

Introduced and Read: April 4, 2018
2nd Reading and Adoption: May 16, 2018
Effective Date: June 15, 2018

TOWN OF BRENTWOOD

**ORDINANCE NO. 2018-02
CREATING CHAPTER 325 – NON-INTERVENTION CIVIL LIBERTIES**

AN ORDINANCE WHEREBY THE MAYOR AND COUNCIL ESTABLISHES THAT THE TOWN OF BRENTWOOD DOES NOT INTERVENE IN FEDERAL IMMIGRATION MATTERS, UNLESS OTHERWISE REQUIRED BY LAW.

WHEREAS, the Mayor and Town Council of Brentwood is committed to living its values as a welcoming Town for all individuals and is a community that seeks to accept everyone, regardless of a person's race, ethnicity, place of origin or immigration status; and

WHEREAS, the United States government has the exclusive authority to enact laws with respect to how foreign-born persons are granted entrance into the United States and determining who among them may remain; and

WHEREAS, the United States government has put in place a detailed statutory and regulatory plan regarding immigration; and

WHEREAS, the Town of Brentwood has the authority according to section 401 of the Charter to enact laws which are not preempted by or in conflict with federal law or State law provided such authority has been granted to it by the state; and

WHEREAS, Maryland Annotated Code, Local Government Article, Section 5-202 grants to municipal corporations of the State of Maryland, including the Town of Brentwood, the power to preserve peace and good order and protect the health, comfort, and convenience of their residents and to enact laws regarding same; and

WHEREAS, it is the sense of the Mayor and Council that it is not a proper utilization of the Town of Brentwood's resources to enforce federal immigration laws; and

WHEREAS, Town of Brentwood law enforcement officers are not trained in immigration enforcement; and

WHEREAS, public safety is enhanced when members of the community cooperate with Town law enforcement in the investigation of crimes to which such members of the community are victims or witnesses; and

WHEREAS, after public debate and much deliberation, it is the belief of the Mayor and Council that the community is strengthened by the Town providing benefits, services, and opportunities to individuals regardless of their citizenship or immigration status to the extent permitted by law; and

WHEREAS, the Town of Brentwood reaffirms that it is committed to providing a safe community for all individuals, regardless of ethnicity or immigration status, and ensures that all members of our community are safe and can call upon public safety assistance whenever necessary, without being questioned about federal immigration laws and without fear of reprisal based solely on legal status; and

WHEREAS, it is the Mayor and Council's intent to maintain trust between members of the community and the Town while ensuring public safety goals are met

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Brentwood, that Chapter 325 of the Brentwood Code is enacted as follows:

§ 325-1 Non-intervention with Respect to Citizenship and Immigration.

- A. No official or employee of the Town of Brentwood may inquire into an individual's citizenship or immigration status.
- B. If an official or employee learns of an individual's citizenship or immigration status, the official or employee may not respond or act based only on the individual's citizenship or immigration status.
- C. No official or employee may utilize or allow to be utilized Town resources to support federal civil immigration enforcement operations or activities.

§ 325-2 Immigration Enforcement is a Federal Responsibility.

- A. No official or employee may detain or arrest an individual based solely on known or suspected violations of federal civil immigration law, except in accordance with the criminal provisions of Section D. of this section.
- B. No official or employee may utilize any individual's citizenship or immigration status as an interrogation tool or tactic. No official or employee may communicate to a suspect, detainee, or arrestee that an individual's right to remain in the United States may be in jeopardy. Nothing herein shall be construed as prohibiting an official or employee from providing information regarding an individual's citizenship or immigration status to that same individual.
- C. No official or employee may enter into an agreement under 8 U.S.C. § 1357(g), or any other federal law that permits state or local governmental entities to enforce federal immigration laws.
- D. No provision in this Chapter shall be construed as prohibiting the Town of Brentwood

Police Department from:

- 1 . Investigating, detaining, or arresting violators of the criminal law; or
2. Assisting any law enforcement agency with investigations or arrests relating to criminal activity and suspected criminal activity other than violations of the civil immigration and nationality laws of the United States; or
3. Complying with the provisions of 8 U.S.C. §1373.

