

November 9, 2009 Council Mtg.

S4

Sponsor: Gossett/Ferguson  
Proposed No: 2009-0393

BAJ

[wsh]

BF MOVED 9-0, AS Amended

1 STRIKING AMENDMENT TO PROPOSED ORDINANCE 2009-0393, VERSION

2 1

3 On page 1, beginning on line 5, strike everything through page 6, line 105, and insert:

4 "BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

5 SECTION 1. Findings:

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

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

15 C. Ensuring that all of King County's residents have access to necessary services  
16 and benefits is essential for upholding the county's commitment to fair and equal access  
17 for all residents.

18 D. The enforcement of civil immigration laws have historically been a federal  
19 government responsibility through the Immigration and Naturalization Service. Since  
20 2002, matters of immigration law have been handled by the Office of Immigration and  
21 Customs Enforcement, a branch of the Department of Homeland Security. Requiring  
22 local law enforcement agencies, which are not specifically equipped or trained, to enforce  
23 civil immigration laws forces local governments to expend their limited resources to  
24 perform traditionally federal functions.

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

28 F. Since 1992, the King County sheriff's office, has embraced this goal and  
29 outlined supporting policies in its operations manual, with which this ordinance is  
30 consistent.

31 G. Another goal of the legislation is to promote the public health of King County  
32 residents.

33 H. On April 22, 2008, the King County superior court affirmed the principle that  
34 our courts must remain open and accessible for all individuals and families to resolve  
35 disputes on the merits by adopting a policy that warrants for the arrest of individuals  
36 based on their immigration status shall not be executed within any of the superior court  
37 courtrooms unless directly ordered by the presiding judicial officer and shall be  
38 discouraged in the superior court courthouses, unless the public's safety is at immediate  
39 risk. Shortly after the affirmation's adoption, the King County executive and  
40 Immigration and Customs Enforcement agreed to honor this policy.

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

44 SECTION 2.

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

48 B.1. King County sheriff's office personnel shall not request specific documents  
49 relating to a person's civil immigration status for the sole purpose of determining whether  
50 the individual has violated federal civil immigration laws. The documents include but are  
51 not limited to:

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

55 2. King County sheriff's office personnel may use documents relating to a  
56 person's civil immigration status if the documents are offered by the person upon a  
57 general, nonspecific request.

58 3. King County sheriff's office personnel shall not use stops for minor offenses  
59 or requests for voluntary information as a pretext for discovering a person's immigration  
60 status.

61 4. King County sheriff's office personnel shall not initiate any inquiry or  
62 enforcement action based solely on a person's:

- 63 a. civil immigration status;

- 64           b. race;
- 65           c. inability to speak English; or
- 66           d. inability to understand the deputy.

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

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

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

85           F. Unless permitted by this ordinance or otherwise required by state or federal  
86 law or international treaty, all applications, questionnaires and interview forms used in

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

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

93 **EFFECT:**

- 94 **1) Makes some wording changes to finding statements. Most significantly,**  
95 **revises finding statement regarding population of undocumented**  
96 **immigrants, strikes reference to the Perryman economic impact study,**  
97 **revises finding statement regarding King County Superior Court resolution**  
98 **based on feedback from Superior Court.**
- 99 **2) Adds "to enforce these laws" on page 2, line 23.**
- 100 **3) References public health as a goal of the legislation. Pg. 2, lines 31-32.**
- 101 **4) Deletes finding statement referring to legislation adopted by other**  
102 **jurisdictions.**
- 103 **5) Adds finding stating that the ordinance is intended to be consistent with**  
104 **federal laws, (including but not limited to 8 U.S.C. 1373) regarding local**  
105 **jurisdictions' communications with federal immigration authorities.**
- 106 **6) Removes provision that stated that the Sheriff's Office does not have**  
107 **authority to investigate/detain/arrest persons suspected of immigration law**  
108 **violations.**

- 109        7) References to “sheriff’s office” are amended to read “King County sheriff’s  
110            office personnel” (technical change)
- 111        8) Deletes sentence in Section 2.B. specifying that immigration documents may  
112            be requested if related to an investigation into election law violations.
- 113        9) Deletes provision that prohibited disclosure of an individual’s immigration  
114            status.
- 115        10) Adds “international treaty” in Section 2F as a basis for retaining questions  
116            about immigration status on county applications/questionnaires/forms.

