department of State Police, each law enforcement agency in this
30 state and the Department of Public Safety Standards and Training.

1 “(5) Any person may bring a civil action against a law enforcement
2 agency or public body that violates subsection (1) of this section to
3 enjoin the violation.

4 “SECTION 4. (1) The Department of Justice shall establish a sanc-
5 tuary violation reporting mechanism to receive reports of alleged vio-
6 lations of sections 2 and 3 of this 2021 Act and ORS 180.805 and
7 181A.820. The sanctuary violation reporting mechanism must include
8 a staffed telephone hotline and an online system that allows for elec-
9 tronic reporting.

10 “(2) The sanctuary violation reporting mechanism must:

11 “(a) Be coordinated with the Oregon Criminal Justice Commission
12 to develop a standardized intake process for reports made through the
13 hotline or online system;

14 “(b) Collect all data possible regarding agencies, personnel, lo-
15 cations and individuals involved with violations reported through the
16 hotline or online system;

17 “(c) Provide culturally competent assistance, referrals and re-
18 sources to an individual targeted by a violation reported through the
19 hotline or online system, and ensure that the assistance, referrals and
20 resources are designed to reduce the effects of trauma and prevent
21 further trauma; and

22 “(d) Coordinate with local organizations and service providers to
23 assist individuals targeted by violations reported through the hotline
24 or online system and families of those individuals.

25 “(3) The department, in coordination with the commission, shall
26 publish and continually update, on a website operated by or on behalf
27 of the department:

28 “(a) The number of complaints received by the mechanism estab-
29 lished under subsection (1) of this section; and

30 “(b) An entry for each complaint, including the alleged violation,

1 the federal agency implicated in the complaint and public bodies or
2 agencies involved in the incident and the response of the public bodies
3 and agencies.

4 “(4) The information contained on the website described in sub-
5 section (3) of this section may not contain any personally identifiable
6 information of the individuals involved in the incident on which the
7 complaint is based.

8 “(5) Information and data obtained under this section:

9 “(a) May be used only for the purposes described in this section; and

10 “(b) Is exempt from public disclosure under ORS 192.311 to 192.478
11 if the information may reveal the identity of an individual involved in
12 an incident on which a complaint reported to the sanctuary violation
13 reporting mechanism is based.

14 “SECTION 5. (1) An individual may not be subject to civil arrest
15 without a judicial warrant or judicial order when the individual is in
16 a court facility.

17 “(2) An individual who, in good faith, is attending a court proceed-
18 ing in which the individual is a party or potential witness, or family
19 or household member of a party or potential witness, may not be
20 subject to civil arrest while going to, remaining at or returning from
21 the court proceeding, unless the civil arrest is supported by a judicial
22 warrant or judicial order that authorizes the civil arrest.

23 “(3) Any person may bring a civil action against a law enforcement
24 agency or public body that violates this section to enjoin the violation.

25 “SECTION 6. (1) A public body, law enforcement agency or an offi-
26 cer of a law enforcement agency may not enter into or renew an
27 agreement, contract, memorandum of understanding or other ar-
28 rangement that authorizes the public body, law enforcement agency
29 or officer to exercise federal immigration enforcement powers, in-
30 cluding those powers specified in 8 U.S.C. 1357(g), or that otherwise

1 permits the public body, law enforcement agency or officer to detain
2 or house individuals for federal civil immigration violations.

3 “(2) A public body or law enforcement agency may not enter into
4 or renew an agreement, contract, memorandum of understanding or
5 other arrangement under which the public body or law enforcement
6 agency detains or houses individuals who are in the custody of a fed-
7 eral immigration authority for violations of federal immigration law.

8 “(3) A person may not operate a private immigration detention fa-
9 cility within this state.

10 “(4) Any person may bring a civil action against a law enforcement
11 agency or public body that violates this section to enjoin the violation.

12 “SECTION 7. Section 6 of this 2021 Act applies to agreements, con-
13 tracts, memoranda of understanding or other arrangements entered
14 into or renewed on or after the effective date of this 2021 Act.

15 “SECTION 8. ORS 180.805 is amended to read:

16 “180.805. (1) As used in this section:

17 “(a) ‘Federal immigration authority’ means the United States De-
18 partment of Homeland Security, the United States Immigration and
19 Customs Enforcement, the United States Citizenship and Immigration
20 Services, the United States Customs and Border Protection or a suc-
21 cessor agency, any other federal immigration agency or official, or any
22 other entity to which a federal immigration agency delegates or as-
23 signs the authority to detect, investigate or enforce violations of im-
24 migration law.

25 “(b) ‘Information concerning a person’s citizenship or immigration
26 status’ means information about whether a person is a citizen of the
27 United States or has lawful authority to be present in the United
28 States, either through a visa, a green card or another official doc-
29 umentation. The term does not include information consisting of a
30 person’s address, location, contact information, relatives, associates

1 or other information that could lead to the detection or apprehension
2 of the person.

3 “(c) ‘Public body’ has the meaning given that term in ORS 174.109.

4 “(d) ‘Social media’ has the meaning given that term in ORS
5 659A.330.

