

Introduced	<u>1/3/17</u>
Public Hearing	<u>1/17/17 - 1/18/17</u>
Council Action	<u>2/6/17</u>
Executive Action	<u>2/9/17</u>
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 January 3, 2017. Ordered posted and hearing scheduled.

By order Jessica Feldmark
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 January 17-18, 2017.

By order Jessica Feldmark
Jessica Feldmark, Administrator

This Bill was read the third time on February 6 2017 and Passed , Passed with amendments , Failed .

By order Jessica Feldmark
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 9th day of February 2017 at 3 a.m./p.m.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Approved by the County Executive Fcb 9/2, 2017

Alan H. Kittleman
Alan H. Kittleman, County Executive

Vetpax

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

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on _____, 2017.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2017.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2017.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2017.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on March 6, 2017.



Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2017.

Jessica Feldmark, Administrator to the County Council

Amendment 1 to Council Bill No. 9-2017

**BY: Calvin Ball and
Jennifer Terrasa**

Legislative Day No. 2

Date: February 6, 2017

Amendment No. 1

(This amendment clarifies the purpose of the Bill.)

1 On page 2:

- 2
- strike lines 6 through 11 in their entirety.
 - 3 • in line 15, after “commitment” insert “to promote diversity, inclusion, and
 - 4 equality and”
 - 5 • in line 15, after “of” insert “discrimination, intimidation, xenophobia,”
 - 6 • in line 16, after “bigotry,” insert “Islamophobia, anti-Semitism,”
 - 7 • in line 16, after the first “and” insert “other forms of”
 - 8 • in line 17, strike “that” and substitute “our”
 - 9 • in lines 17-18, strike “by declaring Howard County a sanctuary county” and
 - 10 substitute “not to discriminate on the basis of immigration status”.

ADOPTED

FAILED

SIGNATURE

as amended 2/6/17

Jessica Feldman

Amendment 1 to Amendment 1 to Council Bill No. 9-2017

**BY: Calvin Ball and
Jennifer Terrasa**

**Legislative Day No. 2
Date: February 6, 2017**

Amendment No. 1 to Amendment No. 1

(This amendment further clarifies the purpose of the Bill.)

1 On page 1, after line 5 insert:

2 “

- 3 • in line 16, after “bigotry,” insert “Islamophobia, anti-Semitism,”
4 • in line 16, after the first “and” insert “other forms of”.
5
6

ADOPTED 2/6/17
FAILED
SIGNATURE Jessica Feldman

Amendment 1 to Council Bill No. 9-2017

BY: Calvin Ball and
Jennifer Terrasa

Legislative Day No. 2

Date: 2/6/17

Amendment No. 1

(This amendment clarifies the purpose of the Bill.)

1 On page 2:

- 2
- strike lines 6 through 11 in their entirety.
 - 3 • in line 15, after “commitment” insert “to promote diversity, inclusion, and
4 equality and”
 - 5 • in line 15, after “of” insert “discrimination, intimidation, xenophobia,”
 - 6 • in line 17, strike “that” and substitute “our”
 - 7 • in lines 17-18, strike “by declaring Howard County a sanctuary county” and
8 substitute “not to discriminate on the basis of immigration status”.



Amendment 2 to Council Bill No. 9-2017

BY: Calvin Ball and
Jennifer Terrasa

Legislative Day No. 2

Date: 2/6/17

Amendment No. 2

(This amendment defines a term and clarifies that certain actions related to crime are not affected by the Bill.)

1
2
3 On page 3, in line 14, after “(C)” insert:

4 “EXISTING AGREEMENT MEANS AN EXECUTED WRITTEN AGREEMENT IN EFFECT ON
5 THE EFFECTIVE DATE OF THIS BILL.

6 (D)”.
7

8 On page 3, in line 24, after “TO” insert “GANG ACTIVITY,”.

9
10 Also on page 3, in line 25, strike “AND” and substitute “, OR”.

11
12 Also on page 3, after line 26, insert:

13 “(3) PARTICIPATING IN TASK FORCES WITH OTHER JURISDICTIONS TO INVESTIGATE,
14 ENFORCE, AND PROSECUTE CRIMINAL ACTIVITY, EVEN IF THE TASK FORCE INCLUDES IMMIGRATION
15 ENFORCEMENT.”.

16
17 On page 4, after line 19, insert:

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

21 (D) NOTWITHSTANDING SUBSECTIONS (A) AND (B) OF THIS SECTION, AN EMPLOYEE MAY

- 1 COMMUNICATE WITH IMMIGRATION ENFORCEMENT FOR PURPOSES OF COORDINATION AND
2 PROTECTING PUBLIC SAFETY WHEN IMMIGRATION ENFORCEMENT IS OPERATING IN THE COUNTY.”.

