



Legislation Text

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Clerk 01/08/2025

AN ORDINANCE related to the repeal of RCW 10.70.140; and amending Ordinance 17706, Section 2, as amended, and K.C.C. 2.15.020.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. Before May 2019, RCW 10.70.140 required local jail officials to collect and report nationality information to federal immigration authorities. Ordinance 18665, enacted in March 2018, made it the policy of King County to obtain the minimum information then required under RCW 10.70.140 and to provide it to immigration officials only after the person had been convicted and sentenced.

B. The Washington state Legislature repealed RCW 10.70.140, effective May 21, 2019, by Section 10, Chapter 440, Laws of Washington 2019.

C. To align the county's code with current state law and to provide clarity that there is no county obligation to collect and report to federal immigration officials on the nationality of persons committed to county detention facilities, it is in the public interest to eliminate K.C.C. 2.15.020.C. from the county's code.

SECTION 2. Ordinance 17706, Section 2, as amended, and K.C.C. 2.15.020 are hereby amended to read as follows:

A. An agent of King County or county employee 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 state or federal law, regulation, or court order or rule shall so require. However, a county agency, employee, or agent (~~is~~) 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 county agency 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 such information.

B. King County and its agents and departments and county employees shall not:

1. Enter into any contract, agreement, or arrangement, whether written or oral, that would grant federal civil immigration enforcement authority or powers to King County or its agents or law enforcement officers, including but not limited to agreements created under 8 U.S.C. Sec. 1357(g) or Intergovernmental Service Agreements;
2. Honor immigration detainer requests or administrative warrants issued by ICE, CBP, or USCIS, or hold any person upon the basis of an ICE, CBP, or USCIS detainer request or administrative warrant unless such request or warrant is accompanied by a criminal warrant issued by a United States District Court judge or magistrate. The sheriff's office or the department of adult and juvenile detention personnel shall not carry out a civil arrest, detain a person after the release date set by a court, or refuse to accept a bond based on an administrative warrant separately or in combination with an ICE detainer request;
3. For purposes of execution of federal civil immigration enforcement, permit ICE, CBP, or USCIS officers, agents, or representatives access to nonpublic areas of King County's facilities, property, equipment or nonpublic databases, or nonpublic portions of otherwise public databases, or people in King County's custody, absent a judicial criminal warrant specifying the information or persons sought unless otherwise required by state or federal law. Any warrantless attempts or requests for access to those facilities, property, equipment, or nonpublic databases shall be immediately sent to the department or agency director or their designee responsible for the operation of the facility, property, database, or equipment. Permission to access any such a

facility, property, equipment, or nonpublic database without a judicial criminal warrant may only be provided with the express, written approval of the appropriate person. Any detention facilities, including secure detention facilities, prisons, and halfway houses, that King County contracts with or leases land to for the purposes of criminal or civil detention must include the requirement in this subsection B.3. in any contract with King County; and

4. Provide personal information 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.

~~C. ((It is the policy of King County to obtain the minimum information required under RCW 10.70.140 and to provide it to immigration officials after the person has been convicted and sentenced. In complying with RCW 10.70.140, the department of adult and juvenile detention personnel shall only inquire as to the nationality of persons who have been committed to secure detention after an adjudication of guilt and imposition of sentence. The preceding sentence only applies to the department of adult and juvenile detention's direct inquiries of persons committed to secure detention, and not to interactions with other governmental entities. Only persons who self identify as being nationals of a country other than the United States shall be subject to the notification requirements of RCW 10.70.140.~~

~~D.))~~1. If permission to access a King County detention facility without a judicial criminal warrant is granted to ICE, CBP, or USCIS in accordance with subsection B.3. of this section for the purpose of conducting an interview ~~((which))~~ that does not relate to civil immigration enforcement between either ICE or CBP, or both, and a person who is in the custody of the department of adult and juvenile detention, the department of adult and juvenile detention shall provide the person with an oral explanation and a written consent form that explains the purpose of the interview, that the interview is voluntary, and that the person may decline to be interviewed or may choose to be interviewed only with the person's attorney present. The form shall state

explicitly that the person will not be punished or suffer retaliation for declining to be interviewed. The form shall be available in English, Spanish, and any other language identified by the county's language assistance plan as established in K.C.C. 2.15.030.B. and explained orally to a person who is unable to read the form. Either ICE or CBP officials, or both, shall only be permitted to interview persons who have consented in writing to be interviewed, absent a judicial criminal warrant.

2. Upon receiving any ICE hold, notification, or transfer request, department of adult and juvenile detention personnel shall provide a copy of the request to the person and inform the person whether the department intends to comply with the request.

3. Consistent with Article 36 of the Vienna Convention on Consular Relations, any person in custody or detention shall be informed through the person's attorney of the right to communicate with the consular post of a country of which the person is a national, if other than the United States, and informed that the person's consular officers have the right to visit, converse, or correspond with the person, if the person wishes the communication. If a person chooses to disclose that the person is a foreign national and requests consular notification, the custodian shall contact the appropriate consulate. The informed consent requirements of the Vienna Convention on Consular Relations shall apply to all such inquiries. The same requirements shall apply to inquiries into nationality status for the purpose of complying with mandatory consular notification under any bilateral consular convention. In all cases, identification as a foreign national shall be voluntary and based on informed consent by the person.

4. King County shall consider all records relating to ICE, CBP, or USCIS access to facilities and information, including all communications with ICE, CBP, or USCIS to be public records for purposes of chapter 42.56 RCW, the state Public Records Act, and King County shall handle all such requests in accordance with the usual procedures for receipt of public records requests.