

As Introduced

135th General Assembly

Regular Session

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H. B. No. 564

Representatives Lear, Plummer

Cosponsors: Representatives Gross, Wiggam, Click, Willis

A BILL

To amend sections 9.63, 4507.08, and 5747.502 and 1
to enact sections 9.631, 9.632, and 2905.321 of 2
the Revised Code to modify the law regarding 3
individuals who are unlawfully present in the 4
United States, to require state and local 5
authorities to cooperate with the federal 6
government in the enforcement of immigration 7
laws, and to sanction those who fail to do so. 8

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

Section 1. That sections 9.63, 4507.08, and 5747.502 be 9
amended and sections 9.631, 9.632, and 2905.321 of the Revised 10
Code be enacted to read as follows: 11

Sec. 9.63. (A) Notwithstanding any law, ordinance, or 12
collective bargaining contract to the contrary, no state or 13
local employee shall unreasonably fail to comply with any lawful 14
request for assistance made by any federal authorities carrying 15
out the provisions of the USA Patriot Act, any federal 16
~~immigration or~~ terrorism investigation, or any executive order 17
of the president of the United States pertaining to homeland 18

security, to the extent that the request is consistent with the 19
doctrine of federalism. 20

(B) No municipal corporation shall enact an ordinance, 21
policy, directive, rule, or resolution that would materially 22
hinder or prevent local employees from complying with the USA 23
Patriot Act or any executive order of the president of the 24
United States pertaining to homeland security or from 25
cooperating with state or federal ~~immigration services and~~ 26
terrorism investigations. 27

(C) (1) Any municipal corporation that enacts any 28
ordinance, policy, directive, rule, or resolution that division 29
(B) of this section prohibits is ineligible to receive any 30
homeland security funding available from the state. 31

(2) Whenever the director of public safety determines that 32
a municipal corporation has enacted any ordinance, policy, 33
directive, rule, or resolution that division (B) of this section 34
prohibits, the director shall certify that the municipal 35
corporation is ineligible to receive any homeland security 36
funding from the state and shall notify the general assembly of 37
that ineligibility. That municipal corporation shall remain 38
ineligible to receive any homeland security funding from the 39
state until the director certifies that the ordinance, policy, 40
directive, rule, or resolution has been repealed. 41

(D) (1) If a state or local employee states disagreement 42
with, or a critical opinion of, the USA Patriot Act, any federal 43
~~immigration or terrorism~~ policy, or any executive order of the 44
president of the United States pertaining to homeland security, 45
the statement of disagreement with or critical opinion of the 46
act or order is not sufficient to qualify for purposes of this 47
section as unreasonable noncompliance with a request for 48

assistance of the type division (A) of this section describes. 49

(2) Any municipal corporation's ordinance, policy, 50
directive, rule, or resolution that states disagreement with, or 51
a critical opinion of, any state or federal ~~immigration or~~ 52
terrorism policy, the USA Patriot Act, or any executive order of 53
the president of the United States pertaining to homeland 54
security is not sufficient to qualify as a "material hindrance 55
or prevention" of local employees from cooperating with federal 56
~~immigration services and~~ terrorism investigations or from 57
complying with the USA Patriot Act or any executive order of the 58
president of the United States pertaining to homeland security 59
for purposes of divisions (B), (C), and (D) of this section. 60

(E) As used in this section, "USA Patriot Act" means the 61
"Uniting and Strengthening America by Providing Appropriate 62
Tools Required to Intercept and Obstruct Terrorism (USA Patriot 63
Act) Act of 2001," Pub. L. No. 107-056, 115 Stat. 272, as 64
amended. 65

Sec. 9.631. (A) As used in this section and section 9.632 66
of the Revised Code: 67

(1) "Genetic testing" has the same meaning as in section 68
3111.09 of the Revised Code. 69

(2) "Law enforcement agency" means a municipal or township 70
police department, the office of a sheriff, the state highway 71
patrol, or any other state or local governmental body that 72
enforces criminal laws and that has employees who have a 73
statutory power of arrest. 74

