

ESTABLISHING PUBLIC SAFETY POLICY FOR CITY OF HOUSTON LAW ENFORCEMENT OFFICERS IN IDENTIFYING AND REPORTING OF THOSE UNLAWFULLY PRESENT DURING PROBABLE CAUSE ENCOUNTERS

To the Mayor and City Council of the City of Houston ("City"): We, the undersigned registered voters of the City of Houston, Texas, under Section 9.004 of the Texas Local Government Code, hereby petition for an election to amend the Charter of the City of Houston to add the following as a separate section to Article IX of the City Charter to read as follows:

(a) For the purposes of this ordinance, the following words shall have the following meanings:

(1) **ALIEN.** Any person who is not a citizen or national of the United States, as described in 8 U.S.C. § 1101, *et seq.*, and any amendments thereto.

(2) **LAWFUL PRESENCE or LAWFULLY PRESENT.** A person shall be regarded as an alien unlawfully present in the United States only if the person's unlawful immigration status has been verified by the federal government pursuant to 8 U.S.C. § 1373(c).

(b) Upon any lawful stop, detention, or arrest made by a City of Houston law enforcement officer ("law enforcement officer") in the enforcement of any state law or City of Houston ordinance, where reasonable suspicion exists that the person is an alien who is unlawfully present in the United States, a reasonable attempt shall be made, when practicable, to determine the citizenship and immigration status of the person, except if the determination may hinder or obstruct an investigation. Such determination shall be made by contacting the federal government pursuant to 8 U.S.C. § 1373(c) and relying upon any verification provided by the federal government.

(c) Any alien who is arrested and booked into custody shall have his or her immigration status determined pursuant to 8 U.S.C. § 1373(c). The alien's immigration status shall be verified by contacting the federal government pursuant to 8 U.S.C. § 1373(c) within 24 hours of the time of the alien's arrest. If for any reason federal verification pursuant to 8 U.S.C. § 1373(c) is delayed beyond the time that the alien would otherwise be released from custody, the alien shall be released from custody.

(d) A law enforcement officer shall not attempt to independently make a final determination of whether an alien is lawfully present in the United States. A law enforcement officer may not consider race, color, or national origin in implementing the requirements of this ordinance except to the extent permitted by the United States Constitution or the Texas Constitution.

(e) A person is presumed to not be an alien who is unlawfully present in the United States if the person provides to the law enforcement officer any of the following:

(1) A valid, unexpired driver's license issued by the Texas Department of Public Safety.

(2) A valid, unexpired personal identification card issued by the Texas Department of Public Safety.

(3) A valid tribal enrollment card or other form of tribal identification bearing a photograph or other biometric identifier.

(4) Any valid United States federal or state government issued identification document bearing a photograph or other biometric identifier, if issued by an entity that requires proof of lawful presence in the United States before issuance.

(5) A foreign passport with an unexpired United States Visa and a corresponding stamp or notation by the United States Department of Homeland Security indicating the bearer's admission to the United States.

(6) A foreign passport issued by a visa waiver country with the corresponding entry stamp and unexpired duration of stay annotation or an I-94W form by the United States Department of Homeland Security indicating the bearer's admission to the United States.

(f) If an alien is determined by the federal government to be an alien who is unlawfully present in the United States pursuant to 8 U.S.C. § 1373(c), the City of Houston police department shall cooperate in the transfer of the alien to the custody of the federal government, if the federal government so requests.

INSTRUCTIONS: Do not sign unless you are a registered voter in the City of Houston. Voters please try to fill in the boxes as much as possible. Do not use pencil. If you don't have your voter card with you, please sign anyway. Please do not hold petition until all the blanks are filled. Please mail in only the original. Do not sign on back (NOT LEGAL)

Mail to: STOP THE MAGNET, 448 W. 19th # 234, Houston, Texas 77008. Visit our site @ www.stophemagnet.com

Date	Print Name	Signature	Address	Zip Code	County	Cert. #
/ / 2012				77	Harris	
/ / 2012				77	Harris	
/ / 2012				77	Harris	
/ / 2012				77	Harris	