



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

November 10, 2009

Ordinance 16692

Proposed No. 2009-0393.2

Sponsors Gossett, Ferguson, Phillips and
Constantine

1 AN ORDINANCE relating to ascertaining immigration
2 status as it relates to the public health and safety of the
3 residents of King County, named in honor of the Reverend
4 Doctor Martin Luther King, Jr.

5
6 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

7 SECTION 1. Findings:

8 A. The Reverend Doctor Martin Luther King, Jr., County, named in honor of the
9 Reverend Doctor Martin Luther King, Jr., is a "home rule" government under Article XI,
10 Section 4, of the Washington State Constitution. Under its home rule power, the
11 Reverend Doctor Martin Luther King, Jr., County may exercise any power and perform
12 any function, unless preempted by state or federal law, relating to its government and
13 affairs, including the power to regulate for the protection and rights of its inhabitants. To
14 this end, the Reverend Doctor Martin Luther King, Jr., County is dedicated to providing
15 all of its residents fair and equal access to services, opportunities and protection.

16 B. While precise figures are difficult to quantify, a 2009 Pew Hispanic Center
17 report estimated that between one hundred forty thousand and two hundred ten thousand
18 undocumented immigrants live in Washington state.

19 C. Ensuring that all of the Reverend Doctor Martin Luther King, Jr., County's
20 residents have access to necessary services and benefits is essential for upholding the
21 county's commitment to fair and equal access for all residents.

22 D. The enforcement of civil immigration laws have historically been a federal
23 government responsibility through the Immigration and Naturalization Service. Since
24 2002, matters of immigration law have been handled by the Office of Immigration and
25 Customs Enforcement, a branch of the Department of Homeland Security. Requiring
26 local law enforcement agencies, which are not specifically equipped or trained, to enforce
27 civil immigration laws forces local governments to expend their limited resources to
28 perform traditionally federal functions.

29 E. A goal of the legislation is to foster trust and cooperation between law
30 enforcement officials and immigrant communities to heighten crime prevention and
31 public safety.

32 F. Since 1992, the Reverend Doctor Martin Luther King, Jr., County sheriff's
33 office, has embraced this goal and outlined supporting policies in its operations manual,
34 with which this ordinance is consistent.

35 G. Another goal of the legislation is to promote the public health of the Reverend
36 Doctor Martin Luther King, Jr., County residents.

37 H. On April 22, 2008, the Reverend Doctor Martin Luther King, Jr., County
38 superior court affirmed the principle that our courts must remain open and accessible for

39 all individuals and families to resolve disputes on the merits by adopting a policy that
40 warrants for the arrest of individuals based on their immigration status shall not be
41 executed within any of the superior court courtrooms unless directly ordered by the
42 presiding judicial officer and shall be discouraged in the superior court courthouses,
43 unless the public's safety is at immediate risk. Shortly after the affirmation's adoption,
44 the Reverend Doctor Martin Luther King, Jr., County executive and Immigration and
45 Customs Enforcement agreed to honor this policy.

46 I. This ordinance is intended to be consistent with federal laws regarding
47 communications between local jurisdictions and federal immigration authorities,
48 including but not limited to United States Code Title 8, Section 1373.

49 SECTION 2.

50 A. Except as provided in this section or when otherwise required by law, a
51 Reverend Doctor Martin Luther King, Jr., County office, department, employee, agency
52 or agent shall not condition the provision of county services on the citizenship or
53 immigration status of any individual.

54 B.1. Nothing in this ordinance shall be construed to prohibit any King County
55 officer or employee from participating in cross-designation or task force activities with
56 federal law enforcement authorities.

57 2. The Reverend Doctor Martin Luther King, Jr., County sheriff's office
58 personnel shall not request specific documents relating to a person's civil immigration
59 status for the sole purpose of determining whether the individual has violated federal civil
60 immigration laws. The documents include but are not limited to:

61 a. passports;

62 b. alien registration cards; or

63 c. work permits.

64 3. The Reverend Doctor Martin Luther King, Jr., County sheriff's office
65 personnel may use documents relating to a person's civil immigration status if the
66 documents are offered by the person upon a general, nonspecific request.

67 4. The Reverend Doctor Martin Luther King, Jr., County sheriff's office
68 personnel shall not use stops for minor offenses or requests for voluntary information as a
69 pretext for discovering a person's immigration status.

70 5. The Reverend Doctor Martin Luther King, Jr., County sheriff's office
71 personnel shall not initiate any inquiry or enforcement action based solely on a person's:

72 a. civil immigration status;

73 b. race;

74 c. inability to speak English; or

75 d. inability to understand the deputy.

76 C. The Seattle-King County department of public health shall not condition the
77 provision of health benefits, opportunities or services on matters related to citizenship or
78 immigration status. The Seattle-King County department of public health may inquire
79 about or disclose information relating to an individual's citizenship or immigration status
80 for the purpose of determining eligibility for benefits or seeking reimbursement from
81 federal, state or other third-party payers.

82 D. Except when otherwise required by law, where the county accepts
83 presentation of a state-issued driver's license or identification card as adequate evidence
84 of identity, presentation of a photo identity document issued by the person's nation of

85 origin, such as a driver's license, passport or matricula consular, which is a consulate-
86 issued document, shall be accepted and shall not subject the person to a higher level of
87 scrutiny or different treatment than if the person had provided a Washington state driver's
88 license or identification card. However, a request for translation of such a document to
89 English shall not be deemed a violation of any provision of this ordinance and any
90 subsequent ordinance. This provision does not apply to documentation required to
91 complete a federal I-9 employment eligibility verification form.

92 E. This section does not create or form the basis for liability on the part of the
93 county, its officers, employees or agents.

94 F. Unless permitted by this ordinance or otherwise required by state or federal
95 law or international treaty, all applications, questionnaires and interview forms used in
96 relation to the provision of county benefits, opportunities or services shall be promptly
97 reviewed by each agency, and any question requiring disclosure of information related to
98 citizenship or immigration status shall be, in the agency's best judgment, either deleted in
99 its entirety or revised such that the disclosure is no longer required.

100

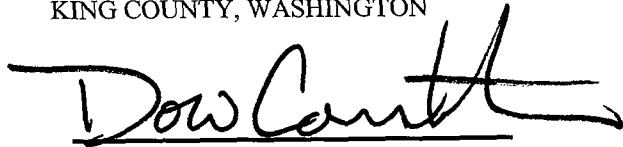
101 The review and revision shall be completed within one hundred and eighty days
102 of the effective date of this ordinance.

103

Ordinance 16692 was introduced on 6/29/2009 and passed as amended by the Metropolitan King County Council on 11/9/2009, by the following vote:

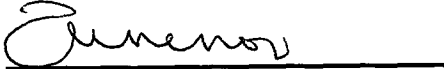
Yes: 5 - Mr. Constantine, Mr. Ferguson, Mr. Gossett, Mr. Phillips and Ms. Patterson
No: 4 - Ms. Hague, Ms. Lambert, Mr. von Reichbauer and Mr. Dunn
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON




Dow Constantine, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 19th day of November, 2009.



Kurt Triplett, County Executive

Attachments None

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CLERK
KING COUNTY COUNCIL