

Introduced November 2, 2020
Public Hearing November 16, 2020
Council Action December 7, 2020
Executive Action December 10, 2020
Effective Date February 9, 2021

County Council of Howard County, Maryland

2020 Legislative Session

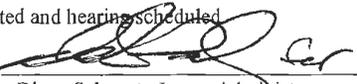
Legislative Day No. 15

Bill No. 63 -2020

Introduced by: Opel Jones

AN ACT providing that County employees, departments and agents shall take, or refrain from taking, specified actions with respect to the immigration status of specified individuals; prohibiting certain discrimination based on immigration status; requiring that certain information related to citizenship nationality or immigration status be kept confidential; providing a procedure whenever specified provisions may be preempted by other law; requiring specified officials to take actions under certain circumstances; specifying which actions may and may not be taken by certain County departments, officers, and officials during participation on certain task forces; requiring County departments to adopt specified policies and make specified reports; governing the expenditure of certain County resources; and generally relating to human rights in Howard County.

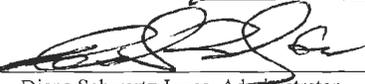
Introduced and read first time November 2, 2020. Ordered posted and hearing scheduled

By order 
Diane Schwartz Jones, Administrator

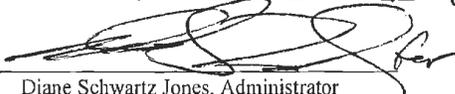
Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on November 16, 2020.

By order 
Diane Schwartz Jones, Administrator

This Bill was read the third time on December 7 2020 and Passed , Passed with amendments X, Failed .

By order 
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 8th day of December, 2020 at 4 a.m./p.m.

By order 
Diane Schwartz Jones, Administrator

Approved by the County Executive December 10, 2020


Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1 **WHEREAS**, Howard County is comprised of immigrants from throughout the world who contribute to
2 our community's social vitality, cultural richness, and economic strength; and

3 **WHEREAS**, Howard County has a strong tradition of leadership on issues of human rights, respecting
4 the rights of and providing equal services to all individuals, regardless of race, ethnicity, or
5 immigration status; and

6 **WHEREAS**, the Howard County Council wishes to ensure that all residents of Howard County,
7 regardless of nationality or citizenship, shall have fair and equal access to County benefits,
8 opportunities, and services;

9 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the Howard County*
10 *Code is amended as follows:*

11 *By adding:*

12 *Title 12 - Health and social services.*

13 *Subtitle 21 - Rights of non-U.S. citizens*

14

15 **Title 12 - Health and social services.**

16 **SUBTITLE 21 - RIGHTS OF NON-U.S. CITIZENS**

17

18 **12.2100. DEFINITIONS.**

19 (A) IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

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

23 ~~(B)(C)~~ (1) EMPLOYEE MEANS AN INDIVIDUAL WHO IS CONSIDERED TO BE AN EMPLOYEE
24 UNDER THE HOWARD COUNTY MERIT SYSTEM.

25 (2) EMPLOYEE INCLUDES, BUT IS NOT LIMITED TO:

26 (I) AN OFFICER OF THE HOWARD COUNTY POLICE DEPARTMENT; AND

27 (II) AN ELECTED OR APPOINTED OFFICIAL.

28 (D) CONTRACTOR IS A CONTRACTOR HIRED BY HOWARD COUNTY.

1 (E) DEPARTMENT MEANS ANY COUNTY DEPARTMENT, AGENCY, DIVISION, COMMISSION,
2 COUNCIL, COMMITTEE, BOARD, OTHER BODY OR PERSON ESTABLISHED BY CHARTER, ORDINANCE,
3 EXECUTIVE ORDER, OR COUNTY COUNCIL ACTION.

4 ~~(E)~~(F) EXISTING INTERGOVERNMENTAL SERVICE AGREEMENT MEANS AN EXECUTED WRITTEN
5 AGREEMENT BETWEEN HOWARD COUNTY AND IMMIGRATION AND CUSTOMS ENFORCEMENT IN EFFECT
6 ON THE EFFECTIVE DATE OF THE ACT THAT ENACTED THIS SUBTITLE 21.

