

Amendment 1 to Council Bill No. 63-2020

BY: Opel Jones,
Christiana Rigby, and Liz Walsh

Legislative Day No. 17

Date: December 7, 2020

Amendment No. 1

(This Amendment adds definitions of “agent,” “contractor,” “department,” “County resources,” and “officer in charge” and changes the defined term “existing agreement” to be “existing intergovernmental service agreement”.)

1 On the title page, in the purpose paragraph, in the first line after “employees” insert “
2 departments and agents”.

3 On page 2:

- 4 • After line 19, insert:

5 “(B) AGENT MEANS ANY PERSON EMPLOYED BY OR ACTING ON BEHALF OF A DEPARTMENT,
6 INCLUDING CONTRACTORS OR OTHER INDIVIDUALS, ORGANIZATIONS, BUSINESSES OR OTHER
7 ENTITIES NOT CONSIDERED EMPLOYEES AS DEFINED IN THIS SECTION.”

- 8 • In line 20, strike “(B)” and substitute “(C)”

- 9 • after line 24, insert

10 “(D) CONTRACTOR IS A CONTRACTOR HIRED BY HOWARD COUNTY.

11 (E) DEPARTMENT MEANS ANY COUNTY DEPARTMENT, AGENCY, DIVISION, COMMISSION, COUNCIL,
12 COMMITTEE, BOARD, OTHER BODY OR PERSON ESTABLISHED BY CHARTER, ORDINANCE,
13 EXECUTIVE ORDER, OR COUNTY COUNCIL ACTION.”

- 14 • In line 25, strike “(C)” and substitute “(F)”, and after “EXISTING” insert “INTERGOVERNMENTAL
15 SERVICE”, and after “WRITTEN AGREEMENT” insert “BETWEEN HOWARD COUNTY AND
16 IMMIGRATION AND CUSTOMS ENFORCEMENT”

- 17 • In line 27, strike “(D)” and substitute “(G)”

18
19 On page 3:

- 20 • After line 2, insert:

21 “(H) COUNTY RESOURCES INCLUDES, BUT IS NOT LIMITED TO, ANY COUNTY MONIES, FACILITIES,
22 PROPERTY, EQUIPMENT, PERSONNEL, OR OTHER ASSETS FUNDED AS A WHOLE OR IN PART BY
23 HOWARD COUNTY.”

ADOPTED December 7, 2020
FAILED
SIGNATURE Opel Jones

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(I) OFFICER IN CHARGE MEANS THE OFFICER IN CHARGE OF THE POLICE DEPARTMENT OFFICERS
ASSIGNED TO THE TASK FORCE, THE CHIEF OF POLICE, OR COUNTY SHERIFF.”

Amendment 2 to Council Bill No. 63-2020

BY: Opel Jones,
Christiana Rigby, and Liz Walsh

Legislative Day No. 17

Date: December 7, 2020

Amendment No. 2

(This Amendment provides that County resources may not be used for civil immigration enforcement; generally prohibits County participants in task forces from asking about or disclosing citizenship, immigration, or nationality status; and provides that the County must withdraw from a task force that is not primarily acting to investigate or enforce criminal law, but instead as a pretext for immigration enforcement.)

1 On the title page, in the purpose paragraph, in the fifth line after the second semicolon, insert
2 “specifying which actions may and may not be taken by certain County departments, officers,
3 and officials during participation on certain task forces;”

4 On page 3:

- 5 • In line 4, strike “OR CONFLICTS”.
- 6 • Beginning in line 5, strike “CONFLICTS WITH” and substitute “IS PREEMPTED BY”.
- 7 • In line 6, after “EXISTING” insert “INTERGOVERNMENTAL SERVICE” and strike “THE”
- 8 • Strike line 7 and substitute “HOWARD COUNTY AND IMMIGRATION AND CUSTOMS
9 ENFORCEMENT.”
- 10 • In line 9, before “CRIMINAL” insert “STATE OR LOCAL”
- 11 • In line 15, before the period, insert “, PROVIDED THAT COUNTY RESOURCES ARE NOT USED FOR
12 THE PURPOSE OF CIVIL IMMIGRATION ENFORCEMENT”
- 13 • After line 15, insert:

14 “(I) WHEN PARTICIPATING IN A TASK FORCE UNDER THIS PROVISION, THE COUNTY POLICE
15 DEPARTMENT SHALL NOT DISCLOSE ANY INFORMATION REGARDING THE CITIZENSHIP,
16 NATIONALITY, OR IMMIGRATION STATUS OF AN INDIVIDUAL TO ANOTHER LOCAL, STATE, OR
17 FEDERAL AGENCY.

