

112-O-17

AN ORDINANCE

Amending Chapter 22, Title 1 of the Evanston City Code,
"Welcoming City Ordinance"

**NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
EVANSTON, COOK COUNTY, ILLINOIS THAT:**

SECTION 1: City Code Section 1-22-10(A) of the Evanston City Code of 2012, as amended, is hereby amended and revised to read as follows:

- (A) Except for such reasonable time as is necessary to conduct the investigation specified in Subsection (D) of this Section, no agency or agent shall:
1. Stop, arrest, search, detain or continue to detain a person solely on the belief that the person is not present legally in the United States, or that the person has committed a civil immigration violation;
 2. Arrest, detain, or continue to detain a person based on an administrative warrant entered into the Federal Bureau of Investigation's National Crime Information Center database, or successor or similar database maintained by the United States, when the administrative warrant is based solely on a violation of a civil immigration law; or
 3. Detain, or continue to detain, a person based upon an immigration detainer, when such immigration detainer is based solely on a violation of a civil immigration law.

SECTION 2: City Code Section 1-22-10(D) of the Evanston City Code of 2012, as amended, is hereby amended and revised to read as follows:

- (D) This Section shall not apply when an investigation conducted by the agency or agent indicates that the subject of the investigation has a valid, enforceable federal warrant signed by a judge. Nothing in this Section prohibits communication between federal agencies or officials and law enforcement or officials.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 5: The findings and recitals herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 6: Ordinance 112-O-17 shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: _____, 2017

Approved:

Adopted: _____, 2017

_____, 2017

Stephen H. Hagerty, Mayor

Attest:

Approved as to form:

Devon Reid, City Clerk

W. Grant Farrar, Corporation Counsel