11/9/09 Council Mtg.

A1

ws

Sponsor: Phillips



Proposed No.: 2009-0393

LP Moved §-1 RL "NO"

- 1 **AMENDMENT TO STRIKING AMENDMENT S4 TO PROPOSED ORDINANCE**
- 2 **2009-0393, VERSION 1**
- 3 On page 1, line 6, after "A." delete "King County" and insert "the Reverend Doctor
- 4 Martin Luther King, Jr., County"
- 5 On page 1, line 7, after "power," delete "King County" and insert "the Reverend Doctor
- 6 Martin Luther King, Jr., County"
- 7 On page 1, line 10, after "end," delete "King County" and insert "the Reverend Doctor
- 8 Martin Luther King, Jr., County"
- 9 On page 1, line 15, after "all of" delete "King County's" and insert "the Reverend Doctor
- 10 Martin Luther King, Jr., County's"
- 11 On page 2, line 28, after "1992, the" delete "King County" and insert "the Reverend
- 12 Doctor Martin Luther King, Jr., County"
- 13 On page 2, line 31, after "health of" delete "King County" and insert "the Reverend
- 14 Doctor Martin Luther King, Jr., County"
- 15 On page 2, line 33, after "2008, the" delete "King County" and insert "the Reverend
- 16 Doctor Martin Luther King, Jr., County"

11/9/09

Council Mtg.

A2

*Lambert*

Sponsor: Lambert

WS

Proposed No.: 2009-0393

*KL MOVED 9-0*

1 **AMENDMENT TO STRIKING AMENDMENT S4 TO PROPOSED ORDINANCE**

2 **2009-0393, VERSION 1**

3 On page 1, on line 6, after "King County" insert ", named in honor of the Reverend  
4 Doctor Martin Luther King, Jr.,"

5

6

7 **EFFECT: References the county's namesake, Martin Luther King, Jr., in the first**  
8 **reference to King County.**



11/9/09 Council Mtg.

A3

ws

Sponsor:

Proposed No.: 2009-0393

RD MOVED 9-0

1 **AMENDMENT TO STRIKING AMENDMENT S4 TO PROPOSED ORDINANCE**

2 **2009-0393, VERSION 1**

3 On page 3, on line 48, after "B." insert "1. Nothing in this ordinance shall be construed  
4 to prohibit any King County officer or employee from participating in cross-designation  
5 or task force activities with federal law enforcement authorities."

6 Renumber the remaining subsections consecutively and correct any internal references  
7 accordingly.

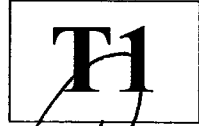
8

9 **EFFECT: Makes clear that the ordinance does not prohibit county participation in**

10 **cross-designation or task force activities.**

11/2/09

11/9/09 Council mtg



wsh

Sponsor:

Phillips

*Phillips*

Proposed No.: 2009-0393

*LP moved 9-0 AS Amended*

**1 TITLE AMENDMENT TO PROPOSED ORDINANCE 2009-0393, VERSION 1**

2 On page 1, line 3, after "residents of" delete "King County" and insert "the Reverend

3 Doctor Martin Luther King, Jr., County"

4

5 **EFFECT: Changes King County to the Reverend Doctor Martin Luther King, Jr., by**

6 **County in the title of Proposed Ordinance 2009-0393.**

*friendly  
Amendment  
offered  
by  
K. Lambert  
(same wording  
as A 2)*