

**As Introduced**

**132nd General Assembly  
Regular Session  
2017-2018**

**S. B. No. 162**

**Senator Jordan**

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**A BILL**

To amend sections 9.63 and 5747.502 of the Revised Code to withhold local government fund payments to municipal corporations that have enacted an ordinance, policy, directive, rule, or resolution that hinders or prevents municipal employees from cooperating with state or federal immigration services or from complying with executive orders pertaining to immigration.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 9.63 and 5747.502 of the Revised Code be amended to read as follows:

**Sec. 9.63.** (A) Notwithstanding any law, ordinance, or collective bargaining contract to the contrary, no state or local employee shall unreasonably fail to comply with any lawful request for assistance made by any federal authorities carrying out the provisions of the USA Patriot Act, any federal immigration or terrorism investigation, or any executive order of the president of the United States pertaining to homeland security or immigration, to the extent that the request is consistent with the doctrine of federalism.

(B) No municipal corporation shall enact an ordinance, policy, directive, rule, or resolution that would materially hinder or prevent local employees from complying with the USA Patriot Act or any executive order of the president of the United States pertaining to homeland security or immigration or from cooperating with state or federal immigration services and terrorism investigations.

(C) (1) Any municipal corporation that enacts any ordinance, policy, directive, rule, or resolution that division (B) of this section prohibits is ineligible to receive any homeland security funding available from the state. If the ordinance, policy, directive, rule, or resolution materially hinders or prevents local employees from complying with any executive order of the president of the United States pertaining to immigration or from cooperating with state or federal immigration services, the municipal corporation is also ineligible to receive any local government fund payments under section 5747.50, 5747.51, or 5747.53 of the Revised Code.

(2) ~~Whenever the director of public safety determines that a municipal corporation has enacted any ordinance, policy, directive, rule, or resolution that division (B) of this section prohibits, the director shall certify that the municipal corporation is ineligible to receive any homeland security funding from the state and, the director shall notify the general assembly of that ineligibility. That municipal corporation shall remain ineligible to receive any homeland security funding from the state until the director certifies that the prohibited ordinance, policy, directive, rule, or resolution has been repealed.~~

(3) Whenever the director determines that a municipal

corporation is ineligible to receive local government fund 50  
payments, the director shall notify the tax commissioner of that 51  
ineligibility. That municipal corporation shall remain 52  
ineligible to receive any local government fund payments under 53  
section 5747.50, 5747.51, or 5747.53 of the Revised Code until 54  
the director certifies that the prohibited ordinance, policy, 55  
directive, rule, or resolution has been repealed. 56

(D) (1) If a state or local employee states disagreement 57  
with, or a critical opinion of, the USA Patriot Act, any federal 58  
immigration or terrorism policy, or any executive order of the 59  
president of the United States pertaining to homeland security 60  
or immigration, the statement of disagreement with or critical 61  
opinion of the act or order is not sufficient to qualify for 62  
purposes of this section as unreasonable noncompliance with a 63  
request for assistance of the type division (A) of this section 64  
describes. 65

(2) Any municipal corporation's ordinance, policy, 66  
directive, rule, or resolution that states disagreement with, or 67  
a critical opinion of, any state or federal immigration or 68  
terrorism policy, the USA Patriot Act, or any executive order of 69  
the president of the United States pertaining to homeland 70  
security or immigration is not sufficient to qualify as a 71  
"material hindrance or prevention" of local employees from 72  
cooperating with federal immigration services and terrorism 73  
investigations or from complying with the USA Patriot Act or any 74  
executive order of the president of the United States pertaining 75  
to homeland security or immigration for purposes of divisions 76  
(B), (C), and (D) of this section. 77

(E) As used in this section, "USA Patriot Act" means the 78  
"Uniting and Strengthening America by Providing Appropriate 79

Tools Required to Intercept and Obstruct Terrorism (USA Patriot Act) Act of 2001," Pub. L. No. 107-056, 115 Stat. 272, as amended. 80  
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**Sec. 5747.502.** (A) As used in this section: 83