7 ~~(D)~~(G)(1) IMMIGRATION ENFORCEMENT MEANS A UNIT OF THE FEDERAL GOVERNMENT THAT
8 ENFORCES IMMIGRATION LAWS.

9 (2) IMMIGRATION ENFORCEMENT INCLUDES, BUT IS NOT LIMITED TO, THE UNITED STATES
10 DEPARTMENT OF HOMELAND SECURITY, IMMIGRATION AND CUSTOMS ENFORCEMENT.

11 (H) COUNTY RESOURCES INCLUDES, BUT IS NOT LIMITED TO, ANY COUNTY MONIES,
12 FACILITIES, PROPERTY, EQUIPMENT, PERSONNEL, OR OTHER ASSETS FUNDED AS A WHOLE OR IN PART BY
13 HOWARD COUNTY.

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

16
17 **12.2101. FEDERAL OR STATE PREEMPTION ~~OR CONFLICTS.~~**

18 (A) A PROVISION OF THIS SUBTITLE SHALL NOT APPLY WHENEVER THE PROVISION ~~CONFLICTS~~
19 ~~WITH IS PREEMPTED BY~~ STATE OR FEDERAL LAW, INTERNATIONAL TREATY, OR AN EXISTING
20 INTERGOVERNMENTAL SERVICE AGREEMENT BETWEEN THE COUNTY AND A FEDERAL, STATE, OR LOCAL
21 AGENCY. HOWARD COUNTY AND IMMIGRATION AND CUSTOMS ENFORCEMENT.

22 (B) THIS SUBTITLE DOES NOT PROHIBIT THE HOWARD COUNTY POLICE DEPARTMENT FROM:

23 (1) INVESTIGATING OR ARRESTING VIOLATORS OF THE STATE OR LOCAL CRIMINAL
24 LAW; OR

25 (2) ASSISTING A FEDERAL AGENCY WITH INVESTIGATIONS OR ARRESTS RELATING TO
26 CRIMINAL ACTIVITY, OR SUSPECTED CRIMINAL ACTIVITY, OTHER THAN VIOLATIONS OF THE IMMIGRATION
27 AND NATIONALITY LAWS OF THE UNITED STATES.

1 (3) PARTICIPATING IN TASK FORCES WITH OTHER JURISDICTIONS TO INVESTIGATE,
2 ENFORCE, AND PROSECUTE CRIMINAL ACTIVITY, EVEN IF THE TASK FORCE INCLUDES IMMIGRATION
3 ENFORCEMENT, PROVIDED THAT COUNTY RESOURCES ARE NOT USED FOR THE PURPOSE OF CIVIL
4 IMMIGRATION ENFORCEMENT.

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

9 (II) WHEN PARTICIPATING IN A TASK FORCE UNDER THIS PROVISION, SECTION 12.2103
10 SHALL BE ENFORCED SO AS TO REQUIRE THAT THE COUNTY POLICE DEPARTMENT OFFICERS AND
11 OFFICIALS, EXCEPT AS AUTHORIZED IN 12.2103(B), SHALL NOT ASK ANY PERSON ABOUT HIS OR
12 HER CITIZENSHIP, NATIONALITY, OR IMMIGRATION STATUS, NOR ASK ANY PERSON ABOUT THE
13 CITIZENSHIP, NATIONALITY, OR IMMIGRATION STATUS OF ANOTHER PERSON.

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

19 (C) THIS SUBTITLE DOES NOT PROHIBIT DISCLOSURE OF INFORMATION REGARDING CITIZENSHIP
20 OR IMMIGRATION STATUS IF THE DISCLOSURE IS:

21 (1) REQUIRED BY COUNTY, STATE, OR FEDERAL LAW, INTERNATIONAL TREATY, OR
22 ~~BY AN EXISTING AGREEMENT BETWEEN THE COUNTY AND A FEDERAL, STATE OR LOCAL AGENCY; AN~~
23 EXISTING INTERGOVERNMENTAL SERVICE AGREEMENT BETWEEN HOWARD COUNTY AND IMMIGRATION
24 AND CUSTOMS ENFORCEMENT;

25 (2) REQUIRED UNDER SECTION 23-1405 OF THE ALCOHOLIC BEVERAGES ARTICLE
26 OF THE MARYLAND CODE;

27 (3) AUTHORIZED IN WRITING BY THE SUBJECT OF THE INFORMATION; OR

1 (4) MADE TO THE UNITED STATES DEPARTMENT OF STATE IN CONNECTION WITH AN
2 APPLICATION FOR A UNITED STATES PASSPORT.

