

RESOLUTION NO. 22-1275

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.

WHEREAS, the City of Denton honors the right of pregnant persons to bodily autonomy and control over their private medical decisions; and

WHEREAS, access to safe and legal abortion is a major factor in the long-term health, safety, and quality of life of pregnant people; and

WHEREAS, the Supreme Court of the United States has overturned the landmark ruling, Roe v. Wade, which previously prevented individual states from directly banning such care; and

WHEREAS, on June 16, 2021, Texas Governor Greg Abbott signed into law HB 1280, an indiscriminate criminalization of abortion at the level of a first-degree felony, carrying a sentence of up to 99 years in prison, with no exceptions for rape and incest, which Act will take effect statewide 30 days after Roe v. Wade is overturned; and

WHEREAS, people have a basic human right to medical treatment, up to and including abortion; and

WHEREAS, eliminating legal access to abortion has been empirically proven to dramatically increase the risk of death, bodily injury, and infertility, while doing little to reduce the incidence of abortion; and

WHEREAS, the resources of the City must always be dedicated to the health and wellbeing of its residents; and

WHEREAS, in the 1973 Roe v. Wade majority opinion, Supreme Court Justice Harry Blackmun stated, “[The] right of privacy, whether it be founded in the Fourteenth Amendment’s concept of personal liberty and restrictions upon state action, as we feel it is, or, as the District Court determined, in the Ninth Amendment’s reservation of rights to the people, is broad enough to encompass a woman’s decision whether or not to terminate her pregnancy:” and

WHEREAS, the right to privacy should protect doctors, patients, and all others involved in care from any criminal investigation, as long as those decisions occur without coercion, force, or negligence; and

WHEREAS, equitable access to abortion care requires financial and logistical support, most often provided by abortion funds and practical support organizations who have been targeted for providing these services; and

WHEREAS, the City has a responsibility to protect its residents from any violation of their human rights and any prosecution for the free exercise thereof; NOW THEREFORE;

THE COUNCIL OF THE CITY OF DENTON HEREBY RESOLVES:

SECTION 1. The City of Denton formally condemns any action intended to abrogate the fundamental liberties of its people and affirms its commitment to protecting people's right to make reproductive health decisions for themselves and their families, including abortion care.

SECTION 2. It is the recommendation of this City Council that, except to the extent otherwise required by state or federal law, City funds will not be used to:

1. Store or catalog any report of abortion, miscarriage, or any other event that could be prosecuted as a violation of state law criminalizing pregnancy outcomes;
2. Provide information to any other governmental body or agency about pregnancy outcomes, unless such information is provided to defend the patient's right to reproductive care, including abortion care, or the healthcare provider's right to provide such care; and
3. Conduct surveillance or collect data or other information related to any individual, organization, location, vehicle, action, financial record, or internet activity for the purpose of determining whether an abortion has occurred, except for the collection of aggregated data without personally identifying information or personal health information for purposes unrelated to criminal investigation, enforcement, or prosecution. It is the intention of the City of Denton that this does not apply in cases of conduct that is criminally negligent to the health of the pregnant person seeking care or where coercion or force is used against the pregnant person.

SECTION 3. It is the further recommendation of this City Council that, except to the extent otherwise required by state or federal law, investigation of or support for the prosecution of any allegation, charge, or information relating to a pregnancy outcome or any party thereto will be the lowest priority for enforcement and the use or assignment of resources and personnel, except in cases of conduct that is criminally negligent to the health of the pregnant person seeking care, where coercion or force is used against the pregnant person, or where the pregnancy outcome is not the crime being investigated but evidence of another crime, such as sexual assault.

SECTION 4. The City Manager is directed to take appropriate steps to implement this resolution and to provide an oral presentation and written report to Council on the implementation of this resolution, including changes to policies and procedures, by August 16, 2022, and to provide a written report to Council on the implementation of this resolution by July 29, 2022.

SECTION 5. The City Manager may return to the council for authorization of any needed clarifications or changes in the event of future changes to federal law, state law, or technology that affect this Resolution.

SECTION 6. This Resolution shall become effective immediately upon its passage and approval.

The motion to approve this Resolution was made by Alison Maguire and seconded by Vicki Byrd, the Resolution was passed and approved by the following vote [4 - 3]:

	Aye	Nay	Abstain	Absent
Gerard Hudspeth, Mayor:	_____	<u>✓</u>	_____	_____
Vicki Byrd, District 1:	<u>✓</u>	_____	_____	_____
Brian Beck, District 2:	<u>✓</u>	_____	_____	_____
Jesse Davis, District 3:	_____	<u>✓</u>	_____	_____
Alison Maguire, District 4:	<u>✓</u>	_____	_____	_____
Brandon Chase McGee, Place 5:	<u>✓</u>	_____	_____	_____
Chris Watts, At Large Place 6:	_____	<u>✓</u>	_____	_____

PASSED AND APPROVED this the 28th day of June, 2022.


GERARD HUDSPETH, MAYOR

ATTEST:
ROSA RIOS, CITY SECRETARY

BY: 

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY: 

