

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2017 Legislative Session

Legislative Day No. 1

Bill No. 9 -2017

Introduced by: Calvin Ball and Jennifer Terrasa

AN ACT providing that certain individuals shall take, or refrain from taking, specified actions with respect to the immigration status of specified individuals; prohibiting certain discrimination based on citizenship status; requiring that certain information related to citizenship status be kept confidential; providing a procedure whenever specified provisions may be preempted by other law; requiring specified officials to take actions under certain circumstances; and generally relating to human rights in Howard County.

Introduced and read first time _____, 2017. Ordered posted and hearing scheduled.

By order _____
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2017.

By order _____
Jessica Feldmark, Administrator

This Bill was read the third time on _____, 2017 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2017 at ___ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved by the County Executive _____, 2017

Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **WHEREAS**, Howard County is comprised of immigrants from throughout the world who contribute to
2 our community’s social vitality, cultural richness, and economic strength; and

3 **WHEREAS**, Howard County has a strong tradition of leadership on issues of human rights, respecting
4 the rights of and providing equal services to all individuals, regardless of race, ethnicity, or
5 immigration status; and

6 ~~**WHEREAS**, the recent national political climate has galvanized support for xenophobic, Islamophobic,
7 and racist sentiments within certain portions of the population, resulting in increased incidents of
8 hate speech and violence; and~~

9 ~~**WHEREAS**, unfortunate statements made by our nation’s President elect have bolstered such dangerous
10 sentiments and caused many residents throughout our country and within Howard County to fear
11 for their personal safety and the loss of civil liberties; and~~

12 **WHEREAS**, the Howard County Council wishes to ensure that all residents of Howard County,
13 regardless of nationality or citizenship, shall have fair and equal access to County benefits,
14 opportunities, and services; and

15 **WHEREAS**, we must act now and always to uphold our commitment to promote diversity, inclusion, and
16 equality and to be a community free of discrimination, intimidation, xenophobia, prejudice,
17 bigotry, Islamophobia, anti-Semitism, and other forms of hate; and

18 **WHEREAS**, the Howard County Council wishes to affirm ~~that our~~ commitment by declaring Howard
19 County a sanctuary county not to discriminate on the basis of immigration status;

20
21 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the Howard County
22 Code is amended as follows:

23 *By adding:*

1 Title 12 - Health and social services.

2 Subtitle 21 - Rights of non-U.S. citizens

3
4 **Title 12 - Health and social services.**

5 **SUBTITLE 21 - RIGHTS OF NON-U.S. CITIZENS**

6
7 **12.2100. DEFINITIONS.**

8 (A) IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

9 (B) (1) *EMPLOYEE* MEANS AN INDIVIDUAL WHO IS CONSIDERED TO BE AN EMPLOYEE UNDER
10 THE HOWARD COUNTY MERIT SYSTEM.

11 (2) *EMPLOYEE* INCLUDES, BUT IS NOT LIMITED TO:

12 (I) AN OFFICER OF THE HOWARD COUNTY POLICE DEPARTMENT; AND

13 (II) AN ELECTED OR APPOINTED OFFICIAL.

14 (C) EXISTING AGREEMENT MEANS AN EXECUTED WRITTEN AGREEMENT IN EFFECT ON THE
15 EFFECTIVE DATE OF THIS BILL.

16 (D) (1) *IMMIGRATION ENFORCEMENT* MEANS A UNIT OF THE FEDERAL GOVERNMENT THAT
17 ENFORCES IMMIGRATION LAWS.

18 (2) *IMMIGRATION ENFORCEMENT* INCLUDES, BUT IS NOT LIMITED TO, THE UNITED STATES
19 DEPARTMENT OF HOMELAND SECURITY, IMMIGRATION AND CUSTOMS ENFORCEMENT.

20 **12.2101. FEDERAL OR STATE PREEMPTION OR CONFLICTS.**

21 (A) A PROVISION OF THIS SUBTITLE SHALL NOT APPLY WHENEVER THE PROVISION CONFLICTS
22 WITH STATE OR FEDERAL LAW, INTERNATIONAL TREATY, OR AN EXISTING AGREEMENT BETWEEN THE
23 COUNTY AND A FEDERAL, STATE, OR LOCAL AGENCY.

