

City of Houston, Texas, Ordinance No. 2026-_____

AN ORDINANCE AMENDING SECTION 34-41 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO LAW ENFORCEMENT FIELD ENCOUNTERS AND INTERACTIONS WITH FEDERAL IMMIGRATION AUTHORITIES; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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WHEREAS, section 34-41 of the City of Houston Code of Ordinances articulates standards under state law and the 4th Amendment of the U.S. Constitution for interaction with federal immigration authorities and promulgates reporting requirements regarding use of City resources for immigration enforcement; and

WHEREAS, it is recommended City Council approve an ordinance amending section 34-41 in the City of Houston Code of Ordinances to further articulate departmental rules for police department field encounters and reporting requirements; and

WHEREAS, proposed amendments are targeted at further refining existing language and ensuring continued compliance by Houston Police Department officers with all local, state and federal laws, including the 4th Amendment of the U.S. Constitution; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. That Item (6) of Subsection (a) of Section 34-41 of the Code of Ordinances, Houston, Texas, is hereby amended as follows:

“ICE administrative warrant. An administrative warrant (form I-200/I-205) issued by ICE personnel commanding the arrest of an individual either to conduct removal proceedings or for removal.”

Section 3. That Subsection (b) of Section 34-41 of the Code of Ordinances, Houston, Texas, is hereby amended as follows:

“Pursuant to section 752.053 of the Texas Government Code, nothing in this section shall be construed to prohibit or materially limit cooperation with federal immigration authorities as required by state law or by agreement.”

Section 4. That Subsection (c) of Section 34-41 of the Code of Ordinances, Houston, Texas, is hereby amended as follows:

“During a field encounter, in accordance with the Fourth Amendment of the U.S. Constitution, officers may temporarily detain an individual as long as reasonably necessary to complete the legitimate purpose of the initial stop or investigation and for other legitimate purposes discovered during the detention. HPD will ensure the policy complies with this reasonable standard.”

Section 5. That Subsection (d) of Section 34-41 of the Code of Ordinances, Houston, Texas, is hereby amended as follows:

“Each council member shall receive a public quarterly memorandum from HPD concerning the use of City resources for immigration enforcement, excluding information that would jeopardize any ongoing criminal investigation or prosecution. The report shall include anonymized records of:

- (1) Each instance where officers inquired into immigration status, including: the offense or ordinance section if any; the reason for the inquiry; the person’s race and ethnicity; the number of officers involved; the officer employee numbers of the inquiring officers; and the general location, such as the ZIP code of the incident.
- (2) Each instance where officers contacted federal immigration authorities, including ICE, or responded to requests during a field encounter from such federal immigration authorities, including: the reason for the stop, detention, or arrest; the offense or ordinance section if any; whether an administrative warrant, detainer, or criminal warrant was involved; the start and end times of detention; the officer employee numbers of the inquiring officers; the number of individuals taken into federal immigration custody for alleged civil immigration violations if known; the person’s race and ethnicity; the number of officers involved; and the general location, such as the ZIP code of the incident.
- (3) Notwithstanding any reporting requirement in this section, no information that is confidential by law may be publicly released in any report.”

Section 6. That the City Attorney is hereby authorized to direct the publisher of the Code of Ordinances, Houston, Texas, (the “Code”) to make such nonsubstantive

changes to the Code as are necessary to conform to the provisions adopted in this Ordinance, and also to make such changes to the provisions adopted in this Ordinance to conform them to the provisions and conventions of the published Code.

Section 7. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 8. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon the date of its passage and approval by the Mayor.

PASSED AND APPROVED this ___ day of _____, 2026.

Mayor of the City of Houston

PREPARED BY:

Senior Assistant City Attorney
DRF/kro 4/21/2026
Requested by Arturo Michel, City Attorney
L.D. File No. LD-GC-0000000660