

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 169

Representatives Keller, Antani

**Cosponsors: Representatives Becker, Hood, Riedel, Jordan, Manning, D.,
Zeltwanger, Vitale, Schaffer, Dean, Lang, Plummer**

A BILL

To amend sections 9.63 and 5747.502 and to enact
sections 9.631, 9.632, and 9.633 of the Revised
Code to require state and local authorities to
cooperate with the federal government in the
enforcement of immigration laws, to sanction
those that fail to do so, and to declare an
emergency.

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

Section 1. That sections 9.63 and 5747.502 be amended and
sections 9.631, 9.632, and 9.633 of the Revised Code be enacted
to read as follows:

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

doctrine of federalism. 19

(B) No municipal corporation shall enact an ordinance, 20
policy, directive, rule, or resolution that would materially 21
hinder or prevent local employees from complying with the USA 22
Patriot Act or any executive order of the president of the 23
United States pertaining to homeland security or from 24
cooperating with state or federal ~~immigration services and~~ 25
terrorism investigations. 26

(C) (1) Any municipal corporation that enacts any 27
ordinance, policy, directive, rule, or resolution that division 28
(B) of this section prohibits is ineligible to receive any 29
homeland security funding available from the state. 30

(2) Whenever the director of public safety determines that 31
a municipal corporation has enacted any ordinance, policy, 32
directive, rule, or resolution that division (B) of this section 33
prohibits, the director shall certify that the municipal 34
corporation is ineligible to receive any homeland security 35
funding from the state and shall notify the general assembly of 36
that ineligibility. That municipal corporation shall remain 37
ineligible to receive any homeland security funding from the 38
state until the director certifies that the ordinance, policy, 39
directive, rule, or resolution has been repealed. 40

(D) (1) If a state or local employee states disagreement 41
with, or a critical opinion of, the USA Patriot Act, any federal 42
~~immigration or~~ terrorism policy, or any executive order of the 43
president of the United States pertaining to homeland security, 44
the statement of disagreement with or critical opinion of the 45
act or order is not sufficient to qualify for purposes of this 46
section as unreasonable noncompliance with a request for 47
assistance of the type division (A) of this section describes. 48

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

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

Sec. 9.631. (A) As used in this section and sections 9.632 and 9.633 of the Revised Code:

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

(2) "Political subdivision" means a county, township, municipal corporation, or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state.

(3) "State or local governmental entity" means any agency, board, bureau, commission, council, department, division,

office, or other organized body established by the state or a 78
political subdivision for the exercise of any function of the 79
state or a political subdivision. 80

(4) "State or local public benefit" has the same meaning 81
as in division (c) of section 411 of the "Personal 82
Responsibility and Work Opportunity Reconciliation Act of 1996," 83
8 U.S.C. 1621(c), as amended. 84

(B) A law enforcement agency shall do all of the 85
following: 86

(1) Participate in any available program operated by the 87
United States department of homeland security or its successor 88
department that allows the law enforcement agency to submit to 89
federal authorities information about an arrestee in order to 90
enable those authorities to determine whether the arrestee is 91
unlawfully present in the United States; 92

(2) Immediately report the identity of any arrestee whom a 93
peace officer has reasonable cause to believe is unlawfully 94
present in the United States to the appropriate office of the 95
United States immigration and customs enforcement agency or its 96
successor agency; 97

(3) Detain a person who is unlawfully present in the 98
United States, upon receiving a lawful federal request or order 99
to do so, until the person is transferred into federal custody; 100

(4) Otherwise cooperate and comply with federal officials 101
in the enforcement of federal immigration law. 102

(C) (1) Each state or local governmental entity 103
administering a state or local public benefit shall comply with 104
section 411 of the "Personal Responsibility and Work Opportunity 105
Reconciliation Act of 1996," 8 U.S.C. 1621, as amended. 106