3 **12.2102. NO ENFORCEMENT OF IMMIGRATION LAWS.**

4 (A) ~~IN THE PERFORMANCE OF OFFICIAL DUTIES~~ WHEN ACTING WITHIN THE SCOPE OF
5 EMPLOYMENT, AN EMPLOYEE, DEPARTMENT, OR AGENT SHALL NOT ENGAGE IN THE ENFORCEMENT OF
6 THE IMMIGRATION AND NATIONALITY LAWS OF THE UNITED STATES AND SHALL NOT ASSIST
7 IMMIGRATION ENFORCEMENT IN THE INVESTIGATION OR ARREST OF A PERSON FOR A CIVIL OR CRIMINAL
8 VIOLATION OF THE IMMIGRATION AND NATIONALITY LAWS OF THE UNITED STATES, EXCEPT AS
9 REQUIRED BY STATE OR FEDERAL LAW, INTERNATIONAL TREATY, OR AN EXISTING AGREEMENT BETWEEN
10 THE COUNTY AND A FEDERAL, STATE, OR LOCAL AGENCY.

11 (B)(1) ~~IN THE PERFORMANCE OF OFFICIAL DUTIES~~ WHEN ACTING WITHIN THE SCOPE OF
12 EMPLOYMENT, AN EMPLOYEE, DEPARTMENT, OR AGENT SHALL NOT ASSIST IMMIGRATION ENFORCEMENT
13 IN THE COLLECTION OR DISTRIBUTION OF INFORMATION ABOUT ANY PERSON, EXCEPT AS REQUIRED BY
14 STATE OF FEDERAL LAW, INTERNATIONAL TREATY, OR AN EXISTING AGREEMENT BETWEEN THE COUNTY
15 AND A FEDERAL, STATE, OR LOCAL AGENCY.

16 (2) THE PROHIBITIONS IN PARAGRAPH (1) OF THIS SUBSECTION INCLUDE PROHIBITING:
17 “(3) DISCLOSE (i) THE DISCLOSURE OF INFORMATION ABOUT ANY PERSON TO IMMIGRATION
18 ENFORCEMENT; OR
19 (4) EXPEND (ii) THE EXPENDITURE OF COUNTY RESOURCES TO ASSIST OR FACILITATE CIVIL
20 IMMIGRATION ENFORCEMENT, UNLESS THE EMPLOYEE ACTION IS EXPRESSLY AUTHORIZED
21 UNDER THIS SUBTITLE.”

1 **12.2103. ~~NO INQUIRIES INTO CITIZENSHIP~~ PROHIBITION ON INQUIRIES RELATED TO CITIZENSHIP,**
2 **NATIONALITY OR IMMIGRATION STATUS.**

3 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ~~IN THE PERFORMANCE OF~~
4 ~~OFFICIAL DUTIES WHEN ACTING WITHIN THE SCOPE OF EMPLOYMENT,~~ AN EMPLOYEE, ~~DEPARTMENT, OR~~
5 ~~AGENT OF HOWARD COUNTY~~ SHALL NOT ASK ANY PERSON ABOUT:

6 (1) HIS OR HER CITIZENSHIP, NATIONALITY, OR IMMIGRATION STATUS; OR

7 (2) THE CITIZENSHIP OR IMMIGRATION STATUS OF ANOTHER PERSON.

