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

Sponsors: Larry Gossett, Bob Ferguson, Larry Phillips, Dow Constantine

Indexes: immigration, King County, Public Health

Code sections:

Attachments: 1. 16692.pdf, 2. 2009-0393 Att 2 sheriffs manual.pdf, 3. 2009-0393 Att 3 Sup Ct Courthouse Arrests Immigration Policy.doc, 4. 2009-0393 Staff Report for 11-09-09 COW.pdf, 5. 2009-0393 Staff Report Immigration Status 7-1-09 ws.doc, 6. 2009-0393 Staff Report Immigration Status 7-29-09 ws.doc, 7. Amendment Package 11-9-09

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| 11/9/2009 | 1 | Metropolitan King County Council | Passed as Amended | Pass |
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Clerk 11/09/09

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. The Reverend Doctor Martin Luther King, Jr., County, named in honor of the Reverend Doctor Martin Luther King, Jr., is a "home rule" government under Article XI, Section 4, of the Washington State Constitution. Under its home rule power, the Reverend Doctor Martin Luther King, Jr., County may exercise

any power and perform any function, unless preempted by state or federal law, relating to its government and affairs, including the power to regulate for the protection and rights of its inhabitants. To this end, the Reverend Doctor Martin Luther King, Jr., County is dedicated to providing all of its residents fair and equal access to services, opportunities and protection.

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

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

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

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

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

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

H. On April 22, 2008, the Reverend Doctor Martin Luther King, Jr., County superior court affirmed the principle that our courts must remain open and accessible for all individuals and families to resolve disputes on

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

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

SECTION 2.

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

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

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

- a. passports;
- b. alien registration cards; or
- c. work permits.

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

4. The Reverend Doctor Martin Luther King, Jr., County sheriff's office personnel shall not use stops

for minor offenses or requests for voluntary information as a pretext for discovering a person's immigration status.

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

- a. civil immigration status;
- b. race;
- c. inability to speak English; or
- d. inability to understand the deputy.

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

D. Except when otherwise required by law, where the county accepts presentation of a state-issued driver's license or identification card as adequate evidence of identity, presentation of a photo identity document issued by the person's nation of origin, such as a driver's license, passport or matricula consular, which is a consulate-issued document, shall be accepted and shall not subject the person to a higher level of scrutiny or different treatment than if the person had provided a Washington state driver's license or identification card. However, a request for translation of such a document to English shall not be deemed a violation of any provision of this ordinance and any subsequent ordinance. This provision does not apply to documentation required to complete a federal I-9 employment eligibility verification form.

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

F. Unless permitted by this ordinance or otherwise required by state or federal law or international

treaty, all applications, questionnaires and interview forms used in relation to the provision of county benefits, opportunities or services shall be promptly reviewed by each agency, and any question requiring disclosure of information related to citizenship or immigration status shall be, in the agency's best judgment, either deleted in its entirety or revised such that the disclosure is no longer required.

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