

1 **..Title**

2 **Equal Protection** - For the purpose of amending the Code of the City of Annapolis in  
3 acknowledgement that all persons are due equal protection under law; and that the City shall  
4 treat a person or class of persons the same as it treats other persons or classes in like  
5 circumstances.

6 **..Body**

7 **CITY COUNCIL OF THE**  
8 **City of Annapolis**

9  
10 **Ordinance O-1-17**

11  
12 **Introduced by: Alderman Littmann, Alderman Pfeiffer**  
13 **Alderwoman Finlayson, Alderman Kirby, Alderman Arnett and Alderman Budge**

14  
15 **Referred to**  
16 **Rules and City Government Committee**

17  
18  
19 **AN ORDINANCE** concerning

20  
21 **Equal Protection**

22  
23 **FOR** the purpose of amending the Code of the City of Annapolis in acknowledgement that all  
24 persons are due equal protection under law; and that the City shall treat a person or class of  
25 persons the same as it treats other persons or classes in like circumstances.

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27  
28 **BY** adding the following portions to the Code of the City of Annapolis, 2016 Edition  
29 3.50.010  
30 3.50.020  
31 3.50.030  
32 3.60.040

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34  
35 **WHEREAS**, the City of Annapolis has a diverse population that includes many residents and  
36 visitors from different parts of the world and different cultural backgrounds; and

37  
38 **WHEREAS**, the City has a compelling interest in addressing public safety concerns for all  
39 residents and visitors; and

40  
41 **WHEREAS**, public safety is enhanced when residents and visitors cooperate with City law  
42 enforcement officials in the investigation of crimes to which such residents or  
43 visitors are victims or witnesses; and

44  
45 **WHEREAS**, the City of Annapolis encourages all individuals to report crimes to City law  
46 enforcement officials; and

1  
2 **WHEREAS**, it is the mission of the City of Annapolis to promote public trust in its government  
3 agencies and in its enforcement of laws; and  
4

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6  
7 **WHEREAS**, the Federal government **retains exclusive** authority to enact laws governing which  
8 foreign-born residents are granted entrance into the United States and determining  
9 who among them may stay; **and**

10 **WHEREAS**, the City has the authority to enact laws not in conflict with laws through which the  
11 Federal government retains jurisdiction over certain matters.  
12

13 **NOW, THEREFORE,**  
14

15 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**  
16 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:  
17

18 **TITLE 3 – HUMAN RESOURCES**  
19

20 **CHAPTER 3.50 – NONDISCRIMINATION**  
21

22 **SECTION 3.50.010 – DEFINITIONS.**  
23

24 FOR THE PURPOSES OF THIS CHAPTER, DISCRIMINATION MEANS ANY  
25 CONDUCT BASED UPON AN INDIVIDUAL’S RACE, RELIGION, NATIONAL ORIGIN,  
26 IMMIGRATION STATUS, GENDER, SEXUAL ORIENTATION, ETHNICITY, AND/OR  
27 ABILITY TO SPEAK ENGLISH **WHICH, WHEN APPLIED TO THE CITY CODE OF**  
28 **ANNAPOLIS OR LAWS ENFORCEABLE BY THE CITY OF ANNAPOLIS, FAILS TO**  
29 **TREAT ALL PERSONS EQUALLY.**  
30

31 **SECTION 3.50.020 – PROHIBITED CONDUCT.**  
32

33 A. DISCRIMINATION IS STRICTLY PROHIBITED. A VIOLATION OF THIS  
34 PROHIBITION INCLUDES, BUT IS NOT LIMITED TO, ANY OF THE FOLLOWING  
35 CIRCUMSTANCES:  
36

- 37 1. A CITY EMPLOYEE **UTILIZES CITY MONIES, FACILITIES, PROPERTY,**  
38 **EQUIPMENT, OR PERSONNEL TO INVESTIGATE, ENFORCE, OR ASSIST IN**  
39 **THE INVESTIGATION OR ENFORCEMENT OF ANY FEDERAL PROGRAM**  
40 **REQUIRING REGISTRATION OF INDIVIDUALS ON THE BASIS OF RACE,**  
41 **GENDER, SEXUAL ORIENTATION, RELIGION, ETHNICITY, OR NATIONAL**  
42 **ORIGIN.**
- 43  
44 2. A CITY EMPLOYEE INQUIRES OF ANY INDIVIDUAL ABOUT THE  
45 IMMIGRATION STATUS OF ANY ALLEGED CRIME VICTIM, WITNESS OR

1 OTHER INDIVIDUAL WHO CONTACTS ANY CITY EMPLOYEE SEEKING  
2 ASSISTANCE, UNLESS SUCH INQUIRY IS REQUIRED BY LAW.

- 3  
4 3. A CITY EMPLOYEE CONDITIONS THE PROVISION OF CITY SERVICES OR  
5 CITY BENEFITS SOLELY ON THE IMMIGRATION STATUS OF AN  
6 INDIVIDUAL SEEKING THOSE SERVICES OR BENEFITS, UNLESS SUCH  
7 CONDITIONS ARE LAWFULLY IMPOSED BY LAW.

- 8  
9 4. A CITY EMPLOYEE UTILIZES CITY MONIES, FACILITIES, PROPERTY,  
10 EQUIPMENT, OR PERSONNEL TO INQUIRE WITH ANY GOVERNMENTAL  
11 AGENCY REGARDING THE IMMIGRATION STATUS OF ANY INDIVIDUAL,  
12 UNLESS SUCH INQUIRY IS REQUIRED BY LAW.