24 (B) THIS SUBTITLE DOES NOT PROHIBIT THE HOWARD COUNTY POLICE DEPARTMENT FROM:

25 (1) INVESTIGATING OR ARRESTING VIOLATORS OF THE CRIMINAL LAW; OR

26 (2) ASSISTING A FEDERAL AGENCY WITH INVESTIGATIONS OR ARRESTS RELATING TO
27 GANG ACTIVITY, CRIMINAL ACTIVITY ~~AND, OR~~ SUSPECTED CRIMINAL ACTIVITY, OTHER THAN
28 VIOLATIONS OF THE IMMIGRATION AND NATIONALITY LAWS OF THE UNITED STATES.

1 (3) PARTICIPATING IN TASK FORCES WITH OTHER JURISDICTIONS TO INVESTIGATE,
2 ENFORCE, AND PROSECUTE CRIMINAL ACTIVITY, EVEN IF THE TASK FORCE INCLUDES IMMIGRATION
3 ENFORCEMENT.

4 (C) THIS SUBTITLE DOES NOT PROHIBIT DISCLOSURE OF INFORMATION REGARDING CITIZENSHIP
5 OR IMMIGRATION STATUS IF THE DISCLOSURE IS:

6 (1) REQUIRED OR AUTHORIZED BY COUNTY, STATE, OR FEDERAL LAW,
7 INTERNATIONAL TREATY, OR BY AN EXISTING AGREEMENT BETWEEN THE COUNTY AND A FEDERAL,
8 STATE OR LOCAL AGENCY;

9 (2) REQUIRED UNDER SECTION 23-1405 OF THE ALCOHOLIC BEVERAGE ARTICLE OF
10 THE MARYLAND CODE;

11 (3) AUTHORIZED IN WRITING BY THE SUBJECT OF THE INFORMATION; OR

12 (4) MADE TO THE UNITED STATES DEPARTMENT OF STATE IN CONNECTION WITH AN
13 APPLICATION FOR A UNITED STATES PASSPORT.

14 **12.2102. NO ENFORCEMENT OF IMMIGRATION LAWS.**

15 (A) IN THE PERFORMANCE OF OFFICIAL DUTIES, AN EMPLOYEE SHALL NOT ENGAGE IN THE
16 ENFORCEMENT OF THE IMMIGRATION AND NATIONALITY LAWS OF THE UNITED STATES AND SHALL NOT
17 ASSIST IMMIGRATION ENFORCEMENT IN THE INVESTIGATION OR ARREST OF A PERSON FOR A CIVIL OR
18 CRIMINAL VIOLATION OF THE IMMIGRATION AND NATIONALITY LAWS OF THE UNITED STATES, EXCEPT AS
19 REQUIRED OR AUTHORIZED BY STATE OR FEDERAL LAW, INTERNATIONAL TREATY, OR AN EXISTING
20 AGREEMENT BETWEEN THE COUNTY AND A FEDERAL, STATE OR LOCAL AGENCY

21 (B) IN THE PERFORMANCE OF OFFICIAL DUTIES, AN EMPLOYEE SHALL NOT ASSIST
22 IMMIGRATION ENFORCEMENT IN THE COLLECTION OF INFORMATION ABOUT ANY PERSON, EXCEPT AS
23 REQUIRED OR AUTHORIZED BY STATE OF FEDERAL LAW, INTERNATIONAL TREATY, OR AN EXISTING
24 AGREEMENT BETWEEN THE COUNTY AND A FEDERAL, STATE, OR LOCAL AGENCY.

1 (C) NOTWITHSTANDING SUBSECTIONS (A) AND (B) OF THIS SECTION, AN EMPLOYEE MAY
2 COMMUNICATE WITH IMMIGRATION ENFORCEMENT ABOUT ANY PERSON WHO WAS DEPORTED AFTER
3 BEING CONVICTED OF AN AGGRAVATED FELONY AS THAT TERM IS USED IN 8 U.S.C. § 1101.