(2) Except as otherwise provided in division (C)(3) of 107
this section, whenever a person who is not a United States 108
citizen or national applies to a state or local governmental 109
entity for a state or local public benefit, the state or local 110
governmental entity shall verify whether the person is 111
ineligible for the benefit under section 411 of the "Personal 112
Responsibility and Work Opportunity Reconciliation Act of 1996," 113
8 U.S.C. 1621, as amended, using the systematic alien 114
verification for entitlements (SAVE) program, or its successor 115
program, operated by the United States department of homeland 116
security or its successor agency. 117

(3) Division (C)(2) of this section does not apply when a 118
person applies for a state or local public benefit described in 119
division (b) of section 411 of the "Personal Responsibility and 120
Work Opportunity Reconciliation Act of 1996," 8 U.S.C. 1621, as 121
amended, or for a state or local public benefit for which the 122
Revised Code affirmatively provides eligibility for persons 123
described in division (a) of that section. 124

(D) No state or local government agency or political 125
subdivision shall adopt an ordinance, policy, directive, rule, 126
or resolution that prohibits or otherwise restricts a public 127
official or employee from doing any of the following: 128

(1) Complying with the requirements of division (B) or (C) 129
of this section; 130

(2) Inquiring about a person's name, birthdate, place of 131
birth, or citizenship or immigration status in the course of 132
investigating or prosecuting a violation of any law or 133
ordinance; 134

(3) Maintaining information about a person's citizenship 135

or immigration status; 136

(4) Sending information to, or requesting or receiving 137
information from, a federal, state, or local government agency 138
or employee concerning a person's citizenship or immigration 139
status or for the purpose of determining a person's citizenship 140
or immigration status; 141

(5) Complying with any request by a federal agency engaged 142
in the enforcement of federal immigration law for information, 143
access, or assistance, regardless of whether the federal agency 144
has obtained a warrant to compel the state or local government 145
agency or political subdivision to comply with the request, 146
unless federal law prohibits the state or local government 147
agency or political subdivision from complying with the request. 148

Sec. 9.632. (A) Each law enforcement agency and each state 149
or local governmental entity that administers a state or local 150
public benefit shall notify its officers and employees of the 151
requirements of sections 9.63 and 9.631 of the Revised Code. 152

(B) (1) A resident of this state who believes that a 153
county, township, or municipal corporation or the law 154
enforcement agency that serves the county, township, or 155
municipal corporation is not complying with the requirements of 156
section 9.631 of the Revised Code may file a complaint with the 157
director of public safety. Upon receiving the complaint, the 158
director shall investigate whether the county, township, 159
municipal corporation, or law enforcement agency is complying 160
with the requirements of that section and shall submit a report 161
of the director's findings to the treasurer of state, to the tax 162
commissioner, to the speaker and minority leader of the house of 163
representatives, and to the president and minority leader of the 164
senate. 165

(2) If the director determines that a county, township, 166
municipal corporation, or law enforcement agency originally 167
reported as failing to comply with the requirements of section 168
9.631 of the Revised Code is in compliance with those 169
requirements, the director promptly shall issue an addendum to 170
the director's original report concerning that county, township, 171
municipal corporation, or law enforcement agency to the persons 172
who received the original report. 173

(C) If the director of public safety determines that a 174
county, township, or municipal corporation or the law 175
enforcement agency that serves the county, township, or 176
municipal corporation is not in compliance with the requirements 177
of section 9.631 of the Revised Code, then the county, township, 178
or municipal corporation is ineligible to receive homeland 179
security funding and any local government fund distributions 180
from the state until the director of public safety certifies in 181
an addendum issued under division (B) (2) of this section that 182
the county, township, municipal corporation, or law enforcement 183
agency is in compliance with the requirements of that section. 184

Sec. 9.633. (A) A person who has suffered a personal 185
injury, death, or property loss, the person's legal 186
representative, or the administrator of the person's estate may 187
file a complaint seeking the removal of a public officer in the 188
legislative or executive branch of government of a county, 189
township, or municipal corporation if all of the following 190
apply: 191