8 (B) THIS SECTION DOES NOT PROHIBIT:

9 (1) THE COLLECTION OF INFORMATION REGARDING CITIZENSHIP STATUS IN CONNECTION
10 WITH THE REGISTRATION OR ATTEMPTED REGISTRATION TO VOTE IN COUNTY ELECTIONS;

11 (2) INQUIRIES REGARDING THE CITIZENSHIP OF APPLICANTS FOR POSITIONS AS SWORN
12 OFFICERS WITH THE HOWARD COUNTY POLICE DEPARTMENT OR THE HOWARD COUNTY
13 DEPARTMENT OF CORRECTIONS;

14 (3) THE COLLECTION OF INFORMATION IN CONNECTION WITH APPLICATIONS FOR UNITED
15 STATES PASSPORTS;

16 (4) INQUIRIES REGARDING THE CITIZENSHIP OR IMMIGRATION STATUS OF EMPLOYEES
17 AND APPLICANTS FOR EMPLOYMENT WITH THE COUNTY AS REQUIRED BY TITLE 8, CHAPTER 12,
18 SUBCHAPTER II, PART VIII, OF THE UNITED STATES CODE; OR

19 ~~(5) INQUIRIES REGARDING CITIZENSHIP OR IMMIGRATION STATUS REQUIRED BY STATE~~
20 ~~OR FEDERAL LAW, INCLUDING 8 U.S. CODE § 1373, INTERNATIONAL TREATY, OR AN EXISTING~~
21 ~~AGREEMENT BETWEEN THE COUNTY AND A FEDERAL, STATE, OR LOCAL AGENCY.~~

22 (5) RESPONDING TO INQUIRIES REGARDING CITIZENSHIP OR IMMIGRATION
23 STATUS IN COMPLIANCE WITH STATE OR FEDERAL LAW, INCLUDING 8 U.S. CODE §
24 1373 OR INTERNATIONAL TREATY, PROVIDED THAT RESPONDING TO SUCH INQUIRIES
25 DOES NOT INCLUDE THE GATHERING OF THE CITIZENSHIP OR IMMIGRATION STATUS

1 OF ANY INDIVIDUAL OR OTHER EXPENDITURE OF COUNTY RESOURCES PROHIBITED
2 UNDER THIS SUBTITLE.”

3 **12.2104. DISCRIMINATION BASED ON CITIZENSHIP, NATIONALITY OR IMMIGRATION STATUS**
4 **PROHIBITED.**

5 IN THE PERFORMANCE OF OFFICIAL DUTIES WHEN ACTING WITHIN THE SCOPE OF
6 EMPLOYMENT, AN EMPLOYEE, DEPARTMENT OR AGENT OF HOWARD COUNTY SHALL NOT
7 DISCRIMINATE AGAINST ANY PERSON ON THE BASIS OF CITIZENSHIP, NATIONALITY, OR
8 IMMIGRATION STATUS.

9 **12.2105. CONFIDENTIALITY OF INFORMATION ABOUT CITIZENSHIP STATUS.**

10 AN EMPLOYEE EMPLOYEES, DEPARTMENTS, AND AGENTS OF HOWARD COUNTY SHALL NOT
11 DISCLOSE ANY INFORMATION REGARDING THE CITIZENSHIP, NATIONALITY, OR IMMIGRATION STATUS OF
12 AN INDIVIDUAL TO A THIRD PARTY EXCEPT AS PROVIDED IN SECTION 12.2101(C) OF THIS SECTION.

13 **12.2106 PENALTY.**

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

16 **12.2107 ENFORCEMENT.**

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

19 (B) THE OFFICE OF HUMAN RIGHTS AND EQUITY AND THE DEPARTMENT OF COUNTY
20 ADMINISTRATION SHALL REVIEW THE COMPLIANCE OF THE COUNTY DEPARTMENTS, AGENCIES,
21 COMMISSIONS AND EMPLOYEES WITH THE MANDATES OF THIS SUBTITLE WHEN THERE IS QUESTION OF
22 NONCOMPLIANCE OR WHEN A COMPLAINT ALLEGING NONCOMPLIANCE HAS BEEN LODGED

23 **~~12.2106.~~12.2108 CHANGES IN PRACTICES.**

24 (A) WHENEVER THE COUNTY SOLICITOR LEARNS OF A STATE OR FEDERAL LAW OR
25 INTERNATIONAL TREATY THAT MAY PREEMPT THIS SUBTITLE, THE COUNTY SOLICITOR SHALL ADVISE
26 THE COUNTY COUNCIL AND THE COUNTY EXECUTIVE:

1 (1) ABOUT THE LAW OR TREATY; AND

2 (2) WHETHER THE COUNTY SHOULD CHANGE ANY PRACTICES UNDER OR PROVISIONS OF
3 THIS SUBTITLE.

