

A-Engrossed House Bill 4114

Ordered by the House February 16
Including House Amendments dated February 16

Sponsored by Representatives MUNOZ, GAMBA, Senator PROZANSKI, Representatives ANDERSEN, MCDONALD, WISE, Senator PHAM K; Representatives FRAGALA, NELSON, RIEKE SMITH, RUIZ (Presession filed.)

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

Digest: The Act says that a person can sue a person who under color of law comes in property without a warrant or an exception. (Flesch Readability Score: 62.6).

[Digest: The Act sets rules for when federal agents or agents from another state carry out operations in this state. The Act also creates a cause of action when agents violate the rules. The Act goes into effect when the Governor signs it. (Flesch Readability Score: 69.7).]

Creates a civil cause of action against *[federal law enforcement agents and law enforcement agents of another state in specified circumstances.]* **certain individuals who under color of law enter certain property without a warrant or an exception to the warrant requirement. Allows for an award of attorney fees to a prevailing plaintiff and, under certain circumstances, to a prevailing defendant.**

[Requires federal law enforcement agents and law enforcement agents of another state to provide notice to the Department of Justice prior to conducting planned operations within this state.]

[Specifies identification requirements for federal law enforcement agents and law enforcement agents of another state conducting law enforcement operations within this state.]

[Prohibits a state or local law enforcement agency from coordinating with a federal law enforcement agency or a law enforcement agency of another state that does not provide notice as required, violates the identification requirements or targets a sensitive location without authorization.]

Declares an emergency, effective on passage.

A BILL FOR AN ACT

Relating to law enforcement operations; and declaring an emergency.

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

SECTION 1. (1) As used in this section, "property" means:

(a) Buildings, structures, land and curtilage.

(b) Vehicles located on private property or in a location where the owner of the vehicle has a reasonable expectation of privacy.

(c) A church, synagogue, temple, mosque, chapel, meeting house or other nonresidential place of worship.

(d) A school or other educational facility.

(e) A facility that provides medical treatment.

(f) Any place where a person has a reasonable expectation of privacy.

(2) An owner or occupant of property, or a person lawfully present on property with a reasonable expectation of privacy, may bring a cause of action against an individual who under color of law enters the property without a warrant for which the issuing authority is a court, if a judicially recognized exception to the warrant requirement does not apply.

(3) A plaintiff who prevails in a cause of action under this section may recover actual economic and noneconomic damages, equitable relief and any other appropriate relief.

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 (4)(a) In an action brought under this section, the court shall award reasonable attorney
2 fees and costs to a prevailing plaintiff. In an action for injunctive relief under this section,
3 the court shall deem a plaintiff to have prevailed if the plaintiff's suit was a substantial
4 factor or significant catalyst in obtaining the results sought by the litigation.

5 (b) The court may award reasonable attorney fees and costs to a defendant in an action
6 under this section for defending any claims the court finds frivolous.

7 (5) A person may not bring an action under this section against a person subject to suit
8 for the injury under 42 U.S.C. 1983, including but not limited to a law enforcement agency
9 or an officer, as those terms are defined in ORS 181A.822.

10 (6) An action under this section must be commenced within two years after the cause
11 of action accrues.

12 SECTION 2. This 2026 Act being necessary for the immediate preservation of the public
13 peace, health and safety, an emergency is declared to exist, and this 2026 Act takes effect
14 on its passage.
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