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Sponsor Testimony

Senate Bill 172

Ohio Senate Armed Services, Veterans Affairs and Public Safety Committee

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Chair Johnson, Vice-Chair Wilson, Ranking Member Weinstein and members of the Senate Armed Services, Veterans Affairs and Public Safety Committee, thank you for the opportunity to provide sponsor testimony on Senate Bill 172, which specifies that persons who are unlawfully present in the United States are not privileged from arrest.”¹

According to the United States Constitution, Article I, Section 8, Clause 4, the power to make and enforce immigration laws is reserved to the federal government. Under current guidance from the White House and the Department of Homeland Security, Immigration and Customs Enforcement (ICE) recently issued a memorandum entitled, *Common Sense Enforcement Actions in or Near Protect Areas*, specifying that “ICE officers or agents may conduct civil immigration enforcement actions in or near courthouses when they have credible information that leads them to believe the targeted alien(s) is or will be present at a specific location, and where such action is not precluded by laws imposed by the jurisdiction in which the civil immigration enforcement action will take place.”²

Senate Bill 172 was drafted in response to 17 Franklin County Common Pleas Court judges unanimously adopting two local rules, L.R. 111 and L.R. 112³. These rules were designed to prohibit Immigration and Customs Enforcement agents, and assisting law-enforcement, from arresting or detaining individuals who are unlawfully present in the United States with Local Rule 111 stating that “no person may subject an individual to

¹ SB172 ‘As Introduced’ lines 1-4

² <https://www.ice.gov/about-ice/ero/protected-areas#:~:text=The%20Department%20of%20Homeland%20Security,superseding%20and%20rescinding%20DHS%27s%20Oct.>

³ <https://www.dispatch.com/story/news/courts/2025/03/03/judges-no-more-ice-arrests-franklin-county-courthouse-columbus-ohio-immigration/81143441007/>

civil arrest without a judicial warrant or judicial order when the individual is in the courthouse or within the environs of the courthouse.”⁴ Local Rule 112 builds upon Local Rule 111 by prohibiting execution of judicial warrants in a court room unless the enforcement officer requests and receives written approval from a judge. L.R. 112 also places additional prohibitions on court personnel including prohibiting court personnel from:

- inquiring into an individual’s immigration status;
- providing information regarding a person’s release date or personal information to an immigration enforcement officer unless the officer has a valid judicial warrant subpoena, or court order; or the information is available to the public;
- and from assisting immigration enforcement actions except as required by law⁵.

Another incident occurred recently in Boston, Massachusetts in which a municipal judge charged an Immigration and Customs Enforcement Agent, Brian Sullivan, with contempt after he detained a suspect, Wilson Martell-Lebron, who was leaving the courthouse. The Department of Justice has stated that Martell-Lebron was wanted by ICE since 2007 and alleged that he was not only residing in the country illegally, but that he has several criminal convictions for drug trafficking. Martell-Lebron, who was appearing in court for making false statements on his driver’s license application was detained outside the courthouse. Judge Mark Summerville dropped the charges pertaining to the false statements on his driver’s license and then filed a charge of contempt against ICE Agent Brian Sullivan. The charge of contempt was later dropped by a U.S. District Judge after the Massachusetts Attorney General agreed with the U.S. Attorney that the contempt order should be vacated. U.S. Attorney Leah Foley wrote that “While you might disagree with the enforcement of our federal immigration laws, there is simply no legal basis for you to hold federal officers in criminal contempt for carrying out their sworn duties, ...

⁴ <https://www.fccourts.org/DocumentCenter/View/1304/Local-Rule-111-Prohibiting-Warrantless-Civil-Arrests>

⁵ <https://www.fccourts.org/DocumentCenter/View/1302/Local-Rule-112-Regulating-Immigration-Information-and-Judicial-Warrants>

Any attempt or threat to interfere with the lawful functions of federal government agents will not be tolerated.”⁶⁷

Senate Bill 172 would provide much needed support for federal immigration authorities by requiring state and local public offices and public officials to allow the arrest or detention of any person who is, or is suspected of being, in the United States illegally for that person’s removal or for other immigration-related purposes. “Public office” for the purpose of this legislation is defined as every department, bureau, board, commission, office, or other organized body established by the Constitution of Ohio or laws of Ohio to include state-sponsored institutions of higher education, any public school, court, or judicial agency, or any political subdivision or agency thereof. “Public official” is defined in this legislation as all elected or appointed officials, officers, employees, or duly authorized representatives or agents of a public office. Additionally, Senate Bill 172 would prohibit a public official or public office from:

- Granting any privilege prohibited by the bill;
- Enforcing any rule, ordinance, resolution, policy, directive, or other action that purports, attempts, or is designed to grant any privilege prohibited by the bill
- Obstructing or interfering, directly or indirectly, with a federal, state, or local law enforcement who are arresting or detaining a person under the bill;
- Prohibiting individuals from inquiring or providing information about an individual’s citizenship or immigration status, release date, or other personal identifying information in furtherance of an immigration enforcement action;
- Prohibiting any person from aiding or cooperating with a federal, state, or local law enforcement who are arresting or detaining a person under the bill;
- Seeking or imposing any form of civil or criminal liability or penalty against any person acting in good faith under the bill⁸

In conclusion, Senate Bill 172 would force a repeal of the Local Rules 111 and 112 adopted by Franklin County Common Pleas Court and prevent a situation such as the one

⁶<https://apnews.com/article/boston-immigration-ice-municipal-court-due-process-f2d13626ffba28025a3e0314fa6ca908>

⁷ <https://apnews.com/article/ice-immigration-arrest-trial-contempt-8b35498ddd96ccf1bc3ff772e6ef5106>

⁸ SB172 ‘As Introduced’ lines 37-68

that occurred in Boston, Ma. This would be a step in the right direction in ensuring the safety of the residents of Ohio and assisting federal law enforcement acting in good faith to protect Americans and carry out their sworn duties.

It is important to note Senate Bill 172 is clear that all provisions in this bill are “subject to the protections afforded under the United States Constitution and the Ohio Constitution.”⁹

Thank you for the opportunity to provide sponsor testimony. I would be happy to answer any questions at this time.

⁹ SB172 ‘As Introduced’ lines 20-21