4 (B) THE COUNTY EXECUTIVE SHALL NOTIFY THE PUBLIC OF ANY CHANGES IN PRACTICES
5 MADE AS A RESULT OF THIS SECTION.

6 **12.2109. DIRECTIVES TO DEPARTMENTS.**

7 (A) ALL DEPARTMENTS SHALL:

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

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

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

15 (4) RESPOND TO ANY REQUEST FOR INFORMATION FOR MATTERS COVERED UNDER THIS
16 SUBTITLE BY THE COUNTY COUNCIL OR THE COUNTY EXECUTIVE WITHIN A REASONABLE TIME
17 NOT TO EXCEED 15 DAYS.

18 (B) POLICIES DEVELOPED BY DEPARTMENTS MUST DELINEATE EMPLOYMENT CONSEQUENCES FOR
19 FAILURE TO COMPLY WITH DEVELOPED POLICIES

20 *Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland, that this Act*
21 *shall become effective 61 days after its enactment.*

22

Introduced November 2, 2020
Public Hearing November 16, 2020
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2020 Legislative Session

Legislative Day No. 15

Bill No. 63 -2020

Introduced by: Opel Jones

AN ACT providing that County employees shall take, or refrain from taking, specified actions with respect to the immigration status of specified individuals; prohibiting certain discrimination based on immigration status; requiring that certain information related to citizenship status be kept confidential; providing a procedure whenever specified provisions may be preempted by other law; requiring specified officials to take actions under certain circumstances; and generally relating to human rights in Howard County.

Introduced and read first time November 2, 2020. Ordered posted and hearing scheduled.

By order Diane Schwartz Jones
Diane Schwartz Jones, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on November 16, 2020.

By order Diane Schwartz Jones
Diane Schwartz Jones, Administrator

This Bill was read the third time on _____, 2020 and Passed _____, Passed with amendments _____, Failed _____.

By order _____
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2020 at ___ a.m./p.m.

By order _____
Diane Schwartz Jones, Administrator

Approved by the County Executive _____, 2020

Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1 **WHEREAS**, Howard County is comprised of immigrants from throughout the world who contribute to
2 our community's social vitality, cultural richness, and economic strength; and

3 **WHEREAS**, Howard County has a strong tradition of leadership on issues of human rights, respecting
4 the rights of and providing equal services to all individuals, regardless of race, ethnicity, or
5 immigration status; and

6 **WHEREAS**, the Howard County Council wishes to ensure that all residents of Howard County,
7 regardless of nationality or citizenship, shall have fair and equal access to County benefits,
8 opportunities, and services;

9 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the Howard County*
10 *Code is amended as follows:*

11 *By adding:*

12 *Title 12 - Health and social services*

13 *Subtitle 21 - Rights of non-U.S. citizens*

14
15 **Title 12 - Health and social services.**

16 **SUBTITLE 21 - RIGHTS OF NON-U.S. CITIZENS**

17
18 **12.2100. DEFINITIONS.**

19 (A) IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

20 (B) (1) *EMPLOYEE* MEANS AN INDIVIDUAL WHO IS CONSIDERED TO BE AN EMPLOYEE UNDER
21 THE HOWARD COUNTY MERIT SYSTEM.

22 (2) *EMPLOYEE* INCLUDES, BUT IS NOT LIMITED TO:

23 (I) AN OFFICER OF THE HOWARD COUNTY POLICE DEPARTMENT; AND

24 (II) AN ELECTED OR APPOINTED OFFICIAL.

25 (C) *EXISTING AGREEMENT* MEANS AN EXECUTED WRITTEN AGREEMENT IN EFFECT ON THE
26 EFFECTIVE DATE OF THE ACT THAT ENACTED THIS SUBTITLE 21.

