
HOUSE BILL 1892

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Klippert, Hope, McCune, and Shea

Read first time 02/08/11. Referred to Committee on Judiciary.

1 AN ACT Relating to authorizing attempts to determine proof of legal
2 status in this country when a person is lawfully detained by law
3 enforcement while ensuring constitutional due process; and adding a new
4 section to chapter 10.31 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 10.31 RCW
7 to read as follows:

8 (1) For any lawful stop, detention, or arrest made by a law
9 enforcement officer or a law enforcement agency of this state or a law
10 enforcement officer or a law enforcement agency of a county, city,
11 town, or other political subdivision of this state in the enforcement
12 of any other law or ordinance of a county, city, or town or this state
13 where reasonable suspicion exists that the person is an alien and is
14 unlawfully present in the United States, a reasonable attempt may be
15 made, when practicable, to determine the immigration status of the
16 person, except if the determination may hinder or obstruct an
17 investigation. Any person who is arrested shall have the person's
18 immigration status determined before the person is released. The
19 person's immigration status shall be verified with the federal

1 government pursuant to 8 U.S.C. Sec. 1373(c). A law enforcement
2 officer or agency of this state or a county, city, town, or other
3 political subdivision of this state may not consider race, color, or
4 national origin in implementing the requirements of this subsection
5 except to the extent permitted by the United States or Washington state
6 Constitution. A person is presumed to not be an alien who is
7 unlawfully present in the United States if the person provides to the
8 law enforcement officer or agency any of the following:

9 (a) A valid Washington driver's license;

10 (b) A valid Washington identicard;

11 (c) A valid tribal enrollment card or other form of tribal
12 identification; or

13 (d) If the entity requires proof of legal presence in the United
14 States before issuance, any valid United States federal, state, or
15 local government issued identification.

16 (2) If an alien who is unlawfully present in the United States is
17 convicted of a violation of state or local law, on discharge from
18 imprisonment or on the assessment of any monetary obligation that is
19 imposed, the United States immigration and customs enforcement or the
20 United States customs and border protection shall be immediately
21 notified.

22 (3) A law enforcement agency may securely transport an alien who
23 the agency has received verification is unlawfully present in the
24 United States and who is in the agency's custody to a federal facility
25 in this state or to any other point of transfer into federal custody
26 that is outside the jurisdiction of the law enforcement agency. A law
27 enforcement agency shall obtain judicial authorization before securely
28 transporting an alien who is unlawfully present in the United States to
29 a point of transfer that is outside of this state.

30 (4) Except in relation to matters in which the officer is adjudged
31 to have acted in bad faith, a law enforcement officer is indemnified by
32 the law enforcement officer's agency against reasonable costs and
33 expenses, including attorneys' fees, incurred by the officer in
34 connection with any action, suit, or proceeding brought pursuant to
35 this section in which the officer may be a defendant by reason of the
36 officer being or having been a member of the law enforcement agency.

37 (5) This section shall be implemented in a manner consistent with

1 federal laws regulating immigration, protecting the civil rights of all
2 persons, and respecting the privileges and immunities of United States
3 citizens.

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