18 “(II) WHEN PARTICIPATING IN A TASK FORCE UNDER THIS PROVISION, SECTION 12.2103
19 SHALL BE ENFORCED SO AS TO REQUIRE THAT THE COUNTY POLICE DEPARTMENT OFFICERS AND
20 OFFICIALS, EXCEPT AS AUTHORIZED IN 12.2103(B), SHALL NOT ASK ANY PERSON ABOUT HIS OR

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December 7, 2020
Opel Jones

21 HER CITIZENSHIP, NATIONALITY, OR IMMIGRATION STATUS, NOR ASK ANY PERSON ABOUT THE
22 CITIZENSHIP, NATIONALITY, OR IMMIGRATION STATUS OF ANOTHER PERSON.

23 (III) WHEN PARTICIPATING IN A TASK FORCE UNDER THIS PROVISION, IF AT ANY TIME AN
24 OFFICER IN CHARGE OF THE COUNTY POLICE DEPARTMENT REASONABLY BELIEVES THAT THE
25 TASK FORCE IS NOT PRIMARILY ACTING TO INVESTIGATE OR ENFORCE CRIMINAL LAW, BUT
26 INSTEAD AS A PRETEXT FOR IMMIGRATION ENFORCEMENT, THE COUNTY POLICE DEPARTMENT
27 SHALL IMMEDIATELY CEASE ASSISTANCE AND WITHDRAW FROM THE TASK FORCE.”

28 • Strike line 19 and substitute “AN EXISTING INTERGOVERNMENTAL SERVICE AGREEMENT
29 BETWEEN HOWARD COUNTY AND IMMIGRATION AND CUSTOMS ENFORCEMENT;””

Amendment 3 to Council Bill No. 63-2020

BY: David Yungmann

Legislative Day No. 17

Date: December 7, 2020

Amendment No. 3

(This Amendment allows the County to accept certain individuals under specified circumstances.)

1 On page 4:

- 2 • in line 1, after "LAWS" insert "; DETAINERS".
3 • after line 11, insert:

4 "(C) A UNIT OF COUNTY GOVERNMENT MAY ACCEPT AN INDIVIDUAL WHO IS SUBJECT TO
5 A DETAINER ISSUED BY IMMIGRATION ENFORCEMENT IF THE INDIVIDUAL:
6 (1) HAS BEEN CONVICTED OF A CRIME; OR
7 (2) IS ON THE CONSOLIDATED TERRORIST WATCH LIST OF THE UNITES STATES
8 TERRORIST SCREENING CENTER."
9

ADOPTED _____
FAILED _____
SIGNATURE Diane A. Jones
December 7, 2020

Amendment 4 to Council Bill No. 63-2020

**BY: Opel Jones,
Christiana Rigby, and Liz Walsh**

Legislative Day No. 17

Date: December 7, 2020

Amendment No. 4

(This Amendment generally prohibits the disclosure of information about any person to immigration enforcement; or the expenditure of County resources (including but not limited to facilities, equipment, cell phones, office supplies, radios, emails, databases and employee time) to assist or facilitate civil immigration enforcement.)

1 On the title page, in the purpose paragraph, in the first line after “employees” insert “,
2 departments and agents” and in the fifth line after the second semicolon insert “governing the
3 expenditure of certain County resources”.

4 On page 4:

- 5 • In lines 2 and 8, strike “IN THE PERFORMANCE OF OFFICIAL DUTIES” and substitute “WHEN
6 ACTING WITHIN THE SCOPE OF EMPLOYMENT” in both cases.
- 7 • In lines 2 and 8, after “EMPLOYEE” insert “, DEPARTMENT, OR AGENT” in both cases.
- 8 • In line 8, after “(B)” insert “(1)”
- 9 • After line 11, insert:
10 (2) THE PROHIBITIONS IN PARAGRAPH (1) OF THIS SUBSECTION INCLUDE PROHIBITING
11 “(3) DISCLOSE (1) THE DISCLOSURE OF INFORMATION ABOUT ANY PERSON TO IMMIGRATION
12 ENFORCEMENT; OR
13 (4) EXPEND (ii) THE EXPENDITURE OF COUNTY RESOURCES TO ASSIST OR FACILITATE CIVIL
14 IMMIGRATION ENFORCEMENT, UNLESS THE EMPLOYEE ACTION IS EXPRESSLY AUTHORIZED
15 UNDER THIS SUBTITLE.”