27 (D) (1) *IMMIGRATION ENFORCEMENT* MEANS A UNIT OF THE FEDERAL GOVERNMENT THAT
28 ENFORCES IMMIGRATION LAWS.

1 (2) IMMIGRATION ENFORCEMENT INCLUDES, BUT IS NOT LIMITED TO, THE UNITED STATES
2 DEPARTMENT OF HOMELAND SECURITY, IMMIGRATION AND CUSTOMS ENFORCEMENT.

3
4 **12.2101. FEDERAL OR STATE PREEMPTION OR CONFLICTS.**

5 (A) A PROVISION OF THIS SUBTITLE SHALL NOT APPLY WHENEVER THE PROVISION CONFLICTS
6 WITH STATE OR FEDERAL LAW, INTERNATIONAL TREATY, OR AN EXISTING AGREEMENT BETWEEN THE
7 COUNTY AND A FEDERAL, STATE, OR LOCAL AGENCY.

8 (B) THIS SUBTITLE DOES NOT PROHIBIT THE HOWARD COUNTY POLICE DEPARTMENT FROM:

9 (1) INVESTIGATING OR ARRESTING VIOLATORS OF THE CRIMINAL LAW; OR

10 (2) ASSISTING A FEDERAL AGENCY WITH INVESTIGATIONS OR ARRESTS RELATING TO
11 CRIMINAL ACTIVITY, OR SUSPECTED CRIMINAL ACTIVITY, OTHER THAN VIOLATIONS OF THE IMMIGRATION
12 AND NATIONALITY LAWS OF THE UNITED STATES.

13 (3) PARTICIPATING IN TASK FORCES WITH OTHER JURISDICTIONS TO INVESTIGATE,
14 ENFORCE, AND PROSECUTE CRIMINAL ACTIVITY, EVEN IF THE TASK FORCE INCLUDES IMMIGRATION
15 ENFORCEMENT.

16 (C) THIS SUBTITLE DOES NOT PROHIBIT DISCLOSURE OF INFORMATION REGARDING CITIZENSHIP
17 OR IMMIGRATION STATUS IF THE DISCLOSURE IS:

18 (1) REQUIRED BY COUNTY, STATE, OR FEDERAL LAW, INTERNATIONAL TREATY, OR
19 BY AN EXISTING AGREEMENT BETWEEN THE COUNTY AND A FEDERAL, STATE OR LOCAL AGENCY;

20 (2) REQUIRED UNDER SECTION 23-1405 OF THE ALCOHOLIC BEVERAGES ARTICLE
21 OF THE MARYLAND CODE;

22 (2) AUTHORIZED IN WRITING BY THE SUBJECT OF THE INFORMATION; OR

23 (3) MADE TO THE UNITED STATES DEPARTMENT OF STATE IN CONNECTION WITH AN
24 APPLICATION FOR A UNITED STATES PASSPORT.

1 **12.2102. NO ENFORCEMENT OF IMMIGRATION LAWS.**

2 (A) IN THE PERFORMANCE OF OFFICIAL DUTIES, AN EMPLOYEE SHALL NOT ENGAGE IN THE
3 ENFORCEMENT OF THE IMMIGRATION AND NATIONALITY LAWS OF THE UNITED STATES AND SHALL NOT
4 ASSIST IMMIGRATION ENFORCEMENT IN THE INVESTIGATION OR ARREST OF A PERSON FOR A CIVIL OR
5 CRIMINAL VIOLATION OF THE IMMIGRATION AND NATIONALITY LAWS OF THE UNITED STATES, EXCEPT AS
6 REQUIRED BY STATE OR FEDERAL LAW, INTERNATIONAL TREATY, OR AN EXISTING AGREEMENT BETWEEN
7 THE COUNTY AND A FEDERAL, STATE, OR LOCAL AGENCY.

8 (B) IN THE PERFORMANCE OF OFFICIAL DUTIES, AN EMPLOYEE SHALL NOT ASSIST
9 IMMIGRATION ENFORCEMENT IN THE COLLECTION OR DISTRIBUTION OF INFORMATION ABOUT ANY
10 PERSON, EXCEPT AS REQUIRED BY STATE OR FEDERAL LAW, INTERNATIONAL TREATY, OR AN EXISTING
11 AGREEMENT BETWEEN THE COUNTY AND A FEDERAL, STATE, OR LOCAL AGENCY.

