

Proposed Amendments to Bill No. 260062

Matter to be added by amendment in **Bold**  
Matter to be deleted by amendment in ~~Strikethrough~~

AN ORDINANCE

Amending Title 10 of The Philadelphia Code, entitled “Regulation of Individual Conduct and Activity,” to restrict the use of community spaces for government purposes not expressly authorized by the City or the courts and provide for civil enforcement of violations, all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Title 10 of The Philadelphia Code is hereby amended to read as follows:

TITLE 10. REGULATION OF INDIVIDUAL CONDUCT AND ACTIVITY

\* \* \*

CHAPTER 10-800. SAFETY.

\* \* \*

*§ 10-848. Protecting Community Spaces.*

*(1) Definitions. The following definitions shall apply to this Section:*

*(a) Law Enforcement Officer. Any "peace officer" as defined in 18 Pa.C.S. § 501 (relating to definitions).*

*(b) Hospital. Any institution accredited by the appropriate state authority to provide medical care, pursuant to 31 Pa. Code § 88.131.*

*(c) Information. Any personal identifying information, including custody status, release date, photos, Social Security number, Individual Tax Identification Number, contact information, place of birth, country of origin, place of employment, school or educational institution records, income, status as a recipient of public benefits, public utilities accounts, medical information or disability information.*

*(d) ~~Municipal Authority. An authority established by the City of Philadelphia pursuant to Pennsylvania Municipality Authorities Act, 53 Pa. C.S. § 5601 et seq.~~*

*(e) ~~Judicial warrant. A warrant based on probable cause and issued by a judge appointed pursuant to Article III of the United States Constitution or a federal magistrate~~*

*judge appointed pursuant to Section 631 of Title 28 of the United States Code.*

*(fe) Administrative warrant. An order to arrest a person for an immigration violation, including an I-200 “Warrant for Arrest of Alien,” an I-205 “Warrant of Removal/Deportation,” and any similar forms. A document issued by an immigration enforcement official, including those from the United States Department of Homeland Security (DHS), United States Immigration and Customs Enforcement (ICE), or an administrative immigration judge (IJ), relating to suspected violations of immigration law, including an I-200 “Warrant for Arrest of Alien”, I-205 “Warrant of Removal/Deportation”, and any successor or similar forms. The term shall include civil administrative warrants, administrative subpoenas, detainer requests, removal orders, entries in databases maintained by National Crime Information Center or other entities, and any similar civil order for the arrest or detention of an individual or for information but shall not include a judicial warrant or court order*

*(f) City Designee. The highest-ranking manager or official designated by the City department or agency ~~or Municipal Authority~~ responsible for a Safe Community Place to serve as the authorized representative for purposes of interacting with law enforcement officers seeking entry to nonpublic areas of such facility, and at least one alternate manager or official to serve in their absence.*

*(g) Judicial warrant. A warrant based on probable cause and issued by a judge appointed pursuant to Article III of the United States Constitution or a federal magistrate judge appointed pursuant to Section 631 of Title 28 of the United States Code.*

*(2) “Safe Community Place” means any property or facility owned, controlled, or operated by the City ~~or a Municipal Authority~~, other than City airport facilities subject to contrary federal law or municipal regulations, including but not limited to such property that is a:*

*(a) ~~Hospital or other facility~~ Facility providing healthcare services;*

*(b) School operated by the School District of Philadelphia, charter school, or City-funded or licensed pre-school;*

*(c) Public Library;*

*(d) Designated disaster and emergency response site;*

*(e) Courthouse;*

*(f) Homeless shelter, rape crisis center, domestic violence shelter, family justice center, or human trafficking service provider;*

*(g) Legal service provider;*

*(h) Park or recreation center;*

*(i) Community resource center;*

*(j) Property within the jurisdiction of the City operated by the City Controller, Sheriff, City Commissioners, or Register of Wills to the extent permitted by state or federal law; or*

*(k) Any other location properly designated by the City Solicitor or District Attorney of Philadelphia.*

*(3) No employee or agent engaged in official duties at a Safe Community Place shall have the authority to consent to permitting a law enforcement officer to enter a nonpublic area of the facility. **The designated City Designee for a Safe Community Place shall be the sole authorized individual responsible for communicating with a law enforcement officer regarding any request for entry into a nonpublic area of the facility and for informing such officer of the policies of this Section.** ~~for the purpose, or in furtherance, of an operation executed in whole or part by federal authorities or out of state authorities that seeks:~~*

~~*(a) To identify or impose civil or criminal liability upon a person or entity based on their participation in activities protected by the First Amendment of the U.S. Constitution or Article 1 Section 7 of the Pennsylvania Constitution including assembly, petitioning, and speech;*~~

~~*(b) To identify, arrest or otherwise impose a penalty upon a person for purposes of federal immigration enforcement, including an immigration enforcement operation.*~~

*(4) Agencies and Departments, as designated by the Mayor, are authorized to identify property that has been, and is likely to be used by, immigration enforcement. Each identified City-owned or controlled property shall have clear signage to this effect stating the following: "In nonpublic areas of this property, a judicial warrant is required for law enforcement activities and no voluntary consent may be solicited from any employee."*

*(5) This ~~s~~Section does not prevent compliance with a valid judicial warrant authorizing entry or entry under exigent circumstances. **In the event a law enforcement officer seeks entry into a nonpublic area of a Safe Community Place for any purpose described in subsection (3), such law enforcement officer shall be directed to the City Designee who shall be required to be present for any such interaction and shall determine whether a valid judicial warrant or exigent circumstances authorize entry.***

*(6) Agencies and Departments shall identify the public and nonpublic areas of Safe Community Places and inform the employees of those spaces.*

*(7) All City employees are required to participate in annual trainings about the contents of this Section, including: the roles of City Designees; public and nonpublic spaces; administrative and judicial warrants; and protocols in interacting with law enforcement officers.*

*(68) Exclusive right of enforcement. The City Solicitor shall possess the exclusive right to Private right of action. The City Solicitor or any individual aggrieved by a violation of this Section or any entity a member of which is aggrieved by a violation of this Section may bring a civil action in a court of competent jurisdiction against a county, city, department or agency that employs a person violating this ~~Chapter~~ Section and no individual City employee or agent acting within the scope of their employment, and without authority as a City Designee shall be subject to liability under this subsection. The limitations period for a civil action brought pursuant to this Section shall be three (3) years from the date the complainant knew or should have known of the alleged violation.*

*(79) Remedies.÷ A court of competent jurisdiction may order the following remedies:*

*(a) An order requiring the county, city, department or agency to cease and desist the unlawful practice;*

*(b) Payment of a fine not to exceed two thousand dollars (\$2,000) for each violation; ~~and~~*

*(c) Payment of compensatory or punitive damages, provided that an aggrieved person shall make a reasonable effort to mitigate any damages;*

*(d) Payment of reasonable attorneys' fees;*

*(e) Payment of court costs;*

*(f) Revocation of a contract with a City contractor or subcontractor, or the barment of future contracts for a period of time not to exceed five years; and*

*(eg) Other equitable relief, ~~including, but not limited to, the dismissal or removal from office of the offending individual.~~*

*(810) Severability. If any provision of this ~~SectionChapter~~ or application thereof to any person or circumstance is judged invalid, the invalidity shall not affect other provisions or applications of the ~~SectionChapter~~ which can be given effect without the invalid provision or application, and to this end the provisions of this ~~SectionChapter~~ are declared severable.*

SECTION 2. This Ordinance shall take effect 60 days after its adoption.

