
SENATE BILL 5689

State of Washington

65th Legislature

2017 Regular Session

By Senators Wellman, Saldaña, Nelson, Keiser, Hasegawa, McCoy, Carlyle, Pedersen, Chase, Ranker, Conway, Darneille, and Kuderer

Read first time 02/02/17.

1 AN ACT Relating to establishing a statewide policy supporting
2 Washington state's economy and immigrants' role in the workplace;
3 adding new sections to chapter 43.17 RCW; adding a new section to
4 chapter 43.330 RCW; adding a new section to chapter 43.10 RCW;
5 creating new sections; repealing RCW 10.70.140 and 10.70.150; and
6 declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** (1) The legislature finds that Washington
9 state has a thriving economy that spans both east and west, and
10 encompasses agriculture, food processing, timber, construction,
11 health care, technology, and the hospitality industries.

12 (2) The legislature also finds that Washington employers rely on
13 a diverse workforce to ensure the economic vitality of the state.
14 Nearly one million Washingtonians are immigrants, which is one out of
15 every seven people in the state. Immigrants make up over sixteen
16 percent of the workforce. In addition, fifteen percent of all
17 business owners in the state were born outside the country, and these
18 business owners have a large impact on the economy through innovation
19 and the creation of jobs. Immigrants make a significant contribution
20 to the economic vitality of this state, and it is essential that the

1 state have policies that recognize their importance to Washington's
2 economy.

3 (3) In recognition of this significant contribution to the
4 overall prosperity and strength of Washington state, the legislature,
5 therefore, has a substantial and compelling interest in ensuring the
6 state of Washington remains a place where the rights and dignity of
7 all residents are maintained and protected in order to keep
8 Washington working.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.17
10 RCW to read as follows:

11 (1) "Civil immigration warrant" means any warrant for a violation
12 of federal civil immigration law, and includes civil immigration
13 warrants entered in the national crime information center database.

14 (2) "Federal immigration authority" means any officer, employee,
15 or person otherwise paid by or acting as an agent of United States
16 immigration and customs enforcement, or United States customs and
17 border protection, or any division thereof, or any other officer,
18 employee, or person otherwise paid by or acting as an agent of the
19 United States department of homeland security, who is charged with
20 immigration enforcement.

21 (3) "Health facility" has the same meaning as provided in RCW
22 70.175.020, and includes substance abuse treatment facilities.

23 (4) "Hold request" means a United States immigration and customs
24 enforcement or United States customs and border protection request
25 that a local law enforcement agency maintain custody of an individual
26 currently in its custody beyond the time he or she would otherwise be
27 eligible for release in order to facilitate transfer to United States
28 immigration and customs enforcement and includes, but is not limited
29 to, department of homeland security form I-247D.

30 (5) "Immigration enforcement" includes any and all efforts to
31 investigate, enforce, or assist in the investigation or enforcement
32 of any federal civil immigration law, and also includes any and all
33 efforts to investigate, enforce, or assist in the investigation or
34 enforcement of any federal criminal immigration law that penalizes a
35 person's presence in, entry, or reentry to, or employment in, the
36 United States including, but not limited to, violations of Title 8
37 U.S.C. Secs. 1253, 1324c, 1325, or 1326.

38 (6) "Immigration or citizenship status" means all matters
39 regarding questions of citizenship of the United States or any other

1 country, the authority to reside in or otherwise be present in the
2 United States, the time or manner of a person's entry into the United
3 States, or any other civil immigration matter enforced by the
4 department of homeland security or other federal agency charged with
5 the enforcement of civil immigration laws.

6 (7) "Judicial warrant" means a warrant based on probable cause
7 and issued by a federal judge or a federal magistrate judge that
8 authorizes federal immigration authorities to take into custody the
9 person who is the subject of the warrant.

10 (8) "Local law enforcement agency" means any agency of a city,
11 county, special district, or other political subdivision of the state
12 that is authorized to enforce criminal statutes, regulations, or
13 local ordinances; or to operate jails or to maintain custody of
14 individuals in jails; or to operate juvenile detention facilities or
15 to maintain custody of individuals in juvenile detention facilities;
16 or to monitor compliance with probation or parole conditions.

