

[Proposed Draft] BOARD OF COMMISSIONERS

COUNTY OF HUDSON

AN ORDINANCE ESTABLISHING THE “IMMIGRANT TRUST COUNTY ORDINANCE” TO PROTECT THE USE OF COUNTY FUNDS, FACILITIES, AND RESOURCES FROM FEDERAL CIVIL IMMIGRATION ENFORCEMENT PURPOSES

WHEREAS, under the authority vested in this Board of Commissioners by the provisions of N.J.S.A. 40:41A-41, N.J.S.A. 40:41A-101, and other applicable law, ordinances may be enacted as deemed necessary and proper for the good governance of the County of Hudson; and

WHEREAS, Hudson County is home to neighbors of diverse national origins and immigrant journeys who contribute to the County’s economic vitality and cultural richness; and

WHEREAS, the Board of County Commissioners recognizes that the State of New Jersey has adopted the Attorney General’s Immigrant Trust Directive (2018-6), which restricts local law enforcement cooperation with federal immigration authorities except where required by law; and

WHEREAS, the Board of County Commissioners further recognizes its duty to ensure that County funds, property, and personnel are used solely for County purposes and not for federal civil immigration enforcement; and

WHEREAS, while the Hudson County Sheriff is an independently elected constitutional officer, the Board of County Commissioners retains the authority to appropriate County funds and regulate County facilities; and

WHEREAS, the Board seeks to codify a County-wide policy promoting trust, safety, and equal access to County services for all residents regardless of immigration status;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Hudson as follows:

I. DEFINITIONS

a. **“Federal immigration authorities”** means U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), or any other federal agency primarily engaged in civil immigration enforcement.

b. **“County agency”** means any department, division, or office under the jurisdiction of the Hudson County government, including but not limited to the Department of Corrections, Department of Health and Human Services, and the Department of Roads and Public Property.

c. **“Immigration enforcement action”** means any investigation, arrest, detention, or surveillance conducted for the purpose of enforcing civil provisions of federal immigration law.

d. **“County funds”** means any monies appropriated or controlled by the County of Hudson, including capital or operating funds.

II. USE OF COUNTY RESOURCES

a. No County agency shall use County funds, equipment, personnel, or facilities to:

- i. Assist in the enforcement of federal civil immigration laws;
- ii. Provide non-public information or access to County databases to immigration authorities except as required by state or federal law; or
- iii. Enter or renew contracts for detention or housing of individuals solely for civil immigration purposes.

b. Non-public areas of County facilities shall not be made accessible to immigration authorities without presentation of a valid judicial warrant.

c. Protected Records

i. County agencies shall not disclose, share, or otherwise make accessible to any federal immigration authority any information contained in an individual’s confidential records, including but not limited to:

- Health records protected under the Health Insurance Portability and Accountability Act (HIPAA);
- Educational records protected under the Family Educational Rights and Privacy Act (FERPA);
- Social services, welfare, or benefits information protected under state or federal confidentiality laws; and
- Any personally identifiable information that could reveal an individual's immigration status, national origin, or place of birth.

ii. Disclosure of such records shall occur only when required by:

- A judicial warrant or court order that specifically authorizes the release of the requested records; or
- Other federal or state law that expressly requires disclosure.

iii. County employees receiving such a request from federal immigration authorities shall promptly refer the request to the County Counsel's Office for legal review and determination of compliance before any action is taken.

III. SCOPE OF APPLICATION TO THE SHERIFF'S OFFICE

- a. The Hudson County Sheriff, as an independently elected constitutional officer, retains discretion in law-enforcement matters as authorized by state law.
- b. Nothing in this Ordinance shall be interpreted to infringe upon the Sheriff's statutory duties or law-enforcement discretion.
- c. However, no County funds appropriated by the Board of County Commissioners shall be used by the Sheriff's Office for the purposes prohibited in Section II.
- d. The Sheriff's Office shall cooperate with the County Administrator in providing transparency reports as set forth in Section IV.

IV. TRANSPARENCY AND REPORTING

a. The County Administrator, in coordination with the Sheriff's Office and Department of Corrections, shall prepare a monthly public report listing:

i. Requests for detainers, notifications, or information received from federal immigration authorities;

ii. Whether such requests were granted or denied; and

iii. Any agreements or memoranda of understanding with immigration authorities involving County facilities or County/Sheriff's personnel.

b. The monthly report shall be filed with the Clerk of the Board of Commissioners and posted on the County's website.

V. TRAINING AND IMPLEMENTATION

a. The Department of Human Resources shall provide annual training to County employees on this Ordinance and the State Immigrant Trust Directive.

b. The County shall collaborate with community organizations to inform residents about their rights and the County's commitment to immigrant inclusion.

VI. SEVERABILITY

If any section or portion of this Ordinance is held invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

VII. EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and publication according to law.
