S-3455.1

SENATE BILL 6264

State of Washington 69th Legislature 2026 Regular Session

By Senators Braun, Christian, Wagoner, Warnick, and J. Wilson

Read first time 01/21/26. Referred to Committee on Law & Justice.

AN ACT Relating to amending the statewide policy supporting Washington state's economy and immigrants' role in the workplace; and amending RCW 43.17.425, 10.93.160, and 43.10.315.

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

Sec. 1. RCW 43.17.425 and 2019 c 440 s 5 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, no state agency, including law enforcement, may use agency funds, facilities, property, equipment, or personnel to investigate, enforce, cooperate with, or assist in the investigation or enforcement of any federal registration or surveillance programs or any other laws, rules, or policies that target Washington residents solely on the basis of race, religion, immigration, or citizenship status, or national or ethnic origin. This subsection does not apply to any program with the primary purpose of providing persons with services or benefits, or to RCW 9.94A.685.

(2) Except as provided in subsection (3) of this section, the state agencies listed in subsections (5) and (6) of this section shall review their policies and identify and make any changes necessary to ensure that:

(a) Information collected from individuals is limited to the minimum necessary to comply with subsection (3) of this section;

(b) Information collected from individuals is not disclosed except as necessary to comply with subsection (3) of this section or as permitted by state or federal law;

(c) Agency employees may not condition services or request information or proof regarding a person's immigration status, citizenship status, or place of birth; and

(d) Public services are available to, and agency employees shall serve, all Washington residents without regard to immigration or citizenship status.

(3) Nothing in subsection (1) or (2) of this section prohibits the collection, use, or disclosure of information that is:

(a) Required to comply with state or federal law;

(b) In response to a lawfully issued court order;

(c) Necessary to perform agency duties, functions, or other business, as permitted by statute or rule, conducted by the agency that is not related to immigration enforcement;

(d) Required to comply with policies, grants, waivers, or other requirements necessary to maintain funding; ((~~or~~))

(e) In the form of deidentified or aggregated data, including census data; or

(f) Permitted under RCW 10.93.160 (4) through (6).

(4) Any changes to agency policies required by this section must be made as expeditiously as possible, consistent with agency procedures. Final policies must be published.

(5) The following state agencies shall begin implementation of this section within twelve months after May 21, 2019, and demonstrate full compliance by December 1, 2021:

(a) Department of licensing;

(b) Department of labor and industries;

(c) Employment security department;

(d) Department of revenue;

(e) Department of health;

(f) Health care authority;

(g) Department of social and health services;

(h) Department of children, youth, and families;

(i) Office of the superintendent of public instruction;

(j) State patrol.

(6) The following state agencies may begin implementation of this section by December 1, 2021, and must demonstrate full compliance by December 1, 2023:

(a) Department of agriculture;

(b) Department of financial institutions;

(c) Department of fish and wildlife;

(d) Department of natural resources;

(e) Department of retirement systems;

(f) Department of services for the blind;

(g) Department of transportation.

Sec. 2. RCW 10.93.160 and 2019 c 440 s 6 are each amended to read as follows:

(1) The definitions contained in RCW 43.17.420 apply to this section.

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

(3) School resource officers, when acting in their official capacity as a school resource officer, may not:

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

(b) Provide information pursuant to notification requests from federal immigration authorities for the purposes of civil immigration enforcement, except as required by law.

(4) State and local law enforcement agencies may ((~~not~~)):

(a) Inquire into or collect information about an individual's immigration or citizenship status, or place of birth ((~~unless~~)) if there is a connection between such information and an investigation into a violation of state or local criminal law or federal civil immigration law; ((~~or~~)) and

(b) Provide such information pursuant to notification requests from federal immigration authorities for the purposes of civil immigration enforcement((~~, except as required by law~~)).

(5) State and local law enforcement agencies may ((~~not~~)) provide nonpublicly available personal information about an individual, including individuals subject to community custody pursuant to RCW 9.94A.701 and 9.94A.702, to federal immigration authorities in a ((~~noncriminal~~)) criminal or federal civil immigration matter((~~, except as required by state or federal law~~)).

