

Amendment 8 to Council Bill No. 63-2020

BY: Liz Walsh

Legislative Day No. 17

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Amendment No. 8

(This Amendment codifies existing, written, Executive policy.)

1 On page 3:

- 2 • strike lines 18 and 19 in their entirety;
- 3 • in line 20, strike “(2)” and substitute “(1)”;
- 4 • after line 24, insert

5 “(4) NO PROVISION IN THIS SUBTITLE SHALL BE INTERPRETED AS PREVENTING A LAW
6 ENFORCEMENT AGENT FROM SENDING TO OR RECEIVING FROM ANY LOCAL, STATE, OR FEDERAL
7 AGENCY INFORMATION REGARDING THE CITIZENSHIP OR IMMIGRATION STATUS OF AN
8 INDIVIDUAL IF REQUIRED UNDER SECTIONS 1373 AND 1644 OF TITLE 8 OF THE UNITED STATES
9 CODE, STATE LAW OR REGULATION, COURT ORDER, EXTRADITION AGREEMENT OR ANY OTHER
10 AGREEMENT THAT ALLOWS A COUNTY AGENCY TO ACCEPT CUSTODY OF AN INDIVIDUAL
11 PURSUANT TO A CRIMINAL WARRANT.

12

13 On page 4, strike lines 1 through 11 in their entirety and substitute:

14 “12.2102. CIVIL IMMIGRATION.

15 (A) (1) NO COUNTY EMPLOYEE, AGENT OR AGENCY MAY COORDINATE WITH AN IMMIGRATION
16 ENFORCEMENT OFFICIAL IN FURTHERANCE OF A CIVIL IMMIGRATION ENFORCEMENT OPERATION,
17 INCLUDING BY:

18 (I) PERMITTING IMMIGRATION ENFORCEMENT OFFICIALS ACCESS TO NON-PUBLIC SPACE WITHIN A
19 GOVERNMENT FACILITY OR ANY AREA WHERE COUNTY BUSINESS IS BEING CONDUCTED;

20 (II) PERMITTING IMMIGRATION ENFORCEMENT OFFICIALS ACCESS TO A PERSON BEING DETAINED
21 BY, OR IN THE CUSTODY OF, THE AGENT OR AGENCY;

22 (III) PERMITTING IMMIGRATION ENFORCEMENT OFFICIALS USE OF AGENCY FACILITIES,
23 INFORMATION, OR EQUIPMENT FOR INVESTIGATIVE INTERVIEWS OR OTHER INVESTIGATIVE

24 PURPOSES:

25 (IV) DETAINING A PERSON WHEN ELIGIBLE FOR RELEASE;

26 (V) EXPENDING COUNTY RESOURCES (INCLUDING BUT NOT LIMITED TO FACILITIES, EQUIPMENT,
27 CELL PHONES, OFFICE SUPPLIES, RADIOS, EMAILS, DATABASES AND EMPLOYEE TIME WHILE ON-DUTY)
28 TO ASSIST OR FACILITATE ICE CIVIL ENFORCEMENT, INCLUDING BY DIRECTLY OR INDIRECTLY
29 PROVIDING ACCESS TO IMMIGRATION ENFORCEMENT OFFICIALS OF CONFIDENTIAL PERSONAL
30 INFORMATION, UNLESS THE EMPLOYEE'S ACTION IS EXPRESSLY AUTHORIZED UNDER THIS SUBTITLE;

31 OR

32 (VI) NOTIFYING IMMIGRATION ENFORCEMENT OFFICIALS THAT AN INDIVIDUAL HAS BEEN OR IS
33 READY TO BE RELEASED FROM CUSTODY, UNLESS THE INDIVIDUAL HAS BEEN CONVICTED OF A CRIME
34 OF VIOLENCE AS DEFINED IN MARYLAND CRIMINAL LAW CODE ANNOTATED SECTION 14-101.

35 (2) ANY INTENTIONAL VIOLATION OF A PROVISION OF THIS SUBTITLE BY A COUNTY PUBLIC
36 SAFETY AGENT, OFFICER, EMPLOYEE OR OFFICIAL SHALL BE REFERRED TO THE INDIVIDUAL'S
37 APPOINTING AUTHORITY FOR APPROPRIATE DISCIPLINE.

38 (B) HOWARD COUNTY WILL ONLY ACCEPT DETAINEES FROM IMMIGRATION AND CUSTOMS
39 ENFORCEMENT FOR THE PURPOSES OF TEMPORARY HOUSING UNDER THE COUNTY INTER-
40 GOVERNMENTAL SERVICES AGREEMENT IF THOSE INDIVIDUALS HAVE BEEN CONVICTED OF A CRIME OF
41 VIOLENCE AS DEFINED IN MARYLAND CRIMINAL LAW CODE ANNOTATED SECTION 14-101.

42 (C) NOTWITHSTANDING ANY OF THE PROVISIONS SET OUT IN SUBSECTION (A) ABOVE, HOWARD COUNTY
43 MAY NOTIFY IMMIGRATION OFFICIALS OF THE IMMINENT RELEASE OF A PERSON FOR WHOM A CIVIL
44 DETAINER REQUEST HAS BEEN RECEIVED FROM IMMIGRATION OFFICIALS ONLY IF THE PERSON HAS
45 COMPLETED A CRIMINAL SENTENCE AFTER BEING CONVICTED OF A CRIME OF VIOLENCE AS DEFINED IN
46 MARYLAND CRIMINAL LAW CODE ANNOTATED SECTION 14-101 AND ALLOW IMMIGRATION OFFICIALS
47 ACCESS TO THE FACILITY AS NECESSARY TO TAKE THAT PERSON INTO CUSTODY.

48 (D) THE PROVISIONS SET OUT IN SUBSECTION (A) OF THIS SECTION DO NOT APPLY TO AUDITS OR OTHER
49 ACTIONS NECESSARY TO CARRY OUT THE TERMS OR PURPOSE OF THE INTER-GOVERNMENTAL SERVICES
50 AGREEMENT."

51
52 On page 5, after line 13, insert:

53 **"12.2106. REPORTING.**

54 (A) AGENCIES SHALL REPORT TO THE COUNTY EXECUTIVE EVERY SIX (6) MONTHS THE NUMBER OF
55 REQUESTS RECEIVED FROM IMMIGRATION ENFORCEMENT OFFICIALS AND THE MANNER IN WHICH EACH
56 REQUEST WAS HANDLED AND WHETHER ANY COUNTY AGENT, OFFICER, EMPLOYEE OR OFFICIAL
57 VIOLATED ANY SECTION OF THIS SUBTITLE.

58 (B) AGENCIES SHALL RESPOND TO ANY REQUEST FOR INFORMATION FOR MATTERS COVERED UNDER THIS
59 SUBTITLE BY THE COUNTY EXECUTIVE WITHIN SEVEN (7) DAYS.”

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61 Also on page 5, in line 14, strike “**12.2106**” and substitute “**12.2107**

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