
SENATE BILL 5647

State of Washington 59th Legislature 2005 Regular Session

By Senators Kline, Franklin, Fairley, Prentice, McAuliffe and Shin

Read first time 02/01/2005. Referred to Committee on Judiciary.

1 AN ACT Relating to enforcement of immigration laws; adding a new
2 section to chapter 10.93 RCW; prescribing penalties; and declaring an
3 emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 10.93 RCW
6 to read as follows:

7 (1)(a) Unless otherwise required by law or court order, all general
8 or limited authority Washington peace officers or specially
9 commissioned Washington peace officers shall refrain from the
10 enforcement of federal civil immigration laws. General or limited
11 authority Washington peace officers or specially commissioned
12 Washington peace officers shall not single out individuals for legal
13 scrutiny or enforcement activity based solely on their country of
14 origin, religion, ethnicity, or immigration status.

15 (b) No general authority Washington law enforcement agency, agency
16 with primary territorial jurisdiction, or primary commissioning agency
17 shall use moneys, resources, or personnel solely for the purpose of
18 detecting or apprehending persons whose only violation of law is or may
19 be a civil immigration violation.

1 (c) Subsection (1)(a) and (b) of this section does not apply if the
2 Washington officer has reasonable suspicion to believe that the person
3 was convicted for a felony in this state or any state, the person was
4 deported or left the United States after the felony conviction, and the
5 person is again present in the United States.

6 (2) Nothing in this section shall be construed to prohibit any
7 general or limited authority Washington peace officer or specially
8 commissioned Washington peace officer from cooperating with federal
9 immigration authorities when required under federal law.

10 (3) Any person who violates subsection (1) of this section shall be
11 liable in a civil action brought by the aggrieved party in the amount
12 of one thousand dollars per violation, all economic damages actually
13 incurred as a direct result of the violation, and for the costs of
14 litigation including reasonable attorneys' fees and costs. The court
15 may award additional damages in an amount determined necessary to
16 ensure the violator's future compliance.

17 NEW SECTION. **Sec. 2.** If any provision of this act or its
18 application to any person or circumstance is held invalid, the
19 remainder of the act or the application of the provision to other
20 persons or circumstances is not affected.

21 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
22 preservation of the public peace, health, or safety, or support of the
23 state government and its existing public institutions, and takes effect
24 immediately.

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