

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2019 Legislative Session

Bill No. CB-62-2019

Chapter No. 47

Proposed and Presented by Council Members Taveras, Hawkins, Ivey, Dernoga, Glaros, Davis, Streeter, Turner, Anderson-Walker, Ivey and Franklin

Introduced by Council Members Taveras, Hawkins, Ivey, Dernoga, Glaros, Davis, Streeter, Turner, Anderson-Walker, Ivey and Franklin

Date of Introduction October 22, 2019

BILL

1 AN ACT concerning

2 Community Inclusiveness

3 For the purpose of codifying the County’s administrative policy that County law enforcement
4 agencies shall not honor Immigration and Customs Enforcement (ICE) detainers in non-criminal
5 interactions and mandate that all County agencies shall not engage in immigration enforcement.

6 BY adding:

7 SUBTITLE 2. ADMINISTRATION

8 Sections 2-519, 2-520, 2-521, 2-522, 2-523, 2-524,

9 2-525, 2-526, 2-527,

10 The Prince George's County Code

11 (2015 Edition; 2018 Supplement).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
13 Maryland, that Sections 2-519, 2-520, 2-521, 2-522, 2-523, 2-524, 2-525, 2-526 and 2-527 of the
14 Prince George's County Code be and the same are hereby added:

15 SUBTITLE 2. ADMINISTRATION.

16 **DIVISION 46. COMMUNITY INCLUSIVENESS.**

17 **Sec. 2-519. Purpose and intent.**

18 The purpose of this Division is to improve community security by ensuring that immigrant
19 and otherwise vulnerable communities can engage with County agencies, including public safety
20 agencies, with assurance that such engagement will not be used to assist in civil immigration
21 enforcement or a federal discriminatory practice. Further, this Division is intended to ensure that

1 the constitutional rights of immigrant County residents are not violated and that County benefits
 2 and services are provided to residents regardless of country birth or immigration status.

3 **Sec. 2-520. Definitions.**

4 (a) The following words, as used in this Division, shall for the purpose of this Division,
 5 have the meanings respectively ascribed to them in this Section:

6 (1) **Administrative warrant** means an immigration warrant of arrest, order to detain
 7 or release aliens, notice of custody determination, notice to appear, removal order, warrant of
 8 removal, or any other document, including those issued by the United States Department of
 9 Homeland Security (“DHS”) or any other federal immigration official or agency, including an
 10 immigration judge, that can form the basis for an individual’s arrest or detention for a civil
 11 immigration enforcement purpose. Administrative warrant does not include any active criminal
 12 warrants issued upon a judicial determination of probable cause and in compliance with the
 13 requirements of the Fourth Amendment to the U.S. Constitution and Article 26 of the Maryland
 14 Declaration of Rights.

15 (2) **Agency** means any County department, agency, division, commission, council,
 16 committee, board, other body, or person established by Charter, ordinance, executive order, or by
 17 the County Council.

18 (3) **Agent** means any person employed by or acting on behalf of an agency.

19 (4) **Citizenship or immigration status** means all matters regarding questions of
 20 citizenship of the United States or any other country, the authority to reside in or otherwise be
 21 present in the United States, the time and manner of a person’s entry into the United States, or
 22 any other immigration matter enforced by the Department of Homeland Security (“DHS”), its
 23 predecessor or successor agency, or any other federal agency charged with the enforcement of
 24 civil immigration laws.

25 (5) **Contact information** means home address, work address, telephone number,
 26 electronic mail address, social media contact information, license plate information, or any other
 27 means of contacting an individual or through which an individual may be located.

28 (6) **Eligible for release from custody** means that one of the following conditions has
 29 occurred:

30 (A) All criminal charges against the person have been dropped or dismissed;

31 (B) The person has been acquitted of all criminal charges filed against him or

1 her;

2 (C) The person has served all the time required for his or her sentence;

3 (D) The person has posted a bond; or

4 (E) The person is otherwise eligible for release under state or local law, or local
5 policy or regulation.

6 (7) **Family member** means a person’s (i) immediate family, (ii) extended family, (iii)
7 court-appointed legal guardian or a person for whom the person is a court-appointed legal
8 guardian, or (iv) domestic partner or the domestic partner’s immediate or extended family.

