

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2019 Legislative Session

Reference No.: CB-062-2019

Draft No.: 2

Committee: HEALTH, HUMAN SERVICES AND PUBLIC SAFETY

Date: 10/16/2019

Action: FAV/A

REPORT: Committee Vote: Favorable with Amendments, 5-0 In favor: Hawkins, Ivey, Harrison, Franklin and Taveras

The Health, Human Services and Public Safety Committee met on October 2, 2019 to consider CB-062-2019. The proposed bill would codify the County's administrative policy that County law enforcement agencies shall not honor Immigration and Customs Enforcement (ICE) detainees in non-criminal interactions and mandates that all County agencies will not engage in immigration enforcement.

The bill's sponsor provided an overview of the bill and mentioned some of the other jurisdictions that have already adopted similar legislation. During the meeting it was agreed that changing the title to "An Act Concerning Community Inclusiveness" more accurately reflects the intent of the legislation. A technical amendment was suggested and accepted that makes the language consistent throughout the bill.

Council Member Glaros asked how the bill compares to County Policy. Josh Hamlin, Senior Policy Analyst, explained that this bill is less restrictive than the current policy. Council Chair Turner suggested adding language that would give the administration flexibility. The Office of Law noted some conflicting language in the bill relating to criminal offenses. Major William Alexander, County Police Department, testified on the bill and expressed concerns that the County Executive should have flexibility to change the policy. Several individuals spoke in support of the bill including Mt. Rainier Council Member Benitez, Nick Katz from CASA Legal Services, and Bob Ross, President of the County's NAACP. The sponsor was agreeable to the suggested amendments and consented to delaying a final vote until the October 16, 2019 meeting of the HHSPS committee, to incorporate the amendments and produce a new draft. The Committee voted to hold the bill until October 16th.

During the October 16th meeting a proposed Draft 2 was considered. The Office of Law expressed concerns about the bill potentially violating federal law. The Legislative Officer stated that there does not appear to be any federal violations and noted that the Maryland Attorney General's Guidance Memorandum on Local Enforcement of Federal Immigration Law was reviewed. The Office of the County Executive stated that the administration would prefer to maintain flexibility and not codify the policy.

Hector Velez, Assistant Chief, Prince George’s County Police Department (PGCPD), expressed opposition to the legislation while making it clear that the Department supports the intent but not using legislation to codify what is existing County policy and expressed a desire to maintain flexibility if changes in federal policy necessitate the PGCPD adjust its procedures.

The Office of Audits and Investigations stated that the bill could have a negative impact on the County should an Agency Director request, and be approved to receive, additional resources to be in compliance with proposed Section 2-526. A realistic estimate could not be determined as each request for additional resources will be specific in nature and will cater to the needs of the Agency. Conversely, a request for additional resources may not outweigh the benefits of enhancement of the privacy, safety, and security of County residents through enactment of CB-062-2019.

After discussion, the Health, Human Services and Public Safety Committee voted, CB-062-2019 out favorably as amended, 5-0.