(1) A criminal offense that occurred on or after the 192
effective date of this section was a proximate cause of the 193
person's personal injury, death, or property loss. 194

(2) A person who was unlawfully present in the United 195

States at the time of the offense has been convicted of the 196
offense. 197

(3) The county, township, or municipal corporation or the 198
law enforcement agency that serves the county, township, or 199
municipal corporation was not in compliance with the 200
requirements of section 9.631 of the Revised Code at the time of 201
the offense. 202

(4) At the time of the offense, one of the following was 203
true: 204

(a) The offender resided or worked in the county, 205
township, or municipal corporation. For purposes of this 206
division, a person resides in the place in which the person's 207
habitation is fixed and to which, whenever the person is absent, 208
the person has the intention of returning. 209

(b) The offender spent time in the county, township, or 210
municipal corporation because the offender received an actual or 211
perceived benefit from the failure of the county, township, or 212
municipal corporation or the law enforcement agency that serves 213
the county, township, or municipal corporation to comply with 214
the requirements of section 9.631 of the Revised Code. 215

(5) The public officer did any of the following: 216

(a) In the case of a member of the legislative authority 217
of the county, township, or municipal corporation, voted in 218
favor of a resolution, ordinance, order, rule, or policy that 219
caused the county, township, or municipal corporation or the law 220
enforcement agency that serves the county, township, or 221
municipal corporation not to comply with the requirements of 222
section 9.631 of the Revised Code; 223

(b) Issued or adopted an order, rule, or policy that 224

caused the county, township, or municipal corporation or the law 225
enforcement agency that serves the county, township, or 226
municipal corporation not to comply with the requirements of 227
that section; 228

(c) Enforced or otherwise implemented a resolution, 229
ordinance, order, rule, or policy that caused the county, 230
township, or municipal corporation or the law enforcement agency 231
that serves the county, township, or municipal corporation not 232
to comply with the requirements of that section. 233

(B) A person who files a complaint under this section 234
shall file the complaint in the court of common pleas of the 235
county in which the public officer resides. The prosecuting 236
attorney of the county shall prosecute the removal, except that 237
if the prosecuting attorney is the subject of the complaint, the 238
attorney general shall appoint a special prosecutor to prosecute 239
the removal. The court shall hold a hearing on the complaint not 240
later than thirty days after it is filed. Not later than ten 241
days before the hearing, the court shall cause a copy of the 242
complaint and a notice of the hearing to be served on the public 243
officer and on the prosecutor. The court may suspend the officer 244
pending the hearing. 245

(C) (1) A judge shall try the case, unless the public 246
officer demands a jury trial under division (C) (2) of this 247
section. If the judge determines that all of the elements 248
described in division (A) of this section are true, the judge 249
shall order that the public officer be removed from office and 250
shall file a full, detailed statement of the reasons for the 251
removal with the clerk of the court. The proceedings and the 252
findings of the judge shall be matters of public record. 253

(2) If the public officer demands a jury trial, a jury 254

composed of twelve persons who satisfy the qualifications of a 255
juror specified in section 2313.17 of the Revised Code shall 256
hear the case. If nine or more members of the jury find that all 257
of the elements described in division (A) of this section are 258
true, the jury shall return a finding for the removal of the 259
public officer, the judge shall order that the public officer be 260
removed from office, and the finding and order shall be filed 261
with the clerk of the court and made a matter of public record. 262
If less than nine members of the jury find that all of the 263
elements described in division (A) of this section are true, the 264
jury shall return a finding that the complaint be dismissed, and 265
the judge shall order that the complaint be dismissed. 266

(D) (1) The court of appeals may review the decision of the 267
court of common pleas on appeal on questions of law. Not later 268
than twenty days after the court of common pleas enters its 269
decision, a party who seeks to appeal the decision shall request 270
a hearing in the court of appeals in order to show good cause 271
why the court of appeals should grant leave to appeal. The court 272
of appeals shall hold the hearing not later than ten days after 273
the hearing is requested and shall notify the public officer and 274
the prosecutor of the hearing. If the court of appeals refuses 275
to grant leave to appeal, the decision shall be final. 276

