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**SUBSTITUTE SENATE BILL 5689**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Senate Labor & Commerce (originally sponsored by Senators Wellman, Saldaña, Nelson, Keiser, Hasegawa, McCoy, Carlyle, Pedersen, Chase, Ranker, Conway, Darneille, and Kuderer)

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

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

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

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

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

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

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

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

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

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

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

(6) "Immigration or citizenship status" means all matters regarding questions of citizenship of the United States or any other country, the authority to reside in or otherwise be present in the United States, the time or manner of a person's entry into the United States, or any other civil immigration matter enforced by the department of homeland security or other federal agency charged with the enforcement of civil immigration laws.

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

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

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

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

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

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

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

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

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

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

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

(c) Support business and agriculture leadership, civic groups, government, and immigrant advocacy organizations in a statewide effort to provide predictability and stability to the workforce;

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

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

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

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

The attorney general, in consultation with the appropriate stakeholders, must publish model policies for limiting immigration enforcement to the fullest extent possible consistent with federal and state law at public schools, health facilities operated by the state or a political subdivision of the state, courthouses, and shelters, to ensure they remain safe and accessible to all Washington residents, regardless of immigration or citizenship status within three months after the effective date of this section. All public schools, health facilities operated by the state or a political subdivision of the state, and courthouses must implement the model policy, or an equivalent policy. All other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, are encouraged to adopt the model policy.

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

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

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

No state agency or department, including law enforcement, may use agency or department funds, facilities, property, equipment, or personnel to investigate, enforce, cooperate with, or assist in the investigation or enforcement of any unconstitutional or illegal registration or surveillance programs or any other unconstitutional or illegal laws, rules, or policies that target Washington residents on the basis of race, religion, immigration, or citizenship status, or national or ethnic origin. Any state agency or department, including law enforcement, may not make databases available to anyone or any entity for the purpose of immigration enforcement or investigation or enforcement of any federal program requiring registration of individuals on the basis of race, religion, immigration, or citizenship status, or national or ethnic origin. Any agreements in existence on the effective date of this section that make any agency or department databases available that are in conflict with the terms of this section are terminated on that date.

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

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

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

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

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

(d) Make arrests based on civil immigration warrants;

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

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

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

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

(2) Notwithstanding any other provision of law, state or local law enforcement agencies or school police or security departments may not transfer an individual to federal immigration authorities for purposes of immigration enforcement or detain an individual at the request of federal immigration authorities for purposes of immigration enforcement absent a judicial warrant establishing probable cause to believe that the person has committed a criminal offense. This subsection does not limit the scope of subsection (1) of this section.

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

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

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

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

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

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

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

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