(3) "Minor" means an unemancipated person under eighteen 75
years of age. 76

(4) "Political subdivision" means a county, township, 77

municipal corporation, or any other body corporate and politic 78
that is responsible for government activities in a geographic 79
area smaller than that of the state. 80

(5) "State or local governmental entity" means any agency, 81
board, bureau, commission, council, department, division, 82
office, or other organized body established by the state or a 83
political subdivision for the exercise of any function of the 84
state or a political subdivision. 85

(6) "State or local public benefit" has the same meaning 86
as in division (c) of section 411 of the "Personal 87
Responsibility and Work Opportunity Reconciliation Act of 1996," 88
8 U.S.C. 1621(c). 89

(B) A law enforcement agency shall do all of the 90
following: 91

(1) Participate in any available program operated by the 92
United States department of homeland security or its successor 93
department that allows the law enforcement agency to submit to 94
federal authorities information about an arrestee in order to 95
enable those authorities to determine whether the arrestee is 96
unlawfully present in the United States; 97

(2) Immediately report the identity of any arrestee whom a 98
peace officer has reasonable cause to believe is unlawfully 99
present in the United States to the appropriate office of the 100
United States immigration and customs enforcement agency or its 101
successor agency; 102

(3) Detain a person who is unlawfully present in the 103
United States, upon receiving a lawful federal request or order 104
to do so, until the person is transferred into federal custody; 105

(4) Otherwise cooperate and comply with federal officials 106

in the enforcement of federal immigration law; 107

(5) Provide information to the superintendent of the state 108
highway patrol for inclusion in the database described in 109
division (C) of this section, as directed by the superintendent. 110

(C) (1) The superintendent of the state highway patrol 111
shall create, operate, and maintain a statewide database of 112
criminal activity involving persons who are unlawfully present 113
in the United States and shall identify and allocate money for 114
that purpose from the appropriate funds available to the state 115
highway patrol. The superintendent may contract with state or 116
private entities, including private software and technology 117
providers, for the creation, operation, and maintenance of the 118
database. 119

(2) The database shall include information concerning each 120
known instance in this state in which a person who is unlawfully 121
present in the United States is charged with or convicted of a 122
crime and each known alleged violation of federal immigration 123
law occurring in this state, including each alleged instance of 124
unauthorized employment. 125

(3) The superintendent shall prepare quarterly reports 126
containing the information collected in the database during the 127
applicable quarter and shall submit each report to the general 128
assembly and make it available to the public on the state 129
highway patrol's web site. 130

(D) (1) Each state or local governmental entity 131
administering a state or local public benefit shall comply with 132
section 411 of the "Personal Responsibility and Work Opportunity 133
Reconciliation Act of 1996," 8 U.S.C. 1621. Except as otherwise 134
provided in this division, whenever a person who is not a United 135

States citizen or national applies to a state or local 136
governmental entity for a state or local public benefit, the 137
state or local governmental entity shall verify whether the 138
person is ineligible for the benefit under that section using 139
the systematic alien verification for entitlements (SAVE) 140
program, or its successor program, operated by the United States 141
department of homeland security or its successor agency. This 142
division does not apply when a person applies for a state or 143
local public benefit described in division (b) of that section 144
or for a state or local public benefit for which the Revised 145
Code affirmatively provides eligibility for persons described in 146
division (a) of that section. 147

(2) No state or local governmental entity shall use public 148
funds, or award a grant or other payment of public funds to any 149
person, to provide legal representation to an individual in any 150
civil immigration proceeding. 151

