

2SSB 5689 - S AMD 599
By Senator Wellman

1 Strike everything after the enacting clause and insert the
2 following:

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

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

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

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

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

29 (2) "Federal immigration authority" means any organization,
30 agency, officer, employee, or person otherwise contracted with, paid
31 by, or acting as an agent of United States immigration and customs

1 enforcement, or United States customs and border protection, or any
2 division thereof, or any other organization, agency, officer,
3 employee, or person otherwise paid by or acting as an agent of the
4 United States department of homeland security, who is charged with
5 immigration enforcement.

6 (3) "Health facility" has the same meaning as the term "health
7 care facility" provided in RCW 70.175.020, and includes substance
8 abuse treatment facilities.

9 (4) "Detainer or notification request" means a request that a
10 local law enforcement agency inform federal immigration authorities
11 of the release date and time in advance of the public of an
12 individual in its custody, or that a local law enforcement agency
13 maintain custody of an individual currently in its custody beyond the
14 time he or she would otherwise be eligible for release in order to
15 facilitate transfer to United States immigration and customs
16 enforcement and includes, but is not limited to, department of
17 homeland security form I-247A or prior or subsequent version of form
18 I-247.

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

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

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

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

1 (9) "School resource officers and security departments" includes
2 resource officers, police, and security departments of charter
3 schools, county offices of education, schools, school districts, and
4 institutions of higher education as defined in RCW 28B.10.016.

5 (10) "State agency" has the same meaning as provided in RCW
6 7.60.005.

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

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

15 (1) A keep Washington working statewide work group shall be
16 established within the department. The work group must:

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

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

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

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

30 (2) The work group must consist of eleven representatives, each
31 serving a term of three years, representing members from
32 geographically diverse immigrant advocacy groups, professional
33 associations representing business, labor organizations with a
34 statewide presence, agriculture and immigrant legal interests, faith-
35 based community nonprofit organizations, legal advocacy groups
36 focusing on immigration and criminal justice, academic institutions,
37 and law enforcement. The terms of the members must be staggered.
38 Members of the work group must select a chair from among the
39 membership. The work group must meet at least four times a year and

1 hold meetings in various locations throughout the state. Following
2 each meeting, the work group must report the minutes and meeting
3 summary to the department on its status. The department must provide
4 a report to the legislature annually.

5 (3) In addition to the duties and powers described in RCW
6 43.330.040, it is the director's duty to provide support to the work
7 group.

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

10 The attorney general, in consultation with the appropriate
11 stakeholders, must publish model policies for limiting immigration
12 enforcement to the fullest extent possible consistent with federal
13 and state law at public schools, health facilities operated by the
14 state or a political subdivision of the state, courthouses, and
15 shelters, to ensure they remain safe and accessible to all Washington
16 residents, regardless of immigration or citizenship status within
17 three months after the effective date of this section. All public
18 schools, health facilities operated by the state or a political
19 subdivision of the state, and courthouses must implement the model
20 policy, or an equivalent policy in accordance with state and federal
21 law, policies, grants, waivers or other requirements necessary to
22 maintain funding, or other agreements related to operation and
23 functions of the organization, including databases within the
24 organization. All other organizations and entities that provide
25 services related to physical or mental health and wellness,
26 education, or access to justice, are encouraged to adopt the model
27 policy.

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

30 (1) All state agencies that regularly receive requests from a
31 federal immigration authority for assistance with immigration
32 enforcement must, within six months after the effective date of this
33 section, review their confidentiality policies and identify any
34 changes necessary to minimize the collection, use, or disclosure of
35 information that might be used for immigration enforcement. Any
36 necessary changes to those policies must be made as expeditiously as
37 possible, consistent with agency or department procedures. These
38 policies must make clear that public employees must serve all

1 Washington residents and may not condition services or request
2 information or proof regarding a person's immigration or citizenship
3 status, or place of birth, except as necessary to perform agency
4 duties or functions, or to comply with state and federal law,
5 policies, grants, waivers or other requirements necessary to maintain
6 funding, or other agreements related to operation and functions of
7 the organization, including databases within the organization.
8 Nothing in this section prohibits the collection, use, or disclosure
9 of information that is related to the investigation of criminal
10 activity, business conducted by the agency that is not solely related
11 to immigration enforcement, or is in the form of deidentified or
12 aggregate data.

