



## Legislation Details (With Text)

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**Title:** AN ORDINANCE relating to the public health and safety of the residents of King County.

**Sponsors:** Larry Gossett, Larry Phillips, Dow Constantine

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3/23/2009	1	Metropolitan King County Council	Introduced and Referred	

Clerk 03/19/2009

AN ORDINANCE relating to the public health and safety of the residents of King County.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Findings:**

A. King County is a "home rule" government under Article XI, Section 4, of the Washington State Constitution. Under its home rule power, King County may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection and rights of its inhabitants. To this end, King County is dedicated to providing all of its residents with fair and equal access to services, opportunities, and protection.

B. There are approximately twelve million undocumented immigrants in the United States including seven hundred ninety-three thousand eight hundred in Washington state, which is twelve percent of Washington state's population. Of these, three hundred sixty-two thousand nine hundred live in King County, which is nineteen and nine-tenths percent of King County's population, working full-time jobs, paying taxes and paying

Social Security and Medicare. Conditioning the provision of benefits, opportunities and services on citizenship or immigration status hinders King County's commitment to ensure fair and equal access to all its residents. According to a 2008 study by the Perryman Group, removal of these workers from the Washington state economy would result in forty-six million in lost expenditures in the state and the loss of approximately two hundred three thousand jobs.

C. The enforcement of civil immigration laws have historically been a federal government responsibility through the Immigration and Naturalization Service and Department of Homeland Security. Requiring local law enforcement agencies, which are not specifically equipped or trained to implement immigration measures, forces local governments to expend their limited resources to perform traditionally federal functions.

D. The protection of an individual's citizenship and immigration status will create trust and cooperation between law enforcement officials and immigration communities to heighten crime prevention and public safety.

E. Since 1992, the King County sheriff's office, recognizing the benefits of those protections, has clearly outlined them in its operations manual, with which this ordinance is consistent.

F. In 2008, King County superior court judges passed a unanimous resolution banning Immigration Customs Enforcement officials from making arrests inside superior court.

G. Over fifty cities, counties, and states in the United States have passed legislation prohibiting their agencies from unilaterally inquiring about citizenship and immigration status including Cambridge, Chicago, Los Angeles, Seattle, Cook county and several states including Alaska, Maine and Oregon.

## SECTION 2.

A. Except as provided in this section or when otherwise required by law, a King 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. The King County sheriff's office shall not request specific documents relating to a person's civil immigration status for the sole purpose of determining whether the individual has violated the civil immigration laws. The documents include but are not limited to:

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

2. Sheriff's office deputies may use immigration documents if the documents are offered by the person upon a general, nonspecific request. Sheriff's office deputies may also request, obtain and use immigration documents if related to an investigation into a violation of election laws.

3. The sheriff's office shall not use stops for minor offenses or requests for voluntary information as an excuse for discovering a person's immigration status.

4. The sheriff's office 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. Except as required by law, a King County office, department, agency, employee or agent shall not disclose information regarding the citizenship or immigration status of any person unless required to do so by law or the disclosure has been authorized in writing by the individual to whom the information pertains, or by the individual's parent or guardian if the individual is a minor or is otherwise not legally competent.

D. 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, in the course of determining eligibility for benefits or seeking reimbursement from state, federal or other third party payers, inquire about an individual's citizenship or

immigration status for the sole purpose of such a determination or receipt of reimbursement from the source. To such an extent as the disclosure of the information is related to determination or receipt of reimbursement, this ordinance and any subsequent ordinance do not apply to the Seattle-King County department of public health.

E. Except when otherwise required by law, where the county accepts presentation of a Washington state 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. A request for translation of such a document to English, however, shall not be deemed a violation of any provision of this ordinance and any subsequent ordinance. This provision does not apply to the completion of the federally mandated I-9 form.

F. This ordinance does not create or form the basis for liability on the part of the county, its officers, employees or agents. The exclusive remedy for violation of this ordinance shall be through the county's disciplinary procedures for officers and employees under regulations including, but not limited to, county code, union contracts, civil service commission rules or any other agency rules or regulations.

G. Unless permitted by this ordinance or otherwise required by law, all applications, questionnaires and interview forms used in relation to county benefits, opportunities or services shall be promptly reviewed by the pertinent agencies, 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.