

February 5, 2026

MEMORANDUM

To: Public Safety Committee
From: Tamaso Johnson, Analyst
Subject: Council Bill 121158 -- Immigration Information Sharing Ordinance

On February 10, 2026, the Public Safety Committee will discuss [Council Bill \(CB\) 121158](#) addressing information sharing related to civil immigration enforcement. This legislation that would amend the Seattle Municipal Code (SMC) to prohibit City officers or employees from sharing non-publicly available personal information for use in civil immigration enforcement, repeal a section of SMC requiring cooperation with enforcement of federal immigration laws, and make technical changes.

This memo provides background on existing law and policies related to immigration enforcement, summarizes proposed changes under this bill, and discusses next steps for this legislation.

Background

Federal immigration law

As a general matter, the administration and enforcement of US immigration law is exclusively a function of the federal government. Federal immigration law is, with few exceptions, a system of civil laws. Certain violations of immigration law, such as illegal entry into the United States and illegal entry after removal are federal crimes, but the majority of immigration law violations are considered civil offenses rather than criminal.

Federal law prohibits state and local governments from enacting laws or policies that restrict state or local officials from sharing “information regarding the citizenship or immigration status” of individuals with the Department of Homeland Security.¹

Washington State law on immigration enforcement

In recent years, the Washington State Legislature has enacted two significant pieces of legislation making changes to state law related to immigration enforcement: the Keep Washington Working Act (KWW), E2SSB 5497 (2019); and, the Courts Open to All Act (COTA), SHB 2567 (2020).

¹ See: 8 USC 1373

As applied to Washington cities, KWW prohibits local law enforcement from: (1) collecting information about a person’s immigration status or place of birth, with limited exceptions; and, (2) providing non-publicly available personal information about any person to federal immigration authorities in a noncriminal matter.² COTA, in relevant part, creates similar prohibitions to KWW on information collection and disclosure but for judges, other court personnel, and prosecutors.³

While provisions of KWW restrict information sharing related to immigration enforcement by other state agencies, there are currently no state law restrictions that apply broadly to local government agencies or departments beyond those described above.

City of Seattle law and policies on immigration enforcement

Current City law addressing immigration enforcement dates back to 1986 when Ordinance 113192 was enacted to carry out a local initiative passed by Seattle voters. This ordinance created [SMC Chapter 4.18](#). SMC 4.18.10 directs City officers and employees to “cooperate with, and not hinder” federal immigration enforcement. This code section was subsequently revised in 2003 by Ordinance 121063, which established the requirement that City officers and employees not inquire or attempt to determine the immigration status of any person. This 2003 ordinance codified a requirement for all City officers or employees that was similar to an SPD directive issued the year prior directing police officers not to request documents to determine a person’s immigration status.⁴

In addition to the 1986 and 2003 ordinances, the City has passed a number of Council resolutions and issued various executive orders and Mayoral directives on the subject of immigration enforcement since 2004.⁵ Notably, a 2018 Mayoral directive (revised and affirmed in 2025) directed City departments to refer all requests from the federal government for “data or information [...] about City employees, residents, or workers” to the Mayor’s Office legal team to determine whether such information is legally required to be disclosed.⁶ Currently, SMC contains no codified policy regarding information sharing of this kind.

² See: RCW 10.93.160

³ See: RCW 2.28.310

⁴ See: SPD Directive D02-40, June 6, 2002, available at:

<https://ida.mtholyoke.edu/server/api/core/bitstreams/2a5bf12d-25d9-4849-8919-ee27c137b203/content>

⁵ The Office of Immigrant and Refugee Affairs maintains a list of these policies, available at:

<https://www.seattle.gov/iandraffairs/issues-and-policies/welcoming-city#policiesathelpmakeSeattlewelcomingcity>

⁶ See: Mayoral Directive, February 6, 2018; and Mayoral Directive, January 10, 2025; available at:

<https://www.documentcloud.org/documents/25980314-20250110-seattle-mayoral-directive-re-immigration-protocols/>

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New Prohibition on City Information Sharing

This bill would create a new section, SMC 4.18.016, to prohibit City disclosure of certain information for the purposes of civil immigration enforcement. Under the bill, all City of Seattle officers⁷ and employees would be barred from providing any nonpublicly available personal information to anyone outside of Seattle government for use in the enforcement of civil immigration laws. “Nonpublicly available personal information,” a term used in the Revised Code of Washington (RCW) but not currently defined in SMC, would be defined by the bill as:

[O]ne 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: Location, home address, work address, place of birth, telephone number, social security number, driver’s license number or Washington identification card number, electronic mail address, social media handle or other identifying social media information, and any other means of contacting the person, or other personally identifiable information.

This definition largely mirrors the RCW definition of the same term created by COTA,⁸ which applies in state law to prohibitions on law enforcement and judicial officers’ disclosure for immigration enforcement purposes.

The bill would also create exceptions to the information sharing prohibition if: 1) a person has given informed consent for the disclosure of their information; or, 2) the disclosure is required by law or court order. The ‘informed consent’ exception is intended to account for situations where a person may desire that their information is shared with the federal government, e.g. for the purposes of employment verification or other contexts where it may be necessary for renewal or adjustment of immigration status.

SMC 4.18.016 would be enforced by the City Attorney’s Office, pursuant to existing enforcement authority granted under SMC Chapter 4.18.

⁷ In this context, “officer” refers to elected or appointed members of a City of Seattle agency or department, whether paid or unpaid. See, e.g.: SMC 4.16.030

⁸ The only substantive difference between the current RCW definition of this term, used in RCW sections 10.93.160 and RCW 2.28.310, and defined in RCW 2.28.300, and the one proposed in this bill is the addition of the catchall clause “or other personally identifiable information” in this bill.

Repeal of Existing Code Section

The bill would also repeal current SMC 4.18.010 in its entirety, removing the directive to “cooperate with, and not hinder” federal immigration enforcement. Removal of this language from SMC would not alter the obligations of City officers or employees to comply with federal law relating to immigration enforcement. A reference to this section in SMC 4.18.015 would also be removed.

Next steps

CB 121158 will have a first hear and possible vote at the February 10, 2026 meeting of the Public Safety Committee.

cc: Ben Noble, Director