(1) "Delinquent subdivision" means a municipal corporation, township, or county that has not filed a report or signed statement under section 4511.0915 of the Revised Code, as required under that section. 84  
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(2) "Noncompliant subdivision" means a municipal corporation, township, or county that files a report under division (A)(1) of section 4511.0915 of the Revised Code for the most recent calendar quarter. 88  
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(3) "Sanctuary city" means a municipal corporation that the director of public safety determines, pursuant to division (C) of section 9.63 of the Revised Code, is ineligible to receive local government fund payments due to an ordinance, policy, directive, rule, or resolution enacted by the municipal corporation that materially hinders or prevents local employees from complying with any executive order of the president of the United States pertaining to immigration or from cooperating with state or federal immigration services. 92  
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(B) (1) (a) Upon receiving notification of a delinquent subdivision under division (C) (2) of section 4511.0915 of the Revised Code, the tax commissioner shall do both of the following: 101  
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(i) If the delinquent subdivision is a municipal corporation, cease providing for payments to the municipal corporation under division (C) of section 5747.50 of the Revised Code, beginning with the next required payment; 105  
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(ii) Immediately notify the county auditor and county treasurer required to provide for payments to the delinquent subdivision from a county undivided local government fund that such payments are to cease until the ~~tax~~-commissioner notifies the auditor and treasurer under division (B) ~~(3)~~ (2) (a) (ii) of this section.

(b) A county treasurer receiving the notice under division (B) (1) (a) (ii) of this section shall cease providing for payments to the delinquent subdivision from a county undivided local government fund, beginning with the next required payment.

(2) (a) Upon receiving notification that a county, township, or municipal corporation is no longer a delinquent subdivision under division (C) (3) of section 4511.0915 of the Revised Code, the ~~tax~~-commissioner shall do both of the following:

(i) ~~If~~ Except as provided in division (B) (2) (c) of this section, if the formerly delinquent subdivision is a municipal corporation, begin providing for payments to the municipal corporation as required under division (C) of section 5747.50 of the Revised Code, beginning with the next required payment.

(ii) Immediately notify the county auditor and county treasurer who ceased payments ~~to the formerly delinquent subdivision~~ under division (B) (1) (b) of this section that the ~~treasurer shall begin providing for payment from a municipal corporation, township, or county undivided local government fund to the formerly~~ is no longer a delinquent subdivision under section 5747.51 or 5747.53 of the Revised Code.

(b) ~~A~~ Except as provided in division (B) (2) (c) of this section, a county treasurer receiving notice under division (B)

(2) (a) (ii) of this section shall provide for payments to the 138  
formerly delinquent subdivision from a county undivided local 139  
government fund under section 5747.51 or 5747.53 of the Revised 140  
Code, beginning with the next required payment. 141

(c) If the formerly delinquent subdivision is a 142  
noncompliant subdivision or sanctuary city, the commissioner and 143  
county treasurer shall reduce or withhold payments as required 144  
under division (C) or (E) of this section. 145

(C) (1) Upon receiving notification of a noncompliant 146  
subdivision under division (C) (1) of section 4511.0915 of the 147  
Revised Code, the ~~tax~~-commissioner shall do both of the 148  
following: 149

(a) If the ~~delinquent~~ noncompliant subdivision is a 150  
municipal corporation, reduce the amount of each of the next 151  
three local government fund payments the noncompliant 152  
subdivision would otherwise receive under division (C) of 153  
section 5747.50 of the Revised Code in an amount equal to one- 154  
third of the gross amount of fines reported by the noncompliant 155  
subdivision on the report filed for the calendar quarter. 156

(b) If the reduction described in division (C) (1) (a) of 157  
this section exceeds the amount of money the noncompliant 158  
subdivision would otherwise receive under division (C) of 159  
section 5747.50 of the Revised Code, immediately notify the 160  
county auditor and county treasurer required to provide for 161  
payments to the noncompliant subdivision from a county undivided 162  
local government fund that each of the next three such payments 163  
are to be reduced to that subdivision in an amount equal to one- 164  
third of that excess. 165

(2) A county treasurer receiving notice under division (C) 166

(1) (b) of this section shall reduce the payments to the 167  
noncompliant subdivision from a county undivided local 168  
government fund as required by the notice. 169

(3) Notwithstanding divisions (C) (1) and (2) of this 170  
section, if a noncompliant subdivision is a sanctuary city, the 171  
reduced payment that would have otherwise been distributed to 172  
the noncompliant subdivision shall instead be deposited by the 173  
commissioner or county treasurer to the municipal compliance 174  
fund created for the sanctuary city under division (E) (1) (a) 175  
(iii) of this section. Amounts deposited to a municipal 176  
compliance fund under this division shall not be considered 177  
amounts withheld from the noncompliant subdivision for the 178  
purposes of division (D) of this section. 179

