

# HOUSE BILL REPORT

## ESHB 2029

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**As Passed House:**  
March 7, 2017

**Title:** An act relating to providing a referral resource for those seeking information and assistance for immigration and citizenship related matters.

**Brief Description:** Providing a referral resource for those seeking information and assistance for immigration and citizenship related matters.

**Sponsors:** House Committee on Judiciary (originally sponsored by Representatives Ortiz-Self, Ryu, Santos, Tarleton, Fey, Farrell, McBride, Wylie, Peterson, Kloba, Gregerson, Clibborn, Jinkins, Kagi, Bergquist, Ormsby, Hudgins, Stanford, Tharinger and Macri).

**Brief History:**

**Committee Activity:**

Judiciary: 2/14/17, 2/16/17 [DPS].

**Floor Activity:**

Passed House: 3/7/17, 67-30.

**Brief Summary of Engrossed Substitute Bill**

- Directs the Human Rights Commission, in consultation with others, to establish a toll-free telephone hotline and website with the capacity to refer callers and users to sources of information and assistance for victims of hate crimes or harassment due to their actual or perceived immigration, national origin, or citizenship related status.
- Provides that all information revealing the identity of persons or entities requesting information is exempt from public disclosure.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Frame, Goodman, Graves, Hansen, Kirby and Orwall.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Minority Report:** Do not pass. Signed by 3 members: Representatives Haler, Klippert and Shea.

**Staff:** Cece Clynch (786-7195).

**Background:**

Human Rights Commission.

The Washington State Human Rights Commission (Commission) consists of five members appointed by the Governor with the advice and consent of the Senate. The Commission is granted, under the Washington Law Against Discrimination (WLAD), powers with respect to the elimination and prevention of discrimination against certain protected classes, including national origin, in: employment; credit and insurance transactions; places of public resort, accommodation, or amusement; and real property transactions. Complaints of discrimination under the WLAD may be filed with the Commission.

The Commission is also charged, among other things, with:

- issuing publications and research as in its judgment will tend to promote good will and minimize or eliminate discrimination on the basis of a protected class;
- making technical studies as are appropriate to effectuate the purposes and policies of the WLAD and publishing and distributing these reports; and
- fostering good relations between minority and majority population groups of the state through seminars, conferences, educational programs, and other intergroup relations activities.

Citizenship and Immigration.

The federal government has jurisdiction over the terms and conditions for immigrants to reside in the United States (U.S.). Noncitizen immigrants living permanently in the U.S. have "immigrant status," and noncitizens who enter or stay in the U.S. on a temporary basis have "nonimmigrant status." Naturalization is the way that a person not born in the U.S. voluntarily becomes a U.S. citizen.

Public Records Act.

The Public Records Act (PRA) requires state and local agencies to make all public records available for public inspection and copying, unless a record falls within an exemption in the PRA or another statute that exempts or prohibits disclosure of specific information or records. To the extent required to prevent an unreasonable invasion of personal privacy interests, an agency must delete identifying details when it makes a public record available. A person's right to privacy is violated only if disclosure would be highly offensive to a reasonable person and is not of legitimate concern to the public. The PRA is liberally construed and its exemptions narrowly construed. If the PRA conflicts with any other law, the provisions of the PRA govern.

**Summary of Engrossed Substitute Bill:**

The Human Rights Commission (Commission) must establish a toll-free telephone hotline and a website with the capacity to refer callers and users to sources of information and assistance for victims of hate crimes or harassment due to their actual or perceived

immigration, national origin, or citizenship-related status. In doing so, the Commission must consult with relevant state agencies and individuals or groups having experience and knowledge of immigration law and the provision of immigration and citizenship-related assistance, including those with experience providing culturally appropriate services to populations that have traditionally been underserved or unserved. Before including a source on the website, the Commission must ask the source whether it wants to be included, and adhere to that preference.

An exemption is made in the Public Records Act for all information revealing the identity of any person or entity requesting information or assistance via the Commission's hotline or website. Identifying information includes the person's or entity's name, address, phone number or other contact information, location, national origin or religion, and immigration or citizenship status.

Beginning December 1, 2017, and annually thereafter, the Commission must report to the Legislature and the Governor regarding: the name of every source to which a caller or user was referred; the total number of calls and inquiries; and the total number of referrals to all sources combined.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill is in response to the many people in communities around the state who are feeling harassed, bullied, and afraid. Many support this bill and have indicated that they did not intend, by their vote in the national election, for people to be harassed, bullied, and made afraid of losing their homes and their education. There will be an amendment to clarify that this bill is aimed at allowing people in communities to reach out when they are scared and afraid, perhaps even afraid of losing their child. The Human Rights Commission (HRC) already investigates hate crimes and is well situated to investigate the instances of harassment that have been reported recently. That there is already a referral service for immigration matters is new information. Many have reported instances of recent harassment and bullying, such as: one young man was told that his president is gone, and now he is going to be sent home; two kids flipped off a woman on her way to the mall; a mother was told that she had to go home and had to change her Hillary shirt; and children at schools have been heard singing taunting songs about walls. There is a need for resources to provide guidance for those who are scared. The HRC is working to find a way to help Washington's residents and would like to form a statewide partnership regarding hate and bias. The HRC has been receiving reports about the hate, bias, fear, and anxiety, such as: a lack of resources in some areas; language access difficulties; hateful graffiti; students passing out deportation letters at schools; gay slurs written on a car at Washington State University; and tagging of the Martin Luther King, Jr. center in Spokane. There have been reports of: Mexican immigrants being told to go home; black persons being told that white lives matter more; and

a Muslim student being hit in the face. The Southern Poverty Law Center has reported a huge increase in these types of occurrences since the election. The HRCs mission is to eliminate discrimination. The HRC needs resources to fulfill this mission and to work with many organizations, entities, and agencies to build the network that is needed.

(Opposed) None.

(Other) There is support for the amendment that has been described to deal with hate crimes. There is already a referral service in operation for immigration matters; it is available in 22 languages, and there would be concern if there was an attempt to duplicate this service that OneAmerica and the Faith Action Network set up several years ago. There has been an upswing in the number of hate crimes. These numbers haven't been seen since 2001. There is a need for intervention and a referral service with respect to hate crimes.

**Persons Testifying:** (In support) Representative Ortiz-Self, prime sponsor; Jimmy Matta, Latino Civic Alliance; and Sharon Ortiz, Washington State Human Rights Commission.

(Other) Ellicott Dandy, OneAmerica; and Paul Benz, Faith Action Network.

**Persons Signed In To Testify But Not Testifying:** None.