

Legislation could prevent some deportations of legal immigrants

Attempt to avoid federal enforcement

By **PARIS ACHEN**
Capital Bureau

SALEM — State lawmakers are considering a change to sentencing law that could help prevent the mandatory federal deportation of legal immigrants convicted of gross misdemeanors.

The proposal is in an amendment to Attorney General Ellen Rosenblum's bill to discourage racial profiling.

The change would reduce the maximum sentence for a Class A misdemeanor from 365 days to 364 days. A 365-day sentence is one of several triggers for mandatory federal deportation of green card holders, refugees and other

legal noncitizens. Other triggers are violent crimes and felonies, said Stephen Manning, a Portland immigration attorney.

The change would have no effect on illegal immigrants. "This is an equity issue," said state House Speaker Tina Kotek, D-Portland. "People should not be torn from their families and their communities because of an arbitrary difference between state and federal sentencing law for low-level, nonviolent misdemeanors."

If adopted, the law would make Oregon uniform with Washington state and California, which already made the change in the last several years.

It would serve to strengthen the three states' governors' efforts to create "a zone of inclusivity" along the West Coast, Manning said.

Gov. Kate Brown has been defiant in the face of President Donald Trump's executive orders limiting immigration and banning refugees, which also have been halted by the courts.

In February, Brown issued her own executive order barring the use of state resources to enforce federal immigration policy. Rosenblum subsequently sought to join Washington's lawsuit against the Trump administration's immigration orders.

"Gov. Brown supports the amendment and looks forward to signing the racial profiling bill into law to better protect all Oregonians," said Bryan Hockaday, the governor's press secretary.

Kotek requested the sentencing change to be added to an amendment to a bill that requires police to collect data on race when they pull over

drivers or pedestrians. The bill is meant to discourage racial profiling by law enforcement.

Kotek made the request after receiving feedback from community groups, law enforcement, immigration attorneys and others working on the racial profiling bill, said Lindsey O'Brien, a spokeswoman in the Speaker's Office.

Felonies, certain violent crimes and 365-day or greater sentences for gross misdemeanors can trigger mandatory deportation under federal law. Class A misdemeanors in Oregon can range from falsifying information and writing a bad check to fourth-degree assault.

"Shifting to 364 days means our fellow Oregonians are not subject to that very drastic penalty," Manning said.

As an immigration attor-

ney, Manning said he sees legal immigrants deported for misdemeanor crimes all of the time.

"I couldn't even count for you how many times," he said. "It's extremely painful and sad ... and is a form of stigmatization against noncitizens."

The House Judiciary Committee adopted the amendment and approved the overarching bill in March. No one addressed the significance of the sentencing change at that time.

Reps. Sal Esquivel of Medford, and Mike Nearman of Independence said they oppose the change because they see it as an attempt to circumvent federal law.

"To me that is a way to dodge the federal law," said Esquivel, who is the son of a legal Mexican immigrant. "You're on probation when

you come here on a green card."

The two Republican lawmakers co-sponsored legislation this session to outlaw sanctuary city designations and to make English the state's official language.

Several Oregon cities, including Portland, have declared themselves sanctuary cities for immigrants, and the Trump administration has threatened to pull federal grants and other funding from those jurisdictions.

The bill is now before the Joint Committee on Ways and Means but won't have another hearing until May, said Rep. Duane Stark, R-Grants Pass, chairman of the Subcommittee on Public Safety.

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Oregon GMO pre-emption battle continues in Senate

Bill would restore local control over crop regulations

By **MATEUSZ PERKOWSKI**
Capital Bureau

SALEM — A proposal to allow local governments in Oregon to regulate genetically engineered crops has died in the state House but the battle remains alive in the Senate.

State lawmakers prohibited most local governments from restricting seed in 2013, but Senate Bill 1037 would exempt genetically modified organisms, or GMOs, from that statewide pre-emption law.

A similar proposal, House Bill 2469, failed to survive a recent legislative deadline in the House Committee on Agriculture and Natural Resources.

However, Senate Bill 1037 was timely scheduled for a work session on Wednesday before the Senate Committee on Environment and Natural Resources, which is chaired by state Sen.

Mike Dembrow, D-Portland, the bill's chief sponsor.

While committee members didn't take action on SB 1037, they did hear conflicting testimony about the right to self-determination among local governments versus the efficiency of statewide agricultural rules.

"We're asking for flexibility in Oregon," said Mary Middleton, director of Oregonians for Safe Farms and Families, a group that supported a ballot initiative banning GMOs in Josephine County.

While voters in Josephine County voted in favor of the GMO ban in 2014, a state judge has ruled the ordinance is preempted by state law.

Middleton urged the committee members to "honor the will of the people" by passing SB 1037, which would retroactively make Josephine County's ordinance effective.

Proponents of SB 1037 argued that lawmakers passed the statewide pre-emption on local seed rules with the understanding that Oregon regulators would step into the breach, but that hasn't materialized.

"Our farms remain at risk of contamination because the state has not put any protections in place," said Carol Valentine, a Josephine County resident.

The Association of Oregon Counties opposes SB 1037 because genetic engineering is a complex issue best left to the state government, said Mike McArthur, the group's executive director.

"This is not the proper role for a county government to be engaged in," he said.

Lawmakers created an exception to the 2013 pre-emption bill for Jackson County, which already had a GMO ban proposal on its ballot at that point.

McArthur said the government of Jackson County is nonetheless not enforcing the GMO ban due to a lack of resources.

Craig Pope, a Polk County commissioner, said he sympathizes with the organic farming community but said county governments need to focus on public safety and other key services.

"Continuing to hammer at pre-emption is not going to solve this problem," Pope said.

The economic threat of cross-pollination among organic, conventional and GMO crops was also debated at the hearing.

Buyers of organic seed have no tolerance for traces of biotech traits, so the risk posed by GMO crops is a "one way street" that can only damage organic growers, said Don Tipping, an organic producer in southern Oregon.

"For us, this is an economic issue," he said.

Helle Ruddenklau, a seed grower in Polk County who opposed SB 1037, said the problem of cross-pollination isn't limited to GMO crops, but farmers find ways to resolve the issue.

For example, if a neighbor is planting a related seed crop, Ruddenklau establishes a buffer strip to distance her crop from the pollen, she said.

"That's a financial burden for us, but it's a cost of being a certified seed grower in Oregon," she said.

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