- 13  
14 5. A CITY EMPLOYEE ACCESSES CONFIDENTIAL INFORMATION ABOUT AN  
15 INDIVIDUAL, INCLUDING, BUT NOT LIMITED TO, THAT INDIVIDUAL'S  
16 RACE, GENDER IDENTIFICATION, SEXUAL ORIENTATION, RELIGION,  
17 ETHNICITY, NATIONAL ORIGIN, IMMIGRATION STATUS, AND/OR  
18 ABILITY TO SPEAK ENGLISH, UNLESS SUCH EMPLOYEE IS  
19 AUTHORIZED TO ACCESS SUCH INFORMATION AND DOES SO SOLELY  
20 FOR PURPOSES RELATED TO THE EXERCISE OF THEIR DUTIES AS A CITY  
21 EMPLOYEE.

22  
23 B. NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO PROHIBIT A  
24 CITY EMPLOYEE FROM:

- 25  
26 1. PARTICIPATING IN TASK FORCE ACTIVITIES WITH FEDERAL LAW  
27 ENFORCEMENT AUTHORITIES.  
28  
29 2. INVESTIGATING VIOLATIONS OF LAW, AS LONG AS SUCH  
30 INVESTIGATION IS NOT FOR THE PURPOSE OF FURTHERING AN  
31 INVESTIGATION BASED ON AN ALLEGED CIVIL VIOLATION OF FEDERAL  
32 IMMIGRATION LAW.  
33  
34 3. COOPERATING WITH FEDERAL IMMIGRATION AUTHORITIES WHO HAVE  
35 ESTABLISHED THAT PROBABLE CAUSE EXISTS TO APPREHEND AN  
36 UNDOCUMENTED FOREIGN-BORN RESIDENT WHO HAS ENGAGED IN  
37 CRIMINAL ACTIVITY.  
38  
39 4. PURSUING CITY SANCTIONED INITIATIVES OR PROGRAMS WHEN  
40 INQUIRY INTO AN INDIVIDUAL'S IMMIGRATION OR CITIZENSHIP  
41 STATUS IS REQUIRED FOR THE SOLE PURPOSE OF ESTABLISHING  
42 ELIGIBILITY FOR SERVICES OR BENEFITS TO SUCH INDIVIDUALS AS  
43 LONG AS THE INFORMATION ABOUT SUCH INDIVIDUAL'S  
44 IMMIGRATION STATUS IS KEPT CONFIDENTIAL.  
45

1 5. TAKING ACTION BASED ON AN INDIVIDUAL'S RACE, COLOR, RELIGION,  
2 NATIONAL ORIGIN, IMMIGRATION STATUS, AND/OR ABILITY TO SPEAK  
3 ENGLISH IF, AND ONLY IF, IT IS REQUIRED FOR CITY EMPLOYMENT OR  
4 TO RECEIVE A PARTICULAR SERVICE OR BENEFIT AND SUCH ACTION  
5 COMPLIES WITH ALL RELEVANT STATE, LOCAL AND FEDERAL LAW.  
6

7 6. **COMPLYING WITH THE PROVISIONS OF 8 U.S.C. SECTION 1373**  
8 **REGARDING THE VOLUNTARY EXCHANGE OF INFORMATION WITH**  
9 **FEDERAL IMMIGRATION AUTHORITIES, PROVIDED THAT SUCH**  
10 **EXCHANGE DOES NOT IMPERMISSIBLY UTILIZE CITY MONIES,**  
11 **FACILITIES, PROPERTY, EQUIPMENT, OR PERSONNEL.**  
12

13 C. INFORMATION ABOUT AN INDIVIDUAL'S IMMIGRATION STATUS  
14 SHALL NOT BE RETAINED OR STORED IN ANY PUBLIC RECORD OR DATABASE,  
15 UNLESS IN FURTHERANCE OF A CITY SANCTIONED INITIATIVE OR PROGRAM  
16 REQUIRED BY LAW, AND IN THAT CASE SHALL BE KEPT CONFIDENTIAL FROM  
17 ANYONE NOT REQUIRED BY LAW TO HAVE SUCH INFORMATION.  
18

### 19 **3.50.030 - PENALTY.**

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21 EMPLOYEES WHO **VIOLATE** THIS CHAPTER SHALL BE SANCTIONED IN  
22 ACCORDANCE WITH THE RULES AND REGULATIONS OF THE PERSONNEL SYSTEM  
23 AND **ARE SUBJECT TO** APPLICABLE LAW.  
24

### 25 **3.50.040 - OTHER PENALTIES.**

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27 THE PROVISIONS OF THIS CHAPTER SHALL NOT PRECLUDE ANY PERSON  
28 FROM EXERCISING ANY RIGHTS OR PRIVILEGES GRANTED BY ANY LAW.  
29  
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31 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
32 **ANNAPOLIS CITY COUNCIL** THAT IF ANY PROVISION, CLAUSE, SECTION, PART  
33 OR APPLICATION OF THIS ORDINANCE TO ANY PERSON OR CIRCUMSTANCE IS  
34 DECLARED INVALID BY ANY COURT OF COMPETENT JURISDICTION, SUCH  
35 INVALIDITY SHALL NOT AFFECT, IMPAIR, OR INVALIDATE THE REMAINDER  
36 HEREOF OR ITS APPLICATION TO ANY OTHER PERSON OR CIRCUMSTANCE. IT IS  
37 HEREBY DECLARED THAT THE LEGISLATIVE INTENT OF THE CITY COUNCIL  
38 THAT THIS ORDINANCE WOULD HAVE BEEN ADOPTED HAD SUCH INVALID  
39 PROVISION, CLAUSE, SECTION, PART OR APPLICATION NOT BEEN INCLUDED  
40 HEREIN.  
41

42 **SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
43 **ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect from the date of its  
44 passage.  
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**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.

~~Strikethrough~~ indicates matter stricken from existing law.

Underlining indicates amendments