(E) (1) Whenever a person claiming to be a minor's parent 152
or legal guardian applies to a state or local governmental 153
entity on the minor's behalf for any state or local public 154
benefit, for the purpose of school enrollment, or otherwise for 155
the purpose of doing business with the state or local 156
governmental entity, if the state or local governmental entity 157
cannot establish that the minor is lawfully present in the 158
United States, the state or local governmental entity shall 159
require the person to prove the person's relationship with the 160
minor in accordance with division (E) (3) of this section. If the 161
person does not prove the person's relationship with the minor, 162
the state or local governmental entity shall notify a law 163
enforcement agency with the appropriate jurisdiction, and the 164
law enforcement agency shall investigate whether the minor is a 165
victim of a crime. 166

(2) Whenever a person interacts with a law enforcement agency and claims to be a minor's parent or legal guardian, if the law enforcement agency cannot establish that the minor is lawfully present in the United States, the law enforcement agency shall require the person to prove the person's relationship with the minor in accordance with division (E) (3) of this section. If the person does not prove the person's relationship with the minor, the law enforcement agency shall investigate whether the minor is a victim of a crime. 167
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(3) For purposes of divisions (E) (1) and (2) of this section, a person proves the person's relationship with a minor if the person does one of the following: 176
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(a) Presents a certified copy of a legal document that establishes that the person is the minor's parent or legal guardian. If the document is not in English, the document shall be accompanied by a certified translation of the document. 179
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(b) Undergoes genetic testing, at the person's expense, to establish that the person is the minor's biological parent. The state or local governmental entity or the law enforcement agency shall refer the person to the child support enforcement agency of the applicable county. The child support enforcement agency shall order the testing to be conducted by a qualified examiner that is authorized to conduct genetic testing by the department of job and family services under section 3111.09 of the Revised Code. 183
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(c) Presents the results of genetic testing previously conducted in accordance with division (E) (3) (b) of this section to establish that the person is the minor's biological parent. 192
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(4) No person shall knowingly make a false claim to be a 195

minor's parent or legal guardian under division (E) (1) or (2) of 196
this section. Whoever violates this division is guilty of a 197
felony of the fifth degree. 198

(F) No state or local governmental entity shall adopt an 199
ordinance, policy, directive, rule, or resolution that prohibits 200
or otherwise restricts a public official or employee from doing 201
any of the following: 202

(1) Complying with the requirements of division (B), (D), 203
or (E) of this section; 204

(2) Inquiring about a person's name, birthdate, place of 205
birth, or citizenship or immigration status in the course of 206
investigating or prosecuting a violation of any law or 207
ordinance; 208

(3) Maintaining information about a person's citizenship 209
or immigration status; 210

(4) Sending information to, or requesting or receiving 211
information from, a federal, state, or local government agency 212
or employee concerning a person's citizenship or immigration 213
status or for the purpose of determining a person's citizenship 214
or immigration status; 215

(5) Complying with any request by a federal agency engaged 216
in the enforcement of federal immigration law for information, 217
access, or assistance, regardless of whether the federal agency 218
has obtained a warrant to compel the state or local governmental 219
entity to comply with the request, unless federal law prohibits 220
the state or local governmental entity from complying with the 221
request. 222

Sec. 9.632. (A) Each law enforcement agency and each state 223
or local governmental entity shall notify its officers and 224

employees of the requirements of section 9.631 of the Revised 225
Code. 226

(B)(1) A resident of this state who believes that a 227
county, township, or municipal corporation or the law 228
enforcement agency that serves the county, township, or 229
municipal corporation is not complying with the requirements of 230
section 9.631 of the Revised Code may file a complaint with the 231
director of public safety. Upon receiving the complaint, the 232
director shall investigate whether the county, township, 233
municipal corporation, or law enforcement agency is complying 234
with the requirements of that section and shall submit a report 235
of the director's findings to the tax commissioner. 236

(2) If the director determines that a county, township, 237
municipal corporation, or law enforcement agency originally 238
reported as failing to comply with the requirements of section 239
9.631 of the Revised Code is in compliance with those 240
requirements, the director promptly shall issue an addendum to 241
the director's original report concerning that county, township, 242
municipal corporation, or law enforcement agency to the tax 243
commissioner. 244

