

HB 3464 STAFF MEASURE SUMMARY

Carrier: Sen. Burdick

Senate Committee On Rules

Action Date: 07/03/17
Action: Do pass.
Vote: 3-2-0-0
Yeas: 3 - Beyer, Burdick, Roblan
Nays: 2 - Boquist, Ferrioli
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
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WHAT THE MEASURE DOES:

Prohibits public bodies from asking about citizenship or immigration status or from disclosing specific information about persons for purpose of enforcing federal immigration laws unless required by state or federal law. Authorizes public bodies to refuse to disclose such information unless required by federal or state law, or pursuant to court order or warrant. Permits inquiry for purpose of determining eligibility for state assistance. Directs Attorney General (AG) to publish model policies for public bodies, consistent with federal and state law, that protect persons from enhanced federal immigration enforcement practices at facilities operated by public bodies, such as public school grounds, public health facilities, courthouses, and public shelters. Encourages public bodies or entities that contract with public bodies to provide health care, education, or access to justice, to implement policies based on AG's model policies. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Provisions of measure

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon has been a sanctuary state for several decades, meaning the use of state and local resources to enforce federal immigration law is prohibited under state law unless a person has committed a crime other than being in the country illegally. Increased federal commitment to enforcing federal immigration laws has reportedly resulted in fear and uncertainty amongst immigrant populations and instability at public institutions that serve all individuals regardless of their legal status. School administrators, county judges, other direct service providers, and other public bodies have increasingly sought clarity and guidance from the state concerning federal immigration enforcement attempts to utilize state resources and collect sensitive information, and about how to respond appropriately to the presence of Immigration and Customs Enforcement (ICE) agents and their requests.

Executive Order 17-04 reaffirmed Oregon's status as a sanctuary state by expanding the prohibition in state law barring the use of state resources for federal enforcement purposes to include state agencies; however, the Oregon Department of Justice (DOJ) is still unable to meet the demand from public entities to provide specific guidance about increased ICE interactions and requests for personal information about Oregon residents.

House Bill 3464 provides guidance for state agencies about how to implement policies that respect confidentiality while complying with state and federal law. It describes the duties of public bodies and the rights of Oregon residents concerning the disclosure of personal information when interacting with federal immigration authorities on matters related to immigration or citizenship status. In addition, the measure assures residents that if they provide a school, court, or other public entity with personal information such as an address or workplace, the public body is prohibited

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from disclosing that information for purposes of federal immigration enforcement except when required by law. Further, the measure requires the Attorney General to develop model policies to address federal immigration enforcement at public schools, public health agencies, courthouses, public shelters and other public facilities operated by public bodies, and encourages all public bodies or entities that provide health, education, or access to justice services, to adopt said policies for consistency concerning the collection of sensitive information.