17 (9) "Notification request" means a United States immigration and
18 customs enforcement or a United States customs and border protection
19 request that a local law enforcement agency inform either agency of
20 the release date and time in advance of the public of an individual
21 in its custody and includes, but is not limited to, the department of
22 homeland security's form I-247N.

23 (10) "Public schools" means all public elementary and secondary
24 schools under the jurisdiction of local governing boards or a charter
25 school board and all institutions of higher education as defined in
26 RCW 28B.10.016.

27 (11) "School police and security departments" includes police and
28 security departments of charter schools, county offices of education,
29 schools, school districts, and institutions of higher education as
30 defined in RCW 28B.10.016.

31 (12) "State agency" has the same meaning as provided in RCW
32 7.60.005.

33 (13) "Transfer request" means a United States immigration and
34 customs enforcement request that a local law enforcement agency
35 facilitate the transfer of an individual in its custody to the United
36 States immigration and customs enforcement or the United States
37 customs and border protection and includes, but is not limited to,
38 the department of homeland security's form I-247X.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.330
2 RCW to read as follows:

3 (1) A keep Washington working statewide steering committee shall
4 be established within the department. The steering committee must:

5 (a) Develop strategies with private sector businesses, labor, and
6 immigrant advocacy organizations to support current and future
7 industries across the state;

8 (b) Conduct research on methods to strengthen career pathways for
9 skilled immigrants and create and enhance partnerships with projected
10 growth industries;

11 (c) Support business and agriculture leadership, civic groups,
12 government, and immigrant advocacy organizations in a statewide
13 effort to provide the agriculture industry with a predictable and
14 stable workforce;

15 (d) Recommend approaches to improve Washington's ability to
16 attract and retain immigrant business owners that provide new
17 business and trade opportunities.

18 (2) The committee must consist of eleven representatives, each
19 serving a term of three years, representing members from
20 geographically diverse immigrant advocacy groups, professional
21 associations representing business, labor organizations with a
22 statewide presence, agriculture and immigrant legal interests, faith-
23 based community nonprofit organizations, legal advocacy groups
24 focusing on immigration and criminal justice, academic institutions,
25 and law enforcement. Members of the committee must select a chair
26 from among the membership. The steering committee must meet at least
27 six times a year and hold meetings in various locations throughout
28 the state. Following each meeting, the committee must report to the
29 governor on its status.

30 (3) In addition to the duties and powers described in RCW
31 43.330.040, it is the director's duty to provide support to the
32 committee.

33 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.10
34 RCW to read as follows:

35 The attorney general, in consultation with the appropriate
36 stakeholders, must publish model policies for limiting immigration
37 enforcement to the fullest extent possible consistent with federal
38 and state law at public schools, health facilities operated by the
39 state or a political subdivision of the state, courthouses, and

1 shelters, to ensure they remain safe and accessible to all Washington
2 residents, regardless of immigration or citizenship status within
3 three months after the effective date of this section. All public
4 schools, health facilities operated by the state or a political
5 subdivision of the state, and courthouses must implement the model
6 policy, or an equivalent policy. All other organizations and entities
7 that provide services related to physical or mental health and
8 wellness, education, or access to justice, are encouraged to adopt
9 the model policy.

10 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.17
11 RCW to read as follows:

12 All state agencies must, within six months after the effective
13 date of this section, review their confidentiality policies and
14 identify any changes necessary to ensure that information collected
15 from individuals is limited to that necessary to perform agency
16 duties and is not used or disclosed for any other purpose. Any
17 necessary changes to those policies must be made as expeditiously as
18 possible, consistent with agency or department procedures. These
19 policies must make clear that public employees may not condition
20 services or request information or proof regarding a person's
21 immigration or citizenship status, or place of birth, except as
22 required by law. The policies must also ensure that public services
23 are available to, and public employees must serve, all Washington
24 residents without regard to immigration or citizenship status.