(C) If the director of public safety determines that a 245
county, township, or municipal corporation or the law 246
enforcement agency that serves the county, township, or 247
municipal corporation is not in compliance with the requirements 248
of section 9.631 of the Revised Code, then the county, township, 249
or municipal corporation is ineligible to receive any local 250
government fund distributions from the state until the director 251
of public safety certifies in an addendum issued under division 252
(B)(2) of this section that the county, township, municipal 253
corporation, or law enforcement agency is in compliance with the 254

requirements of section 9.631 of the Revised Code. 255

(D) Section 9.631 of the Revised Code does not prohibit a 256
county or municipal corporation from exercising any applicable 257
powers under Article X or Article XVIII, Ohio Constitution, to 258
act contrary to that section. A county or municipal corporation 259
that does so nonetheless is deemed to have failed to comply with 260
the requirements of that section for purposes of divisions (B) 261
and (C) of this section. 262

Sec. 2905.321. (A) No person shall recklessly harbor, 263
transport, conceal, shelter, or maintain, or recklessly conspire 264
or solicit to harbor, transport, conceal, shelter, or maintain, 265
another person if the person knows or reasonably should know 266
that other person has entered the United States in violation of 267
law and has not been inspected by the federal government since 268
that unlawful entry from another country. 269

(B)(1) Except as provided in division (B)(2) of this 270
section, a violation of this section is a felony of the fifth 271
degree. A person who violates this section is permanently 272
ineligible to receive a business license or any grant or 273
economic incentive from this state. If the person holds a 274
business license issued by the state, the applicable state 275
agency immediately shall revoke the business license. 276

(2) If a person has been previously convicted of or 277
pleaded guilty to an offense under this section, a subsequent 278
violation is a felony of the third degree. 279

Sec. 4507.08. (A) No probationary license shall be issued 280
to any person under the age of eighteen who has been adjudicated 281
an unruly or delinquent child or a juvenile traffic offender for 282
having committed any act that if committed by an adult would be 283

a drug abuse offense, as defined in section 2925.01 of the Revised Code, a violation of division (B) of section 2917.11, or a violation of division (A) of section 4511.19 of the Revised Code, unless the person has been required by the court to attend a drug abuse or alcohol abuse education, intervention, or treatment program specified by the court and has satisfactorily completed the program.

(B) No temporary instruction permit or driver's license shall be issued to any person whose license has been suspended, during the period for which the license was suspended, nor to any person whose license has been canceled, under Chapter 4510. or any other provision of the Revised Code.

(C) No temporary instruction permit or driver's license shall be issued to any person whose commercial driver's license is suspended under Chapter 4510. or any other provision of the Revised Code during the period of the suspension.

No temporary instruction permit or driver's license shall be issued to any person when issuance is prohibited by division (A) of section 4507.091 of the Revised Code.

(D) No temporary instruction permit or driver's license shall be issued to, or retained by, any of the following persons:

(1) Any person who has alcoholism, or is addicted to the use of controlled substances to the extent that the use constitutes an impairment to the person's ability to operate a motor vehicle with the required degree of safety;

(2) Any person who is under the age of eighteen and has been adjudicated an unruly or delinquent child or a juvenile traffic offender for having committed any act that if committed

by an adult would be a drug abuse offense, as defined in section 313
2925.01 of the Revised Code, a violation of division (B) of 314
section 2917.11, or a violation of division (A) of section 315
4511.19 of the Revised Code, unless the person has been required 316
by the court to attend a drug abuse or alcohol abuse education, 317
intervention, or treatment program specified by the court and 318
has satisfactorily completed the program; 319

