

Office of the County Auditor
Analysis of Draft Legislation

Council Bill No. 63-2020

Introduced: November 2, 2020

Auditor: Edward Shulder

Fiscal Impact:

The fiscal impact of this legislation cannot be determined at this time. However, there is a risk that the County could lose Federal grant funds as a result of this legislation.

Certain Federal grant programs specifically require cooperation on Federal immigration status inquiries as a condition of receiving the grant. These grants include the State Criminal Alien Assistance Program (SCAAP) received by the Department of Corrections and the Edward Byrne Memorial Justice Assistance Grants (JAG) received by the Police Department.

For Fiscal Year 2021, the County budget included \$90,000 from SCAAP and \$136,000 from the Edward Byrne Memorial JAG.

Purpose:

This bill amends the Howard County Code, Title 12 – Health and Social Services, by adding Subtitle 21- Rights of Non-U.S. Citizens. The proposed legislation would prohibit discrimination based upon citizenship status. Subtitle 21 of Title 12 would:

- Provide for no County enforcement of Federal immigration laws or inquiries into citizenship status;
- Prohibit discrimination based upon citizenship status;
- Protect confidentiality of citizenship status; and
- Limit agents, officers, or employees of the County from assisting departments within the Federal government in any aspect of investigation or enforcement of immigration laws except under certain specified instances.

Other Comments:

The Departments of Corrections has indicated that loss of the SCAAP grant would have minimal impact. However, the Police Department advised that any loss of JAG funds could impact the specific services funded by the grant. The Edward Byrne Memorial JAG is used to fund heroin and opioid addiction treatment and investigations.

According to the Department of Community Resources and Services, the Health Department, and the Department of Recreation and Parks, adoption of this bill would have minimal or no impact on services provided or costs to the County. In addition, these departments do not consider citizenship, nationality, or immigration status when providing services.

Other Maryland jurisdictions that have adopted similar positions regarding cooperation with Federal immigration authorities have seen varied impacts on Federal funding. One stated that they no longer receive the Federal SCAAP or JAG funds. One other jurisdiction advised us that Federal grants had decreased but could not identify the cause. The remaining jurisdiction just recently adopted the related legislation and noted no impact to date.