

# House Bill 3450

Sponsored by Representative BARRETO

## 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**.

Authorizes law enforcement agency to exchange information with United States Bureau of Immigration and Customs Enforcement, United States Bureau of Citizenship and Immigration Services and United States Bureau of Customs and Border Protection in order to notify federal agencies of impending release of incarcerated individuals.

## A BILL FOR AN ACT

1  
2 Relating to communication by law enforcement agencies with certain federal agencies; amending  
3 ORS 181A.820.

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

5 **SECTION 1.** ORS 181A.820 is amended to read:

6 181A.820. (1) No law enforcement agency of the State of Oregon or of any political subdivision  
7 of the state shall use agency moneys, equipment or personnel for the purpose of detecting or ap-  
8 prehending persons whose only violation of law is that they are persons of foreign citizenship pres-  
9 ent in the United States in violation of federal immigration laws.

10 (2) Notwithstanding subsection (1) of this section, a law enforcement agency may exchange in-  
11 formation with the United States Bureau of Immigration and Customs Enforcement, the United  
12 States Bureau of Citizenship and Immigration Services and the United States Bureau of Customs and  
13 Border Protection in order to:

14 (a) Verify the immigration status of a person if the person is arrested for any criminal offense;  
15 [*or*]

16 (b) Request criminal investigation information with reference to persons named in records of the  
17 United States Bureau of Immigration and Customs Enforcement, the United States Bureau of Citi-  
18 zenship and Immigration Services or the United States Bureau of Customs and Border  
19 Protection[.]; **or**

20 **(c) Notify the federal agencies of the impending release of incarcerated individuals.**

21 (3) Notwithstanding subsection (1) of this section, a law enforcement agency may arrest any  
22 person who:

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

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

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

29 (5) As used in this section, "warrant of arrest" has the meaning given that term in ORS 131.005.  
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**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.