(3) Any person who, in the opinion of the registrar, has a 320
physical or mental disability or disease that prevents the 321
person from exercising reasonable and ordinary control over a 322
motor vehicle while operating the vehicle upon the highways, 323
except that a restricted license effective for six months may be 324
issued to any person otherwise qualified who is or has been 325
subject to any condition resulting in episodic impairment of 326
consciousness or loss of muscular control and whose condition, 327
in the opinion of the registrar, is dormant or is sufficiently 328
under medical control that the person is capable of exercising 329
reasonable and ordinary control over a motor vehicle. A 330
restricted license effective for six months shall be issued to 331
any person who otherwise is qualified and who is subject to any 332
condition that causes episodic impairment of consciousness or a 333
loss of muscular control if the person presents a statement from 334
a licensed physician that the person's condition is under 335
effective medical control and the period of time for which the 336
control has been continuously maintained, unless, thereafter, a 337
medical examination is ordered and, pursuant thereto, cause for 338
denial is found. 339

A person to whom a six-month restricted license has been 340
issued shall give notice of the person's medical condition to 341
the registrar on forms provided by the registrar and signed by 342
the licensee's physician. The notice shall be sent to the 343

registrar six months after the issuance of the license. 344
Subsequent restricted licenses issued to the same individual 345
shall be effective for six months. 346

(4) Any person who is unable to understand highway 347
warnings or traffic signs or directions given in the English 348
language; 349

(5) Any person making an application whose driver's 350
license or driving privileges are under cancellation, 351
revocation, or suspension in the jurisdiction where issued or 352
any other jurisdiction, until the expiration of one year after 353
the license was canceled or revoked or until the period of 354
suspension ends. Any person whose application is denied under 355
this division may file a petition in the municipal court or 356
county court in whose jurisdiction the person resides agreeing 357
to pay the cost of the proceedings and alleging that the conduct 358
involved in the offense that resulted in suspension, 359
cancellation, or revocation in the foreign jurisdiction would 360
not have resulted in a suspension, cancellation, or revocation 361
had the offense occurred in this state. If the petition is 362
granted, the petitioner shall notify the registrar by a 363
certified copy of the court's findings and a license shall not 364
be denied under this division. 365

(6) Any person who is under a class one or two suspension 366
imposed for a violation of section 2903.01, 2903.02, 2903.04, 367
2903.06, 2903.08, 2903.11, 2921.331, or 2923.02 of the Revised 368
Code or whose driver's or commercial driver's license or permit 369
was permanently revoked prior to January 1, 2004, for a 370
substantially equivalent violation pursuant to section 4507.16 371
of the Revised Code; 372

(7) Any person who is not a resident or temporary resident 373

of this state.	374
(E) No person whose driver's license or permit has been suspended under Chapter 4510. of the Revised Code or any other provision of the Revised Code shall have driving privileges reinstated if the registrar determines that a warrant has been issued in this state or any other state for the person's arrest and that warrant is an active warrant.	375 376 377 378 379 380
<u>(F) No temporary instruction permit or driver's license shall be issued to any person who does not have legal presence in the United States.</u>	381 382 383
Sec. 5747.502. (A) As used in this section:	384
(1) "Local authority" and "traffic law photo-monitoring device" have the same meanings as in section 4511.092 of the Revised Code.	385 386 387
(2) "School zone" has the same meaning as in section 4511.21 of the Revised Code.	388 389
(3) "Transportation district" means a territorial district established by the director of transportation under section 5501.14 of the Revised Code.	390 391 392
(4) "District deputy director" means the person appointed and assigned by the director of transportation under section 5501.14 of the Revised Code to administer the activities of a transportation district.	393 394 395 396
(5) "Gross amount" means the entire amount of traffic camera fines and fees paid by a driver.	397 398
(6) "Local government fund adjustment" or "LGF adjustment" means the sum of:	399 400

(a) The gross amount of all traffic camera fines collected 401
by a local authority during the preceding fiscal year, as 402
reported under division (B) (1) of this section, if such a report 403
is required; plus 404

(b) The residual adjustment computed for the local 405
authority under division (B) (4) of this section, if such an 406
adjustment applies. 407

