



AMERICAN CIVIL LIBERTIES UNION

Oregon

February 4, 2026

House Committee on Judiciary
Oregon State Legislature
900 Court St. NE
Salem, OR 97301

RE: Testimony in Support of House Bill 4138

Dear Chair Kropf, Vice-Chair Chotzen, Vice-Chair Wallan, and members of the Committee,

For the record, my name is Michael Abrams and I serve as Policy Counsel for the ACLU of Oregon. We are honored to be presenting this legislation to you today and grateful for the partnership and hard work of many. Stakeholders including our cities and counties, law enforcement, state agencies, and public universities have provided valuable feedback and thoughtful analysis. And community members and organizations, particularly those most impacted by the actions of rogue federal agencies, have been integral to developing these solutions.

We have simplified the officer identification and masking requirements while continuing to apply them to all law enforcement agencies operating in Oregon. Officers may not generally wear masks and they must display their agency affiliation and name or badge number on their uniform in one place. The only change to HB 3355 from 2021, which established greater identification requirements for crowd control officers in large cities, namely identification on the front and back of uniforms, is to include all law enforcement agencies operating in Oregon within the existing law. We have also provided ample time—180 days—for agencies to implement or revise policies.

LEAVA requires public employees to exercise greater caution and be sure that requests for information or assistance from federal or out-of-state agencies are not based on unconstitutional or discriminatory investigations. Based on feedback, we have clarified the scope of liability for public bodies and employees so that to be liable, an employee must **intentionally** provide assistance, with the knowledge that the investigation is occurring on an unlawful basis.

LEAVA now contains clear exceptions allowing for cooperation in response to a court order, state or federal legal requirements, and publicly available information. We have also included a safe harbor provision to protect employees who obtain signed



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attestations from a requester that the information will not be used in a way that violates LEAVA.

The provisions related to joint federal task forces and cross-deputizations have also been refined to accomplish two purposes: increase transparency into the agreements governing these joint operations and create a process to cease participation in the agreements if they will lead to unconstitutional or discriminatory investigations. This is because of how federal policy, including Executive Orders, has sought to weaponize task forces nationwide to fuel not only mass deportations, but the targeting of individuals and groups for exercising their rights to free speech, or simply caring for an undocumented family member.

These restrictions will apply to agreements entered into or renewed after the effective date of LEAVA, which gives agencies abundant time to review and assess their participation in these task forces. A safe harbor provision and exceptions for cooperation pursuant to a court order, legal requirements, and publicly accessible information are included here as well.

Finally, accountability is provided by a cause of action for injunctive relief, modeled on the Sanctuary Promise Act, rather than money damages or criminal sanctions. It allows any person to seek a court order against an agency, not an individual, to stop or prevent a violation of LEAVA.