(2) If the court of appeals grants leave to appeal, the 277
appellant shall file the transcript of the record and the notice 278
of appeal in the court of appeals not later than ten days after 279
the court of appeals grants leave to appeal. The court of 280
appeals shall hear the case not later than thirty days after the 281
filing of the notice of appeal. The decision of the court of 282
appeals in passing upon the merits of the case in the appellate 283
proceedings shall be final. 284

(E) The court of common pleas and the court of appeals may 285
subpoena witnesses and compel their attendance in the same 286
manner as in civil cases. The sheriff of the county in which a 287
witness resides shall serve process upon the witness. The 288
witness fees and other fees in connection with the removal 289
proceedings shall be the same as in civil cases, and the county 290
shall pay the expenses incurred in the proceedings out of its 291
general fund. 292

Sec. 5747.502. (A) As used in this section: 293

(1) "Delinquent subdivision" means a municipal 294
corporation, township, or county that has not filed a report or 295
signed statement under section 4511.0915 of the Revised Code, as 296
required under that section and that is not a sanctuary 297
subdivision. 298

(2) "Noncompliant subdivision" means a municipal 299
corporation, township, or county that files a report under 300
division (A)(1) of section 4511.0915 of the Revised Code for the 301
most recent calendar quarter and that is not a sanctuary 302
subdivision. 303

(3) "Sanctuary subdivision" means a political subdivision 304
that the director of public safety determines is not in 305
compliance with the requirements of section 9.631 of the Revised 306
Code and, pursuant to section 9.632 of the Revised Code, is 307
ineligible to receive local government fund distributions. 308

(B) (1) (a) Upon receiving notification of a delinquent 309
subdivision under division (C) (2) of section 4511.0915 of the 310
Revised Code, the tax commissioner shall do both of the 311
following: 312

(i) If the delinquent subdivision is a municipal 313

corporation, cease providing for payments to the municipal 314
corporation under division (C) of section 5747.50 of the Revised 315
Code, beginning with the next required payment; 316

(ii) Immediately notify the county auditor and county 317
treasurer required to provide for payments to the delinquent 318
subdivision from a county undivided local government fund that 319
such payments are to cease until the ~~tax~~-commissioner notifies 320
the auditor and treasurer under division (B) (3) (a) (ii) of this 321
section. 322

(b) A county treasurer receiving the notice under division 323
(B) (1) (a) (ii) of this section shall cease providing for payments 324
to the delinquent subdivision from a county undivided local 325
government fund, beginning with the next required payment. 326

(2) (a) Upon receiving notification that a county, 327
township, or municipal corporation is no longer a delinquent 328
subdivision under division (C) (3) of section 4511.0915 of the 329
Revised Code, the ~~tax~~-commissioner shall do both of the 330
following: 331

(i) ~~If~~ Except as provided in division (B) (2) (c) of this 332
section, if the formerly delinquent subdivision is a municipal 333
corporation, begin providing for payments to the municipal 334
corporation as required under division (C) of section 5747.50 of 335
the Revised Code, beginning with the next required payment. 336

(ii) Immediately notify the county auditor and county 337
treasurer who ceased payments ~~to the formerly delinquent~~ 338
~~subdivision~~ under division (B) (1) (b) of this section that the 339
~~treasurer shall begin providing for payment from a county~~ 340
~~undivided local government fund to the formerly municipal~~ 341
corporation, township, or county is no longer a delinquent 342

subdivision under ~~section 5747.503, 5747.51, or 5747.53 of the~~ 343
~~Revised Code.~~ 344

(b) ~~A~~ Except as provided in division (B) (2) (c) of this 345
section, a county treasurer receiving notice under division (B) 346
(2) (a) (ii) of this section shall provide for payments to the 347
formerly delinquent subdivision from a county undivided local 348
government fund, beginning with the next required payment. 349