(7) "Local government fund payments" or "LGF payments" 408
means the payments a local authority would receive under 409
sections ~~5747.502~~5747.503, 5747.51, and 5747.53, and division 410
(C) of section 5747.50 of the Revised Code, as applicable, if 411
not for the reductions required by divisions (C) ~~and~~, (D), and 412
(F) of this section. 413

(8) "Residual adjustment" means the most recent LGF 414
adjustment computed for a local authority under division (B) (2) 415
or (3) of this section minus the sum of the reductions applied 416
after that computation under division (C) of this section to the 417
local authority's LGF payments. 418

(9) "Traffic camera fines" means civil fines for any 419
violation of any local ordinance or resolution that are based 420
upon evidence recorded by a traffic law photo-monitoring device. 421

(10) "Qualifying village" has the same meaning as in 422
section 5747.503 of the Revised Code. 423

(B) (1) Annually, on or before the thirty-first day of 424
July, any local authority that directly or indirectly collected 425
traffic camera fines during the preceding fiscal year shall file 426
a report with the tax commissioner that includes a detailed 427
statement of the gross amount of all traffic camera fines the 428
local authority collected during that period and the gross 429

amount of such fines that the local authority collected for 430
violations that occurred within a school zone. 431

(2) Annually, on or before the tenth day of August, the 432
commissioner shall compute a local government fund adjustment 433
for each local authority that files a report under division (B) 434
(1) of this section or with respect to which a residual 435
adjustment applies. Subject to ~~division~~divisions (B) (3) and (K) 436
of this section, the LGF adjustment shall be used by the 437
commissioner to determine the amount of the reductions required 438
under division (C) of this section for each of the next twelve 439
months, starting with the month in which the LGF adjustment is 440
computed. After those twelve months, the LGF adjustment ceases 441
to apply and, if an LGF adjustment continues to be required, the 442
amount of the reductions required under division (C) of this 443
section shall be determined based on an updated LGF adjustment 444
computed under this division. 445

(3) Upon receipt of a report described by division (B) (1) 446
of this section that is not timely filed, the commissioner shall 447
do both of the following: 448

(a) If one or more payments to the local authority has 449
been withheld under division (D) of this section because of the 450
local authority's failure to file the report, notify the county 451
auditor and county treasurer of the appropriate county that the 452
report has been received and that, subject to ~~division~~divisions 453
(C) and (F) of this section, payments to the local authority 454
from the undivided local government fund are to resume. 455

(b) Compute the local authority's LGF adjustment using the 456
information in the report. An LGF adjustment computed under this 457
division shall be used by the commissioner to determine the 458
amount of the reductions required under division (C) of this 459

section starting with the next required reduction. The LGF 460
adjustment ceases to apply on the thirty-first day of the 461
ensuing July, following which, if an LGF adjustment continues to 462
be required, the amount of the reductions required under 463
division (C) of this section shall be determined based on an 464
updated LGF adjustment computed under division (B) (2) of this 465
section. 466

(4) Annually, on or before the tenth day of August, the 467
commissioner shall compute a residual adjustment for each local 468
authority whose LGF adjustment for the preceding year exceeds 469
the amount by which the local authority's LGF payments were 470
reduced during that year under division (C) of this section. The 471
residual adjustment shall be used to compute the LGF adjustment 472
for the ensuing year under division (B) (2) of this section. 473

(C) ~~The~~ Subject to division (K) of this section, the 474
commissioner shall do the following, as applicable, respecting 475
any local authority to which an LGF adjustment computed under 476
division (B) of this section applies: 477

(1) If the local authority is a municipal corporation with 478
a population of one thousand or more, reduce payments to the 479
municipal corporation under division (C) of section 5747.50 of 480
the Revised Code by one-twelfth of the LGF adjustment. If one- 481
twelfth of the LGF adjustment exceeds the amount of money the 482
municipal corporation would otherwise receive under division (C) 483
of section 5747.50 of the Revised Code, the commissioner also 484
shall reduce payments to the appropriate county undivided local 485
government fund under division (B) of section 5747.50 of the 486
Revised Code by an amount equal to the lesser of (a) one-twelfth 487
of the excess, or (b) the amount of the payment the municipal 488
corporation would otherwise receive from the fund under section 489

