AN ORDINANCE related to civil immigration enforcement; amending Ordinance 18665, Section 1, as amended, and K.C.C. 2.15.005, and adding a new section to K.C.C. chapter 2.15.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 18665, Section 1, as amended, and K.C.C. 2.15.005 are hereby amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Administrative warrant" means a noncriminal immigration warrant of arrest, order to detain or release aliens, notice of custody determination, notice to appear, removal order, warrant of removal, or any other document, issued by ICE, CBP, or USCIS that can form the basis for a person's arrest or detention for a civil immigration enforcement purpose. ICE administrative warrant forms include the U.S. DHS form I-200 (Rev. 09/16) "Warrant for Arrest of Alien" and Form I-205 "Warrant Of Removal/Deportation," as well as predecessor and successor versions. "Administrative warrant" does not include any criminal warrants issued upon a judicial determination of probable cause and in compliance with the Fourth Amendment to the United States Constitution.

B. "Agency" means a King County department, agency, division, commission, council, committee, board, other body or person, established by authority of an ordinance, executive order, or charter.

C. "Agent" means a person acting within the scope of employment by or acting on behalf of an agency.

D. "CBP" means the United States Customs and Border Protection agency of the United States

Department of Homeland Security and shall include any successor federal agency charged with border enforcement.

E. "Citizenship or immigration status" means a person's recorded citizenship or immigration status, as such status is defined in the Immigration and Nationality Act, at the time an agent or agency receives the information.

F. "Civil immigration enforcement operation" means an operation that has as one of its objectives the identification or apprehension of a person or persons in order to investigate them for a violation of the immigration laws and subject them to one or more of the following:

1. Civil immigration detention;

2. Removal proceedings; and

3. Removal from the United States.

G. "Coerce" means to use express or implied threats towards a person or any family member of a person that attempts to put the person in immediate fear of the consequences in order to compel that person to act against the person's will.

H. "Commitment" means confinement in secure detention for a specified amount of time following a determination of guilt. "Commitment" does not include pretrial detention of any persons such as those who are unable to post bail.

I. "Contractor" means a regional coalition or authority, state or local government, tribe, person, firm, corporation, or partnership providing health, housing, or human services in accordance with a contract with King County and including any subcontractor, employee, and agent thereof.

J. "Employee" means a person who is appointed as an employee by the appointing authority of a county agency, office, department, council, board, commission, or other separate unit or division of county government, however designated, acting within the scope of employment by or acting on behalf of the county. "County employee" also includes a county elected official and a member of a county board, commission,

committee, or other multimember body, but does not include an official or employee of the county's judicial branch, though it does include an employee of the department of judicial administration.

((~~J.~~)) K. "ICE" means the United States Immigration and Customs Enforcement agency including Enforcement and Removal Operations and Homeland Security Investigations and shall include any successor federal agency charged with the enforcement of immigration laws.

((~~K.~~)) L. "Immigration detainer" means a request by ICE to a federal, state, or local law enforcement agency, such as the King County department of adult and juvenile detention, to provide notice of release or maintain custody of a person based on an alleged violation of a civil immigration law. "Immigration detainer" includes a detainer issued under Sections 236 or 287 of the Immigration and Nationality Act or 287.7 or 236.1 of Title 8 of the Code of Federal Regulations. "Immigration detainer" includes a detainer issued under DHS form I-274A entitled Immigration Detainer- Notice of Action, as well as predecessor and successor versions.

((~~L.~~)) M. "Interpretation" means the transfer of an oral communication from one language to another.

((~~M.~~)) N. "Limited-English-proficient" means a person who does not speak English as the person's primary language, who has a limited ability to read, speak, write, or understand English.

((~~N.~~)) O. "Nonpublic" means any area of a county facility, including the secure detention facilities of the department of adult and juvenile detention that is not generally open and accessible to the general public, but instead requires special permission for admittance by a county employee on an individual basis. "Nonpublic" also means any area of a contractor's facility, used to provide services under the county contract, that is not generally open and accessible to the general public, but instead requires the contractor's permission for admittance to that area.