6 “[1] (2) Except as required by state or federal law, a public body may
7 not disclose, for the purpose of enforcement of federal immigration laws, the
8 following information concerning any person, whether current or otherwise:

9 “(a) The person’s address;

10 “(b) The person’s workplace or hours of work;

11 “(c) The person’s school or school hours;

12 “(d) The person’s contact information, including telephone number, elec-
13 tronic mail address or social media account information;

14 “(e) The identity of known associates or relatives of the person;

15 “(f) The date, time or location of the person’s hearings, proceedings or
16 appointments with the public body that are not matters of public record; or

17 “(g) Information described in paragraphs (a) through (f) of this subsection
18 with respect to known relatives or associates of the person.

19 “[2] (3) Except as required by state or federal law, or as necessary to
20 determine eligibility for a benefit a person is seeking, a public body may not
21 inquire about or request information concerning a person’s citizenship or
22 immigration status.

23 “[3](a) (4)(a) If a public body collects information concerning a person’s
24 citizenship or immigration status, the public body [may] **shall** decline to
25 disclose the information unless disclosure is required by:

26 “(A) State or federal law;

27 “(B) A court order; or

28 “(C) A warrant authorized by a court.

29 “(b) Nothing in this subsection:

30 “(A) Prevents a person from obtaining records about the person or the

1 person's dependents from a public body; or

2 “(B) Authorizes a public body to withhold aggregated information that is
3 not personally identifiable.

4 “[4] (5) A public body shall, within six months of August 15, 2017, and
5 every year thereafter, review the public body's confidentiality policies to
6 ensure that the public body treats information concerning a person's citi-
7 zenship or immigration status, and information described in subsection [(1)]
8 (2) of this section, in a manner consistent with this section and ORS 180.810.

9 “[5] *Nothing in this section prohibits any public body from complying with
10 a federal immigration authority as required by federal law.*]

11 “[6] *As used in this section:*]

12 “[a] *‘Federal immigration authority’ means the United States Department
13 of Homeland Security, the United States Immigration and Customs Enforce-
14 ment, the United States Citizenship and Immigration Services or a successor
15 agency, any other federal immigration agency or official, or any other entity
16 to which a federal immigration agency delegates or assigns the authority to
17 detect, investigate or enforce violations of immigration law.*]

18 “[b] *‘Information concerning a person's citizenship or immigration status’
19 means information about whether a person is a citizen of the United States
20 or has lawful authority to be present in the United States, either through a
21 visa, a green card or another official documentation. The term does not include
22 information consisting of a person's address, location, contact information,
23 relatives, associates or other information that could lead to the detection or
24 apprehension of the person.*]

25 “[c] *‘Public body’ has the meaning given that term in ORS 174.109.*]

26 “[d] *‘Social media’ has the meaning given that term in ORS 659A.330.*]

27 “(6) **Any person may bring a civil action against a law enforcement
28 agency or public body that violates subsection (2) or (3) of this section
29 to enjoin the violation.**

30 “**SECTION 9.** ORS 181A.820 is amended to read:

1 “181A.820. (1) **As used in this section:**

2 “(a) **‘Federal immigration authority’ has the meaning given that**
3 **term in ORS 180.805.**

4 “(b) **‘Warrant of arrest’ has the meaning given that term in ORS**
5 **131.005.**

6 “[~~(1)~~] (2) [~~No~~] **A law enforcement agency** [*of the State of Oregon or of any*
7 *political subdivision of the state shall*] **may not** use agency moneys, equip-
8 ment or personnel for the purpose of detecting or apprehending persons
9 [*whose only violation of law is that they are persons of foreign citizenship*
10 *present in the United States in violation of*] **for the purpose of enforcing**
11 **federal immigration laws.**

12 “(3) **A law enforcement agency may not enter into a formal or in-**
13 **formal agreement with a federal immigration authority relating to the**
14 **detention of a person described in subsection (2) of this section.**

15 “[~~(2)~~] (4) Notwithstanding subsection [~~(1)~~] (2) of this section, a law
16 enforcement agency may exchange information with [*United States Immi-*
17 *gration and Customs Enforcement, United States Citizenship and Immigration*
18 *Services and United States Customs and Border Protection*] **a federal immi-**
19 **gration authority** in order to[:]

20 “[~~(a)~~] *Verify the immigration status of a person if the person is arrested for*
21 *any criminal offense; or]*

22 “[~~(b)~~] request criminal investigation information with reference to persons
23 named in records of [*United States Immigration and Customs Enforcement,*
24 *United States Citizenship and Immigration Services or United States Customs*
25 *and Border Protection*] **the federal immigration authority.**

26 “[~~(3)~~] (5) Notwithstanding subsection [~~(1)~~] (2) of this section, a law
27 enforcement agency may arrest any person who:

28 “(a) Is charged by the United States with a criminal violation of federal
29 immigration laws under Title II of the Immigration and Nationality Act or
30 18 U.S.C. 1015, 1422 to 1429 or 1505; and

1 “(b) Is subject to arrest for the crime pursuant to a warrant of arrest is-
2 sued by a federal magistrate.

3 “**(6) Any person may bring a civil action against a law enforcement**
4 **agency that violates subsection (2) or (3) of this section to enjoin the**
5 **violation.**

6 “[(4)] **(7)** For purposes of subsection [(1)] **(2) or (3)** of this section, the
7 Bureau of Labor and Industries is not a law enforcement agency.

8 “[(5) *As used in this section, ‘warrant of arrest’ has the meaning given that*
9 *term in ORS 131.005.*]

10 “**SECTION 10. This 2021 Act being necessary for the immediate**
11 **preservation of the public peace, health and safety, an emergency is**
12 **declared to exist, and this 2021 Act takes effect on its passage.”.**

13