ADOPTED 2/6/17
FAILED _____
SIGNATURE Jessica Edwards

Amendment 3 to Council Bill No. 9-2017

BY: Calvin Ball

Legislative Day No. 2

Date: 2/6/17

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."
23

ADOPTED
FAILED *not introduced*
SIGNATURE *Jessica Feldman*

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 be a community free of
16 prejudice, bigotry, and hate; and

17 **WHEREAS**, the Howard County Council wishes to affirm that commitment by declaring Howard
18 County a sanctuary county;

19
20 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the Howard County*
21 *Code is amended as follows:*

22 *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) (1) *IMMIGRATION ENFORCEMENT* MEANS A UNIT OF THE FEDERAL GOVERNMENT THAT
15 ENFORCES IMMIGRATION LAWS.

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

18 **12.2101. FEDERAL OR STATE PREEMPTION OR CONFLICTS.**

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

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

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

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

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

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

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

6 (2) AUTHORIZED IN WRITING BY THE SUBJECT OF THE INFORMATION; OR

7 (3) MADE TO THE UNITED STATES DEPARTMENT OF STATE IN CONNECTION WITH AN
8 APPLICATION FOR A UNITED STATES PASSPORT.

9 **12.2102. NO ENFORCEMENT OF IMMIGRATION LAWS.**

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

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

20 **12.2103. NO INQUIRIES INTO CITIZENSHIP.**

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

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

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

25 (B) THIS SECTION DOES NOT PROHIBIT:

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

3 (2) INQUIRIES REGARDING THE CITIZENSHIP OF APPLICANTS FOR POSITIONS AS SWORN
4 OFFICERS WITH THE HOWARD COUNTY POLICE DEPARTMENT OR THE HOWARD COUNTY
5 DEPARTMENT OF CORRECTIONS;

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

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

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

14 **12.2104. DISCRIMINATION BASED ON CITIZENSHIP PROHIBITED.**

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

17 **12.2105. CONFIDENTIALITY OF INFORMATION ABOUT CITIZENSHIP STATUS.**

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

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

21 (2) IN THE PERFORMANCE OF OFFICIAL DUTIES.