(c) If the formerly delinquent subdivision is a 350
noncompliant subdivision, the commissioner and the county 351
treasurer shall reduce payments as required under division (C) 352
of this section. 353

(C) (1) Upon receiving notification of a noncompliant 354
subdivision under division (C) (1) of section 4511.0915 of the 355
Revised Code, the ~~tax~~-commissioner shall do both of the 356
following: 357

(a) If the noncompliant subdivision is a municipal 358
corporation, reduce the amount of each of the next three local 359
government fund payments the noncompliant subdivision would 360
otherwise receive under division (C) of section 5747.50 of the 361
Revised Code in an amount equal to one-third of the gross amount 362
of fines reported by the noncompliant subdivision on the report 363
filed for the calendar quarter. 364

(b) If the reduction described in division (C) (1) (a) of 365
this section exceeds the amount of money the noncompliant 366
subdivision would otherwise receive under division (C) of 367
section 5747.50 of the Revised Code, immediately notify the 368
county auditor and county treasurer required to provide for 369
payments to the noncompliant subdivision from a county undivided 370
local government fund that each of the next three such payments 371

are to be reduced to that subdivision in an amount equal to one- 372
third of that excess. 373

(2) A county treasurer receiving notice under division (C) 374
(1)(b) of this section shall reduce the payments to the 375
noncompliant subdivision from a county undivided local 376
government fund as required by the notice. 377

(D)(1) The ~~tax~~-commissioner shall provide for payment of 378
an amount equal to amounts withheld from municipal corporations 379
under divisions (B)(1)(a)(i) and (C)(1)(a) of this section to 380
the undivided local government fund of the county from which the 381
municipal corporation receives payments under section 5747.503, 382
5747.51, or 5747.53 of the Revised Code. The county treasurer 383
shall distribute that money among subdivisions that are not 384
~~delinquent or~~, noncompliant, or sanctuary subdivisions and that 385
are entitled to receive distributions under those sections by 386
increasing each such subdivision's distribution on a pro rata 387
basis. 388

(2) A county treasurer shall distribute any amount 389
withheld from a delinquent or noncompliant subdivision under 390
division (B)(1)(b) or (C)(2) of this section among other 391
subdivisions that are not delinquent ~~or~~, noncompliant, or 392
sanctuary subdivisions by increasing each such subdivision's 393
distribution from the county's undivided local government fund 394
on a pro rata basis. 395

(E)(1) Upon receiving notification of a sanctuary 396
subdivision from the director of public safety under section 397
9.632 of the Revised Code, the commissioner shall do both of the 398
following: 399

(a) If the sanctuary subdivision is a municipal 400

corporation, cease providing for any payments to the sanctuary 401
subdivision under division (C) of section 5747.50 of the Revised 402
Code, beginning with the next required payment; 403

(b) If the sanctuary subdivision is a township, reduce 404
payments to the appropriate undivided county local government 405
fund under section 5747.503 of the Revised Code beginning with 406
an amount equal to the amount of such payments the sanctuary 407
subdivision would have otherwise received under section 5747.503 408
of the Revised Code and immediately notify the appropriate 409
county auditor and county treasurer that such payments are to 410
cease until the commissioner notifies the auditor and treasurer 411
that the township is no longer a sanctuary subdivision; 412

(c) For any sanctuary subdivision, reduce payments to the 413
appropriate undivided county local government fund under section 414
5747.50 of the Revised Code beginning with the next required 415
payment by an amount equal to the amount of such payments the 416
sanctuary subdivision would otherwise receive under section 417
5747.51 or 5747.53 of the Revised Code and immediately notify 418
the appropriate county auditor and county treasurer that such 419
payments are to cease until the commissioner notifies the 420
auditor and treasurer that the municipal corporation, county, or 421
township is no longer a sanctuary subdivision; 422

(d) A county treasurer receiving the notice under division 423
(E) (1) (b) or (c) of this section shall cease providing for 424
payments to the sanctuary subdivision from a county undivided 425
local government fund beginning with the next required payment. 426

