

# SENATE BILL REPORT

## SB 5647

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As of February 17, 2005

**Title:** An act relating to enforcement of immigration laws.

**Brief Description:** Limiting the authority of peace officers to enforce federal immigration laws.

**Sponsors:** Senators Kline, Franklin, Fairley, Prentice, McAuliffe and Shin.

**Brief History:**

**Committee Activity:** Judiciary: 2/16/05.

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### SENATE COMMITTEE ON JUDICIARY

**Staff:** Aldo Melchiori (786-7439)

**Background:** A number of states (Alaska, Maine, Oregon) and local jurisdictions throughout the United States prohibit or regulate the use of resources or personnel for the purpose of detecting or apprehending persons solely for violations of federal immigration law. The Seattle city code provides that, unless otherwise required by law or by court order, no Seattle City officer or employee may inquire into the immigration status of any person, or engage in activities designed to ascertain the immigration status of any person. Seattle Police officers are exempt from this limitation if the officer has reasonable suspicion to believe the person has previously been deported from the United States; is again present in the United States; and is committing or has committed a felony. Seattle City officers or employees may, however, cooperate with federal immigration authorities as required by law.

**Summary of Bill:** All Washington peace officers must refrain from enforcing federal civil immigration laws. They may not single out individuals for legal scrutiny or enforcement activity based solely on country of origin, religion, ethnicity, or immigration status. No law enforcement agency is allowed to use their resources to detect or apprehend persons whose sole violation of law is alleged to be a civil immigration violation. Any person violating this section is civilly liable for \$1,000 per violation, direct economic damages, and costs of litigation. The court may also award additional damages to encourage future compliance.

These restrictions do not apply if the officer has reasonable suspicion to believe that the person was convicted of a felony in the United States, the person left the United States after the felony conviction, and the person is again back in this country. When required by federal law, the Washington officer may also cooperate with federal immigration authorities.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** Enforcing immigration laws puts a strain in the relationship between the police and immigrant communities. Enforcement of federal civil laws is not financially feasible for overburdened local police. It is appropriate for local police to help enforce federal criminal laws, but not federal civil laws.

**Testimony Against:** Federal law enforcement agencies are understaffed and need local help. If immigrants obeyed our laws and they would not need to worry. Potential terrorist may escape apprehension.

**Who Testified:** PRO: Neha Chandola, NW Immigrant Rights Project; Lisa Powell, NW Immigrant Rights Project; Lisa Seifert, American Immigrant Language Association; Grace Huang, Washington State Coalition Against Domestic Violence.

CON: Tom Brandt.

Signed in, Unable to Testify & Submitted Written Testimony: Pramila Jayapal, Hate Free Zone Washington.