

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2020 Legislative Session

Reference No.: CB-021-2020

Draft No.: 2

Committee: Committee of the Whole

Date: 6/4/2020

Action: FAV (A)

REPORT: Favorable as amended, 11-0: Council Members Turner, Anderson-Walker, Davis, Dernoga, Franklin, Glaros, Harrison, Hawkins, Ivey, Harrison, Streeter and Taveras

The Prince George's County Council met as the Committee of the Whole on Thursday, June 4, 2020, to consider CB-21-2020, An Act Concerning Community Inclusiveness. The proposed legislation amends Sections of the County Code within Subtitle 2, Division 46 to comply with federal law.

Previously, the County Council enacted CB-62-2019 on November 19, 2019, which codified the County's administrative policy that County law enforcement agencies shall not honor Immigration and Customs Enforcement (ICE) detainers in non-criminal interactions and mandated that all County agencies shall not engage in immigration enforcement. CB-21-2020 more closely aligns the Prince George's County Code with federal law.

Colette Gresham, Legislative Officer for the County Council reviewed proposed amendments within Draft 2 that were the result of conversations between the Office of Law, the Administration and some council members. To address the concern that CB-62-2019 did not comply with federal law, however the concern was that the CB-21-2020 draft 1, expanded the impact beyond the original intent of CB-62-2019. The refinements to the language in draft 2 clarifies the intent by refining the title. Which now reads, "To Expand the Prohibition on Notifying Immigration Officials Prior to a Persons Release from Custody, Adding a Provision that Requires County Agencies to Report Violations of this Division, Requiring Referral of any Violation of this Division to their Appointing Authority for Discipline an Comply with Federal Law. The other amendments are as follows:

- At the top of page 2 and throughout the bill the word material will be used rather than "related".
- Page 3 line 19, insert "or is ready to be released"
- Page 3 starting on line 28, insert "and whether any County agent, officer, employee or official violated any Section of this Division"
- Page 4 line 2, insert "division and"
- Page 4 starting on line 5, insert "applies if it prohibits a county agency, officer, employee, or official from complying with a federal law or regulation, to include, 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. Any intentional violation of a Section in this Division by a county public safety agent, officer, employee or official shall be referred to their appointing authority for appropriate discipline."

Chair Turner explained the history of the legislation and that he was requested to propose this legislation to clarify the intent and comply with federal law.

Mark Magaw, DCAO, Public Safety, stated that this bill reflects the policies and procedures of the administration and that he thinks that, “draft 2 is the right way forward because it is a reflection of who we are.”

Joseph Ruddy, Deputy County Attorney, Office of Law, thanked Colette Gresham and council members for assistance with the bill and that draft 2 will allow the County Attorney to certify that Prince George’s County is in compliance with federal law thereby making the County eligible for federal grants.

Mayor Colin Byrd, City of Greenbelt, expressed support of Draft 2 and stated that he had been opposed previously. Several members of the community testified in support of the legislation.

Council Member Taveras, the proposer of CB-62-2019, asked colleagues for support of CB-21-2020 and provided background information about the need for this bill. She stated, “even with favorable rulings from federal courts on this issue out of an abundance of caution she supports this legislation to ensure protection of federal grant dollars”.

Kassandra Fields, Budget and Policy Analyst, Office of Audits and Investigations, advised the direct impact of enactment of CB-21-2020 could have a positive fiscal impact to the extent that the provision extending the time to respond to information requests from 24 hours to seven (7) days allows County agencies to absorb this requirement without the need for additional resources. Otherwise, the Bill is not likely to have any direct fiscal impact. The indirect impact of enactment of CB-21-2020 may have a positive indirect fiscal impact in the event that it protects County revenue sources such as federal grant funds which might otherwise be withheld.

The Office of Law finds CB-021-2020 to be in proper legislative form with no legal impediments to its enactment.

After deliberation, the Committee of the Whole voted CB-021-2020 out favorable as amended, 11-0.