9 (8) **ICE** means the United States Immigration and Customs Enforcement Agency and
10 shall include any successor agency charged with the enforcement of civil immigration laws.

11 (9) **Immigration detainer** means a request by ICE to a federal, state, or local law
12 enforcement agency that requests that the law enforcement agency provide notice of release or
13 maintain custody of an individual based on an alleged violation of a civil immigration law,
14 including detainers issued pursuant to Sections 236 or 287 of the Immigration and Nationality
15 Act or 287.7 or 236.1 of Title 8 of the Code of Federal Regulations. These detainers include but
16 are not limited to DHS Form I-247D “Immigration Detainer – Request for Voluntary Action;
17 DHS I-247X “Request for Voluntary Transfer”; or DHS Form I-247N “Request for Voluntary
18 Notification of Release.”

19 (10) **Immigration enforcement official** means any federal employee engaged in
20 immigration enforcement operations as herein defined, including but not limited to employees of
21 the Department of Homeland Security (“DHS”) and the Department of Justice (“DOJ”).

22 (11) **Immigration enforcement operation** means any and all efforts to investigate,
23 enforce, or assist in the investigation or enforcement of any federal civil immigration law, and
24 also includes any and all efforts to investigate, enforce, or assist in the investigation or
25 enforcement of any federal criminal immigration law that penalizes a person’s presence in,
26 entry, or reentry to, or employment in, the United States, including but not limited to efforts to
27 identify or apprehend persons for purposed of subjecting them to immigration detention and/or
28 removal from the United States.

29 **Sec. 2-521. Requesting information prohibited.**

30 (a) No agent or agency may request information about or otherwise investigate or assist in
31 the investigation of the citizenship or immigration status of any person unless such inquiry or

1 investigation is required by law or court order, or if such inquiry is material to a criminal
 2 investigation, provided that such information is not used for civil immigration enforcement
 3 purposes.

4 (b) If the citizenship or immigration status of an individual is relevant to protections
 5 accorded to them under any state or federal law, or required by any international treaty, an agent
 6 or agency may notify the individual of the relevant protection or requirement and provide them
 7 an opportunity to voluntarily disclose their status or citizenship.

8 **Sec. 2-522. Threats based on citizenship or immigration status prohibited.**

9 No agent or agency may coerce, intimidate, or threaten any person based on the person's
 10 actual or perceived citizenship or immigration status or the actual or perceived citizenship or
 11 immigration status of a member of the person's family.

12 **Sec. 2-523. Conditioning benefits, services, or opportunities on immigration status**
 13 **prohibited.**

14 (a) No agent or agency may condition the provision of County benefits, opportunities, or
 15 services on matters related to citizenship or immigration status unless required to do so by state
 16 or federal law, or court order.

17 (b) Where presentation of a Maryland driver's license or identification card is accepted as
 18 adequate evidence of identity, presentation of a photo identity document issued by the person's
 19 country of origin, such as a driver's license, passport, or matricula consular (consulate-issued
 20 document), or by a pre-approved non-profit organization shall be accepted and shall not subject
 21 the person to a higher level of scrutiny or different treatment than if the person had provided a
 22 Maryland driver's license or identification card except that this Subsection shall not apply to the
 23 completion of the federally mandated I-9 forms.

24 **Sec. 2-524. Civil immigration enforcement.**

25 (a) Traffic Stops and Police-Civilian Contact. No agent or agency may initiate an
 26 investigation or otherwise take law enforcement action solely based on the actual or
 27 perceived immigration status of a person, including the initiation of a stop,
 28 apprehension, arrest, or any other field of contact.

29 (1) No agent or agency may require persons to prove their citizenship status,
 30 country of origin, or information related to their immigration status in the United
 31 States. Agents may not request identification for the sole purpose of determining

1 a person's immigration status.

2 (2) No agent or agency may prolong a traffic stop or detain an individual solely for
3 questions related to a person's immigration status.

4 (3) No agent or agency will include immigration status in their routine questioning
5 when persons are being interviewed about potential traffic or criminal offenses,
6 unless such inquiry or investigation is required by law or court order, or if such
7 inquiry is material to a criminal investigation, provided such information is not
8 used for civil immigration enforcement purposes.

9 (b) Arrest. No agent or agency may stop, search, arrest or detain a person based on an
10 Administrative Warrant, an Immigration Detainer, or any other directive by DHS, or a
11 belief that the person is not present legally in the United States or has committed a civil
12 immigration violation.

