



Office of the Los Angeles City Attorney  
Hydee Feldstein Soto

REPORT NO. R 2 4 - 0 5 9 9

REPORT RE:

NOV 2 6 2024

**REVISED DRAFT ORDINANCE ADDING CHAPTER 19 TO DIVISION 19 OF  
THE LOS ANGELES ADMINISTRATIVE CODE TO PROHIBIT THE USE OF CITY  
RESOURCES, INCLUDING PROPERTY AND PERSONNEL, FROM BEING  
UTILIZED FOR IMMIGRATION ENFORCEMENT**

The Honorable City Council  
of the City of Los Angeles  
Room 395, City Hall  
200 North Spring Street  
Los Angeles, California 90012

Council File No. 23-0243

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration a revised draft ordinance, approved as to form and legality. The revised draft ordinance adds Chapter 19 to Division 19 of the Los Angeles Administrative Code to prohibit the use of City resources, including property and personnel, from being utilized for immigration enforcement or to cooperate with federal immigration agents engaged in immigration enforcement.

As requested by the City Council, the revisions:

- (1) Add an urgency clause;
- (2) Add a definition of "Immigration Enforcement" that includes both civil and criminal enforcement of federal immigration law;
- (3) Apply the definition of "Immigration Enforcement" to the prohibitions on the use of City resources enumerated in Section 19.191;

(4) Add “hold” and “transfer” to the list of actions specified in Section 19.191(b), such that the full list reads “investigate, cite, arrest, hold, transfer, or detain” any person;

(5) Add an exception to the prohibition on investigating, citing, arresting, holding, transferring, or detaining any person in Section 19.191(b) to allow for such action when “authorized under California Government Code Section 7284.6(b)(1).” However, even under that authorized exception, prior to conducting any probable cause arrest or transfer for a violation of 8 U.S.C. Section 1326(a) that may be subject to the enhancement specified in 8 U.S.C. Section 1326(b)(2), the revised ordinance requires City personnel to obtain approval from their respective department’s designated immigrant affairs liaison;

(6) Remove the clause “absent informed, written consent from the person in custody” from Section 19.191(e);

(7) Add a requirement for all City employees to treat information that can be used to distinguish or trace a person’s citizenship or immigration status as confidential information, to the extent permitted by law, and to handle, maintain, and secure such information according to the standards for confidential information set forth in City policy; and

(8) Clarify that nothing in the ordinance prohibits or otherwise restricts the City from complying with a valid warrant issued by a federal or state judge, or other order evidencing a judicial determination of probable cause.

In updating the language of the draft ordinance to conform to the requested amendments, some additional changes were also made to the draft language. Those changes include:

(1) Removing “Federal” from “Federal Immigration Agent” to mirror the style format of the new definition of “Immigration Enforcement” as described in item (2) above;

(2) Removing the remnant clause “except as specified in Subsection (e)” from Section 19.191(d), as it is no longer necessary due to the revisions described in item (6) above; and

(3) Clarifying, in furtherance of item (7) above (*i.e.*, the requirement for all City employees to treat information that can be used to distinguish or trace a person’s citizenship or immigration status, as defined, as confidential information), that the ordinance prohibits City personnel from providing such information to any City contractor unless the contractor also agrees in writing to prohibit the contractor’s

employees and subcontractors from providing that data or information to any immigration agent, to the extent permitted by law.

Council Rule 38 Referral

A copy of the revised ordinance was sent, pursuant to Council Rule 38, to all City departments with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact the undersigned at (213) 978-8100. A member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

HYDEE FELDSTEIN SOTO, City Attorney

By



MICHAEL J. DUNDAS  
Senior Assistant City Attorney

MJD:pj  
Transmittal