

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2025, Legislative Day No. 20

Bill No. 98-25

Councilmembers Patoka & Jones

By the County Council, December 1, 2025

A BILL
ENTITLED

AN ACT concerning

Protections for Non-U.S. Citizens

FOR the purpose of providing that County employees, departments, and agents shall take, or refrain from taking, specified actions with respect to the immigration status of specified individuals; prohibiting certain discrimination based on immigration status; requiring that certain information related to citizenship, nationality, or immigration status be kept confidential; providing a procedure whenever specified provisions may be preempted by other law; requiring specified officials to take actions under certain circumstances; specifying which actions may and may not be taken by certain County departments, officers, and officials during participation on certain task forces; requiring County departments to adopt specified policies and make specified reports; governing the expenditure of certain County resources; and generally relating to human rights in Baltimore County.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

BY adding

Sections 4-3-601 through 4-3-610
Article 4 – Human Resources
Title 3 – All County Employees
Subtitle 6 – Protections for Non-U.S. Citizens
Baltimore County Code, 2015

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Laws of Baltimore County read as follows:

3
4 ARTICLE 4 – HUMAN RESOURCES

5 Title 3 – All County Employees

6 Subtitle 6 – Protections for Non-U.S. Citizens

7
8 § 4-3-601. DEFINITIONS.

9 (A) IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS
10 INDICATED.

11 (B) “AGENT” MEANS ANY PERSON EMPLOYED BY OR ACTING ON BEHALF
12 OF A DEPARTMENT, INCLUDING CONTRACTORS OR OTHER INDIVIDUALS,
13 ORGANIZATIONS, BUSINESSES, OR OTHER ENTITIES NOT CONSIDERED
14 EMPLOYEES AS DEFINED IN THIS SECTION.

15 (C) (1) “EMPLOYEE” MEANS A PERSON EMPLOYED BY BALTIMORE
16 COUNTY.

17 (2) “EMPLOYEE” INCLUDES:
18 (I) AN OFFICER OF THE BALTIMORE COUNTY POLICE
19 DEPARTMENT; AND

(II) AN ELECTED OR APPOINTED OFFICIAL.

(D) "CONTRACTOR" IS A CONTRACTOR HIRED BY BALTIMORE COUNTY.

(E) "DEPARTMENT" MEANS ANY COUNTY DEPARTMENT, AGENCY,

DIVISION, OFFICE, COMMISSION, COUNCIL, COMMITTEE, BOARD, OTHER BODY,
OR PERSON ESTABLISHED UNDER THE COUNTY CHARTER OR COUNTY CODE, AN
EXECUTIVE ORDER, OR ANY OTHER COUNTY COUNCIL ACTION.

(F) (1) "IMMIGRATION ENFORCEMENT AGENCY" MEANS ANY UNIT OF THE FEDERAL GOVERNMENT THAT ENFORCES IMMIGRATION LAWS OR IS ENGAGED IN IMMIGRATION ENFORCEMENT.

(2) "IMMIGRATION ENFORCEMENT AGENCY" INCLUDES THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, IMMIGRATION AND CUSTOMS ENFORCEMENT.

(G) "COUNTY RESOURCES" INCLUDES ANY COUNTY MONIES, FACILITIES, PROPERTY, EQUIPMENT, PERSONNEL, OR OTHER ASSETS FUNDED AS A WHOLE OR IN PART BY BALTIMORE COUNTY.

(H) "OFFICER IN CHARGE" MEANS THE OFFICER IN CHARGE OF THE BALTIMORE COUNTY POLICE DEPARTMENT OFFICERS ASSIGNED TO A TASK FORCE, THE CHIEF OF POLICE, OR THE COUNTY SHERIFF.

§ 4-3-602. FEDERAL OR STATE PREEMPTION.

(A) A PROVISION OF THIS SUBTITLE SHALL NOT APPLY WHENEVER THE PROVISION IS PREEMPTED BY STATE OR FEDERAL LAW, OR INTERNATIONAL TREATY.

(B) THIS SUBTITLE DOES NOT PROHIBIT THE BALTIMORE COUNTY POLICE
DEPARTMENT FROM:

(1) INVESTIGATING OR ARRESTING VIOLATORS OF THE STATE OR LOCAL CRIMINAL LAW; OR

(2) ASSISTING A FEDERAL AGENCY WITH INVESTIGATIONS OR ARRESTS RELATING TO CRIMINAL ACTIVITY, OR SUSPECTED CRIMINAL ACTIVITY, OTHER THAN VIOLATIONS OF THE IMMIGRATION AND NATIONALITY LAWS OF THE UNITED STATES.

