

## SJR 203 A STAFF MEASURE SUMMARY

### Senate Committee On Judiciary

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**Action Date:** 02/16/26

**Action:** Be adopted with amendments. Refer to Rules by prior reference. (Printed A-Eng).

**Vote:** 5-1-0-0

**Yea:** 5 - Broadman, Gelser Blouin, Manning Jr, McLane, Prozanski

**Nays:** 1 - Thatcher

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

**Prepared By:** Jules Dellinger, LPRO Analyst

**Meeting Dates:** 2/11, 2/16

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#### WHAT THE MEASURE DOES:

The measure proposes an amendment to Article I of the Oregon Constitution to establish a right of the people of Oregon “to be free from enforcement of the law by secret police” and refers the amendment to the people for a vote.

#### ISSUES DISCUSSED:

- Interpretation and definition of the term “secret police”
- Enforcement mechanisms of potential violations
- Comparison to current constitutional provisions

#### EFFECT OF AMENDMENT:

The amendment replaces the proposed addition to Article 1 of the Oregon Constitution with the statement, “The people of Oregon have a right to be free from enforcement of the law by secret police.”

#### BACKGROUND:

According to Merriam-Webster’s Dictionary, the term “secret police” can mean “a police organization operating for the most part in secrecy and especially for the political purposes of its government often with terroristic methods.”

As U.S. Immigration and Customs Enforcement (ICE) agents have increased immigration enforcement operations nationwide since 2025, wearing face masks and failing, in some situations, to identify themselves to the people they arrest, some news reports and editorials have described ICE agents as secret police. Several jurisdictions have proposed laws to regulate the masking and identification of law enforcement officers, including California ([Senate Bill 627](#), the “No Secret Police Act,” passed; and [Senate Bill 805](#), passed), New York ([S08462](#)), Tennessee ([SB2011](#)), and the U.S. Congress ([H. R. 4004](#); and [S. 2212](#)).

The federal government challenged the California laws in federal court in November 2025. The court [granted a preliminary injunction](#), preventing the facial covering prohibition from going into effect and holding that the federal government was likely to succeed on its claim that the facial covering prohibition violates the Supremacy Clause of the U.S. Constitution because, by applying to federal but not state law enforcement officers, it impermissibly discriminates against the federal government. The decision granted a preliminary injunction on the facial covering prohibition but allowed the other enacted provisions of California’s law to go into effect while the case is pending.

Article XVII, Section 1 of the Oregon Constitution provides the method for amending the Constitution. The legislature may propose an amendment, which then is referred to the people of Oregon for approval or rejection. If approved by a majority, the amendment becomes part of the Constitution.