

# Initiative Measure No. 1003

Filed

JAN 28 2008

SECRETARY OF STATE

1 AN ACT Relating to protection from criminal activity committed by  
2 illegal foreign nationals and the safety of Washingtonians; adding a  
3 new chapter to Title 10 RCW; prescribing penalties; and providing an  
4 effective date.

5 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The people of the state of Washington  
7 find that public health and safety are at risk from crimes committed in  
8 this state by illegal foreign nationals.

9 (2) The people of the state of Washington declare that there shall  
10 be no sanctuary in Washington for foreign nationals who are both  
11 engaged in criminal activity and present in this state illegally.

12 (3) The intent of this act is to prevent release from custody of  
13 any illegal foreign national who is charged with a crime or charged  
14 with a failure to appear.

15 NEW SECTION. **Sec. 2.** The definitions in this section apply  
16 throughout this chapter unless the context clearly requires otherwise.

17 (1) "Illegal foreign national" means any person born outside the

1 United States who has not become a naturalized citizen of the United  
2 States and is present in the United States without expressed written  
3 permission from the United States.

4 (2) "Failure to appear" means failure to appear as promised, or as  
5 ordered, by any court of this state for any criminal or quasi-criminal  
6 proceeding.

7 (3) "Crime" means any criminal act as defined as a felony or  
8 misdemeanor at the time the act was committed.

9 (4) "State tax revenue" means any and all tax or fee revenue due to  
10 a city or county from any and all sources.

11 NEW SECTION. **Sec. 3.** (1) Whenever a person is arrested, and  
12 charged with a crime or with failure to appear, by any law enforcement  
13 agency of this state, the agency shall investigate if the arrested  
14 person is present in this state illegally. If the agency finds that  
15 the arrested person is an illegal foreign national, or cannot find that  
16 the arrested person is legally entitled to be in this state, or legally  
17 entitled to be in this country, the arrested person shall be released  
18 to the proper federal agency for processing illegal foreign nationals.

19 (2) Whenever a person is detained by any law enforcement officer in  
20 this state and the detaining officer can determine, pursuant to the  
21 rules and procedures adopted by the attorney general pursuant to  
22 section 4 of this act, that the detained person is an illegal foreign  
23 national, or is likely an illegal foreign national, that person may not  
24 be cited and released based on a promise to appear, but must be taken  
25 into custody.

26 NEW SECTION. **Sec. 4.** The attorney general of Washington shall:

27 (1) Promulgate, amend, and update, as necessary, rules and  
28 procedures to provide full compliance and implementation of this  
29 chapter by all law enforcement agencies in the state, and all county  
30 and city governments in the state;

31 (2) Publish rules and procedures within ninety days after the  
32 effective date of this act and cause the rules and procedures to be  
33 delivered to the executive officer of each county and city within the  
34 state;

35 (3) Provide for receiving written complaints of noncompliance with  
36 this chapter from any Washington resident;

1 (4) Investigate all complaints of noncompliance with this chapter;  
2 and

3 (5) Oversee all criminal prosecutions, civil actions, and revenue  
4 sanctions for failure to comply with this chapter.

5 NEW SECTION. **Sec. 5.** The legislative authority of every county  
6 and city in the state shall pass its own plan, by ordinance, to  
7 implement and comply with this chapter and all rules promulgated by the  
8 attorney general under section 4 of this act within ninety days after  
9 the attorney general has published the rules. Every county and city  
10 shall provide written copies of their plan to implement and comply with  
11 this chapter to the attorney general's office for review.

12 NEW SECTION. **Sec. 6.** Failure of a county or city to fully comply  
13 with this chapter shall be considered an immediate forfeiture of any  
14 and all state tax revenue otherwise due. The noncompliant county or  
15 city may only become eligible again for state tax revenue upon  
16 demonstration of full compliance with this chapter to the attorney  
17 general.

18 NEW SECTION. **Sec. 7.** Failure by any person charged with the  
19 custody, or release from custody, of any persons who have been arrested  
20 to fully comply with this chapter and the policies and provisions of  
21 this chapter as adopted by the attorney general shall constitute a  
22 gross misdemeanor.

23 NEW SECTION. **Sec. 8.** All documents concerning the implementation,  
24 enforcement, sanctions, or investigations under this chapter shall,  
25 without exception, remain available to the public under the public  
26 records act, chapter 42.56 RCW.

27 NEW SECTION. **Sec. 9.** If any provision of this act or its  
28 application to any person or circumstance is held invalid, the  
29 remainder of the act or the application of the provision to other  
30 persons or circumstances is not affected.

31 NEW SECTION. **Sec. 10.** The provisions of this act shall be

1 liberally construed to effectuate the intent, policies, and purpose of  
2 this act.

3 NEW SECTION. Sec. 11. This act shall be known and cited as the no  
4 sanctuary act.

5 NEW SECTION. Sec. 12. This act takes effect January 5, 2009.

6 NEW SECTION. Sec. 13. Sections 1 through 12 of this act  
7 constitute a new chapter in Title 10 RCW.

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