ADOPTED December 7, 2020
FAILED _____
SIGNATURE Opel Jones

Amendment 1 Amendment 4 to Council Bill No. 63-2020

**BY: Opel Jones,
Christiana Rigby, and Liz Walsh**

Legislative Day No. 17

Date: December 7, 2020

Amendment No. 1

(This Amendment makes technical corrections.)

- 1 On page 1, in line 8, after “(B)” insert “(1)”.
- 2 On page 1, in line 9, before “(3)” insert “(2) THE PROHIBITIONS IN PARAGRAPH (1) OF THIS
3 SUBSECTION INCLUDE PROHIBITING:”.
- 4 On page 1, in line 9, strike “(3) DISCLOSE” and substitute “(i) THE DISCLOSURE OF”.
- 5 On page 1, in line 10, strike “(4) EXPEND” and substitute “(ii) THE EXPENDITURE OF”.
- 6

ADOPTED December 7, 2020
FAILED
SIGNATURE Opel Jones

Amendment 4 to Council Bill No. 63-2020

BY: Opel Jones,
Christiana Rigby, and Liz Walsh

Legislative Day No. 17

Date: December 7, 2020

Amendment No. 4

(This Amendment generally prohibits the disclosure of information about any person to immigration enforcement; or the expenditure of County resources, including but not limited to facilities, equipment, cell phones, office supplies, radios, emails, databases and employee time) to assist or facilitate civil immigration enforcement.)

1 On the title page, in the purpose paragraph, in the first line after “employees” insert “1
2 departments and agents” and in the fifth line after the second semicolon insert “governing the
3 expenditure of certain County resources:”.

4 On page 4:

- 5 • In lines 2 and 8, strike “IN THE PERFORMANCE OF OFFICIAL DUTIES” and substitute “WHEN
6 ACTING WITHIN THE SCOPE OF EMPLOYMENT” in both cases.
- 7 • In lines 2 and 8, after “EMPLOYEE” insert “, DEPARTMENT, OR AGENT” in both cases.
- 8 • After line 11, insert:
9 “(3) DISCLOSE INFORMATION ABOUT ANY PERSON TO IMMIGRATION ENFORCEMENT; OR
10 (4) EXPEND COUNTY RESOURCES TO ASSIST OR FACILITATE CIVIL IMMIGRATION ENFORCEMENT,
11 UNLESS THE EMPLOYEE ACTION IS EXPRESSLY AUTHORIZED UNDER THIS SUBTITLE.”

Amendment 5 to Council Bill No. 63-2020

BY: Christiana Rigby and Liz Walsh

Legislative Day No. 17

Date: December 7, 2020

Amendment No. 5

(This Amendment expands the prohibitions related to citizenship, nationality, or immigration to also cover departments and agents of the County; and prohibits the gathering of citizenship or immigration status or expenditure of County resources for that purpose.)

1 On the title page, in the purpose paragraph, in the first line after “employees” insert “,
2 departments and agents”; in the third line after “citizenship” insert “, nationality or immigration”.

3 On page 4:

- 4 • In line 12, strike “NO INQUIRIES INTO CITIZENSHIP” and substitute “PROHIBITION ON
5 INQUIRIES RELATED TO CITIZENSHIP, NATIONALITY OR IMMIGRATION STATUS”
6 • Beginning in line 13, strike “IN THE PERFORMANCE OF OFFICIAL DUTIES,” and substitute “WHEN
7 ACTING WITHIN THE SCOPE OF EMPLOYMENT”
8 • In line 14, after “EMPLOYEE” insert “, DEPARTMENT, OR AGENT OF HOWARD COUNTY”

