

House Bill 2921

Sponsored by Representatives ESQUIVEL, NEARMAN

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**.

Preempts city or county from adopting rule, ordinance or policy related to immigration. Requires cities and counties to comply with federal detainer requests. Removes provision that prohibits law enforcement agencies from using resources to detect or apprehend foreign citizen present in United States in violation of federal immigration law.

A BILL FOR AN ACT

1
2 Relating to compliance with federal immigration law; creating new provisions; and amending ORS
3 181A.820.

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

5 **SECTION 1. A city or county may not adopt a rule, ordinance or policy that:**

6 **(1) Prohibits the enforcement of a federal or state law relating to an immigrant or im-**
7 **migration; or**

8 **(2) Permits the release of an individual in the custody of the law enforcement agency of**
9 **the local government if the federal government has issued a civil immigration detainer re-**
10 **quest for the individual.**

11 **SECTION 2. ORS 181A.820 is amended to read:**

12 181A.820. (1) [*No*] **A** law enforcement agency of the State of Oregon or of any political subdivi-
13 sion of the state [*shall*] **may** use agency moneys, equipment or personnel for the purpose of detecting
14 or apprehending persons whose only violation of law is that they are persons of foreign citizenship
15 present in the United States in violation of federal immigration laws.

16 (2) [*Notwithstanding subsection (1) of this section,*] A law enforcement agency may exchange in-
17 formation with the United States Bureau of Immigration and Customs Enforcement, the United
18 States Bureau of Citizenship and Immigration Services and the United States Bureau of Customs and
19 Border Protection in order to:

20 (a) Verify the immigration status of a person if the person is arrested for any criminal offense;

21 or

22 (b) Request criminal investigation information with reference to persons named in records of the
23 United States Bureau of Immigration and Customs Enforcement, the United States Bureau of Citi-
24 zenship and Immigration Services or the United States Bureau of Customs and Border Protection.

25 (3) [*Notwithstanding subsection (1) of this section,*] A law enforcement agency may arrest any
26 person who:

27 (a) Is charged by the United States with a criminal violation of federal immigration laws under
28 Title II of the Immigration and Nationality Act or 18 U.S.C. 1015, 1422 to 1429 or 1505; and

29 (b) Is subject to arrest for the crime pursuant to a warrant of arrest issued by a federal
30 magistrate.

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) For purposes of subsection (1) of this section, the Bureau of Labor and Industries is not a
2 law enforcement agency.

3 (5) As used in this section, “warrant of arrest” has the meaning given that term in ORS 131.005.

4 **SECTION 3. Section 1 of this 2017 Act applies to rules, ordinances or policies adopted**
5 **before, on or after the effective date of this 2017 Act.**

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