13 (2) For any databases operated by state and local law enforcement
14 agencies, including databases maintained for the agency by private
15 vendors, the attorney general shall, by January 1, 2019, in
16 consultation with appropriate stakeholders, publish guidance, audit
17 criteria, and training recommendations aimed at ensuring that those
18 databases are governed in a manner that limits the availability of
19 information therein to the fullest extent practicable and consistent
20 with federal and state law, to anyone or any entity for the purpose
21 of immigration enforcement. All state and local law enforcement
22 agencies must either:

23 (a) Adopt necessary changes to database governance policies
24 consistent with that guidance; or

25 (b) Notify the attorney general that the agency is not adopting
26 the changes to its database governance policy consistent with the
27 guidance, state the reasons that the agency is not adopting the
28 changes, and provide the attorney general with a copy of the agency's
29 database governance policy. The reasons for not adopting the changes
30 may include, but are not limited to, compliance with federal and
31 state law, policies, grants, waivers or other requirements necessary
32 to maintain funding, or other agreements related to operation and
33 functions of the organization, including databases within the
34 organization.

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

37 No state agency or department, including law enforcement, may use
38 agency or department funds, facilities, property, equipment, or
39 personnel to investigate, enforce, cooperate with, or assist in the

1 investigation or enforcement of any registration or surveillance
2 programs or any other laws, rules, or policies that target Washington
3 residents solely on the basis of race, religion, immigration, or
4 citizenship status, or national or ethnic origin. This section does
5 not apply to deidentified or aggregate data, including census data.

6 NEW SECTION. **Sec. 7.** A new section is added to chapter 10.93
7 RCW to read as follows:

8 (1) The legislature finds that it is not the primary purpose of
9 state and local law enforcement agencies, school resource officers,
10 or security departments to enforce civil federal immigration law. The
11 legislature further finds that the immigration status of an
12 individual or an individual's presence in, entry, or reentry to, or
13 employment in the United States alone, is not a matter for police
14 action, and that United States immigration and customs enforcement
15 has primary jurisdiction for enforcement of the provisions of Title 8
16 U.S.C. dealing with illegal entry.

17 (2) State and local law enforcement agencies, school resource
18 officers, and security departments may not:

19 (a) Inquire into or collect information about an individual's
20 immigration or citizenship status or place of birth for the purposes
21 of immigration enforcement. Law enforcement agencies may inquire into
22 citizenship or legal status of an individual if the information is
23 related to a criminal investigation, necessary to maintain federal
24 funding or for the purposes of establishing eligibility for programs
25 or services, including visa eligibility for victims of crimes, if
26 required by law or other agreements related to operation and
27 functions of the organization, including databases within the
28 organization otherwise required; or

29 (b) Respond to detainer or notification requests from federal
30 immigration authorities in a noncriminal matter, except as required
31 by law.

32 (3) State and local law enforcement agencies may not provide
33 nonpublicly available personal information about an individual to
34 federal immigration authorities in a noncriminal matter, except as
35 required by law.

36 (4) State and local law enforcement agencies may not give federal
37 immigration authorities access to interview individuals in custody in
38 a noncriminal matter, except as required by law.

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

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

15 (b) Nothing in this section shall be construed to prohibit
16 compliance with a judicial warrant or court order issued by a state
17 or federal court;

18 (c) Nothing in this section shall be construed to prohibit
19 participation in cross-designation or task force activities with
20 federal law enforcement authorities.