25 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.17
26 RCW to read as follows:

27 No state agency or department, including law enforcement, may use
28 agency or department funds, facilities, property, equipment, or
29 personnel to investigate, enforce, cooperate with, or assist in the
30 investigation or enforcement of any unconstitutional or illegal
31 registration or surveillance programs or any other unconstitutional
32 or illegal laws, rules, or policies that target Washington residents
33 on the basis of race, religion, immigration, or citizenship status,
34 or national or ethnic origin. Any state agency or department,
35 including law enforcement, may not make databases available to anyone
36 or any entity for the purpose of immigration enforcement or
37 investigation or enforcement of any federal program requiring
38 registration of individuals on the basis of race, religion,

1 immigration, or citizenship status, or national or ethnic origin. Any
2 agreements in existence on the effective date of this section that
3 make any agency or department databases available that are in
4 conflict with the terms of this section are terminated on that date.

5 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.17
6 RCW to read as follows:

7 (1) State and local law enforcement agencies and school police
8 and security departments may not use agency or department funds,
9 facilities, property, equipment, or personnel to investigate,
10 interrogate, detain, detect, or arrest persons for immigration
11 enforcement purposes including, but not limited to, any of the
12 following:

13 (a) Inquire into or collect information about an individual's
14 immigration or citizenship status, or place of birth;

15 (b) Respond to notification and transfer requests from federal
16 immigration authorities;

17 (c) Respond to requests for nonpublicly available personal
18 information about an individual including, but not limited to,
19 information about the person's release date, home address, or work
20 address for immigration enforcement purposes;

21 (d) Make arrests based on civil immigration warrants;

22 (e) Give federal immigration authorities access to interview
23 individuals in agency or department custody for immigration
24 enforcement purposes;

25 (f) Perform the functions of an immigration officer, whether
26 pursuant to Title 8 U.S.C. Sec. 1357(g) or any other law, regulation,
27 or policy, whether formal or informal;

28 (g) Deny services, benefits, privileges, or opportunities to
29 individuals in custody, or under community custody or probation
30 status, on the basis of the presence of an immigration detainer,
31 hold, notification request, or civil immigration warrant; or

32 (h) Place peace officers under the supervision of federal
33 agencies or employ peace officers deputized as special federal
34 officers or special federal deputies, except to the extent those
35 peace officers remain subject to Washington law governing conduct of
36 peace officers and the policies of the employing agency.

37 (2) Notwithstanding any other provision of law, state or local
38 law enforcement agencies or school police or security departments may
39 not transfer an individual to federal immigration authorities for

1 purposes of immigration enforcement or detain an individual at the
2 request of federal immigration authorities for purposes of
3 immigration enforcement absent a judicial warrant establishing
4 probable cause to believe that the person has committed a criminal
5 offense. This subsection does not limit the scope of subsection (1)
6 of this section.

7 (3) Nothing in this section prevents a state agency or department
8 or any state or local law enforcement agency, including school police
9 or security departments, from responding to a request from federal
10 immigration authorities for information about a specific person's
11 previous criminal arrests or convictions where otherwise permitted by
12 state law or from responding to a lawful subpoena.

13 (4) Nothing in this section prohibits or restricts any government
14 entity or official from sending to, or receiving from federal
15 immigration authorities, information regarding the citizenship or
16 immigration status, lawful or unlawful, of an individual pursuant to
17 Title 8 U.S.C. Secs. 1373 and 1644.

18 NEW SECTION. **Sec. 8.** This act may be known and cited as the
19 keep Washington working act.

20 NEW SECTION. **Sec. 9.** The following acts or parts of acts are
21 each repealed:

22 (1) RCW 10.70.140 (Aliens committed—Notice to immigration
23 authority) and 1992 c 7 s 29 & 1925 ex.s. c 169 s 1; and

24 (2) RCW 10.70.150 (Aliens committed—Copies of clerk's records)
25 and 1925 ex.s. c 169 s 2.

26 NEW SECTION. **Sec. 10.** This act is necessary for the immediate
27 preservation of the public peace, health, or safety, or support of
28 the state government and its existing public institutions, and takes
29 effect immediately.

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