(6)((~~(a)~~)) State and local law enforcement agencies may ((~~not~~)) give federal immigration authorities access to interview individuals about a ((~~noncriminal~~)) criminal or federal civil immigration matter while they are in custody((~~, except as required by state or federal law, a court order, or by (b) of this subsection.~~

~~(b) Permission may be granted to a federal immigration authority to conduct an interview regarding federal immigration violations with a person who is in the custody of a state or local law enforcement agency if the person consents in writing to be interviewed. In order to obtain consent, agency staff shall provide the person with an oral explanation and a written consent form that explains the purpose of the interview, that the interview is voluntary, and that the person may decline to be interviewed or may choose to be interviewed only with the person's attorney present. The form must state explicitly that the person will not be punished or suffer retaliation for declining to be interviewed. The form must be available at least in English and Spanish and explained orally to a person who is unable to read the form, using, when necessary, an interpreter from the district communications center "language line" or other district resources~~)).

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

(8) ((~~An~~)) (a) Except as provided in (b) of this subsection, an individual must not be taken into custody((~~, or held in custody,~~)) solely for the purposes of determining immigration status or based solely on a civil immigration warrant, or an immigration hold request.

(b) An individual in the custody of state and local law enforcement agencies may continue to be held in custody based on a civil immigration warrant or an immigration hold request.

(9)(a) To ensure compliance with all treaty obligations, including consular notification, and state and federal laws, on the commitment or detainment of any individual, state and local law enforcement agencies must explain in writing:

(i) The individual's right to refuse to disclose their nationality, citizenship, or immigration status; and

(ii) That disclosure of their nationality, citizenship, or immigration status may result in civil or criminal immigration enforcement, including removal from the United States.

(b) Nothing in this subsection allows for any violation of subsection (4) of this section.

(10) A state and local government or law enforcement agency may not deny services, benefits, privileges, or opportunities to individuals in custody, or under community custody pursuant to RCW 9.94A.701 and 9.94A.702, or in probation status, on the basis of the presence of an immigration detainer, hold, notification request, or civil immigration warrant, except as required by law or as necessary for classification or placement purposes for individuals in the physical custody of the department of corrections.

(11) No state or local law enforcement officer may enter into any contract, agreement, or arrangement, whether written or oral, that would grant federal civil immigration enforcement authority or powers to state and local law enforcement officers, including but not limited to agreements created under 8 U.S.C. Sec. 1357(g), also known as 287(g) agreements.

(12)(a) No state agency or local government or law enforcement officer may enter into an immigration detention agreement. All immigration detention agreements must be terminated no later than one hundred eighty days after May 21, 2019, except as provided in (b) of this subsection.

(b) Any immigration detention agreement in effect prior to January 1, 2019, and under which a payment was made between July 1, 2017, and December 31, 2018, may remain in effect until the date of completion or December 31, 2021, whichever is earlier.

(13) No state or local law enforcement agency or school resource officer may enter into or renew a contract for the provision of language services from federal immigration authorities, nor may any language services be accepted from such for free or otherwise.

(14) The department of corrections may ((~~not~~)) give federal immigration authorities access to interview individuals about federal immigration violations while they are in custody((~~, except as required by state or federal law or by court order, unless such individuals consent to be interviewed in writing. Before agreeing to~~

~~be interviewed, individuals must be advised that they will not be punished or suffer retaliation for declining to be interviewed~~)).

(15) ((~~Subsections (3) through (6)~~)) Subsection (3) of this section ((~~do~~)) does not apply to individuals who are in the physical custody of the department of corrections.

(16) Nothing in this section prohibits the collection, use, or disclosure of information that is:

(a) Required to comply with state or federal law; or

(b) In response to a lawfully issued court order.

Sec. 3. RCW 43.10.315 and 2019 c 440 s 7 are each amended to read as follows:

To ensure state and law enforcement agencies are able to foster the community trust necessary to maintain public safety, within ((~~twelve~~)) 12 months of ((~~May 21, 2019~~)) July 1, 2026, the attorney general must, in consultation with appropriate stakeholders, publish model policies, guidance, and training recommendations consistent with ((~~chapter 440, Laws of 2019 and state and local law, aimed at ensuring that state and local law enforcement duties are carried out in a manner that limits, to the fullest extent practicable and consistent with federal and state law, engagement with federal immigration authorities for the purpose of immigration enforcement~~)) chapter . . ., Laws of 2026 (this act). All state and local law enforcement agencies must either:

(1) Adopt policies consistent with that guidance; or

(2) Notify the attorney general that the agency is not adopting the guidance and model policies, state the reasons that the agency is not adopting the model policies and guidance, and provide the attorney general with a copy of the agency's policies to ensure compliance with ((~~chapter 440, Laws of 2019~~)) chapter . . ., Laws of 2026 (this act).

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