

As Passed by the Senate

136th General Assembly

Regular Session

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S. B. No. 172

Senator Roegner

Cosponsors: Senators Schaffer, Johnson, Brenner, Cirino, Gavarone, O'Brien

To enact section 9.631 of the Revised Code to
specify that persons who are unlawfully present
in the United States are not privileged from
arrest.

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

Section 1. That section 9.631 of the Revised Code be
enacted to read as follows:

Sec. 9.631. (A) As used in this section:

(1) "Public office" includes every department, bureau,
board, commission, office, or other organized body established
by the constitution and laws of this state for the exercise of
any function of state government, including any state-supported
institution of higher education, any public school of this
state, any court or judicial agency, or any political
subdivision or agency of a political subdivision. "Public
office" does not include the general assembly or a legislative
agency of the general assembly.

(2) "Public official" includes all elected or appointed
officials, officers, employees, or duly authorized
representatives or agents of a public office.

(B) (1) Subject to protections afforded under the United 20
States Constitution and the Ohio Constitution, and 21
notwithstanding any contrary provision of the Revised Code, no 22
person who is, or is suspected of being, unlawfully present in 23
the United States is privileged from arrest, detention, or being 24
taken into or held in custody by a federal, state, or local law 25
enforcement agency anywhere in this state under any 26
circumstances, with or without a warrant, and regardless of 27
whether the proceedings are administrative, civil, or criminal 28
in nature, for removal or other immigration related purposes or 29
proceedings. 30

(2) This section supersedes any conflicting rule, 31
ordinance, resolution, policy, or directive enacted or adopted, 32
and any other conflicting action approved, authorized, decreed, 33
ordered, taken, or permitted, by a public office or public 34
official before, on, or after the effective date of this 35
section. 36

(C) No public office or public official shall do, or 37
attempt to do, any of the following: 38

(1) Grant any privilege prohibited under division (B) (1) 39
of this section; 40

(2) Enforce any rule, ordinance, resolution, policy, 41
directive, or other action that purports, attempts, or is 42
designed to grant any privilege prohibited under or superseded 43
by division (B) of this section; 44

(3) Obstruct or otherwise interfere, directly or 45
indirectly, with a federal, state, or local law enforcement 46
agency or officer who is arresting or detaining a person, taking 47
a person into custody, or holding a person in custody as 48

permitted under division (B) (1) of this section; 49

(4) Prohibit any person from inquiring or providing 50
information about an individual's citizenship or immigration 51
status, release date, or other personal identifying information 52
when doing so is in furtherance of an immigration enforcement 53
action or otherwise to aid or cooperate with a federal, state, 54
or local law enforcement agency or officer in arresting, 55
detaining, taking into custody, or holding in custody a person 56
who is, or is suspected of being, unlawfully present in the 57
United States; 58

(5) Seek or impose any form of civil or criminal liability 59
or penalty against any person acting in good faith under this 60
section, including by holding such a person in contempt of 61
court, ejecting or removing such a person from a public office 62
or the office's surrounding grounds, or barring such a person 63
from future access to a public office or the office's 64
surrounding grounds, on the basis that the person violated any 65
rule, ordinance, resolution, policy, directive, or other action 66
that conflicts with or is superseded by division (B) of this 67
section. 68