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**CITY OF HYATTSVILLE
ORDINANCE 2017-02**

An Ordinance whereby the City Council establishes itself the City of Hyattsville as a Sanctuary City and establishes that the City of Hyattsville does not intervene in federal immigration matters.

WHEREAS, the government of the United States of America 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 stay; and

WHEREAS, the government of the United States of America has put in place a robust statutory and regulatory scheme regarding immigration; and

WHEREAS, the City of Hyattsville has the authority 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 City of Hyattsville, 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 City of Hyattsville’s resources to enforce federal immigration laws; and

WHEREAS, City of Hyattsville law enforcement officers are not trained in immigration enforcement; and

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

WHEREAS, it is the sense of the Mayor and Council that the Hyattsville community is strengthened by the City providing benefits, services, and opportunities to individuals regardless of their citizenship or immigration status to the extent permitted by law; and

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

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Hyattsville in regular session assembled that Chapter 61 of the City of Hyattsville Code is enacted as follows:

1 **§ 61-1 Non-intervention with Respect to Citizenship and Immigration.**

2
3 A. No official or employee may inquire into an individual’s citizenship or immigration status.

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5 B. If an official or employee learns of an individual’s citizenship or immigration status, the official
6 or employee may not act based solely on the individual’s citizenship or immigration status.

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8 C. No official or employee may utilize or allow to be utilized City resources to support federal
9 civil immigration enforcement operations or activities.

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11 **§ 61-2 Immigration Enforcement is a Federal Responsibility.**

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13 A. No official or employee may detain or arrest an individual based solely on known or suspected
14 violations of federal civil immigration law.

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16 B. No official or employee may utilize any individual’s citizenship or immigration status as an
17 interrogation tool or tactic. No official or employee may communicate to a suspect, detainee, or
18 arrestee that any individual’s ability to remain within the United States of America may be in
19 jeopardy. Nothing herein shall be construed as barring an official or employee from providing
20 information regarding an individual’s citizenship or immigration status to that same individual.

21
22 C. No official or employee may enter into an agreement under 8 U.S.C. § 1357(g) or any other
23 federal law that permits state or local governmental entities to enforce federal immigration laws.

24
25 D. No provision in this Chapter shall be construed as prohibiting the City of Hyattsville Police
26 Department from:

- 27
28 1. Investigating, detaining, or arresting violators of the criminal law; or
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30 2. Assisting any law enforcement agency with investigations or arrests relating to criminal
31 activity and suspected criminal activity other than violations of the civil immigration and
32 nationality laws of the United States of America; or
33
34 3. Complying with the provisions of 8 U.S.C. § 1373.

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36 **§ 61-3 City Benefits.**

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38 A. No official or employee shall condition the provision of City benefits, opportunities, or services
39 on a person’s citizenship or immigration status unless required to do so by federal law, state law,
40 this Code, or court order.

41
42 B. No official or employee shall condition the provision of City benefits, opportunities, or services
43 based solely on the ability of the applicant to provide a driver’s license or identification card issued
44 by the State of Maryland unless required to do so by federal law, state law, this Code, or court
45 order.

1 C. Unless otherwise required by law, the City shall accept identifications issued by social service
2 organizations as sufficient proof of identification for the purposes of providing City benefits,
3 opportunities, or services.

4
5 D. The City of Hyattsville shall not retain information related to an individual’s citizenship or
6 immigration status. The City Administrator shall promptly conduct a review of all applications,
7 questionnaires, and interview forms utilized for the provision of City benefits, opportunities, or
8 services. Any information sought regarding citizenship or immigration status, other than those
9 required by federal law, state law, this Code, or court order, shall be removed.

10
11 E. No provision in this Chapter shall be construed as preventing any official or employee from
12 complying with 8 U.S.C. § 1644.

13
14 **§ 61-4 Discrimination and Unconstitutional Registries Prohibited.**

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16 A. No official or employee shall discriminate against any person on the basis of citizenship,
17 nationality, or immigration status.

18
19 B. No official or employee shall participate in any federal registration program that requires
20 registration of individuals on the basis of age, race, color, creed, religion, national origin, ancestry,
21 disability, marital status, sex, sexual orientation, gender identity, physical characteristic,
22 citizenship, nationality, or immigration status. If any official or employee becomes aware of any
23 requirement that the City participate in any such program, the official or employee shall notify the
24 City Administrator immediately. The City Administrator shall inform the Mayor and Council of
25 the requirement and direct that the City Attorney review the requirement and advise the Mayor
26 and Council as to the legality of the requirement.

27
28 **§ 61-5 Reporting Requirements.**

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

35
36 **§ 61-6 Preemption or Conflicts.**

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

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

- 43
44 1. Required or authorized by federal law, state law, this Code, or court order; or
45
46 2. Authorized in writing by the subject of the information.

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2 C. Nothing herein shall be construed as applying to the City of Hyattsville’s requirements for
3 eligibility for employment and/or employee benefits.
4

5 **§ 61-7 Construction.**
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7 The provisions of this Chapter shall be construed so as to be effective to the extent that they do not
8 conflict with federal law, state law, this Code, or any Court order.
9

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

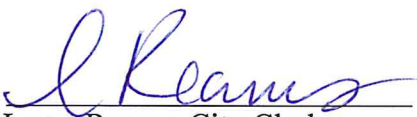
15 **AND BE IT FURTHER ORDAINED** that this Ordinance shall take effect 20 days from
16 the date of its adoption;

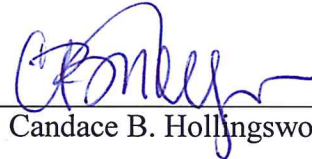
17 **AND BE IT FURTHER ORDAINED** that a fair summary of this ordinance shall
18 forthwith be published twice in a newspaper having general circulation in the City and otherwise
19 be made available to the public.

20 **INTRODUCED** by the City Council of the City of Hyattsville, Maryland, at a regular
21 public meeting on April 3, 2017.

22 **ADOPTED** by the City Council of the City of Hyattsville, Maryland, at a regular public
23 meeting on April 17, 2017.

Adopted: April 17, 2017

Attest: 
Laura Reams, City Clerk


Candace B. Hollingsworth, Mayor

24
25
26 indicate deletions

27 /**BOLD**/CAPS indicate additions

28 Asterisks * * * Indicate matter retained in existing law but omitted herein

29
30 Effective Date: May 7, 2017