9 On page 5:

- 10 • Strike lines 4 to 6 in their entirety and substitute:
11 “(5) RESPONDING TO INQUIRIES REGARDING CITIZENSHIP OR IMMIGRATION STATUS IN
12 COMPLIANCE WITH STATE OR FEDERAL LAW, INCLUDING 8 U.S. CODE § 1373 OR INTERNATIONAL
13 TREATY, PROVIDED THAT RESPONDING TO SUCH INQUIRIES DOES NOT INCLUDE THE GATHERING
14 OF THE CITIZENSHIP OR IMMIGRATION STATUS OF ANY INDIVIDUAL OR OTHER EXPENDITURE OF
15 COUNTY RESOURCES PROHIBITED UNDER THIS SUBTITLE.”
16 • In line 7, after “CITIZENSHIP” insert “, NATIONALITY OR IMMIGRATION STATUS”.
17 • In line 8, strike “IN THE PERFORMANCE OF OFFICIAL DUTIES” and substitute “WHEN ACTING
18 WITHIN THE SCOPE OF EMPLOYMENT”
19 • ” and after “EMPLOYEE” insert “, DEPARTMENT OR AGENT OF HOWARD COUNTY”
20 • In line 11, strike “AN EMPLOYEE” and substitute “EMPLOYEES, DEPARTMENTS, AND AGENTS OF
21 HOWARD COUNTY”

ADOPTED December 7, 2020

FAILED
SIGNATURE Deanne Schwartz Jones

Amendment 1 to Amendment 6 to Council Bill No. 63 -2020

**BY: Opel Jones and
Christiana Rigby**

**Legislative Day 17
Date: December 7, 2020**

Amendment No. 1

(This amendment corrects the name of the Office of Human Rights and Equity and strikes reference to the Department of County Administration because the OHRE is part of County Administration.)

- 1 On page 1, in lines 7 and 8, in each instance, after “RIGHTS” insert “AND EQUITY”.
- 2
- 3
- 4 In the parenthetical description, strike “*Human Rights Commission*” and substitute “Office of
- 5 *Human Rights and Equity*”.

ADOPTED December 7, 2020
FAILED _____
SIGNATURE Opel R. Jones

Amendment 6 to Council Bill No. 63-2020

**BY: Opel Jones and
Christiana Rigby**

Legislative Day No. 17

Date: December 7, 2020

Amendment No. 6

(This Amendment provides for a penalty for an employee who violates this Act and provides that complaints shall be filed with the ~~Human Rights Commission~~ Office of Human Rights and Equity.)

1 On page 5, after line 13, insert:

2 **“12.2106 PENALTY.**

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

5 **12.2107 ENFORCEMENT.**

6 (A) COMPLAINTS OF NONCOMPLIANCE WITH THIS SUBTITLE SHALL BE FILED WITH THE OFFICE OF HUMAN
7 RIGHTS AND EQUITY AND THE DEPARTMENT OF COUNTY ADMINISTRATION.

8 (B) THE OFFICE OF HUMAN RIGHTS AND EQUITY AND THE DEPARTMENT OF COUNTY ADMINISTRATION
9 SHALL REVIEW THE COMPLIANCE OF THE COUNTY DEPARTMENTS, AGENCIES, COMMISSIONS AND
10 EMPLOYEES WITH THE MANDATES OF THIS SUBTITLE WHEN THERE IS QUESTION OF NONCOMPLIANCE OR
11 WHEN A COMPLAINT ALLEGING NONCOMPLIANCE HAS BEEN LODGED.”

12

13 Also on 5, in line 14, strike “12.2106” and substitute “12.2108”.

ADOPTED December 7, 2020
FAILED
SIGNATURE Opel Jones

Amendment 6 to Council Bill No. 63-2020

BY: Opel Jones and
Christiana Rigby

Legislative Day No. 17

Date: December 7, 2020

Amendment No. 6

(This Amendment provides for a penalty for an employee who violates this Act and provides that complaints shall be filed with the Human Rights Commission.)

1 On page 5, after line 13, insert:

2 **“12.2106 PENALTY.**

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

5 **12.2107 ENFORCEMENT.**

6 (A) COMPLAINTS OF NONCOMPLIANCE WITH THIS SUBTITLE SHALL BE FILED WITH THE OFFICE OF HUMAN
7 RIGHTS AND THE DEPARTMENT OF COUNTY ADMINISTRATION.

8 (B) THE OFFICE OF HUMAN RIGHTS AND THE DEPARTMENT OF COUNTY ADMINISTRATION SHALL REVIEW
9 THE COMPLIANCE OF THE COUNTY DEPARTMENTS, AGENCIES, COMMISSIONS AND EMPLOYEES WITH THE
10 MANDATES OF THIS SUBTITLE WHEN THERE IS QUESTION OF NONCOMPLIANCE OR WHEN A COMPLAINT
11 ALLEGING NONCOMPLIANCE HAS BEEN LODGED.”