(3) PARTICIPATING IN TASK FORCES WITH OTHER JURISDICTIONS TO INVESTIGATE, ENFORCE, AND PROSECUTE CRIMINAL ACTIVITY, EVEN IF THE TASK FORCE INCLUDES IMMIGRATION ENFORCEMENT AGENCY, PROVIDED THAT COUNTY RESOURCES ARE NOT USED FOR THE PURPOSE OF CIVIL IMMIGRATION ENFORCEMENT.

(I) WHEN PARTICIPATING IN A TASK FORCE UNDER THIS PROVISION, THE COUNTY POLICE DEPARTMENT SHALL NOT DISCLOSE, OR THREATEN TO DISCLOSE, ANY INFORMATION REGARDING THE CITIZENSHIP, NATIONALITY, OR IMMIGRATION STATUS OF AN INDIVIDUAL TO ANOTHER LOCAL, STATE, OR FEDERAL AGENCY.

(II) WHEN PARTICIPATING IN A TASK FORCE UNDER THIS PROVISION, § 4-3-604 OF THIS SUBTITLE SHALL BE ENFORCED SO AS TO REQUIRE THAT THE COUNTY POLICE DEPARTMENT OFFICERS AND OFFICIALS, EXCEPT AS AUTHORIZED IN § 4-3-604(B) OF THIS SUBTITLE, SHALL NOT ASK ANY PERSON ABOUT HIS OR HER CITIZENSHIP, NATIONALITY, OR IMMIGRATION STATUS, NOR

1 ASK ANY PERSON ABOUT THE CITIZENSHIP, NATIONALITY, OR IMMIGRATION
2 STATUS OF ANOTHER PERSON.

3 (III) WHEN PARTICIPATING IN A TASK FORCE UNDER THIS
4 PROVISION, IF AT ANY TIME AN OFFICER IN CHARGE OF THE COUNTY POLICE
5 DEPARTMENT REASONABLY BELIEVES THAT THE TASK FORCE IS NOT
6 PRIMARILY ACTING TO INVESTIGATE OR ENFORCE CRIMINAL LAW, BUT
7 INSTEAD AS A PRETEXT FOR IMMIGRATION ENFORCEMENT, THE COUNTY
8 POLICE DEPARTMENT SHALL IMMEDIATELY CEASE ASSISTANCE AND
9 WITHDRAW FROM THE TASK FORCE.

10 (C) THIS SUBTITLE DOES NOT PROHIBIT DISCLOSURE OF INFORMATION
11 REGARDING CITIZENSHIP OR IMMIGRATION STATUS IF THE DISCLOSURE IS:

12 (1) REQUIRED BY COUNTY, STATE, OR FEDERAL LAW, OR
13 INTERNATIONAL TREATY;

14 (2) REQUIRED UNDER § 23-1405 OF THE ALCOHOLIC BEVERAGES
15 ARTICLE OF THE MARYLAND CODE;

16 (3) AUTHORIZED IN WRITING BY THE SUBJECT OF THE
17 INFORMATION; OR

18 (4) MADE TO THE UNITED STATES DEPARTMENT OF STATE IN
19 CONNECTION WITH AN APPLICATION FOR A UNITED STATES PASSPORT.

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21 § 4-3-603. NO ENFORCEMENT OF IMMIGRATION LAWS.

22 (A) WHEN ACTING WITHIN THE SCOPE OF EMPLOYMENT, AN EMPLOYEE,
23 DEPARTMENT, OR AGENT SHALL NOT ENGAGE IN THE ENFORCEMENT OF THE

1 IMMIGRATION AND NATIONALITY LAWS OF THE UNITED STATES AND SHALL
2 NOT ASSIST AN IMMIGRATION ENFORCEMENT AGENCY IN THE INVESTIGATION
3 OR ARREST OF A PERSON FOR A CIVIL OR CRIMINAL VIOLATION OF THE
4 IMMIGRATION AND NATIONALITY LAWS OF THE UNITED STATES, EXCEPT AS
5 REQUIRED BY STATE OR FEDERAL LAW, OR INTERNATIONAL TREATY.

6 (B) (1) WHEN ACTING WITHIN THE SCOPE OF EMPLOYMENT, AN
7 EMPLOYEE, DEPARTMENT, OR AGENT SHALL NOT ASSIST IMMIGRATION
8 ENFORCEMENT IN THE COLLECTION OR DISTRIBUTION OF INFORMATION ABOUT
9 ANY PERSON, EXCEPT AS REQUIRED BY STATE OF FEDERAL LAW, OR
10 INTERNATIONAL TREATY.

