



# City of Denton

City Hall  
215 E. McKinney Street  
Denton, Texas  
[www.cityofdenton.com](http://www.cityofdenton.com)

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## AGENDA INFORMATION SHEET

**DEPARTMENT:** City Manager's Office

**CM/ DCM/ ACM:** Sara Hensley, City Manager

**DATE:** June 28, 2022

### **SUBJECT**

Consider approval of a resolution of the City of Denton affirming the rights of individuals to make private reproductive decisions and deprioritizing use of City resources for investigation or enforcement of laws related to reproductive healthcare; and declaring an effective date.

### **BACKGROUND**

On June 7, 2022, Council Member Maguire delivered a "2-minute pitch" policy request relating to a Council vote on a resolution that directs the Denton Police Department to make investigations and criminal enforcement related to reproductive healthcare its lowest priority and recommends against using City funds for such purposes.

In addition to draft language for a resolution, Council member Maguire included the following information prior to making her verbal pitch:

"In June of last year, Governor Abbott signed into law HB 1280, the so-called "trigger" law, which will make abortion care a felony in the State of Texas starting 30 days after Roe v. Wade is overturned. U.S. Supreme Court analysts agree that Roe will likely be overturned in the coming months. When that happens, decisions regarding if, when, and how to carry a pregnancy to term will become subject to scrutiny by law enforcement in the State of Texas. The residents of our community don't want the government interfering in their private medical decisions, and they don't want their tax dollars being spent to investigate their or their neighbors' private medical decisions. As such, I am proposing that the attached resolution, drafted by local reproductive justice advocates, come before Council for a vote at the next Council meeting after Roe v. Wade is overturned, whenever that may occur. This resolution directs Denton PD to make investigation and criminal enforcement related to reproductive healthcare its lowest priority, and it recommends against the use of City funds and other other resources to investigate, catalog, or report suspected abortions. It's not within the authority of this Council to allow or disallow our residents from seeking - or assisting others in seeking - reproductive healthcare. In the event that the U.S. Supreme Court overturns Roe v. Wade, abortion care will become illegal for Denton residents, and we can't direct our LEOs not to enforce the law. However, we have discretion in how we prioritize the use of local funds and local staff time, and investigating how our residents choose to plan their families is not a responsible use of those limited resources."

Staff provided the following information prior to Council Member Maguire's pitch:

“While peace officers cannot fail to report or investigate felonious offenses, the Denton Police Department would not typically be the investigative entity for violations of healthcare-related offenses. For clarity, the pregnant person is not subject to punishment or liability under the so-called “trigger” law. Additional analysis would be required to determine any legal implications of the proposed resolution.”

During the June 7 discussion, staff received direction to bring forward a resolution using the draft language provided by Council Member Maguire.

On June 24, 2022, the United States Supreme Court overturned *Roe v. Wade* and *Casey v. Planned Parenthood*, ruling that there is no Constitutional right to an abortion. The Court held that it is within the purview of the States to determine whether abortion is legal within their borders, and if so, what if any limitations there will be. In light of the Court’s decision, HB 1280 takes effect 30 days from June 24, 2022. Even if this Resolution is passed by Council, Denton Police officers are not absolved from their duty under the Texas Code of Criminal Procedure to enforce the law, and that includes any and all applicable Texas abortion-related statutes that have a criminal penalty.

**OPTIONS**

1. Do not approve the resolution
2. Approve as presented taking into consideration the potential limitations and providing a date for the City Manager to implement and report
3. Modify resolution to be a resolution of support for reproductive rights and omit any funding or prioritization language

**RECOMMENDATION**

n/a

**ESTIMATED SCHEDULE OF PROJECT**

n/a

**PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

June 7, 2022 – Council “two-minute pitch”

**FISCAL INFORMATION**

n/a

**BID INFORMATION**

n/a

**EXHIBITS**

Exhibit 1 – Agenda Information Sheet

Exhibit 2 – Presentation

Exhibit 3 – Resolution

Respectfully submitted:  
Ryan Adams  
Chief of Staff