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**HOUSE BILL 2284**

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**State of Washington 64th Legislature 2015 2nd Special Session**

**By** Representative Klippert

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

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

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

(1) For any lawful stop, detention, or arrest made by a law enforcement officer or a law enforcement agency of this state or a law enforcement officer or a law enforcement agency of a county, city, town, or other political subdivision of this state in the enforcement of any other law or ordinance of a county, city, or town or this state where reasonable suspicion exists that the person is an alien and is unlawfully present in the United States, a reasonable attempt may be made, when practicable, to determine the immigration status of the person, except if the determination may hinder or obstruct an investigation. Any person who is arrested shall have the person's immigration status determined before the person is released. The person's immigration status shall be verified with the federal government pursuant to 8 U.S.C. Sec. 1373(c). A law enforcement officer or agency of this state or a county, city, town, or other political subdivision of this state may not consider race, color, or national origin in implementing the requirements of this subsection except to the extent permitted by the United States or Washington state Constitution. A person is presumed to not be an alien who is unlawfully present in the United States if the person provides to the law enforcement officer or agency any of the following:

(a) A valid Washington driver's license;

(b) A valid Washington identicard;

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

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

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

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

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

(5) This section shall be implemented in a manner consistent with federal laws regulating immigration, protecting the civil rights of all persons, and respecting the privileges and immunities of United States citizens.

**--- END ---**