22 **12.2106. CHANGES IN PRACTICES.**

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

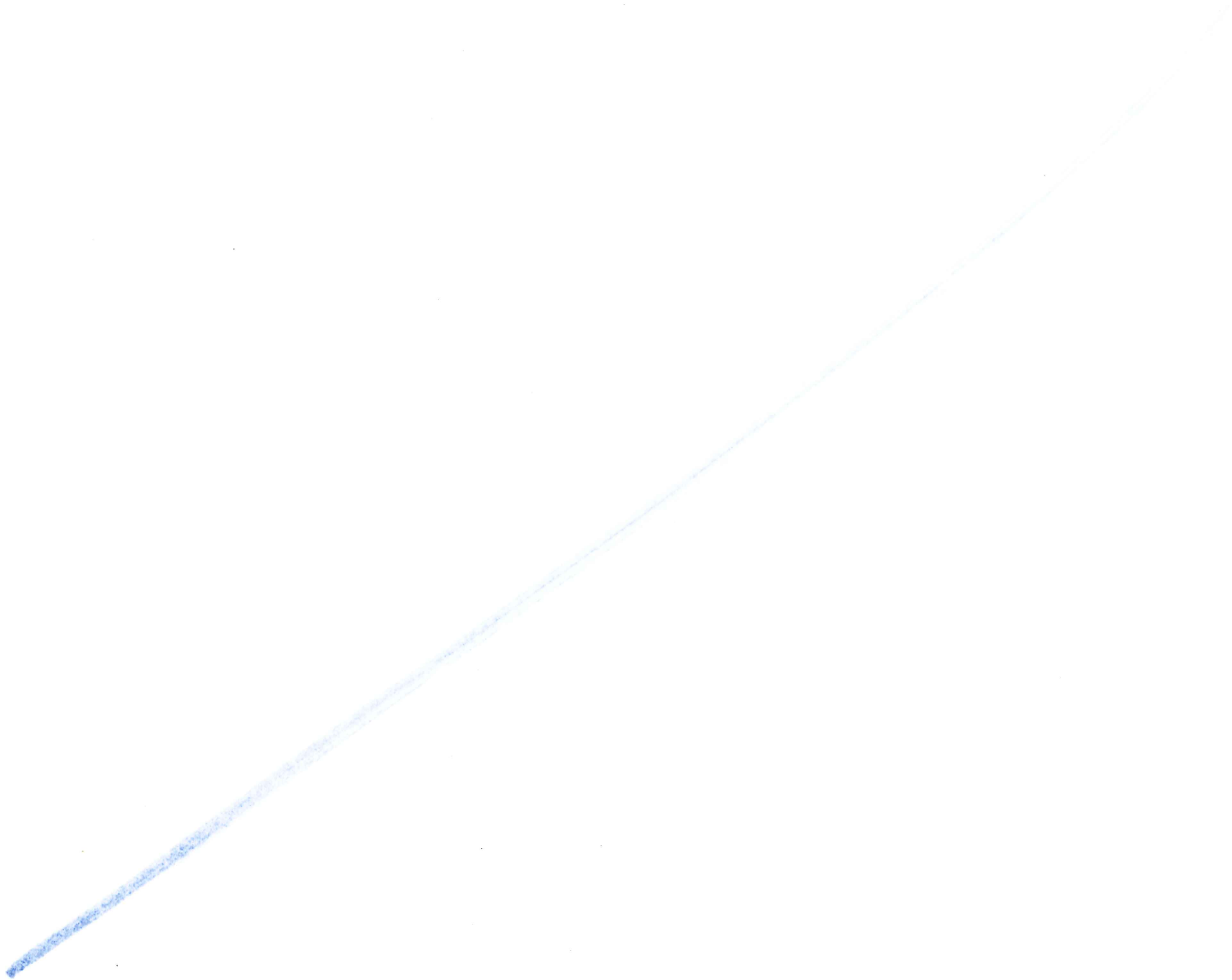
1 (1) ABOUT THE LAW OR TREATY; AND

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

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

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

8





HOWARD COUNTY OFFICE OF COUNTY EXECUTIVE

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2013

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February 9, 2017

The Honorable Jon Weinstein, Chairperson
Howard County Council
3430 Courthouse Drive
Ellicott City, Maryland 21043

Re: Howard County Council Bill No. 9-2017

Dear Chairperson Weinstein:

In accordance with Section 209(g) of the Howard County Charter, I have today vetoed Howard County Council Bill No. 9-2017 ("CB9"). As a lifelong resident of Howard County, I know first-hand that we are an inclusive and diverse county. I was raised by a man who fought for civil rights and who taught me to respect everyone. And I know that employees in county government treat everyone who lives and visits the county with respect and dignity.

Throughout this process, I have said that CB 9, which the County Council amended and passed on Monday, February 6, 2017, is a bad solution to a problem that does not exist in Howard County. It is little more than a hollow political statement. It unnecessarily divided our foreign-born community and caused rifts in our county. The bill offers a false sense of security to undocumented immigrants, compromises public safety efforts and puts us at risk of losing critical federal funding for community services and law enforcement.

For these reasons, I have vetoed CB9.

It was irresponsible to hastily file this legislation. Responsible leadership calls for due diligence. Unfortunately, in this case, there was none. I agree with you when you said, when voting against this bill, that this issue deserved a thorough, inclusive and deliberative process prior to its introduction.

I appreciate you and Council member Fox for your bipartisan opposition to this bill.

If the sponsors had reached out to key stakeholders prior to filing it, they would have learned this was unnecessary legislation. They would have heard from the Police Department, other government agencies, and organizations supporting immigrants that in Howard County, we do not have a problem with this issue. They would have learned why codifying this language *creates* problems. And they would have understood why no other county in Maryland nor Baltimore City has passed a similar law.

Instead, Council members Ball and Terrasa filed this legislation without consulting and without notice to key stakeholders. They filed legislation that unfairly and inaccurately created the perception that there is a problem in Howard County with the way our Police Department and county employees interact with our foreign-born population.

Let me be clear, nothing could be further from the truth. There are no known instances – not a single one – in which a member of our community has indicated they were harassed or mistreated based on their immigration status by the Police Department or county government employees.

The mission of our Police Department -- to ensure that everyone who lives, works or visits Howard County is safe – has never changed. Their focus is on protecting our community and not on enforcing federal immigration law. In fact, they have gone above and beyond to work with people of all nationalities – creating partnerships with FIRN, HopeWorks and others so that our police officers have adequate training and understanding of different cultures and religions.

We've hired multicultural liaisons to help with outreach and to strengthen relationships. This dedication to inclusiveness runs through the fabric of county government. And we have a county government that represents our community's diversity, working every day to make sure our services are comprehensive and accessible. To imply otherwise is insulting.

Our priorities and policies are driven by shared values of inclusion, collaboration and opportunity. These are the guiding principles that led to efforts like our #OneHoward campaign and Congressman Elijah Cummings' Stand Up, Speak Up Howard. In the face of acts of hatred and bigotry, responsible leaders on the local, state and federal level have engaged the community, promoted dialogue and sought solutions that are impactful, without causing greater anxiety in the community.

At the end of the day, we know we are a stronger, more prosperous county because we welcome new people, new ideas and new opportunities.

We recognize that local government can and should continue its efforts to strengthen interactions with the foreign-born community. And so we will continue to work with FIRN, HopeWorks, Maryland Legal Aid and engage our law enforcement partners – the State's Attorney and the Sheriff – to strengthen our joint outreach and training efforts.

I know there is some uncertainty right now on the federal level that has caused concern. But there should be no uncertainty in Howard County. My administration will continue to champion and preserve our values and treat every resident with dignity and respect. My promise, as County Executive, is that Howard County will continue to be a welcoming and inclusive community where we celebrate our diversity.

Sincerely,



Allan H. Kittleman
County Executive

cc: Howard County Council
Jessica Feldmark, Council Administrator
Gary W. Kuc, County Solicitor