13 (c) Actions Following an Arrest. If a person is arrested, no agent or agency may:

14 (1) contact any immigration enforcement official, including but not limited to ICE
15 officers, regarding a person that may be the subject of an Administrative Warrant or an
16 Immigration Detainer, unless that person is the subject of an active criminal warrant requiring
17 such action;

18 (2) affect in any way the manner in which a person is processed following an arrest
19 based on an Administrative Warrant or an Immigration Detainer;

20 (3) detain the person based on an Administrative Warrant or Immigration Detainer, or
21 otherwise comply with an Administrative Warrant or Immigration Detainer, after that person
22 becomes eligible for release from custody; or

23 (4) detain the person based solely on the belief that the person is not present legally in
24 the United States, or that the person has committed a civil immigration violation.

25 (d) Coordination with immigration enforcement officials. No agent or agency may
26 coordinate with an immigration enforcement official in furtherance of a civil immigration
27 enforcement operation, including by:

28 (1) permitting immigration enforcement officials access to non-public space within a
29 government facility or any area where County business is being conducted;

30 (2) permitting immigration enforcement officials access to a person being detained
31 by, or in the custody of, the agent or agency;

1 (3) permitting immigration enforcement officials use of agency facilities,
2 information, or equipment for investigative interviews or other investigative purposes; or

3 (4) communicating any information about an individual who is the target of a civil
4 immigration enforcement operation with immigration enforcement officials.

5 (5) notify immigration enforcement officials that an individual has been released
6 from custody, unless the individual has been convicted of a violent crime under
7 Maryland law.

8 (e) Other Agency Actions. No agency may:

9 (1) enter into an inter-governmental services agreement, or other contract or
10 agreement, with the federal government for the purpose of housing individuals subject to
11 detention on civil immigration charges, or for any other purpose related to civil immigration
12 enforcement; or

13 (2) enter into an agreement under 8 U.S.C. Sec. 1357(g) or any other federal law that
14 permits state or local governmental entities to enforce federal civil immigration law.

15 **Sec. 2-525. Avoiding aiding federal government in acts of discrimination.**

16 No agency or department moneys, facilities, property, equipment, or personnel may be used
17 to investigate, enforce, or assist in the investigation or enforcement of any federal program
18 requiring registration of individuals solely on the basis of race, gender, sexual orientation,
19 religion, or national or ethnic origin unless required by federal law.

20 **Sec. 2-526. Exchanging file information.**

21 (a) All applications, questionnaires, interview or other forms used in relation to County
22 benefits, opportunities, or services shall be promptly reviewed by the pertinent agencies and any
23 questions regarding citizenship or immigration status, other than those required by statute,
24 ordinance, federal law or court order, shall be deleted if that information is not necessary for a
25 County function.

26 (b) Any request received by an agency from immigration enforcement officials to detain or
27 notify immigration enforcement officials regarding a person in custody shall be provided or
28 communicated to the subject of such a request with forty-eight (48) hours. Where such request is
29 in writing, the subject of the request shall be provided with a copy of the request.

30 (c) Agencies shall report to the County Council and County Executive every six (6)
31 months the number of requests received from immigration enforcement officials and the manner

1 in which each request was handled. Agencies shall respond to any request for information for
2 matters covered under this Division by the Council or the County Executive within twenty-four
3 (24) hours.

4 **Sec. 2-527. Compliance with federal law.**

5 No provision in this Division shall be interpreted as preventing a law enforcement agent
6 from sending to or receiving from any local, state, or Federal agency information regarding the
7 citizenship or immigration status of an individual pursuant to Sections 1373 and 1644 of Title 8
8 of the United States Code.

9 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
10 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
11 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
12 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
13 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
14 Act, since the same would have been enacted without the incorporation in this Act of any such
15 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
16 or section.

17 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
18 calendar days after it becomes law.

Adopted this 19th day of November , 2019.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Todd M. Turner
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.

THE COUNTY EXECUTIVE HAVING FAILED TO RETURN THIS BILL WITH EITHER APPROVAL OR VETO WITHIN TEN (10) DAYS AFTER THE DATE OF ITS PRESENTATION TO HER, THIS BILL BECAME LAW ON DECEMBER 20, 2019.