TOWN OF AMHERST, MASSACHUSETTS

WARRANT ARTICLE PETITION FORM*

Filed _____________ 200____ , _______ o’clock A .m.

The undersigned registered voters of the Town of Amherst submit the following article and request that it be placed on the Warrant for the Special/Annual Town Meeting of ____________ 20________ .

(Article wording must appear in its entirety, on every petition form submitted to Select Board)

Town of Amherst Sanctuary Community Bylaw

Purpose
This bylaw shall be known as the Town of Amherst Sanctuary Community Bylaw. It is enacted pursuant to the police powers of the Town of Amherst. It affirms that Amherst is a welcoming town and seeks to ensure public safety and trust between law enforcement and all members of our community.

Section 1.
Definitions
(a) “Civil immigration detainer request” means a non-mandatory request issued by an authorized federal immigration officer to a local law enforcement official, to maintain custody of an individual once that person is eligible for release from local custody, or to notify the requesting federal immigration office prior to the release of that individual.
(b) “Eligible for release from custody” means that the individual may be released from custody because any of the following conditions has occurred:
1. All criminal charges against the individual have been dropped or dismissed;
2. The individual has been acquitted of all criminal charges filed against him or her;
3. The individual has served all the time required for his or her sentence;
4. The individual has posted a bail or bond, or has been released on his or her own recognizance;
5. The individual has been referred to pre-trial diversion services;
6. The individual has been sentenced to an alternative to incarceration, including a rehabilitation facility;
7. The individual has been released from custody under probation, or
8. The individual is otherwise eligible for release under state or local law.
(c) “ICE administrative warrant” means a warrant, notice to appear, removal order, or warrant of deportation issued by a federal immigration officer, not a judicial officer, that does not confer detention authority on a local jurisdiction.
(d) “Law enforcement official” means any Town of Amherst department, or officer or employee of a Town department, authorized to enforce criminal statutes, regulations, or local bylaws; operate jails or maintain custody of individuals in jails; or operate juvenile detention facilities or maintain custody of individuals in juvenile detention facilities.
(e) The provisions of this bylaw define the meaning of “sanctuary community” for the Town of Amherst.

Section 2.
(a) A law enforcement official shall not initiate an investigation or take law enforcement action on the basis of actual or perceived immigration status, including the initiation of a stop, an apprehension, arrest, or any other contact.

[This is page 1. This Warrant Article Petition continues on the attached pages #2 and #3.]

*To be filed with the SELECT BOARD before NOON on _____________ 20_______ .

| 1. | Cueva Mazar | 15 Amity Place | 15 Amity Place |
| 2. | Hind Mardi | 20 Columbia Dr. | 20 Columbia Dr. |
| 3. | Patricia D. Angel | 21 Ward St. | 21 Ward St. |

Place additional signatures on back of this page

**Any voter who is prevented by physical disability from writing may authorize some person to write his name and residence in his presence. (M.G.L. Chapter 53, §7)
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<th>SIGNATURE to be made in person with name substantially as registered**</th>
<th>NOW REGISTERED AT street, number and apt. or room number MUST APPEAR</th>
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THE COMMONWEALTH OF MASSACHUSETTS

Amherst 20

We certify that of the above signatures checked are names of qualified voters in the Town of Amherst.

Filed by Caroline Murray
Organization Amherst Sanctuary
Residence 15 Amity Place
Phone 413 319 1168
E-Mail Address caroline.murray@amherst.org

Amherst Registrars of Voters
(b) A law enforcement official shall not detain an individual on the basis of a civil immigration detainer request or an ICE administrative warrant after the individual is eligible for release from custody, including a request pursuant to federal form I-247D, unless ICE has a criminal warrant, issued by a judicial officer, for the individual.

(c) A law enforcement official shall not inquire as to an individual’s immigration status unless required by federal or state law.

(d) A law enforcement official shall not respond to an ICE request for notification about the incarceration status or pending release of a person in custody, including a request pursuant to federal form I-247N, and shall not otherwise communicate with ICE about a person who is in its custody, including providing information about the person’s release from custody, home address, work address, or phone number; provided, however, that nothing in this section shall prohibit or restrain any state or local agency from sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. section 1373.

(e) A law enforcement officer shall allow motor vehicle operators stopped for a violation and found to be unlicensed a reasonable opportunity to arrange for a properly licensed operator to drive the vehicle, regardless of immigration status, unless the violation is one subject to a statutory or regulatory requirement of vehicle impoundment.

(f) U Visa Certification. In furtherance of the US Victims of Trafficking and Violence Prevention Act, a Town of Amherst law enforcement officer shall consider and sign a U Visa certification request, if an individual is (i.) the victim of a qualifying criminal activity, and (ii.) has been, is being, or will likely be helpful in the investigation/prosecution of that criminal activity. For purposes of determining helpfulness there is a rebuttable presumption that a victim is helpful, has been helpful, or is likely to be helpful to the detection or investigation or prosecution of that qualifying criminal activity, if the victim has not refused or failed to provide information and assistance reasonably requested by law enforcement. Such certification will be provided in a timely manner.

Section 3.
To the extent permissible by law, a Town of Amherst department, or officer or employee of a Town department, shall not perform the functions of an immigration officer, whether pursuant to 8 U.S.C. section 1357(g) or any other law, regulation, or policy, whether formal or informal.

Section 4.
No employee or agent of the Town shall cooperate with or enforce any federal program requiring the registration of individuals on the basis of religion, national origin, nationality, citizenship, race, ethnicity, gender, gender identity, sexual orientation or age. No resources of the Town of Amherst shall be expended in the enforcement or implementation of such a registry or check-in program. This prohibition shall not apply to any government operation or program that confers an immigration benefit, or temporarily or permanently protects noncitizens from removal.

[This Warrant Article Petition continues on page #3.]
Section 5.
Reporting
Upon written request of three registered voters of the Town of Amherst, the Town Manager shall submit a report to the Amherst Select Board, which shall be placed on the agenda of the next-occurring meeting of the Amherst Select Board. The report shall include the following information for the immediately preceding calendar year:

(a) A statistical breakdown of the total number of civil immigration detainer requests lodged with Town law enforcement officials, organized by the reason(s) given for the request;
(b) The total number of individuals that Town law enforcement officials detained pursuant to Section 2;
(c) The total number of individuals transferred to ICE custody.
(d) The total number of requests received for certification for U Visas, the number approved, the number denied, and the number still pending.

Section 6.
The provisions of this bylaw shall be effective immediately upon passage.

All policies, practices, procedures, directives, and training necessary to effectively and faithfully implement this bylaw shall be promptly developed and promulgated by the Town, the Police Department, and all other relevant entities.

If any section, subsection, paragraph, sentence, clause, or phrase of this bylaw is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this bylaw.

Nothing in this bylaw shall prohibit or restrain any law enforcement officer, or any Town employee or agent from sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status, consistent with 8 U.S.C. section 1373.