4 (D) NOTWITHSTANDING SUBSECTIONS (A) AND (B) OF THIS SECTION, AN EMPLOYEE MAY
5 COMMUNICATE WITH IMMIGRATION ENFORCEMENT FOR PURPOSES OF COORDINATION AND PROTECTING
6 PUBLIC SAFETY WHEN IMMIGRATION ENFORCEMENT IS OPERATING IN THE COUNTY.

7 **12.2103. NO INQUIRIES INTO CITIZENSHIP.**

8 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IN THE PERFORMANCE OF
9 OFFICIAL DUTIES, AN EMPLOYEE SHALL NOT ASK ANY PERSON ABOUT:

10 (1) HIS OR HER CITIZENSHIP, NATIONALITY, OR IMMIGRATION STATUS; OR

11 (2) THE CITIZENSHIP OR IMMIGRATION STATUS OF ANOTHER PERSON.

12 (B) THIS SECTION DOES NOT PROHIBIT:

13 (1) THE COLLECTION OF INFORMATION REGARDING CITIZENSHIP STATUS IN CONNECTION
14 WITH THE REGISTRATION OR ATTEMPTED REGISTRATION TO VOTE IN COUNTY ELECTIONS;

15 (2) INQUIRIES REGARDING THE CITIZENSHIP OF APPLICANTS FOR POSITIONS AS SWORN
16 OFFICERS WITH THE HOWARD COUNTY POLICE DEPARTMENT OR THE HOWARD COUNTY
17 DEPARTMENT OF CORRECTIONS;

18 (3) THE COLLECTION OF INFORMATION IN CONNECTION WITH APPLICATIONS FOR UNITED
19 STATES PASSPORTS;

20 (4) INQUIRIES REGARDING THE CITIZENSHIP OR IMMIGRATION STATUS OF EMPLOYEES
21 AND APPLICANTS FOR EMPLOYMENT WITH THE COUNTY AS REQUIRED BY TITLE 8, CHAPTER 12,
22 SUBCHAPTER II, PART VIII, OF THE UNITED STATES CODE; OR

23 (5) INQUIRIES REGARDING CITIZENSHIP OR IMMIGRATION STATUS REQUIRED OR
24 AUTHORIZED BY STATE OR FEDERAL LAW, INTERNATIONAL TREATY, OR AN EXISTING AGREEMENT
25 BETWEEN THE COUNTY AND A FEDERAL, STATE, OR LOCAL AGENCY.

1 **12.2104. DISCRIMINATION BASED ON CITIZENSHIP PROHIBITED.**

2 IN THE PERFORMANCE OF OFFICIAL DUTIES, AN EMPLOYEE SHALL NOT DISCRIMINATE AGAINST
3 ANY PERSON ON THE BASIS OF CITIZENSHIP, NATIONALITY, OR IMMIGRATION STATUS.

4 **12.2105. CONFIDENTIALITY OF INFORMATION ABOUT CITIZENSHIP STATUS.**

5 AN EMPLOYEE SHALL NOT DISCLOSE ANY INFORMATION REGARDING THE CITIZENSHIP,
6 NATIONALITY, OR IMMIGRATION STATUS OF AN INDIVIDUAL TO A THIRD PARTY EXCEPT:

7 (1) AS PROVIDED IN SECTION 12.2101(C) OF THIS SECTION; OR

8 (2) IN THE PERFORMANCE OF OFFICIAL DUTIES.

9 **12.2106. CHANGES IN PRACTICES.**

10 (A) WHENEVER THE COUNTY ATTORNEY LEARNS OF A STATE OR FEDERAL LAW OR
11 INTERNATIONAL TREATY THAT MAY PREEMPT THIS SUBTITLE, THE COUNTY ATTORNEY SHALL ADVISE
12 THE COUNTY COUNCIL AND THE COUNTY EXECUTIVE:

13 (1) ABOUT THE LAW OR TREATY; AND

14 (2) WHETHER THE COUNTY SHOULD CHANGE ANY PRACTICES UNDER OR PROVISIONS OF
15 THIS SUBTITLE.

16 (B) THE COUNTY EXECUTIVE SHALL NOTIFY THE PUBLIC OF ANY CHANGES IN PRACTICES
17 MADE AS A RESULT OF THIS SECTION.

18 ***Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland, that this Act***
19 ***shall become effective 61 days after its enactment.***

20