

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

**County Council of Howard County, Maryland**

2020 Legislative Session

Legislative Day No. 15

**Bill No. 63 -2020**

Introduced by: Opel Jones

AN ACT providing that County employees shall take, or refrain from taking, specified actions with respect to the immigration status of specified individuals; prohibiting certain discrimination based on immigration 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 \_\_\_\_\_, 2020. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Diane Schwartz Jones, 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 \_\_\_\_\_, 2020.

By order \_\_\_\_\_  
Diane Schwartz Jones, Administrator

This Bill was read the third time on \_\_\_\_\_, 2020 and Passed \_\_\_\_, Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order \_\_\_\_\_  
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_ day of \_\_\_\_\_, 2020 at \_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Diane Schwartz Jones, Administrator

Approved by the County Executive \_\_\_\_\_, 2020

\_\_\_\_\_  
Calvin Ball, 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 Howard County Council wishes to ensure that all residents of Howard County,  
7 regardless of nationality or citizenship, shall have fair and equal access to County benefits,  
8 opportunities, and services;

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

11 *By adding:*

12 *Title 12 - Health and social services.*

13 *Subtitle 21 - Rights of non-U.S. citizens*

14

15 **Title 12 - Health and social services.**

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

17

18 **12.2100. DEFINITIONS.**

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

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

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

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

24 (II) AN ELECTED OR APPOINTED OFFICIAL.

25 (C) *EXISTING AGREEMENT* MEANS AN EXECUTED WRITTEN AGREEMENT IN EFFECT ON THE  
26 EFFECTIVE DATE OF THE ACT THAT ENACTED THIS SUBTITLE 21.

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

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

3  
4 **12.2101. FEDERAL OR STATE PREEMPTION OR CONFLICTS.**

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

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

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

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

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

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

20                  (2)        REQUIRED UNDER SECTION 23-1405 OF THE ALCOHOLIC BEVERAGES ARTICLE  
21 OF THE MARYLAND CODE;

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

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

1 **12.2102. NO ENFORCEMENT OF IMMIGRATION LAWS.**

2 (A) IN THE PERFORMANCE OF OFFICIAL DUTIES, AN EMPLOYEE SHALL NOT ENGAGE IN THE  
3 ENFORCEMENT OF THE IMMIGRATION AND NATIONALITY LAWS OF THE UNITED STATES AND SHALL NOT  
4 ASSIST IMMIGRATION ENFORCEMENT IN THE INVESTIGATION OR ARREST OF A PERSON FOR A CIVIL OR  
5 CRIMINAL VIOLATION OF THE IMMIGRATION AND NATIONALITY LAWS OF THE UNITED STATES, EXCEPT AS  
6 REQUIRED BY STATE OR FEDERAL LAW, INTERNATIONAL TREATY, OR AN EXISTING AGREEMENT BETWEEN  
7 THE COUNTY AND A FEDERAL, STATE, OR LOCAL AGENCY.

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

12 **12.2103. NO INQUIRIES INTO CITIZENSHIP.**

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

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

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

17 (B) THIS SECTION DOES NOT PROHIBIT:

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

20 (2) INQUIRIES REGARDING THE CITIZENSHIP OF APPLICANTS FOR POSITIONS AS SWORN  
21 OFFICERS WITH THE HOWARD COUNTY POLICE DEPARTMENT OR THE HOWARD COUNTY  
22 DEPARTMENT OF CORRECTIONS;

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

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

4 (5) INQUIRIES REGARDING CITIZENSHIP OR IMMIGRATION STATUS REQUIRED BY STATE  
5 OR FEDERAL LAW, INCLUDING 8 U.S. CODE § 1373, INTERNATIONAL TREATY, OR AN EXISTING  
6 AGREEMENT BETWEEN THE COUNTY AND A FEDERAL, STATE, OR LOCAL AGENCY.

7 **12.2104. DISCRIMINATION BASED ON CITIZENSHIP PROHIBITED.**

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

10 **12.2105. CONFIDENTIALITY OF INFORMATION ABOUT CITIZENSHIP STATUS.**

11 AN EMPLOYEE SHALL NOT DISCLOSE ANY INFORMATION REGARDING THE CITIZENSHIP,  
12 NATIONALITY, OR IMMIGRATION STATUS OF AN INDIVIDUAL TO A THIRD PARTY EXCEPT AS PROVIDED IN  
13 SECTION 12.2101(C) OF THIS SECTION.

14 **12.2106. CHANGES IN PRACTICES.**

15 (A) WHENEVER THE COUNTY SOLICITOR LEARNS OF A STATE OR FEDERAL LAW OR  
16 INTERNATIONAL TREATY THAT MAY PREEMPT THIS SUBTITLE, THE COUNTY SOLICITOR SHALL ADVISE  
17 THE COUNTY COUNCIL AND THE COUNTY EXECUTIVE:

18 (1) ABOUT THE LAW OR TREATY; AND

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

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

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

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