

Introduced by: Councilmember Seamens

First Reading: January 28, 2008

Second Reading: February 11, 2008

Effective Date: February 11, 2008

CITY OF TAKOMA PARK, MARYLAND

ORDINANCE NO. 2008- 7

**AN ORDINANCE MAKING TECHNICAL AMENDMENTS TO
THE CITY OF TAKOMA PARK'S IMMIGRATION SANCTUARY LAW**

WHEREAS, Takoma Park has a long and strong tradition of embracing and valuing diversity and respecting the civil and human rights of all residents regardless of their race, sex, ethnicity, sexual orientation, national origin, or immigration status; and

WHEREAS, as a matter of public safety, the protection of an individual's citizenship and immigrant status will engender trust and cooperation between law enforcement officials and immigrant communities to aid in crime prevention and solving, and will discourage the threat of immigrant and racial profiling and harassment; and

WHEREAS, in October 2007, as an expression of these values, the Takoma Park City Council passed an ordinance reaffirming and strengthening its immigration sanctuary policy, which prohibits City employees, including police officers, from cooperating with federal immigration authorities in the enforcement of civil and criminal immigration laws and prohibits City employees from requesting or disclosing information regarding the immigration status of individuals; and

WHEREAS, the collection of individuals' immigration and citizenship status information is required in certain circumstances by state and federal law, and in connection with the City's provision of United States passport services; and

WHEREAS, a technical amendment of the City's immigration sanctuary policy is necessary to clarify that the City retains the authority to collect immigration and citizenship status information as required by law and in connection with the provision of United States passport services;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
TAKOMA PARK, MARYLAND:**

SECTION 1. Title 9, Civil Liberties and Human Relations, Chapter 4, Rights of Non-U.S. Citizens in Takoma Park, of the *Takoma Park Code* is amended as follows:

9.04.010 No City enforcement of immigration laws.

A. No agent, officer or employee of the City, in the performance of official duties, shall assist the United States Bureau of Immigration and Customs Enforcement in the investigation or arrest of any persons for civil or criminal violation of the immigration and nationality laws of the United States.

B. Except for subsection A of this section, this chapter does not prohibit the Takoma Park Police Department from carrying out its mandated duty to apprehend violators of the criminal law and does not prohibit the Department from assisting any federal agency with investigations or arrests relating to criminal activity and suspected criminal activity other than violations of the immigration and nationality laws of the United States.

9.04.020 No inquiries into citizenship.

A. Except as provided in subsection B of this section, no agent, officer or employee of the City, in the performance of official duties, shall ask any person about his or her citizenship or immigration status or inquire about any person's citizenship or immigration status with any third person.

B. This section does not prohibit:

1. the collection of information regarding citizenship status in connection with the registration or attempted registration of non United States citizens to vote in City elections.

2. ~~inquiries regarding the citizenship or immigration status of City officials and employees, applicants for City employment, and prospective candidates for elective office positions as sworn law enforcement officers with the Takoma Park Police Department.~~

3. the collection of information in connection with applications for United States passports.

4. inquiries regarding the citizenship or immigration status of employees and applicants for employment with the City of Takoma Park as required by 8 U.S.C. § 1324 et seq.

5. inquiries regarding citizenship or immigration status required by state or federal law or international treaty, where such requirements preempt this Chapter.

9.04.030 Discrimination based on citizenship prohibited.

No agent, officer or employee of the City, in the performance of official duties, shall discriminate against any person on the basis of citizenship or immigration status.

9.04.040 Confidentiality of information about citizenship status.

A. Except as provided in subsection B of this section, no agent, officer or employee of the City, in the performance of official duties, shall release any information regarding the citizenship or immigration status of any individual to any third party.

B. This section does not prohibit:

- ~~1. disclosure of the City's voter roll.~~
- ~~2. disclosure of information regarding City officials and employees authorized by the official or employee.~~
- ~~3. disclosures required by citizenship or immigration status where disclosure is required by City, state or federal law or international treaty, or where such disclosure is authorized in writing by the subject of the information. Persons applying for a United States passport with the City shall be deemed to have authorized the City to disclose all information submitted to the City to the United States Department of State.~~

9.04.050 Preemption.

When the City Manager discovers any state or federal law or international treaties:

- ~~4. disclosures in connection with applications for United States passports.~~

treaty that he or she reasonably believes may preempt this Chapter, he or she shall notify the City Attorney. The City Attorney shall advise the Council as to whether the law preempts any aspect of this Chapter and whether the City should treat the law as an exception to this Chapter under sections 9.04.020.B.5 and 9.04.040.B or whether the Council should amend this Chapter. The City shall notify the public if the Council deems a law to preempt this Chapter.

SECTION 2. This Ordinance shall be effective immediately.

Adopted this 11th day of February, 2008, by roll-call vote as follows:

Aye: Williams, Barry, Robinson, Seamens, Snipper, Williams

Nay:

Absent:

Abstain: Clay

EXPLANATORY NOTE

Additions to the existing language of the *Takoma Park Code* are shown by underlining. Deletions to the existing language of the *Takoma Park Code* are shown by ~~strikeout~~.