

1 **..Title**

2 **Non-Discrimination Foreign-Born Residents** - For the purpose of amending the Code of the  
3 City of Annapolis by extending equal rights and protections to all individuals; and recognizing  
4 the importance of accommodating culturally diverse contributions of foreign-born residents to  
5 social, academic, religious, cultural, and economic life in Annapolis.

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 and Alderman Arnett**

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

17  
18  
19 **AN ORDINANCE** concerning

20  
21 **Non-Discrimination of Foreign-Born Residents**

22  
23 **FOR** the purpose of amending the Code of the City of Annapolis by extending equal rights and  
24 protections to all individuals; and recognizing the importance of accommodating  
25 culturally diverse contributions of foreign-born residents to social, academic, religious,  
26 cultural, and economic life in Annapolis.

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

33  
34  
35 **WHEREAS**, the City of Annapolis has a culturally diverse population that includes many  
36 foreign-born residents; and

37  
38 **WHEREAS**, in particular, Hispanic and Latino populations are growing at a steady rate in the  
39 City of Annapolis and throughout the State of Maryland, rendering issues  
40 pertaining to foreign-born populations of ongoing importance to local and state  
41 government; and

42  
43 **WHEREAS**, the Governor's Commission of Hispanic Affairs Annual Report, 2013, indicates  
44 that Maryland's Hispanic population has increased by over 35% since 2008; and  
45

1 **WHEREAS**, it is the mission of the City of Annapolis to promote public trust in its government  
2 agencies and in its enforcement of laws; and  
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4 **WHEREAS**, the City of Annapolis encourages all individuals to report crimes to City law  
5 enforcement officials; and  
6

7 **WHEREAS**, the United States Constitution vests in the Federal government the authority to  
8 enact laws governing which foreign-born residents are granted entrance into the  
9 United States and determining who among them may stay.  
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12 **NOW, THEREFORE,**  
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14 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**  
15 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:  
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17 **TITLE 3 – HUMAN RESOURCES**  
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19 **CHAPTER 3.50 – NONDISCRIMINATION OF FOREIGN-BORN RESIDENTS**  
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21 **SECTION 3.50.010 – DEFINITIONS.**  
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23 FOR THE PURPOSES OF THIS CHAPTER, DISCRIMINATION MEANS ANY  
24 VERBAL, PHYSICAL, NONVERBAL OR VISUAL INTERACTION, OR CONDUCT OF A  
25 DISCRIMINATORY NATURE, OR CONDUCT BASED UPON AN INDIVIDUAL’S RACE,  
26 COLOR, RELIGION, NATIONAL ORIGIN, IMMIGRATION STATUS, AND/OR ABILITY  
27 TO SPEAK ENGLISH.  
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29 **SECTION 3.50.020 – PROHIBITED CONDUCT.**  
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31 A. DISCRIMINATION IS STRICTLY PROHIBITED. A VIOLATION OF THIS  
32 PROHIBITION INCLUDES, BUT IS NOT LIMITED TO, ANY OF THE FOLLOWING  
33 CIRCUMSTANCES:  
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- 35 1. A CITY EMPLOYEE INVESTIGATES OR QUESTIONS AN INDIVIDUAL  
36 SOLELY FOR THE PURPOSE OF DETERMINING WHETHER A SUSPECTED  
37 CIVIL VIOLATION OF FEDERAL IMMIGRATION LAW EXISTS, UNLESS  
38 SUCH INVESTIGATION IS REQUIRED BY LAW.  
39
- 40 2. A CITY EMPLOYEE INQUIRES OF ANY INDIVIDUAL ABOUT THE  
41 IMMIGRATION STATUS OF ANY ALLEGED CRIME VICTIM, WITNESS OR  
42 OTHER INDIVIDUAL WHO CONTACTS ANY CITY EMPLOYEE SEEKING  
43 ASSISTANCE, UNLESS SUCH INQUIRY IS REQUIRED BY LAW.  
44
- 45 3. A CITY EMPLOYEE CONDITIONS THE PROVISION OF CITY SERVICES OR  
46 CITY BENEFITS SOLELY ON THE IMMIGRATION STATUS OF AN