(D) (1) The ~~tax~~-commissioner shall provide for payment of 180  
an amount equal to amounts withheld from municipal corporations 181  
under divisions (B) (1) (a) (i) and (C) (1) (a) of this section to 182  
the undivided local government fund of the county from which the 183  
municipal corporation receives payments under section 5747.51 or 184  
5747.53 of the Revised Code. The county treasurer shall 185  
distribute that money among subdivisions that are not delinquent 186  
or noncompliant subdivisions or sanctuary cities and that are 187  
entitled to receive distributions under those sections by 188  
increasing each such subdivision's distribution on a pro rata 189  
basis. 190

(2) A county treasurer shall distribute any amount 191  
withheld from a delinquent or noncompliant subdivision under 192  
division (B) (1) (b) or (C) (2) of this section among other 193  
subdivisions that are not delinquent or noncompliant 194  
subdivisions or sanctuary cities by increasing each such 195  
subdivision's distribution from the county's undivided local 196

government fund on a pro rata basis. 197

(E) (1) (a) Upon receiving notification of a sanctuary city 198  
under division (C) (3) of section 9.63 of the Revised Code, the 199  
commissioner shall do all of the following: 200

(i) Cease providing for any payments to the sanctuary city 201  
under division (C) of section 5747.50 of the Revised Code, 202  
beginning with the next required payment; 203

(ii) Immediately notify the county auditor and county 204  
treasurer required to provide for payments to the sanctuary city 205  
from a county undivided local government fund that such payments 206  
are to cease until the commissioner notifies the auditor and 207  
treasurer under division (E) (2) (a) (ii) of this section; 208

(iii) Establish a municipal compliance fund for the 209  
sanctuary city in the state treasury to consist of payments 210  
withheld under divisions (C) (3) and (E) (1) of this section. 211

(b) A county treasurer receiving the notice under division 212  
(E) (1) (a) (ii) of this section shall cease providing for payments 213  
to the sanctuary city from a county undivided local government 214  
fund beginning with the next required payment. 215

(2) (a) Upon receiving notification that a municipal 216  
corporation is no longer a sanctuary city under division (C) (3) 217  
of section 9.63 of the Revised Code, the commissioner shall do 218  
both of the following: 219

(i) Except as provided in division (E) (2) (c) of this 220  
section, begin providing for payments to the former sanctuary 221  
city as required under division (C) of section 5747.50 of the 222  
Revised Code beginning with the next required payment; 223

(ii) Immediately notify the county auditor and county 224

treasurer who ceased payments under division (E) (1) (b) of this 225  
section that the municipal corporation is no longer a sanctuary 226  
city. 227

(b) Except as provided in division (E) (2) (c) of this 228  
section, a county treasurer receiving notice under division (E) 229  
(2) (a) (ii) of this section shall provide for payments to the 230  
former sanctuary city from a county undivided local government 231  
fund under section 5747.51 or 5747.53 of the Revised Code 232  
beginning with the next required payment. 233

(c) If the former sanctuary city is a delinquent or 234  
noncompliant subdivision, the commissioner and county treasurer 235  
shall continue to withhold or reduce payments as required under 236  
division (B) or (C) of this section. 237

(F) (1) The commissioner shall provide for payment of an 238  
amount equal to the amounts withheld under division (E) (1) (a) (i) 239  
of this section from a sanctuary city that is not a delinquent 240  
or noncompliant subdivision to the municipal compliance fund 241  
created for the sanctuary city under division (E) (1) (a) (iii) of 242  
this section. 243

(2) A county treasurer shall provide for payment of an 244  
amount equal to the amounts withheld under division (E) (1) (b) of 245  
this section from a sanctuary city that is not a delinquent or 246  
noncompliant subdivision to the municipal compliance fund 247  
created for the sanctuary city under division (E) (1) (a) (iii) of 248  
this section. 249

(3) Upon receiving notification that a municipal 250  
corporation is no longer a sanctuary city under section 9.63 of 251  
the Revised Code, the commissioner shall dispense all money 252  
remaining in the former sanctuary city's municipal compliance 253

fund to the city's general fund. The former sanctuary city may 254  
use such money for any lawful purpose. 255

(4) If an amount deposited to the municipal compliance 256  
fund of a sanctuary city under division (C) (3), (F) (1), or (F) 257  
(2) of this section is not dispensed under division (F) (3) of 258  
this section within two years from the date that amount was 259  
deposited in the fund, the commissioner shall transfer an amount 260  
equal to the deposit from the municipal compliance fund to the 261  
general revenue fund. 262

(G) A county, township, or municipal corporation receiving 263  
an increased distribution under division ~~(B) or (C)~~ (D) of this 264  
section shall use such money for the current operating expenses 265  
of the subdivision. 266

**Section 2.** That existing sections 9.63 and 5747.502 of the 267  
Revised Code are hereby repealed. 268