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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)

READ FIRST TIME 01/18/18.

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 predictability and stability to the workforce;

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

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

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

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

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

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

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

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

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

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

1 agreements in existence on the effective date of this section that  
2 make any agency or department databases available that are in  
3 conflict with the terms of this section are terminated on that date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 NEW SECTION. **Sec. 9.** 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. 10.** 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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