

As Introduced

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

H. B. No. 791

Representative Ramos

A BILL

To enact new section 9.63 and to repeal section 1
9.63 of the Revised Code to prohibit state and 2
local law enforcement agencies from using 3
resources to investigate, interrogate, detain, 4
detect, or arrest a person for the purpose of 5
immigration enforcement and to require the 6
Attorney General to adopt a model policy 7
regarding interacting with federal immigration 8
authorities. 9

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

Section 1. That new section 9.63 of the Revised Code be 10
enacted to read as follows: 11

Sec. 9.63. (A) As used in this section: 12

"Civil immigration warrant" means any warrant for a 13
violation of federal civil immigration law, including civil 14
immigration warrants entered in the national crime information 15
center databases under the federal bureau of investigation. 16

"Federal immigration authority" means any officer, 17
employee, or person otherwise paid by or acting as an agent of 18
the United States immigration and customs enforcement agency, 19

the United States customs and border protection agency, the 20
United States department of homeland security, or any successor 21
agencies or departments. 22

"Health facilities" means any facility or other location 23
used to provide diagnosis, care, or treatment of human illness, 24
whether physical or mental, to individuals who are admitted on 25
an inpatient or outpatient basis or as residents, including a 26
hospital, nursing home, residential care facility, 27
rehabilitation facility, ambulatory surgical facility, health 28
center, or clinic. 29

"Hold request" means a request from a federal immigration 30
authority that a law enforcement agency maintain custody of an 31
individual currently in the custody of the law enforcement 32
agency beyond when the individual would otherwise be eligible 33
for release in order to facilitate a transfer to the federal 34
immigration authority. 35

"Immigration enforcement" means any investigation, 36
enforcement, or assistance in the investigation or enforcement 37
of any federal immigration law. 38

"Law enforcement agency" means a municipal or township 39
police department, the office of a sheriff, the state highway 40
patrol, or any other state or local governmental body that 41
enforces criminal laws and that has employees who have a 42
statutory power of arrest. 43

"Notification request" means a request from a federal 44
immigration authority that a law enforcement agency inform the 45
immigration authority of the release date and time of an 46
individual in the custody of the law enforcement agency before 47
notifying the public. 48

"Personal information" has the meaning as defined in 49
section 1347.01 of the Revised Code. 50

"Public schools" means any schools operated by a city, 51
local, exempted village, or joint vocational district, community 52
school established under Chapter 3314. of the Revised Code, STEM 53
school established under Chapter 3326. of the Revised Code, or 54
college-preparatory boarding school established under Chapter 55
3328. of the Revised Code, and any state institution of higher 56
education as defined in section 3345.011 of the Revised Code. 57

"Transfer request" means a request from a federal 58
immigration authority that a law enforcement agency facilitate 59
the transfer of an individual in the custody of the law 60
enforcement agency to the federal immigration authority. 61

(B) No law enforcement agency, including a law enforcement 62
agency of a municipal corporation to the extent authorized under 63
Section 3, Article XVIII, Ohio Constitution, shall do any of the 64
following: 65

(1) Use the law enforcement agency's moneys, facilities, 66
property, equipment, or personnel to investigate, interrogate, 67
detain, detect, or arrest an individual for the sole purpose of 68
immigration enforcement, including doing any of the following: 69

(a) Inquire or collect information about an individual's 70
immigration status, except as required by federal immigration 71
laws; 72

(b) Detain an individual on the basis of a hold request; 73

(c) Respond to requests for notification or transfer; 74

(d) Provide or respond to requests for personal 75
information about an individual, including the individual's 76

<u>release date from any jail, prison, or detention facility</u>	77
<u>located in this state;</u>	78
<u>(e) Make arrests based on civil immigration warrants;</u>	79
<u>(f) Provide federal immigration authorities access to</u>	80
<u>interview individuals in a jail, prison, or detention facility</u>	81
<u>for purposes of immigration enforcement;</u>	82
<u>(g) Assist federal immigration authorities in any</u>	83
<u>activities described in 8 U.S.C. 1357(g);</u>	84
<u>(h) Perform the functions of an immigration officer acting</u>	85
<u>on behalf of federal immigration authorities.</u>	86
<u>(2) Require a law enforcement agency database to be made</u>	87
<u>available to federal immigration authorities. Any law</u>	88
<u>enforcement agency providing its database to any federal</u>	89
<u>immigration authority on the effective date of this section</u>	90
<u>shall no longer make its database available after that date.</u>	91
<u>(3) Authorize peace officers to be under the supervision</u>	92
<u>of, or employ peace officers who are deputized as special</u>	93
<u>federal officers or deputies by, federal immigration</u>	94
<u>authorities;</u>	95
<u>(4) Use an officer or agent of a federal immigration</u>	96
<u>authority to act as interpreter for a law enforcement agency</u>	97
<u>matter.</u>	98
<u>(C) Nothing in this section shall prevent any law</u>	99
<u>enforcement agency from complying with federal immigration laws,</u>	100
<u>as necessary.</u>	101
<u>(D) The attorney general shall develop and provide to all</u>	102
<u>law enforcement agencies, public schools, and health facilities,</u>	103
<u>and other agencies or departments, upon request, a policy for</u>	104

interacting with federal immigration authorities. Any other 105
agencies or departments, including any municipal court, county 106
court, court of common pleas, and court of appeals, may adopt 107
the policy. 108

Section 2. That section 9.63 of the Revised Code is hereby 109
repealed. 110