11 (2) THE PROHIBITIONS IN PARAGRAPH (1) OF THIS SUBSECTION
12 INCLUDE PROHIBITING:

13 (I) THE DISCLOSURE, OR A THREAT OF DISCLOSURE, OF
14 INFORMATION ABOUT ANY PERSON TO AN IMMIGRATION ENFORCEMENT
15 AGENCY; OR

16 (II) THE EXPENDITURE OF COUNTY RESOURCES TO ASSIST OR
17 FACILITATE CIVIL IMMIGRATION ENFORCEMENT, UNLESS THE EMPLOYEE
18 ACTION IS EXPRESSLY AUTHORIZED UNDER THIS SUBTITLE.

19
20 § 4-3-604. PROHIBITION ON INQUIRIES RELATED TO CITIZENSHIP, NATIONALITY,
21 OR IMMIGRATION STATUS.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, WHEN
ACTING WITHIN THE SCOPE OF EMPLOYMENT, AN EMPLOYEE, DEPARTMENT, OR
AGENT OF BALTIMORE COUNTY SHALL NOT ASK ANY PERSON ABOUT:

(1) HIS OR HER CITIZENSHIP, NATIONALITY, OR IMMIGRATION STATUS; OR

(2) THE CITIZENSHIP OR IMMIGRATION STATUS OF ANOTHER PERSON.

(B) THIS SECTION DOES NOT PROHIBIT:

(1) THE COLLECTION OF INFORMATION REGARDING CITIZENSHIP STATUS IN CONNECTION WITH THE REGISTRATION OR ATTEMPTED REGISTRATION TO VOTE IN COUNTY ELECTIONS;

(2) INQUIRIES REGARDING THE CITIZENSHIP OF APPLICANTS FOR
POSITIONS AS SWORN OFFICERS WITH THE BALTIMORE COUNTY POLICE
DEPARTMENT OR THE BALTIMORE COUNTY DEPARTMENT OF CORRECTIONS;

(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
COUNTY AS REQUIRED BY TITLE 8, CHAPTER 12, SUBCHAPTER II, PART VIII, OF
THE UNITED STATES CODE; OR

(5) RESPONDING TO INQUIRIES REGARDING CITIZENSHIP OR
IMMIGRATION STATUS IN COMPLIANCE WITH STATE OR FEDERAL LAW.

INCLUDING 8 U.S. CODE § 1373, OR INTERNATIONAL TREATY, PROVIDED THAT

1 RESPONDING TO SUCH INQUIRIES DOES NOT INCLUDE THE GATHERING OF THE
2 CITIZENSHIP OR IMMIGRATION STATUS OF ANY INDIVIDUAL OR OTHER
3 EXPENDITURE OF COUNTY RESOURCES PROHIBITED UNDER THIS SUBTITLE.

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5 § 4-3-605. DISCRIMINATION BASED ON CITIZENSHIP, NATIONALITY OR
6 IMMIGRATION STATUS PROHIBITED.

7 WHEN ACTING WITHIN THE SCOPE OF EMPLOYMENT, AN EMPLOYEE,
8 DEPARTMENT, OR AGENT OF BALTIMORE COUNTY SHALL NOT DISCRIMINATE
9 AGAINST ANY PERSON ON THE BASIS OF CITIZENSHIP, NATIONALITY, OR
10 IMMIGRATION STATUS.

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12 § 4-3-606. CONFIDENTIALITY OF INFORMATION ABOUT CITIZENSHIP STATUS.

13 EMPLOYEES, DEPARTMENTS, AND AGENTS OF BALTIMORE COUNTY
14 SHALL NOT DISCLOSE, OR THREATEN TO DISCLOSE, ANY INFORMATION
15 REGARDING THE CITIZENSHIP, NATIONALITY, OR IMMIGRATION STATUS OF AN
16 INDIVIDUAL TO A THIRD PARTY EXCEPT AS PROVIDED IN § 4-3-602(C) OF THIS
17 SUBTITLE.

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19 § 4-3-607. PENALTY.

20 AN EMPLOYEE WHO VIOLATES THIS SUBTITLE SHALL BE SANCTIONED IN
21 ACCORDANCE WITH THE RULES AND REGULATIONS OF THE PERSONNEL SYSTEM
22 AND APPLICABLE LAW.

1 § 4-3-608. ENFORCEMENT.

