Testimony Opposing H.B. No. 42: An Act to Mandate the Collection of Citizenship Status Data

Before the House Government Oversight Committee

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Submitted by: Vibrant Ohio and the Refugee Advocacy Lab

Chair Hall, Vice Chair Ferguson, Ranking Member Humphrey, and esteemed members of the House Government Oversight Committee, thank you for the opportunity to provide testimony today regarding House Bill. No. 42. (H.B. 42).

My name is Guadalupe Velasquez, and I represent **Vibrant Ohio**, a statewide organization that enhances local immigrant and refugee integration efforts to build a more inclusive and prosperous Ohio economy. I am submitting this testimony in partnership with the **Refugee Advocacy Lab,** an initiative dedicated to supporting local partners across the country to advance policies that protect forcibly displaced people and reduce barriers for them to integrate and thrive. We stand in **resolute opposition** to H.B. 42, which would mandate state and local law enforcement agencies, the Department of Rehabilitation and Correction, public schools, and other state agencies responsible for critical services to collect, maintain, and report citizenship and immigration status information.

H.B. 42 Undermines Public Safety

The foundational promise of H.B. 42 is an increase in data collection; however, the actual, on-the-ground effect of this legislation would be a catastrophic erosion of community trust, ultimately making every resident of this state less safe.

1. Creating a Culture of Fear and Impunity for Criminals: By formally mandating local law enforcement agencies (Sec. 2965.01) to collect and maintain citizenship status information on detained persons, this bill explicitly intertwines local police with federal civil immigration enforcement. This connection breeds intense fear within immigrant communities, including legal residents, mixed-status families, and victims of crime. When local police are perceived as an arm of immigration enforcement, immigrants become deeply hesitant to engage with them.

- **Crime Reporting Drops:** Victims and witnesses of crimes, including domestic violence, assault, and robbery, will refuse to call or cooperate with the police for fear that doing so could lead to their or a family member's detention or deportation. This creates a zone of impunity where criminals can operate without fear of accountability.

- **Public Health Crisis:** This chilling effect extends to public health and safety emergencies, where individuals may avoid seeking medical care, utilizing fire services, or reporting public hazards for the same fear of data collection and subsequent federal referral.

2. Diverting Critical State Resources and Taxpayer Money: H.B. 42 mandates a complex, redundant, and unfunded administrative burden on local and state agencies.

- **Misallocation of Police Time:** Law enforcement resources, which should be focused on investigating criminal activity and protecting the public, will be diverted to developing new systems, training officers, and spending valuable time seeking and documenting sensitive immigration information that has no bearing on the person's criminal offense or current detention.
- **Fiscal Waste:** Taxpayer dollars will be spent creating a centralized reporting infrastructure, compiling data (Sec. 2965.01 and Sec. 2965.02), and preparing an annual report for the General Assembly and the Governor's website (Sec. 107.26), all to gather information that is already the responsibility of federal agencies.

The Chilling Effect on Essential State Services

The reporting requirements outlined in Section 107.26 cite additional sections of the Revised Code that mandate the collection of citizenship status information across public services, dramatically expanding the scope of harm far beyond the criminal justice system. The inclusion of this information in public reports serves only to stigmatize and deter use of vital public services.

- **Education (Secs. 3301.0717 & 3301.0714): Undermining Constitutional Rights** The bill explicitly mandates public schools to collect and report the number of students categorized as **citizens, lawfully present non-citizens (disaggregated by specific immigration status), and unlawfully present non-citizens.** This is highly dangerous. Collecting and publicizing the status of "unlawfully present" students directly violates the intent of the *Plyler v. Doe* Supreme Court ruling, which guarantees public education to all children regardless of status. By converting schools into data collection points for immigration status, H.B. 42 will cause families to pull their children out of school, leading to unenrollment, increased truancy, and the creation of a permanent underclass, ultimately damaging the state's future workforce and civic structure.
- **Social Services and Welfare (Secs. 5101.546 & 5107.101): Creating Hunger and Destabilization** The bill mandates county job and family services departments collect and report information on the immigration status of household members receiving **Supplemental Nutrition Assistance Program (SNAP)** and **cash assistance**, disaggregated by specific immigration status. Furthermore, it requires reporting the **monetary value of benefits** provided exclusively to households that include a lawfully present non-citizen. This collection has no administrative purpose for program eligibility and is purely political. It is designed to stigmatize legally eligible families and will force eligible citizens and legal residents in mixed-status households to forgo critical nutrition

and financial assistance for fear that revealing a family member's status will lead to targeting, family separation, or public shaming. This sabotages efforts to alleviate poverty and ensure food security.

- **Public Health (Sec. 5162.138): Driving Illness Underground** The bill requires the Department of Medicaid to report the number of non-citizens who applied for benefits, the number of "qualified aliens" enrolled, and, most alarmingly, the number of **"individuals not lawfully present" who received Alien Emergency Medical Assistance (AEMA)**. AEMA is federally mandated, life-saving, emergency-only care for non-citizens. By forcing the state to track and publicize the number of undocumented individuals who utilized emergency services, this bill creates a chilling effect that will discourage all non-citizens from seeking preventative care or even accessing emergency services until it is too late. This not only increases the tragic human cost but also raises public health risks and forces taxpayers to bear the much greater costs of catastrophic emergency treatment.

Conclusion

House Bill 42 is a flawed bill that prioritizes the creation of unnecessary, politically charged data over the preservation of life and safety in our communities. It asks local government and essential service providers to abandon their core mission—protecting and serving all residents—in favor of acting as federal immigration clerks.

We strongly urge the Government Oversight Committee to consider the overwhelming consensus among community leaders and law enforcement organizations who oppose policies that destroy the trust between police and the communities they serve. For the sake of public safety, sound fiscal policy, and maintaining the integrity of our essential state services, we respectfully ask that you vote **NO** on House Bill 42.

Thank you.