



City Manager Report on Ordinance 22-1275

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City Manager
Aug. 2, 2022



Presentation

- Resolution
- Relevant State Laws
- Implementation of Resolution
- City Manager Authority Limitations
- Other Considerations
- Summary



Resolution 22-1275

- “Reproductive Rights Resolution”
 - Approved on June 28, 2022, after overturning of *Roe v. Wade*
- Two primary components:
 - Restricts use of City funds relating to abortion data
 - Recommends investigation and enforcement of abortion law be lowest priority
- Directs City Manager to provide a written and oral update
 - Written update provided on July 22, 2022



Relevant State Laws

“Fetal Heartbeat Law” (S.B. 8)

- Cannot perform, nor aid and abet an abortion, if fetal heartbeat is detected
- Does not apply to abortion patient
- Allows for civil penalties, not criminal
- No law enforcement involvement

“Abortion Trigger Law” (H.B 1280)

- Effective Aug. 25
- Cannot perform, induce, or attempt and abortion
- Does not apply to abortion patient
- Criminal (felony) and civil penalties

With limited exceptions, abortions are illegal in the City of Denton.



Implementation of Resolution

- The City Manager intends to implement the resolution to the extent allowed by law.
- **The Chief of Police has assured me that Denton police officers will not proactively engage in the unsolicited investigation, surveillance, or collection of data related to persons, organizations, or medical providers involving abortions or other reproductive related services.**
- If officers are provided with credible information of a crime, officers can take action to suppress crime in accordance with State law, Police Department policy, and the exception provided in the Resolution.



City Manager Authority Limitations

- The resolution states the recommendations be implemented except to the extent otherwise required by state or federal law
- Many aspects of Ordinance 22-1275 are limited by state law including:
 - Requirement of police officers to enforce the law
 - Requirements of police officers to convey information regarding certain crimes
 - Public information and records retention requirements for both Denton Police and Denton Fire/EMS



Other Considerations

- Abortion investigations are not likely to be undertaken by Denton Police:
 - DPD does not have the expertise to investigate medical-related crimes
 - No dedicated abortion clinics located in the City of Denton
 - DPD would not be involved in civil litigation arising from S.B.8 provisions
- Difficulties relating to the use of funds and resources
- Additionally, the resolution is not binding on other law enforcement agencies with jurisdiction in the City



Summary

- State statutes limit authority to implement some portions of resolution
 - Council directed the implementation to the extent state law allows
- The City of Denton will not engage in proactive actions
- Existing state laws and the overlapping jurisdictions mean:
 - Abortion continues to be illegal in Denton, and
 - Violations can be fully investigated and enforced