((~~O.~~)) P. "Personal information" means one or more of the following, when the information is linked with or is reasonably linkable, including via analytic technology, to the person's first name or first initial and last name:

1. Home address;

2. Work address;

3. Telephone number;

4. Electronic mail address;

5. Social media handle or other identifying social media information;

6. Any other means of contacting a person;

7. Social security number;

8. Driver's license number or Washington identification card number;

9. Bank account number or credit or debit card number;

10. Information or data collected through the use or operation of an automated license plate recognition system; ((~~and~~))

11. User name that, in combination with a password or security question and answer, would permit access to an online account((~~.~~)) ; and

12. Date of birth.

((~~P.~~)) Q. "Public communication materials" means materials that are intended for broad distribution to inform or educate people served by King County. For the purpose of translation, "public communication materials" refers only to printed media such as brochures, posters, booklets, pamphlets, billboards, and advertisements in printed publications.

((~~Q.~~)) R. "Translation" means the transfer of a written communication from one language to another while preserving the intent and essential meaning of the original text.

((~~R.~~)) S. "USCIS" shall mean the United States Citizenship and Immigration Services and any successor agency charged with overseeing United States immigration laws.

((~~S.~~)) T. "Verbal abuse" means the use of a remark which is overtly insulting, mocking, or belittling directed at a person based upon the actual or perceived:

1. Race, color, sex, religion, national origin, English proficiency, sexual orientation, or gender identity

or expression of the person; or

2. Citizenship or immigration status of the person or the person's family member.

((~~T.~~)) U. "Vital documents" are materials that provide essential information for accessing basic county services and benefits and for which serious consequences would result if the information were not provided.

NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 2.15 a new section to read as follows:

A. Except as otherwise provided in this section, in performing its obligations under its contract with King County, the contractor shall not expend any time, moneys, or other resources on facilitating the civil enforcement of federal immigration law or participating in civil immigration enforcement operations, except where a state or federal law, regulation, or court order or rule so requires. However, a contractor is not prohibited from sending to, or receiving from, federal immigration authorities, the citizenship or immigration status of a person. Also, nothing in this section prohibits any contractor from sending to, receiving from, requesting from, or exchanging with any federal, state, or local government agency information regarding the immigration status of a person or from maintaining the information.

B. In providing the contracted services, a contractor shall not:

1. For purposes of execution of federal civil immigration enforcement against persons receiving services under the contract, permit ICE, CBP, or USCIS officers, agents, or representatives access to nonpublic areas of the contractor's facilities, real or personal property, equipment, or nonpublic databases or nonpublic portions of otherwise public databases, absent a judicial criminal warrant specifying the information or persons sought, or unless otherwise required by state or federal law. Notice of all attempts or requests for access to those facilities, real or personal property, equipment, nonpublic databases, or nonpublic portions of otherwise public databases, with or without a warrant, shall be immediately sent to King County in accordance with the terms of the contract. Permission given to ICE, CBP, or USCIS officers, agents, or representatives to access any such a facility, real or personal property, equipment, nonpublic database, or nonpublic portion of an

otherwise public database without a judicial criminal warrant may only be provided with the prior express, written approval of the appropriate county employee identified in the contract. All contractors shall make a good faith effort to strictly comply with this subsection; however, inadvertent or mistaken permission giving warrantless access to ICE, CBP, or USCIS officers, agents, or representatives is not a breach of contract. All contracts subject to this section entered into on or after January 1, 2026, shall include as a term of the contract the prohibitions of this subsection B.1. and identify the appropriate county employee;

2. Provide personal information relating to persons receiving services under the contract to federal immigration authorities for purpose of civil immigration enforcement, except as required by state or federal law, about any person, including place of birth or household members, the services received by the person or the person's next court date or release date, absent a warrant signed by a judge or a law requiring disclosure. All contracts subject to this section entered into on or after January 1, 2026, shall include as a term of the contract the prohibitions of this subsection B.2; and

3. Inquire about, or request information of, the citizenship, national origin, immigration status, or place of birth, from any person in the furtherance of providing services in accordance with a contract with King County unless the inquiry or request is required by state or federal law, regulation, or court order or rule, or is necessary for the contractor to effectively provide the services under the contract. The contractor may inquire about or disclose information relating to a person's citizenship, national origin, immigration status, or place of birth for the purpose of determining eligibility for benefits or seeking reimbursement from federal, state, or other third-party payers. When an inquiry about or request for information of the citizenship, national origin, immigration status, or place of birth is required or for any reason is made, the contractor shall not attempt to coerce a response. All persons to whom the inquiries or requests are made
shall be explicitly informed of their right to decline to respond, free from fear or threat of retaliation.