21 (7) An individual may not be detained solely for the purpose of
22 determining immigration status.

23 (8) An individual may not be taken into custody, or held in
24 custody, based solely on a civil immigration warrant.

25 (9) An individual must be provided all rights due to the
26 individual, including consular notification as required or authorized
27 by treaty or applicable law, regardless of the individual's
28 immigration status.

29 (10) An agency may not deny services, benefits, privileges, or
30 opportunities to individuals in custody, or under community custody
31 or probation status, on the basis of the presence of an immigration
32 detainer, transfer request, notification request, or civil
33 immigration warrant, except as necessary for classification or
34 placement purposes for individuals confined in state correctional
35 facilities.

36 (11) No state and local law enforcement officer may be placed
37 under the supervision of federal agencies solely for immigration
38 enforcement. Any officer placed under the supervision of federal
39 agencies remains subject to Washington law governing conduct of peace
40 officers and the policies of the employing agency.

1 NEW SECTION. **Sec. 8.** In accordance with Title 8 U.S.C. Sec.
2 1373, nothing in this act prohibits any state or local agency or
3 agent from sending to, or receiving from, federal immigration
4 authorities the citizenship or immigration status of a person, or
5 maintaining such information. Nor does it prohibit a state or local
6 agency from exchanging the citizenship or immigration status of an
7 individual with any other federal, state, or local government agency.

8 NEW SECTION. **Sec. 9.** If any part of this act is found to be in
9 conflict with federal requirements that are a prescribed condition to
10 the allocation of federal funds to the state, the conflicting part of
11 this act is inoperative solely to the extent of the conflict and with
12 respect to the agencies directly affected, and this finding does not
13 affect the operation of the remainder of this act in its application
14 to the agencies concerned. Rules adopted under this act must meet
15 federal requirements that are a necessary condition to the receipt of
16 federal funds by the state.

17 NEW SECTION. **Sec. 10.** This act may be known and cited as the
18 keep Washington working act.

19 NEW SECTION. **Sec. 11.** The following acts or parts of acts are
20 each repealed:

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

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

25 NEW SECTION. **Sec. 12.** This act is necessary for the immediate
26 preservation of the public peace, health, or safety, or support of
27 the state government and its existing public institutions, and takes
28 effect immediately."

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29 On page 1, line 2 of the title, after "workplace;" strike the
30 remainder of the title and insert "adding new sections to chapter

1 43.17 RCW; adding a new section to chapter 43.330 RCW; adding a new
2 section to chapter 43.10 RCW; adding a new section to chapter 10.93
3 RCW; creating new sections; repealing RCW 10.70.140 and 10.70.150;
4 and declaring an emergency."

EFFECT: Modifies and removes definitions.

Adds that schools, health facilities, and courthouses implement the AG's model policies in accordance with state and federal laws and other requirements to maintain federal funding and operation of databases.

Modifies the requirements for state agencies to make changes to confidentiality policies to provide: That they minimize information collection, use, and disclosure that might be used of immigration enforcement; that they do so except as necessary to perform agency duties, to comply with laws and other requirements to maintain federal funding or operation of databases; and that nothing prohibits collection, use, or disclosure of information related to criminal activity, business conducted by the agency solely related to immigration enforcement, or that is in the form of deidentified or aggregate data.

Provides a list of reasons a law enforcement agency may use for not adopting the AG's publish guidance for changes to its database.

Allows law enforcement agencies to: (1) Inquire and collect information about immigration or citizenship status when related to criminal investigations, for program eligibility, if required by law or agreement, or to maintain federal funding; (2) limit the prohibition for notification requests in a noncriminal matter, except as required by law; (3) comply with a warrant or court order, or participation in cross-designation or task force activities with federal law enforcement authorities.

Allows agencies to deny services and benefits do not apply as necessary for classification or placement purposes for individuals confined in state correctional facilities.

Adds a severability clause related to conditional federal funding.

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