5747.51 or 5747.53 of the Revised Code. 490

(2) If the local authority is a township or qualifying 491
village, reduce the supplemental payments to the appropriate 492
county undivided local government fund under section 5747.503 of 493
the Revised Code by the lesser of one-twelfth of the LGF 494
adjustment, or the amount of money the township or qualifying 495
village would otherwise receive under that section. If one- 496
twelfth of the LGF adjustment exceeds the amount of money the 497
township or qualifying village would otherwise receive under 498
section 5747.503 of the Revised Code, the commissioner also 499
shall reduce payments to the appropriate county undivided local 500
government fund under division (B) of section 5747.50 of the 501
Revised Code by an amount equal to the lesser of (a) one-twelfth 502
of the excess, or (b) the amount of the payment the township or 503
qualifying village would otherwise receive from the fund under 504
section 5747.51 or 5747.53 of the Revised Code. 505

(3) If the local authority is a county, reduce payments to 506
the appropriate county undivided local government fund under 507
division (B) of section 5747.50 of the Revised Code by an amount 508
equal to the lesser of (a) one-twelfth of the LGF adjustment, or 509
(b) the amount of the payment the county would otherwise receive 510
from the fund under section 5747.51 or 5747.53 of the Revised 511
Code. 512

(4) For any local authority, on or before the tenth day of 513
each month a reduction is made under division (C) (1), (2), or 514
(3) of this section, make a payment to the local authority in an 515
amount equal to the lesser of (a) one-twelfth of the gross 516
amount of traffic camera fines the local authority collected in 517
the preceding fiscal year for violations that occurred within a 518
school zone, as indicated on the report filed by the local 519

authority pursuant to division (B)(1) of this section, or (b) 520
the amount by which the local authority's LGF payments were 521
reduced that month pursuant to division (C)(1), (2), or (3) of 522
this section. Payments received by a local authority under this 523
division shall be used by the local authority for school safety 524
purposes. 525

(D) ~~Upon~~ Subject to division (K) of this section, upon 526
discovery, based on information in the commissioner's 527
possession, that a local authority required to file a report 528
under division (B)(1) of this section has failed to do so, the 529
commissioner shall do the following, as applicable: 530

(1) If the local authority is a municipal corporation with 531
a population of one thousand or more, cease providing for 532
payments to the municipal corporation under section 5747.50 of 533
the Revised Code beginning with the next required payment and 534
until such time as the report is received by the commissioner; 535

(2) If the local authority is a township or qualifying 536
village, reduce the supplemental payments to the appropriate 537
county undivided local government fund under section 5747.503 of 538
the Revised Code by an amount equal to the amount of such 539
payments the local authority would otherwise receive under that 540
section, beginning with the next required payment and until such 541
time as the report is received by the commissioner; 542

(3) For any local authority, reduce payments to the 543
appropriate county undivided local government fund under 544
division (B) of section 5747.50 of the Revised Code by an amount 545
equal to the amount of such payments the local authority would 546
otherwise receive under section 5747.51 or 5747.53 of the 547
Revised Code, beginning with the next required payment and until 548
such time as the report is received by the commissioner; 549

(4) For any local authority, notify the county auditor and county treasurer that such payments are to cease until the commissioner notifies the auditor and treasurer under division (E) of this section that the payments are to resume.

(E) The commissioner shall notify the county auditor and county treasurer on or before the day the commissioner first reduces a county undivided local government fund payment to that county under division (C) of this section. The notice shall include the full amount of the reduction, a list of the local authorities to which the reduction applies, and the amount of reduction attributed to each such local authority. The commissioner shall send an updated notice to the county auditor and county treasurer any time the amount the reduction attributed to any local authority changes.

