



Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #: BL2022-1115 **Name:**

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File created: 2/8/2022 **In control:** Metropolitan Council

On agenda: 8/16/2022 **Final action:** 8/16/2022

Title: An ordinance amending Section 13.08.080 of the Metropolitan Code of Laws pertaining to the use of License Plate Scanner (LPR) technology to exclude assisting with immigration enforcement as an allowed use of LPRs.

Sponsors: Bob Mendes, Dave Rosenberg, Burkley Allen, Ginny Welsch, Zulfat Suara, Tom Cash, Sean Parker, Emily Benedict, Delishia Porterfield

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
8/17/2022	1	Mayor	approved	
8/16/2022	1	Metropolitan Council	passed on third reading	Pass
8/2/2022	1	Metropolitan Council	passed on second reading as amended	
8/2/2022	1	Metropolitan Council	amended	
8/2/2022	1	Public Health and Safety Committee	approved	
8/2/2022	1	Transportation and Infrastructure Committee	approved	
7/19/2022	1	Metropolitan Council	deferred	
4/5/2022	1	Metropolitan Council	deferred	
3/1/2022	1	Metropolitan Council	deferred	
2/15/2022	1	Metropolitan Council	passed on first reading	
2/8/2022	1	Metropolitan Council	filed	

An ordinance amending Section 13.08.080 of the Metropolitan Code of Laws pertaining to the use of License Plate Scanner (LPR) technology to exclude assisting with immigration enforcement as an allowed use of LPRs.

WHEREAS, the current LPR law is silent about whether Metro’s LPRs can be used to assist with federal immigration enforcement; and

WHEREAS, Chief of Police John C. Drake and Director Diana Alarcon of the Nashville Department of Transportation wrote a letter to Vice Mayor Jim Shulman dated January 31, 2022, stating in part that “LPR information will NOT be shared with ICE for any type of immigration enforcement”; and

WHEREAS, this commitment by Chief Drake and Director Alarcon to not use Metro’s LPRs for immigration enforcement is important to the public welfare of the city of Nashville and should be incorporated into Metro’s LPR law.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. Part G(1)(a)(ii) of Section 13.08.080 is hereby amended by adding a new subpart (6) as follows:

(6) to assist any federal official in the identification, apprehension, detention, or removal of any person in connection with the immigration laws of the United States.

Section 2. Part G(13) of Section 13.08.080 is hereby amended by adding to the end of the part as follows:

Notwithstanding anything to the contrary in this Section, the Metropolitan Government shall not in any way use, upload, or refer to a hot list that is related to federal immigration enforcement including without limitation any hot list provided or generated by the U.S. Immigration and Customs Enforcement or any hot list that includes data provided or generated by the U.S. Immigration and Customs Enforcement.

Section 3. This ordinance shall take effect from and after its enactment, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This ordinance, as amended, amends Section 13.08.080 of the Metropolitan Code of Laws by adding a new provision to subsection 13.08.080G(1)(a)(ii) to prohibit any department from using an LPR system or LPR information to assist any federal official in the identification, apprehension, detention, or removal of any person in connection with the immigration laws of the United States. The ordinance also adds a provision prohibiting the Metropolitan Government from utilizing, in conjunction with LPR, a “hot list” that is related to federal immigration enforcement, including lists created by, provided by, or containing information from ICE.

This ordinance could be interpreted by the State as a sanctuary policy a violation Title 7, Chapter 68, Part 101, et seq., of the Tennessee Code Annotated (the “Act”). The Act prohibits a local governmental entity from adopting a “sanctuary policy” defined as one that, among other things, “*limits or prohibits any local governmental entity or official from communicating or cooperating with federal agencies or officials to verify or report the immigration status of any alien.*” If the State were to determine that the ordinance is a sanctuary policy because it prohibits a department from using the LPR system/information to assist federal officials with immigration compliance the Metropolitan Government will be ineligible to enter any grant contract with the state department of economic and community development until the policy is repealed. Further, state law authorizes residents to bring a complaint in Chancery Court alleging that the ordinance violates the Act. If a court were to determine that the Metropolitan Council has adopted a sanctuary policy, it can order that the Metropolitan Government comply with the Act, enjoin the Metropolitan Government from further interference with the Act, and take other necessary action to ensure compliance.

An amendment added at the August 2 Council meeting allows cooperating with federal officials to use the LPR system or information to *verify or report the immigration status* of a person. This mitigates the potential for the State to determine that the Metropolitan Government has adopted a sanctuary policy.