12
13 Also on 5, in line 14, strike “12.2106” and substitute “12.2108”.

ADOPTED

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12/7/2020 with amendment

Amendment 7 to Council Bill No. 63-2020

BY: Opel Jones,
Christiana Rigby, and Liz Walsh

Legislative Day No. 17

Date: December 7, 2020

Amendment No. 7

(This Amendment requires County departments to adopt policies relating to immigration, nationality, and citizenship status as it relates to County activities and relations; requiring that departmental policies delineate employment consequences for failure to comply; requiring departments to issue periodic reports on requests from immigration enforcement officials; and requiring departments to respond within a reasonable time to inquiries from the Executive.)

1 On the title page, in the purpose paragraph, in the fifth line after the second semicolon insert
2 “requiring County departments to adopt specified policies and make specified reports;”
3

4 On page 5, after line 22, insert:

5 “12.2107. DIRECTIVES TO DEPARTMENTS.

6 (A) ALL DEPARTMENTS SHALL:

7 (1) DEVELOP POLICIES CONSISTENT WITH IMPLEMENTATION OF THIS ACT WITHIN 90

8 DAYS;

9 (2) MAKE POLICIES DEVELOPED BY DEPARTMENTS PUBLICLY AVAILABLE;

10 (3) REPORT TO THE COUNTY COUNCIL AND COUNTY EXECUTIVE EVERY SIX (6) MONTHS

11 THE NUMBER OF REQUESTS RECEIVED FROM IMMIGRATION ENFORCEMENT OFFICIALS AND THE

12 MANNER IN WHICH EACH REQUEST WAS HANDLED, AS WELL AS WHETHER ANY COUNTY

13 EMPLOYEE, AGENT, OFFICER OR OFFICIAL VIOLATED ANY SECTION OF THIS SUBTITLE; AND

14 (4) RESPOND TO ANY REQUEST FOR INFORMATION FOR MATTERS COVERED UNDER THIS

15 SUBTITLE BY THE COUNTY COUNCIL OR THE COUNTY EXECUTIVE WITHIN A REASONABLE TIME

16 NOT TO EXCEED 15 DAYS.

17 (B) POLICIES DEVELOPED BY DEPARTMENTS MUST DELINEATE EMPLOYMENT CONSEQUENCES FOR

18 FAILURE TO COMPLY WITH DEVELOPED POLICIES.”
19

ADOPTED December 7, 2020 w/amendments
FAILED _____
SIGNATURE Opel Jones

Amendment 1 to Amendment 7 to Council Bill No. 63-2020

**BY: Christiana Rigby,
Opel Jones, and Liz Walsh**

Legislative Day No. 17

Date: December 7, 2020

Amendment No. 1

(This Amendment requires Departments to respond to certain requests within 15 days.)

1 On page 1, in line 15, after "A REASONABLE TIME" insert "NOT TO EXCEED 15 DAYS".

2

ADOPTED December 7, 2020
FAILED _____
SIGNATURE Opel Jones

Amendment 7 to Council Bill No. 63-2020

BY: Opel Jones,
Christiana Rigby, and Liz Walsh

Legislative Day No. 17

Date: December 7, 2020

Amendment No. 7

(This Amendment requires County departments to adopt policies relating to immigration, nationality, and citizenship status as it relates to County activities and relations; requiring that departmental policies delineate employment consequences for failure to comply; requiring departments to issue periodic reports on requests from immigration enforcement officials; and requiring departments to respond within a reasonable time to inquiries from the Executive.)

1 On the title page, in the purpose paragraph, in the fifth line after the second semicolon insert
2 “requiring County departments to adopt specified policies and make specified reports;”
3

4 On page 5, after line 22, insert:

5 **“12.2107. DIRECTIVES TO DEPARTMENTS.**

6 **(A) ALL DEPARTMENTS SHALL:**

7 (1) DEVELOP POLICIES CONSISTENT WITH IMPLEMENTATION OF THIS ACT WITHIN 90
8 DAYS;

9 (2) MAKE POLICIES DEVELOPED BY DEPARTMENTS PUBLICLY AVAILABLE;