12 **12.2103. NO INQUIRIES INTO CITIZENSHIP.**

13 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IN THE PERFORMANCE OF
14 OFFICIAL DUTIES, AN EMPLOYEE SHALL NOT ASK ANY PERSON ABOUT:

15 (1) HIS OR HER CITIZENSHIP, NATIONALITY, OR IMMIGRATION STATUS; OR

16 (2) THE CITIZENSHIP OR IMMIGRATION STATUS OF ANOTHER PERSON.

17 (B) THIS SECTION DOES NOT PROHIBIT

18 (1) THE COLLECTION OF INFORMATION REGARDING CITIZENSHIP STATUS IN CONNECTION
19 WITH THE REGISTRATION OR ATTEMPTED REGISTRATION TO VOTE IN COUNTY ELECTIONS;

20 (2) INQUIRIES REGARDING THE CITIZENSHIP OF APPLICANTS FOR POSITIONS AS SWORN
21 OFFICERS WITH THE HOWARD COUNTY POLICE DEPARTMENT OR THE HOWARD COUNTY
22 DEPARTMENT OF CORRECTIONS;

23 (3) THE COLLECTION OF INFORMATION IN CONNECTION WITH APPLICATIONS FOR UNITED
24 STATES PASSPORTS;

1 (4) INQUIRIES REGARDING THE CITIZENSHIP OR IMMIGRATION STATUS OF EMPLOYEES
2 AND APPLICANTS FOR EMPLOYMENT WITH THE COUNTY AS REQUIRED BY TITLE 8, CHAPTER 12,
3 SUBCHAPTER II, PART VIII, OF THE UNITED STATES CODE; OR

4 (5) INQUIRIES REGARDING CITIZENSHIP OR IMMIGRATION STATUS REQUIRED BY STATE
5 OR FEDERAL LAW, INCLUDING 8 U.S. CODE § 1373, INTERNATIONAL TREATY, OR AN EXISTING
6 AGREEMENT BETWEEN THE COUNTY AND A FEDERAL, STATE, OR LOCAL AGENCY.

7 **12.2104. DISCRIMINATION BASED ON CITIZENSHIP PROHIBITED.**

8 IN THE PERFORMANCE OF OFFICIAL DUTIES, AN EMPLOYEE SHALL NOT DISCRIMINATE AGAINST
9 ANY PERSON ON THE BASIS OF CITIZENSHIP, NATIONALITY, OR IMMIGRATION STATUS.

10 **12.2105. CONFIDENTIALITY OF INFORMATION ABOUT CITIZENSHIP STATUS.**

11 AN EMPLOYEE SHALL NOT DISCLOSE ANY INFORMATION REGARDING THE CITIZENSHIP,
12 NATIONALITY, OR IMMIGRATION STATUS OF AN INDIVIDUAL TO A THIRD PARTY EXCEPT AS PROVIDED IN
13 SECTION 12.2101(C) OF THIS SECTION.

14 **12.2106. CHANGES IN PRACTICES.**

15 (A) WHENEVER THE COUNTY SOLICITOR LEARNS OF A STATE OR FEDERAL LAW OR
16 INTERNATIONAL TREATY THAT MAY PREEMPT THIS SUBTITLE, THE COUNTY SOLICITOR SHALL ADVISE
17 THE COUNTY COUNCIL AND THE COUNTY EXECUTIVE:

18 (1) ABOUT THE LAW OR TREATY; AND

19 (2) WHETHER THE COUNTY SHOULD CHANGE ANY PRACTICES UNDER OR PROVISIONS OF
20 THIS SUBTITLE.

21 (B) THE COUNTY EXECUTIVE SHALL NOTIFY THE PUBLIC OF ANY CHANGES IN PRACTICES
22 MADE AS A RESULT OF THIS SECTION.

23 *Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland, that this Act*
24 *shall become effective 61 days after its enactment.*

25

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on

December 10, 2020.



Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council