



DEPARTMENT OF JUSTICE

Civil Rights Unit

Sanctuary Promise Hotline: 1-844-924-STAY (7829)

We Accept All Relay Calls

Interpretation in 240+ languages

SanctuaryPromise.Oregon.gov PromesaSantuario.Oregon.gov

Sanctuary Promise Laws Oregon Law Enforcement Bulletin

What is the Sanctuary Promise Act?

[HB 3265](#) updated Oregon's sanctuary laws. All Oregon sanctuary laws are codified in ORS 180.805, 181A.820, and Chapter 550 2021 OR Law.

The laws state that **public bodies** (Oregon state, local, and special government agencies) and **law enforcement** (sheriffs/deputies, police, corrections officers, or OSP, whether on or off duty):

- May **not** investigate, detect, apprehend, arrest, detain or hold individuals for immigration enforcement.
 - Exception: law enforcement and public bodies may be required to act by a judicial subpoena issued as part of a court proceeding.
 - Exception: law enforcement and public bodies may provide information to the extent and on the same terms and conditions as the information is available to the public.
- May **not** use public resources, including facilities, property, moneys, equipment, technology and personnel for immigration enforcement.
 - Exception: law enforcement and public bodies may be required to act by a judicial subpoena issued as part of a court proceeding.
 - Exception: law enforcement and public bodies may provide information to the extent and on the same terms and conditions as the information is available to the public.
- May **not** deny services, benefits, privileges, or opportunities to an individual in custody or on parole, probation or post-prison supervision on the basis of immigration status, detainers, holds, notifications, or civil immigration warrants.
 - Exception: public bodies and LE may deny based on a listed immigration status if the denial is required by state or federal law
- May **not** ask about or collect information about an individual's immigration or citizenship status, or country of birth.
 - Exceptions: LE and public bodies may ask about or collect this information:

- if necessary to advance a state or local criminal investigation.
 - if necessary to determine eligibility for a benefit.
 - if the information is submitted to a state court in connection with a court proceeding.
- May **not** provide information about an individual in the custody of the public body or law enforcement agency to a federal immigration authority for civil immigration purposes.
 - Exception: LE and public bodies may provide information if required to respond to a judicial subpoena issued as part of a court proceeding.
 - Exception: LE and public bodies may provide information to the extent and on the same terms and conditions that the information is available to the public.
 - Must decline all requests from federal agencies relating to immigration enforcement other than judicial subpoenas, AND must document and [report to the Oregon Criminal Justice Commission](#).
 - Exceptions: none.
 - Must, upon the commitment or detainment of an individual, to ensure compliance with all treaty obligations, explain [in writing](#) (interpreted into another language if requested) their right to refuse to disclose their nationality, citizenship or immigration status and that disclosure might result in civil or criminal immigration enforcement including removal from the U.S.
 - Exceptions: none.

Examples of violations of Oregon's Sanctuary Promise laws

- Granting a federal immigration agency access to an area of a facility that is not normally open to the public.
- Providing information including, but not limited to, an individual's contact information, country of birth, custody status, release date, parole/probation/post-prison supervision appointment dates or times, home/school/work address(es), family members' information, children's information.
- Investigating or interrogating individuals for immigration enforcement.
- Establishing traffic perimeters for the purpose of supporting or facilitating immigration enforcement.
- Establishing or renewing contracts or MOUs with federal agencies that allow for coordination or cooperation regarding immigration enforcement
- Using databases or systems shared by federal immigration authorities, unless required by state or federal law.
- Denying services, benefits, privileges, or opportunities to an individual in custody, or on parole, probation or post-prison supervision, on the basis of immigration status, detainers, holds, notifications, or civil immigration warrants, except as required by state or federal law.

Examples of violations of Oregon’s Sanctuary Promise laws (cont.)

- Inquiring into or collecting information about an individual’s immigration or citizenship status, or country of birth, unless the information is required to advance a state or local criminal investigation or determine eligibility for a benefit.
- Failing to report to Oregon CJC requests from federal immigration authorities related to immigration enforcement.

LEAs, Treaty Obligations, and Consular Notice

LEAs must, upon the commitment or detainment of an individual, to ensure compliance with all treaty obligations, explain in writing (interpreted into another language if requested) their right to refuse to disclose their nationality, citizenship or immigration status and that disclosure might result in civil or criminal immigration enforcement including removal from the U.S.

Oregon DOJ suggests:

- providing the [ODOJ-recommended notice](#) at the time of booking.
- providing the [ODOJ-recommended notice](#) in their requested language (as required by law) in both **written** format AND via our provided recorded **audio** files for the individual to listen to in the language of their choice.
- providing this notice to your **entire** existing inmate population **regardless of race/ethnicity** in a **one-on-one environment** (posting, mailing, or emailing a notice is insufficient to meet the legal standard of notice to inmates).
- Do you have a holding cell or provide transport or transfers to the county jail facility? Train your officers: there should be no discussion of nationality, national origin, citizenship, or immigration status.

LEAs and Public Bodies must report requests from federal immigration authorities to Oregon’s CJC

If a public body or LEA receives an official or unofficial communication or request from a federal agency during work hours or while off duty that relates to immigration enforcement, other than a qualifying judicial subpoena or information that is available to the general public and under the same terms and conditions as the information is available to the general public, the public body or LEA must decline the request and document the communication or request. The public body or LEA must then [report to the Oregon Criminal Justice Commission](#). Public bodies and LEAs are required to report to CJC at least monthly.

When did this law go into effect?

[These updates to Oregon’s sanctuary laws](#) went into effect on July 19, 2021. However, Oregon already had codified many portions of these laws under ORS [180.805](#) and [181A.820](#). You may have overdue CJC reporting to do!

LEAs and public bodies are allowed to inquire about national origin, immigration or citizenship status in certain circumstances

As you know, crime victims have constitutional and statutory rights to safety. They have due process rights to thorough law enforcement investigations not influenced by a LEOs concern or suspicion about their national origin, immigration, or citizenship status. Criminal investigations, especially in human trafficking cases and/or kidnapping cases, may *require* you to ask about a person’s national origin, immigration status, or citizenship status. In addition, if a person’s eligibility to services and benefits (like victim services, a U Visa, or T Visa) depend upon national origin, immigration, or citizenship status information, it is the responsibility of public bodies and LEAs to inquire and make that information available to the person.

The consequence for violating this law

Oregon DOJ can open an investigation into any violation of Oregon’s sanctuary laws reported to the ODOJ hotline ([SanctuaryPromise.Oregon.gov](https://www.sanctuarypromise.oregon.gov), 1-844-924-7829). The findings from investigations are public, and can result in injunctive relief and other civil enforcement. In addition, any person may bring a civil action against a law enforcement agency or public body that violates these laws. Your agency may initiate personnel actions against you for violating the law, and your certification with DPSST could be impacted.

Links for toolkits and resources for public bodies and LEA

Oregon DOJ has created a [Sanctuary Promise Law Enforcement Toolkit](#), and will publish a Public Body Toolkit and Community Toolkit. Please check out these resources for additional information and tools to ensure you are complying with Oregon sanctuary laws.