

Senate Bill 1185

Sponsored by Senator GORSEK

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act tells DOJ to have a lawyer and an investigator for requests for immigrant status. The Act tells state agencies to send requests to the lawyer. (Flesch Readability Score: 67.7).

Directs the Department of Justice to dedicate an attorney and an investigator for issues related to federal requests for information about immigrant status. Directs state agencies to forward requests to the attorney.

A BILL FOR AN ACT

Relating to requests for information about immigrant status; creating new provisions; and amending ORS 181A.826.

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

SECTION 1. (1) As used in this section, "state agency" means any state officer, board, commission, bureau or department, or division thereof, in the executive branch of state government.

(2) The Department of Justice shall dedicate one full-time attorney to:

(a) Review and respond to federal requests for information related to immigrant status submitted to state agencies.

(b) Process requests for information related to immigrant status in a manner that prioritizes requests for information about persons with more serious criminal records.

(c) Ensure that immigrant data privacy is maintained in compliance with ORS 181A.820 and 181A.822 to 181A.829.

(d) Collaborate with state agencies, local governments and law enforcement to review federal requests for information related to immigrant status and provide guidance on how to manage requests in compliance with the laws of this state.

(e) Offer support to state agencies on how to handle sensitive requests for information related to immigrant status.

(f) Monitor the enforcement of sanctuary laws and other legal protections for immigrants.

(g) Prevent the unauthorized sharing of sensitive information about immigrant status.

(h) Regularly update the Attorney General, the Legislative Assembly and other stakeholders on trends, challenges and developments regarding federal requests for information about immigrant status.

(3) The department shall establish, fill and utilize one full-time equivalent investigator position to:

(a) Conduct investigations into potential violations of data privacy protections and instances of noncompliance in state agencies with the sanctuary laws of this state.

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 **(b) Identify agencies or individuals failing to comply with data privacy protections, doc-**
 2 **ument cases and ensure accountability.**

3 **(c) Oversee the collection of penalties for noncompliance with the sanctuary laws of this**
 4 **state.**

5 **(d) Assist the attorney appointed under subsection (2) of this section by gathering and**
 6 **verifying information needed to review and respond to federal requests effectively.**

7 **SECTION 2.** ORS 181A.826 is amended to read:

8 181A.826. (1) Public facilities, property, moneys, equipment, technology or personnel may not be
 9 used for the purpose of investigating, detecting, apprehending, arresting, detaining or holding indi-
 10 viduals for immigration enforcement.

11 (2) Actions with a purpose described in subsection (1) of this section include, but are not limited
 12 to, the following:

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

15 (b) Supporting or assisting a federal agency in immigration enforcement, including but not lim-
 16 ited to any of the following:

17 (A) Providing information, including but not limited to an individual's contact information,
 18 country of birth, custody status, release date, parole, probation or post-prison supervision appoint-
 19 ment dates or times, or home or work address, except as provided in ORS 181A.823;

20 (B) Investigating or interrogating individuals for immigration enforcement; or

21 (C) Establishing traffic perimeters for the purpose of supporting or facilitating immigration
 22 enforcement.

23 (3)(a) If a public body receives a communication or request from a federal agency that relates
 24 to immigration enforcement, other than a judicial subpoena described in ORS 181A.823 (1)(c)(A), the
 25 public body shall [*decline the request and*] document the communication or request[. *The documenta-*
 26 *tion described in this subsection must be provided to the director or other similar management per-*
 27 *sonnel of the public body*] **and forward the communication or request to the attorney**
 28 **designated under section 1 of this 2025 Act.**

29 (b) The public body shall submit the information documented under this subsection to the
 30 Oregon Criminal Justice Commission pursuant to procedures established by the commission. The
 31 commission shall require at least monthly submission of the information described in this subsection.

32 (c) A public body shall adopt internal procedures to carry out this subsection.

33 (4)(a) The commission shall publish and continually update, on a website operated by or on be-
 34 half of the commission, an entry for each communication or request described in subsection (3) of
 35 this section, the public body that received the communication or request, the federal agency in-
 36 volved in the communication or that made the request and a summary of the public body's response
 37 to the communication or request.

38 (b) The information contained on the website described in this subsection may not contain any
 39 personally identifiable information of the individuals involved in the communication or request, in-
 40 cluding of an individual targeted by federal immigration authorities, an individual who reported the
 41 communication or request, an individual who witnessed the communication or request or report of
 42 the communication or request or the family members of an individual described in this paragraph.

43 (c)(A) Information obtained by the commission under this subsection may be used only for sta-
 44 tistical purposes and coordination with the sanctuary violation reporting mechanism established
 45 under ORS 181A.827.

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

(C) Pursuant to a request from the Department of Justice, the commission may release to the department information described in this subsection that is necessary to investigate a report made to the sanctuary violation reporting mechanism established under ORS 181A.827 if the information is used to support an individual described in paragraph (b) of this subsection.

(d) *[Not later than July 1, 2022, and at least annually thereafter,]* **At least annually,** the commission shall issue a report that summarizes the information reported to the commission and published on the website described in this subsection. The commission shall provide the report to the Governor, the Legislative Assembly, the district attorneys of this state, the Department of State Police, each law enforcement agency in this state and the Department of Public Safety Standards and Training.

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