

House Bill 3464

Sponsored by Representatives ALONSO LEON, HERNANDEZ, Senator TAYLOR, Representatives KOTEK, LININGER, WILLIAMSON, Senators BURDICK, DEMBROW, FREDERICK, GELSER, MANNING JR, ROBLAN; Representatives BARKER, BARNHART, DOHERTY, FAHEY, GOMBERG, GORSEK, GREENLICK, HELM, HOLVEY, KENY-GUYER, LIVELY, MALSTROM, MARSH, MCLAIN, MEEK, NOSSE, PILUSO, POWER, RAYFIELD, REARDON, SANCHEZ, SMITH WARNER, SOLLMAN (at the request of Governor Kate Brown and Attorney General Ellen Rosenblum)

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**.

Prohibits public body from disclosing specified information concerning person unless required by state or federal law. Prohibits public body from inquiring concerning person's citizenship or immigration status except as required by state or federal law or when determining benefit eligibility.

Authorizes public body to decline to disclose information concerning person's citizenship or immigration status except as required by state or federal law or in certain other circumstances.

Directs Attorney General to publish model policies for public bodies intended to limit, in manner consistent with state and federal law, immigration enforcement in public facilities.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the involvement of public bodies in immigration enforcement; and declaring an emer-
3 gency.

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

5 **SECTION 1. (1) Except as required by state or federal law, a public body may not dis-**
6 **close, for the purpose of enforcement of federal immigration laws, the following information**
7 **concerning any person, whether current or otherwise:**

8 (a) **The person's address;**

9 (b) **The person's workplace or hours of work;**

10 (c) **The person's school or school hours;**

11 (d) **The person's contact information, including telephone number, electronic mail ad-**
12 **dress or social media account information;**

13 (e) **The identity of known associates or relatives of the person;**

14 (f) **The date, time or location of the person's hearings, proceedings or appointments with**
15 **the public body that are not matters of public record; or**

16 (g) **Information described in paragraphs (a) through (f) of this subsection with respect**
17 **to known relatives or associates of the person.**

18 (2) **Except as required by state or federal law, or as necessary to determine eligibility for**
19 **a benefit a person is seeking, a public body may not inquire about or request information**
20 **concerning a person's citizenship or immigration status.**

21 (3)(a) **If a public body collects information concerning a person's citizenship or immi-**
22 **gration status, the public body may decline to disclose the information unless disclosure is**
23 **required by:**

24 (A) **State or federal law;**

25 (B) **A court order; or**

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 (C) A warrant authorized by a court.

2 (b) Nothing in this subsection:

3 (A) Prevents a person from obtaining records about the person or the person's depen-
4 dents from a public body; or

5 (B) Authorizes a public body to withhold aggregated information that is not personally
6 identifiable.

7 (4) A public body shall, within six months of the effective date of this 2017 Act and every
8 year thereafter, review the public body's confidentiality policies to ensure that the public
9 body treats information concerning a person's citizenship or immigration status, and infor-
10 mation described in subsection (1) of this section, in a manner consistent with this section
11 and section 2 of this 2017 Act.

12 (5) Nothing in this section prohibits any public body from complying with a federal im-
13 migration authority as required by federal law.

14 (6) As used in this section:

15 (a) "Federal immigration authority" means the United States Department of Homeland
16 Security, the United States Immigration and Customs Enforcement, the United States Citi-
17 zenship and Immigration Services or a successor agency, any other federal immigration
18 agency or official, or any other entity to which a federal immigration agency delegates or
19 assigns the authority to detect, investigate or enforce violations of immigration law.

20 (b) "Information concerning a person's citizenship or immigration status" means infor-
21 mation about whether a person is a citizen of the United States or has lawful authority to
22 be present in the United States, either through a visa, a green card or another official doc-
23 umentation. The term does not include information consisting of a person's address, location,
24 contact information, relatives, associates or other information that could lead to the de-
25 tection or apprehension of the person.

26 (c) "Public body" has the meaning given that term in ORS 174.109.

27 (d) "Social media" has the meaning given that term in ORS 659A.330.

28 **SECTION 2.** (1) The Attorney General shall publish model policies intended to limit, to
29 the fullest extent possible consistent with state and federal law, immigration enforcement
30 at public schools, public health facilities, courthouses, public shelters and other public facil-
31 ities operated by a public body.

32 (2) All public bodies are encouraged to implement policies based on the model policies
33 described in subsection (1) of this section.

34 (3) Any entity that contracts with a public body to provide services related to physical
35 or mental health, education or access to justice is encouraged to adopt policies based on the
36 model policies described in subsection (1) of this section.

37 (4) The Attorney General may adopt rules to implement this section.

38 **SECTION 3.** This 2017 Act being necessary for the immediate preservation of the public
39 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect
40 on its passage.