



**COUNCIL ORDINANCE NO. 20579**

**COUNCIL BILL 5173**

**AN ORDINANCE CONCERNING PROTECTIONS FOR INDIVIDUALS  
AND ADDING SECTIONS 2.495 AND 2.497 TO THE EUGENE CODE,  
1971.**

**ADOPTED: March 13, 2017**

**SIGNED: March 15, 2017**

**PASSED: 5:0**

**REJECTED:**

**OPPOSED:**

**ABSENT: Taylor, Poling, Evans**

Although Section 2 of this Ordinance contains an immediate effective date, the Ordinance actually will take effect after 30 days. Only five councilors voted to approve the Ordinance; under the Eugene Charter, enactment of an immediate effective date requires that six councilors vote yes.

**EFFECTIVE: April 15, 2017**



ORDINANCE NO. 20579

AN ORDINANCE CONCERNING PROTECTIONS FOR INDIVIDUALS AND  
ADDING SECTIONS 2.495 AND 2.497 TO THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Sections 2.495 and 2.497 are added to the Eugene Code, 1971, to provide as follows:

**2.495**     Protections for Individuals.

- (1) The city shall not use city law enforcement moneys, equipment or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws.
- (2) Notwithstanding subsection (1) of this section, city law enforcement personnel may exchange information with the United States Bureau of Immigration and Customs Enforcement, the United States Bureau of Citizenship and Immigration Services and the United States Bureau of Customs and Border Protection in order to:
  - (a) Verify the immigration status of a person if the person is arrested for any criminal offense; or
  - (b) Request criminal investigation information with reference to persons named in records of the United States Bureau of Immigration and Customs Enforcement, the United States Bureau of Citizenship and Immigration Services or the United States Bureau of Customs and Border Protection.
- (3) Notwithstanding subsection (1) of this section, city law enforcement personnel may arrest any person who:
  - (a) Is charged by the United States with a criminal violation of federal immigration laws under Title II of the Immigration and Nationality Act or 18 U.S.C. 1015, 1422 to 1429 or 1505; and
  - (b) Is subject to arrest for the crime pursuant to a warrant of arrest issued by a federal magistrate.
- (4) As used in this section, "warrant of arrest" has the meaning given that term in ORS 131.005.
- (5) All non-law enforcement personnel working for the city also shall not use city moneys, equipment or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws.

**2.497**     Information Not to Be Collected or Maintained.

- (1) No city law enforcement personnel may collect or maintain information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of

criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct.

- (2) No non-law enforcement personnel working for the city may collect or maintain information about the political, religious or social views of any individual.

**Section 2.** Pursuant to the provisions of Section 32(2) of the Eugene Charter of 2002, with the affirmative vote of two-thirds of the members of the City Council, this Ordinance shall become effective immediately upon adoption by the Council and approval by the Mayor, or passage over the Mayor's veto. An immediate effective date is necessary in light of the recent directives from the federal government related to enforcement of immigration laws.

**Section 3.** The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

13<sup>th</sup> day of March, 2017

  
\_\_\_\_\_  
City Recorder

Approved by the Mayor this

15 day of March, 2017

  
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Mayor