10 (3) REPORT TO THE COUNTY COUNCIL AND COUNTY EXECUTIVE EVERY SIX (6) MONTHS
11 THE NUMBER OF REQUESTS RECEIVED FROM IMMIGRATION ENFORCEMENT OFFICIALS AND THE
12 MANNER IN WHICH EACH REQUEST WAS HANDLED, AS WELL AS WHETHER ANY COUNTY
13 EMPLOYEE, AGENT, OFFICER OR OFFICIAL VIOLATED ANY SECTION OF THIS SUBTITLE; AND

14 (4) RESPOND TO ANY REQUEST FOR INFORMATION FOR MATTERS COVERED UNDER THIS
15 SUBTITLE BY THE COUNTY COUNCIL OR THE COUNTY EXECUTIVE WITHIN A REASONABLE TIME.

16 (B) POLICIES DEVELOPED BY DEPARTMENTS MUST DELINEATE EMPLOYMENT CONSEQUENCES FOR
17 FAILURE TO COMPLY WITH DEVELOPED POLICIES.”
18

Amendment 8 to Council Bill No. 63-2020

BY: Liz Walsh

Legislative Day No. 17

Date: December 7, 2020

Amendment No. 8

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

On page 3:

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

ADOPTED
FAILED
SIGNATURE
December 7, 2020
Deanne A. Gray

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

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

~~“12.2102. CIVIL IMMIGRATION.~~

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

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

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

~~— (III) PERMITTING IMMIGRATION ENFORCEMENT OFFICIALS USE OF AGENCY FACILITIES, 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.”

60
61 Also on page 5, in line 14, strike “12.2106” and substitute “12.2107”.

62 “On page 4, in line 2, after “(A)” insert “(1)”.

63
64 On page 4, in line 4, after “ASSIST” insert “OR COORDINATE WITH”.

65
66 On page 4, after line 7, insert:

67 “(2) THE REQUIREMENTS OF THIS SUBSECTION INCLUDE A PROHIBITION AGAINST:

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

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

72 (III) PERMITTING IMMIGRATION ENFORCEMENT OFFICIALS USE OF AGENCY FACILITIES,
73 INFORMATION, OR EQUIPMENT FOR INVESTIGATIVE INTERVIEWS OR OTHER INVESTIGATIVE PURPOSES;

74 (IV) DETAINING A PERSON WHEN ELIGIBLE FOR RELEASE; OR

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

78
79 On page 4, at the end of new (c)(4), which was added by Amendment 4 to Council Bill 63, before the period, insert:

80 “, INCLUDING BY DIRECTLY OR INDIRECTLY PROVIDING ACCESS TO IMMIGRATION ENFORCEMENT OFFICIALS
81 OF CONFIDENTIAL PERSONAL INFORMATION, UNLESS THE EMPLOYEE’S ACTION IS EXPRESSLY AUTHORIZED UNDER
82 THIS SUBTITLE”

83
84 On page 4, after line 11, insert:

85 “(D) HOWARD COUNTY WILL ONLY ACCEPT DETAINEES FROM IMMIGRATION AND CUSTOMS ENFORCEMENT
86 FOR THE PURPOSES OF TEMPORARY HOUSING UNDER AN EXISTING INTERGOVERNMENTAL SERVICE
87 AGREEMENT IF THOSE INDIVIDUALS HAVE BEEN CONVICTED OF A CRIME OF VIOLENCE AS DEFINED IN
88 MARYLAND CRIMINAL LAW CODE ANNOTATED SECTION 14-101.

89 (E) NOTWITHSTANDING ANY OF THE PROVISIONS SET OUT IN THIS SECTION, HOWARD COUNTY MAY NOTIFY
90 IMMIGRATION OFFICIALS OF THE IMMINENT RELEASE OF A PERSON FOR WHOM A CIVIL DETAINER REQUEST
91 HAS BEEN RECEIVED FROM IMMIGRATION OFFICIALS ONLY IF THE PERSON HAS COMPLETED A CRIMINAL
92 SENTENCE AFTER BEING CONVICTED OF A CRIME OF VIOLENCE AS DEFINED IN MARYLAND CRIMINAL LAW
93 CODE ANNOTATED SECTION 14-101 AND ALLOW IMMIGRATION OFFICIALS ACCESS TO THE FACILITY AS
94 NECESSARY TO TAKE THAT PERSON INTO CUSTODY.