(F) Upon receiving notification from the director of public safety that a local authority is not in compliance with the requirements of section 9.631 of the Revised Code and, pursuant to section 9.632 of the Revised Code, is ineligible to receive local government fund payments, the commissioner shall do the following, as applicable:

(1) If the local authority is a municipal corporation with a population of one thousand or more, cease providing for payments to the municipal corporation under section 5747.50 of the Revised Code beginning with the next required payment and until such time as the director notifies the commissioner that the local authority is no longer ineligible to receive local government fund payments;

(2) If the local authority is a township or qualifying village, reduce the supplemental payments to the appropriate county undivided local government fund under section 5747.503 of

the Revised Code by an amount equal to the amount of such 580
payments the local authority would otherwise receive under that 581
section, beginning with the next required payment and until such 582
time as the director notifies the commissioner that the local 583
authority is no longer ineligible to receive local government 584
fund payments; 585

(3) For any local authority, reduce payments to the 586
appropriate county undivided local government fund under 587
division (B) of section 5747.50 of the Revised Code by an amount 588
equal to the amount of such payments the local authority would 589
otherwise receive under section 5747.51 or 5747.53 of the 590
Revised Code, beginning with the next required payment and until 591
such time as the director notifies the commissioner that the 592
local authority is no longer ineligible to receive local 593
government fund payments; 594

(4) For any local authority, notify the county auditor and 595
county treasurer that all local government fund payments to the 596
local authority are to cease beginning with the next required 597
payment and until the commissioner notifies the auditor and 598
treasurer that the payments are to resume. 599

(G) If the commissioner, pursuant to division (F)(4) of 600
this section, directs a county auditor and county treasurer to 601
cease all local government fund payments to a local authority, 602
the commissioner shall notify that county auditor and county 603
treasurer when the local authority is no longer ineligible to 604
receive local government fund payments under section 9.632 of 605
the Revised Code and, subject to divisions (C) and (D) of this 606
section, that payments to the local authority from the undivided 607
local government fund are to resume. 608

(H) A county treasurer that receives a notice from the 609

commissioner under ~~this division or~~ division (B) (3) (a) ~~or~~, (D) 610
(4), (E), (F) (4), or (G) of this section shall reduce, cease, or 611
resume payments from the undivided local government fund to the 612
local authority that is the subject of the notice as specified 613
by the commissioner in the notice. Unless otherwise specified in 614
the notice, the payments shall be reduced, ceased, or resumed 615
beginning with the next required payment. 616

~~(F)~~ (I) There is hereby created in the state treasury the 617
Ohio highway and transportation safety fund. On or before the 618
tenth day of each month, the commissioner shall deposit in the 619
fund an amount equal to the total amount by which payments to 620
local authorities were reduced or ceased under division (C) or 621
(D) of this section minus the total amount of payments made 622
under division (C) (4) of this section. The amount deposited with 623
respect to a local authority shall be credited to an account to 624
be created in the fund for the transportation district in which 625
that local authority is located. If the local authority is 626
located within more than one transportation district, the amount 627
credited to the account of each such transportation district 628
shall be prorated on the basis of the number of centerline miles 629
of public roads and highways in both the local authority and the 630
respective districts. Amounts credited to a transportation 631
district's account shall be used by the department of 632
transportation and the district deputy director exclusively to 633
enhance public safety on public roads and highways within that 634
transportation district. 635

(J) On or before the tenth day of each month, the 636
commissioner shall deposit amounts withheld from a local 637
authority under divisions (F) (1), (2), and (3) of this section 638
to the general revenue fund. 639

(K) If division (F) of this section and division (C) or 640
(D) of this section apply at the same time to the same local 641
authority, the commissioner shall proceed as described in 642
divisions (F) and (J) and not under divisions (C), (D), and (I) 643
of this section until division (F) of this section no longer 644
applies. 645

Section 2. That existing sections 9.63, 4507.08, and 646
5747.502 of the Revised Code are hereby repealed. 647