

Amendment 3 to Council Bill No. 9-2017

BY: Calvin Ball

Legislative Day No. 2

Date: February 6, 2017

Amendment No. 3

(This amendment provides an alternative approach to achieve the intent of the Bill.)

1 On the title page, strike the purpose paragraph in its entirety and substitute:

2 “AN ACT extending equal rights and protections to all individuals; recognizing the
3 importance of accommodating culturally diverse contributions of foreign-born
4 residents to social, academic, religious, cultural, and economic life in Howard
5 County; and generally relating to human rights in Howard County.”.

6
7 On page 1, strike lines 1 through 18 and substitute:

8
9 “WHEREAS, Howard County has a culturally diverse population that includes many foreign-
10 born residents; and

11 WHEREAS, in particular, Hispanic and Latino populations are growing at a steady rate in
12 Howard County and throughout the State of Maryland, rendering issues pertaining to
13 foreign-born populations of ongoing importance to local and State government; and

14 WHEREAS, the Governor’s Commission of Hispanic Affairs Annual Report, 2013, indicates
15 that Maryland’s Hispanic population has increased by over 35% since 2008; and

16 WHEREAS, it is the mission of Howard County to promote public trust in its government
17 agencies and in its enforcement of laws; and

18 WHEREAS, Howard County encourages all individuals to report crimes to County law
19 enforcement officials; and

20 WHEREAS, the United States Constitution vests in the federal government the authority to enact
21 laws governing which foreign-born residents are granted entrance into the United States
22 and determining who among them may stay.”.

1
2 Strike beginning on page 3, line 7 down through page 6 line 5 and substitute:

3
4 “SECTION 12.2100. “DISCRIMINATION” DEFINED.

5 IN THIS SUBTITLE, “DISCRIMINATION” MEANS ANY VERBAL, PHYSICAL, OR NONVERBAL
6 INTERACTION, OR CONDUCT OF A DISCRIMINATORY NATURE, OR CONDUCT BASED UPON AN
7 INDIVIDUAL’S RACE, COLOR, RELIGION, NATIONAL ORIGIN, IMMIGRATION STATUS, OR ABILITY TO
8 SPEAK ENGLISH.

9
10 SECTION 12.2101. PROHIBITED CONDUCT.

11 (A) DISCRIMINATION IS STRICTLY PROHIBITED. A VIOLATION OF THIS PROHIBITION INCLUDES, BUT
12 IS NOT LIMITED TO, ANY OF THE FOLLOWING CIRCUMSTANCES:

13 (1) A COUNTY EMPLOYEE INVESTIGATES OR QUESTIONS AN INDIVIDUAL SOLELY FOR THE
14 PURPOSE OF DETERMINING WHETHER A SUSPECTED CIVIL VIOLATION OF FEDERAL IMMIGRATION
15 LAW EXISTS, UNLESS SUCH INVESTIGATION IS REQUIRED BY LAW OR EXISTING AGREEMENT;

16 (2) A COUNTY EMPLOYEE INQUIRES OF ANY INDIVIDUAL ABOUT THE IMMIGRATION STATUS
17 OF ANY ALLEGED CRIME VICTIM, WITNESS, OR OTHER INDIVIDUAL WHO CONTACTS ANY COUNTY
18 EMPLOYEE SEEKING ASSISTANCE, UNLESS SUCH INQUIRY IS REQUIRED BY LAW OR EXISTING
19 AGREEMENT;

20 (3) A COUNTY EMPLOYEE CONDITIONS THE PROVISION OF COUNTY SERVICES OR COUNTY
21 BENEFITS SOLELY ON THE IMMIGRATION STATUS OF AN INDIVIDUAL SEEKING THOSE SERVICES OR
22 BENEFITS, UNLESS SUCH CONDITIONS ARE LAWFULLY IMPOSED BY LAW OR EXISTING AGREEMENT;
23 AND

24 (4) A COUNTY EMPLOYEE INQUIRES WITH IMMIGRATION AND CUSTOMS ENFORCEMENT
25 (“ICE”) ABOUT AN INDIVIDUAL’S IMMIGRATION STATUS, SUBJECT TO FEDERAL LAW.

26 (B) NOTHING IN THIS SUBTITLE SHALL BE CONSTRUED TO PROHIBIT A COUNTY EMPLOYEE FROM:

27 (1) PARTICIPATING IN TASK FORCE ACTIVITIES WITH FEDERAL LAW ENFORCEMENT
28 AUTHORITIES;

29 (2) INVESTIGATING VIOLATIONS OF LAW, AS LONG AS THE INVESTIGATION IS NOT FOR THE
30 PURPOSE OF FURTHERING AN INVESTIGATION BASED ON AN ALLEGED CIVIL VIOLATION OF FEDERAL
31 IMMIGRATION LAW, UNLESS REQUIRED BY EXISTING AGREEMENT;

32 (3) COOPERATING WITH FEDERAL IMMIGRATION AUTHORITIES WHO HAVE ESTABLISHED
33 THAT PROBABLE CAUSE EXISTS TO APPREHEND AN UNDOCUMENTED FOREIGN-BORN RESIDENT WHO

1 HAS ENGAGED IN CRIMINAL ACTIVITY;

2 (4) PURSUING COUNTY-SANCTIONED INITIATIVES OR PROGRAMS WHEN INQUIRY INTO AN
3 INDIVIDUAL'S IMMIGRATION STATUS IS REQUIRED FOR THE SOLE PURPOSE OF ESTABLISHING
4 ELIGIBILITY FOR SERVICES OR BENEFITS TO THE INDIVIDUAL AS LONG AS THE INFORMATION ABOUT
5 THE INDIVIDUAL'S IMMIGRATION STATUS IS NOT USED FOR ANY PURPOSE RELATED TO
6 IMMIGRATION ENFORCEMENT ACTIVITIES; OR

7 (5) CONSIDERING AN INDIVIDUAL'S RACE, COLOR, RELIGION, NATIONAL ORIGIN,
8 IMMIGRATION STATUS, OR ABILITY TO SPEAK ENGLISH IF, AND ONLY IF, IT IS REQUIRED BY LAW FOR
9 COUNTY EMPLOYMENT OR TO RECEIVE A PARTICULAR SERVICE OR BENEFIT.

10 (C) INFORMATION ABOUT AN INDIVIDUAL'S IMMIGRATION STATUS SHALL NOT BE RETAINED OR
11 STORED IN ANY PUBLIC RECORD OR DATABASE, SUBJECT TO FEDERAL LAW OR UNLESS IN
12 FURTHERANCE OF A COUNTY-SANCTIONED INITIATIVE OR PROGRAM REQUIRED BY LAW, AND IN
13 THAT CASE SHALL BE KEPT CONFIDENTIAL FROM ANYONE NOT REQUIRED BY LAW TO HAVE THE
14 INFORMATION.

15
16 SECTION 12.2102. PENALTY.

17 AN EMPLOYEE WHO VIOLATES THIS SUBTITLE SHALL BE SANCTIONED IN ACCORDANCE WITH
18 THE RULES AND REGULATIONS OF THE PERSONNEL SYSTEM AND APPLICABLE LAW.

19
20 SECTION 12.2103. OTHER RIGHTS OR PRIVILEGES.

21 THE PROVISIONS OF THIS SUBTITLE SHALL NOT PRECLUDE ANY PERSON FROM EXERCISING
22 ANY RIGHTS OR PRIVILEGES GRANTED BY ANY LAW."