1 INDIVIDUAL SEEKING THOSE SERVICES OR BENEFITS, UNLESS SUCH  
2 CONDITIONS ARE LAWFULLY IMPOSED BY LAW.

- 3  
4 4. A CITY EMPLOYEE INQUIRES WITH IMMIGRATION AND CUSTOMS  
5 ENFORCEMENT (“ICE”) ABOUT AN INDIVIDUAL’S IMMIGRATION  
6 STATUS, UNLESS SUCH INQUIRY IS REQUIRED BY LAW.  
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8 B. NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO PROHIBIT A  
9 CITY EMPLOYEE FROM:

- 10  
11 1. PARTICIPATING IN TASK FORCE ACTIVITIES WITH FEDERAL LAW  
12 ENFORCEMENT AUTHORITIES.  
13  
14 2. INVESTIGATING VIOLATIONS OF LAW, AS LONG AS SUCH  
15 INVESTIGATION IS NOT FOR THE PURPOSE OF FURTHERING AN  
16 INVESTIGATION BASED ON AN ALLEGED CIVIL VIOLATION OF FEDERAL  
17 IMMIGRATION LAW.  
18  
19 3. COOPERATING WITH FEDERAL IMMIGRATION AUTHORITIES WHO HAVE  
20 ESTABLISHED THAT PROBABLE CAUSE EXISTS TO APPREHEND AN  
21 UNDOCUMENTED FOREIGN-BORN RESIDENT WHO HAS ENGAGED IN  
22 CRIMINAL ACTIVITY.  
23  
24 4. PURSUING CITY SANCTIONED INITIATIVES OR PROGRAMS WHEN  
25 INQUIRY INTO AN INDIVIDUAL’S IMMIGRATION STATUS IS REQUIRED  
26 FOR THE SOLE PURPOSE OF ESTABLISHING ELIGIBILITY FOR SERVICES  
27 OR BENEFITS TO SUCH INDIVIDUALS AS LONG AS THE INFORMATION  
28 ABOUT SUCH INDIVIDUAL’S IMMIGRATION STATUS IS NOT USED FOR  
29 ANY PURPOSE RELATED TO IMMIGRATION ENFORCEMENT ACTIVITIES.  
30  
31 5. DISCRIMINATING BASED ON AN INDIVIDUAL’S RACE, COLOR,  
32 RELIGION, NATIONAL ORIGIN, IMMIGRATION STATUS, AND/OR ABILITY  
33 TO SPEAK ENGLISH IF, AND ONLY IF, IT IS REQUIRED FOR CITY  
34 EMPLOYMENT OR TO RECEIVE A PARTICULAR SERVICE OR BENEFIT.  
35

36 C. INFORMATION ABOUT AN INDIVIDUAL’S IMMIGRATION STATUS  
37 SHALL NOT BE RETAINED OR STORED IN ANY PUBLIC RECORD OR DATABASE,  
38 UNLESS IN FURTHERANCE OF A CITY SANCTIONED INITIATIVE OR PROGRAM  
39 REQUIRED BY LAW, AND IN THAT CASE SHALL BE KEPT CONFIDENTIAL FROM  
40 ANYONE NOT REQUIRED BY LAW TO HAVE SUCH INFORMATION.  
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42 **3.50.030 - PENALTY.**

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44 EMPLOYEES WHO HAVE BEEN DETERMINED TO BE IN VIOLATION OF THIS  
45 CHAPTER SHALL BE SANCTIONED IN ACCORDANCE WITH THE RULES AND  
46 REGULATIONS OF THE PERSONNEL SYSTEM AND APPLICABLE LAW.

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**3.50.040 - OTHER PENALTIES.**

THE PROVISIONS OF THIS CHAPTER SHALL NOT PRECLUDE ANY PERSON FROM EXERCISING ANY RIGHTS OR PRIVILEGES GRANTED BY ANY LAW.

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

**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.

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

Underlining indicates amendments