§ 325-3 Town Benefits, Opportunities, and Services

- A. No official or employee shall condition the provision of Town benefits, opportunities, or services on a person's citizenship or immigration status unless required to do so by federal law, state law, this Code, or court order.
- B. No official or employee shall condition the provision of Town benefits, opportunities, or services based solely on the ability of the applicant to provide a driver's license or identification card issued by the State of Maryland unless required to do so by federal law, state law, this Code, or court order.
- C. Unless otherwise required by law, the Town shall accept identifications issued by social service organizations as sufficient proof of identification for the purposes of providing Town benefits, opportunities, or services.
- D. The Town of Brentwood shall not retain information related to an individual's citizenship or immigration status. The Town Administrator, or other duly appointed individual, shall promptly conduct a review of all applications, questionnaires, and interview forms utilized for the provision of Town benefits, opportunities, or services. Any information sought regarding citizenship or immigration status, other than those required by federal law, state law, this Code, or court order, shall be removed.
- E. No provision herein shall be construed as preventing any official or employee from complying with 8 U.S.C. § 1644.

§ 325-4 Discrimination and Unconstitutional Registration Programs are Strictly Prohibited.

- A. No official or employee shall discriminate against any person on the basis of citizenship, religion, nationality, or immigration status.
- B. No official or employee shall participate in any federal registration program that requires registration of individuals on the basis of age, race, color, creed, religion, national origin, ancestry, disability, marital status, sex, sexual orientation, gender identity, physical characteristic, citizenship, nationality, or immigration status. If any official or employee becomes aware of any requirement that the Town participate in any such registration

program, the official or employee shall notify the Town Administrator immediately. The Town Administrator shall inform the Mayor and Council of the requirement and direct that the Town Attorney review the requirement and advise the Mayor and Council as to the legality of the requirement.

§ 325-5 Reporting Requirements.

The Town Administrator shall report to the Mayor and Council the number of requests received by the Town from the federal government regarding any matter covered by this ordinance. The report shall be made every six months and include the nature of the request or requests and the nature of any response. The Town Administrator shall respond to a request by the Mayor or a Councilmember regarding a specific incident covered by this ordinance within five business days of the request.

§ 325-6 Preemption or Conflicts.

A. No provision of this Chapter shall apply whenever the provision conflicts with federal law, state law, this Code, or court order.

B. This Chapter does not prohibit disclosure of information regarding citizenship or immigration status if the disclosure is:

- 1 . Required or authorized by federal law, state law, this Code, or court order; or
2. Authorized in writing by the subject of the information.

C. Nothing herein shall be construed as applying to the Town of Brentwood's requirements for eligibility for employment and/or employee benefits.

§ 325-7 Construction.

The provisions of this Chapter shall be construed so as to be effective to the extent that they do not conflict with federal law, state law, this Code, or any Court order.

AND BE IT FURTHER ORDAINED that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other applications of the Ordinance which can be given effect without the invalid provision or applications, and to this end, all the provisions of this Ordinance are hereby declared to be severable;

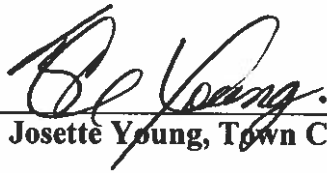
AND BE IT FURTHER ORDAINED that no provision in this document shall be construed as prohibiting the Town of Brentwood Police Department from investigating, detaining, or arresting violators of the criminal law; or assisting any law enforcement agency with investigations or arrests relating to criminal activity and suspected criminal activity other than violations of the civil immigration and nationality

laws of the United States of America; or complying with the provisions of 8 U.S.C. § 1373.

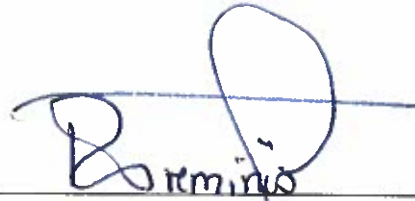
AND BE IT FURTHER ORDAINED that this Ordinance shall take effect 30 days from the date of its adoption;

AND BE IT FURTHER ORDAINED that a fair summary of this ordinance shall forthwith be published in a newspaper having general circulation in the Town and otherwise be made available to the public.

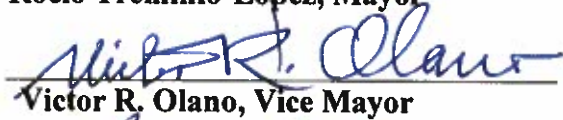
THIS ORDINANCE IS ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF BRENTWOOD THIS 16th DAY OF May 2018.



Attest: Josette Young, Town Clerk



Rocio Treminio-Lopez, Mayor



Victor R. Olano, Vice Mayor



Tonya Y. Harrison, Councilmember

Regina M. Morlan, Councilmember



Jerry L. Burgess, Councilmember

