
HOUSE BILL 2284

State of Washington 64th Legislature 2015 2nd Special Session

By Representative Klippert

Prefiled 06/27/15.

1 AN ACT Relating to authorizing attempts to determine proof of
2 legal status in this country when a person is lawfully detained by
3 law enforcement while ensuring constitutional due process; and adding
4 a new 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
7 RCW 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
10 law enforcement officer or a law enforcement agency of a county,
11 city, town, or other political subdivision of this state in the
12 enforcement of any other law or ordinance of a county, city, or town
13 or this state where reasonable suspicion exists that the person is an
14 alien and is unlawfully present in the United States, a reasonable
15 attempt may be made, when practicable, to determine the immigration
16 status of the person, except if the determination may hinder or
17 obstruct an investigation. Any person who is arrested shall have the
18 person's immigration status determined before the person is released.
19 The person's immigration status shall be verified with the federal
20 government pursuant to 8 U.S.C. Sec. 1373(c). A law enforcement
21 officer or agency of this state or a county, city, town, or other

1 political subdivision of this state may not consider race, color, or
2 national origin in implementing the requirements of this subsection
3 except to the extent permitted by the United States or Washington
4 state Constitution. A person is presumed to not be an alien who is
5 unlawfully present in the United States if the person provides to the
6 law enforcement officer or agency any of the following:

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

8 (b) A valid Washington identicard;

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

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

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

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

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

37 (5) This section shall be implemented in a manner consistent with
38 federal laws regulating immigration, protecting the civil rights of

1 all persons, and respecting the privileges and immunities of United
2 States citizens.

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