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(F) THIS SECTION DOES NOT APPLY TO AUDITS OR OTHER ACTIONS NECESSARY TO CARRY OUT THE TERMS OR PURPOSE OF AN EXISTING INTERGOVERNMENTAL SERVICE AGREEMENT.”

Amendment 1 to Amendment 8 to Council Bill No. 63-2020

BY: Liz Walsh

Legislative Day No. 17

Date: December 7, 2020

Amendment No. 1

(This Amendment generally adds to the Bill the provisions of Amendment 8 as originally introduced that are not otherwise contained in Amendments 1 through 7 and removes from Amendment 8 those provisions that are already added by Amendments 1 through 7.)

1 Beginning on page 1 line 1, strike down through and including page 3 line 61 and substitute:
2

3 “On page 4, in line 2, after “(A)” insert “(1)”.
4

5 On page 4, in line 4, after “ASSIST” insert “OR COORDINATE WITH”.
6

7 On page 4, after line 7, insert:

8 “(2) THE REQUIREMENTS OF THIS SUBSECTION INCLUDE A PROHIBITION AGAINST:

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

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

13 (III) PERMITTING IMMIGRATION ENFORCEMENT OFFICIALS USE OF AGENCY FACILITIES,
14 INFORMATION, OR EQUIPMENT FOR INVESTIGATIVE INTERVIEWS OR OTHER INVESTIGATIVE PURPOSES;

15 (IV) DETAINING A PERSON WHEN ELIGIBLE FOR RELEASE; OR

16 (V) NOTIFYING IMMIGRATION ENFORCEMENT OFFICIALS THAT AN INDIVIDUAL HAS BEEN OR IS
17 READY TO BE RELEASED FROM CUSTODY, UNLESS THE INDIVIDUAL HAS BEEN CONVICTED OF A CRIME OF
18 VIOLENCE AS DEFINED IN MARYLAND CRIMINAL LAW CODE ANNOTATED SECTION 14-101.”
19

20 On page 4, at the end of new (c)(4), which was added by Amendment 4 to Council Bill 63, before the period, insert:

21 “, INCLUDING BY DIRECTLY OR INDIRECTLY PROVIDING ACCESS TO IMMIGRATION ENFORCEMENT OFFICIALS
22 OF CONFIDENTIAL PERSONAL INFORMATION, UNLESS THE EMPLOYEE’S ACTION IS EXPRESSLY AUTHORIZED UNDER
23 THIS SUBTITLE”
24

25 On page 4, after line 11, insert:

26 “(D) HOWARD COUNTY WILL ONLY ACCEPT DETAINEES FROM IMMIGRATION AND CUSTOMS ENFORCEMENT

ADOPTED December 7, 2020
FAILED _____
SIGNATURE Deborah Jones

27 FOR THE PURPOSES OF TEMPORARY HOUSING UNDER AN EXISTING INTERGOVERNMENTAL SERVICE
28 AGREEMENT IF THOSE INDIVIDUALS HAVE BEEN CONVICTED OF A CRIME OF VIOLENCE AS DEFINED IN
29 MARYLAND CRIMINAL LAW CODE ANNOTATED SECTION 14-101.

30 (E) NOTWITHSTANDING ANY OF THE PROVISIONS SET OUT IN THIS SECTION, HOWARD COUNTY MAY NOTIFY
31 IMMIGRATION OFFICIALS OF THE IMMINENT RELEASE OF A PERSON FOR WHOM A CIVIL DETAINER REQUEST
32 HAS BEEN RECEIVED FROM IMMIGRATION OFFICIALS ONLY IF THE PERSON HAS COMPLETED A CRIMINAL
33 SENTENCE AFTER BEING CONVICTED OF A CRIME OF VIOLENCE AS DEFINED IN MARYLAND CRIMINAL LAW
34 CODE ANNOTATED SECTION 14-101 AND ALLOW IMMIGRATION OFFICIALS ACCESS TO THE FACILITY AS
35 NECESSARY TO TAKE THAT PERSON INTO CUSTODY.

36 (F) THIS SECTION DOES NOT APPLY TO AUDITS OR OTHER ACTIONS NECESSARY TO CARRY OUT THE TERMS OR
37 PURPOSE OF AN EXISTING INTERGOVERNMENTAL SERVICE AGREEMENT.”

38
39

Amendment 8 to Council Bill No. 63-2020

BY: Liz Walsh

Legislative Day No. 17

Date: December 7, 2020

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.”

60

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

62