2 (A) COMPLAINTS OF NONCOMPLIANCE WITH THIS SUBTITLE SHALL BE
3 FILED WITH THE:

4 (1) THE DIRECTOR OF THE OFFICE OF HUMAN RESOURCES;
5 (2) THE COUNTY ADMINISTRATIVE OFFICER OR THEIR DESIGNEE;
6 (3) THE COUNTY ATTORNEY; AND
7 (4) THE EXECUTIVE DIRECTOR, CHIEF, OR HEAD OF ANY
8 DEPARTMENT, DIVISION, OFFICE, OR COMMISSION WHOSE PRIMARY PURPOSE IS
9 IMMIGRANT AFFAIRS, PROVIDED SUCH PERSON IS AN EMPLOYEE OF THE
10 COUNTY.

11 (B) THE COUNTY ADMINISTRATIVE OFFICER AND THE OFFICES OF HUMAN
12 RESOURCES AND LAW SHALL JOINTLY REVIEW THE COMPLIANCE OF THE
13 COUNTY DEPARTMENTS, AGENCIES, COMMISSIONS, AND EMPLOYEES WITH THE
14 MANDATES OF THIS SUBTITLE WHEN THERE IS QUESTION OF NONCOMPLIANCE
15 OR WHEN A COMPLAINT ALLEGING NONCOMPLIANCE HAS BEEN LODGED.

17 § 4-3-609. CHANGES IN PRACTICES.

18 (A) WHENEVER THE COUNTY ATTORNEY LEARNS OF A STATE OR
19 FEDERAL LAW OR INTERNATIONAL TREATY THAT MAY PREEMPT THIS
20 SUBTITLE, THE COUNTY ATTORNEY SHALL ADVISE THE COUNTY COUNCIL AND
21 THE COUNTY EXECUTIVE:

22 (1) ABOUT THE LAW OR TREATY; AND

(2) WHETHER THE COUNTY SHOULD CHANGE ANY PRACTICES
UNDER OR PROVISIONS OF THIS SUBTITLE.

(B) THE COUNTY EXECUTIVE SHALL NOTIFY THE PUBLIC OF ANY CHANGES IN PRACTICES MADE AS A RESULT OF THIS SECTION.

§ 4-3-610. DIRECTIVES TO DEPARTMENTS.

(A) ALL DEPARTMENTS SHALL:

(1) DEVELOP POLICIES CONSISTENT WITH IMPLEMENTATION OF THIS SUBTITLE WITHIN 120 DAYS OF ITS EFFECTIVE DATE;

(2) MAKE POLICIES DEVELOPED BY DEPARTMENTS PUBLICLY AVAILABLE ON THE COUNTY'S WEBSITE;

(3) ANNUALLY REPORT THROUGH THE COUNTY ADMINISTRATIVE OFFICER AND THE OFFICE OF IMMIGRANT AFFAIRS TO THE COUNTY COUNCIL AND COUNTY EXECUTIVE THE NUMBER OF REQUESTS RECEIVED FROM IMMIGRATION ENFORCEMENT AGENCY OFFICIALS AND THE MANNER IN WHICH EACH REQUEST WAS HANDLED, AS WELL AS WHETHER ANY COUNTY EMPLOYEE, AGENT, OFFICER, OR OFFICIAL VIOLATED ANY SECTION OF THIS SUBTITLE; AND

(4) RESPOND TO ANY REQUEST FOR INFORMATION FOR MATTERS COVERED UNDER THIS SUBTITLE BY THE COUNTY COUNCIL OR THE COUNTY EXECUTIVE WITHIN A REASONABLE TIME NOT TO EXCEED 15 DAYS.

(B) POLICIES DEVELOPED BY DEPARTMENTS SHALL DELINEATE EMPLOYMENT CONSEQUENCES FOR FAILURE TO COMPLY WITH DEVELOPED POLICIES.

(C) IF THE DISCLOSURE OF ANY INFORMATION OR RECORD TO AN ELECTED OFFICIAL OR THE PUBLIC UNDER SUBSECTION (A) OF THIS SECTION IS FOUND TO BE A PERSONNEL RECORD OR IS OTHERWISE PROHIBITED FROM DISCLOSURE UNDER THE MARYLAND PUBLIC INFORMATION ACT, THE COUNTY ATTORNEY SHALL GIVE A CONFIDENTIAL BRIEFING TO THE ELECTED OFFICIAL, WHO SHALL BE REQUIRED TO MAINTAIN CONFIDENTIALITY UNDER THE PUBLIC INFORMATION ACT.

SECTION 2. AND BE IT FURTHER ENACTED, that, if any provision of this Act or the application of any provision of this Act to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 3. AND BE IT FURTHER ENACTED, that this Act, having been passed by the affirmative vote of five members of the County Council, shall take effect 14 days after its enactment.