(2) Upon receiving notification from the director of 427
public safety under section 9.632 of the Revised Code that a 428
county, township, or municipal corporation is no longer a 429
sanctuary subdivision the commissioner shall do both of the 430

following:

(a) Except as provided in division (E) (2) (c) of this
section, if the former sanctuary subdivision is a municipal
corporation, resume payments to the municipal corporation as
required under division (C) of section 5747.50 of the Revised
Code beginning with the next required payment;

(b) For any former sanctuary subdivision, notify the
appropriate county auditor and county treasurer that the county,
township, or municipal corporation is no longer a sanctuary
subdivision.

Except as provided in division (E) (2) (c) of this section,
a county treasurer receiving notice under division (E) (2) (b) of
this section shall resume payments to the former sanctuary
subdivision from a county undivided local government fund under
section 5747.51 or 5747.53 of the Revised Code beginning with
the next required payment. In addition, if the former sanctuary
subdivision is a township, the county treasurer shall resume
payments to the former sanctuary subdivision from the county
undivided local government fund under section 5747.503 of the
Revised Code beginning with the next required payment.

(c) If the former sanctuary subdivision is a delinquent or
noncompliant subdivision, the commissioner and county treasurer
shall continue to withhold or reduce payments as required under
division (B) or (C) of this section, respectively.

(F) Each month, the commissioner shall certify to the
director of budget and management the total amounts withheld
from sanctuary subdivisions under division (E) (1) of this
section, and the director shall transfer an equal amount from
the local government fund to the general revenue fund.

(G) A county, township, or municipal corporation receiving 460
an increased distribution under division (D) of this section 461
shall use such money for the current operating expenses of the 462
subdivision. 463

Section 2. That existing sections 9.63 and 5747.502 of the 464
Revised Code are hereby repealed. 465

Section 3. If any provision of this act or the application 466
of this act to any person or circumstance is held invalid, that 467
invalidity does not affect any other provisions or applications 468
of this act that can be given effect without the invalid 469
provision or application. 470

Section 4. (A) The General Assembly finds that all of the 471
following are true: 472

(1) Sanctuary policies that restrict, obstruct, or 473
discourage cooperation with federal immigration authorities are 474
prohibited by such federal laws as Section 642 of the "Omnibus 475
Consolidated Appropriations Act of 1996," 8 U.S.C. 1373, which 476
states that "a Federal, State, or local government entity or 477
official may not prohibit, or in any way restrict, any 478
government entity or official from sending to, or receiving 479
from, the Immigration and Naturalization Service information 480
regarding the citizenship or immigration status, lawful or 481
unlawful, of any individual." 482

(2) On January 25, 2017, the President of the United 483
States issued an executive order, "Enhancing Public Safety in 484
the Interior of the United States," that addresses sanctuary 485
jurisdictions. The order states that it is the policy of the 486
executive branch of the federal government to ensure that 487
Section 642 of the "Omnibus Consolidated Appropriations Act of 488

1996," 8 U.S.C. 1373, is enforced to the fullest extent of the 489
law and that the United States Attorney General and Secretary of 490
Homeland Security must ensure that jurisdictions that willfully 491
refuse to comply with that law are ineligible for federal 492
grants, except as the Attorney General or the Secretary deem 493
necessary for law enforcement purposes. 494

(3) In *Arizona v. United States*, 567 U.S. 387 (2012), the 495
Supreme Court of the United States ruled that the United States 496
Congress has the exclusive authority to legislate on immigration 497
matters, that states may not augment the penalties for violating 498
federal immigration laws, that "consultation between federal and 499
state officials is an important feature of the immigration 500
system," and that "Congress has encouraged the sharing of 501
information about possible immigration violations." 502

(B) The General Assembly declares all of the following: 503

(1) Given the supremacy of all federal laws pertaining to 504
immigration, including Section 274 of the "Immigration and 505
Nationality Act," 8 U.S.C. 1324, as amended, which prohibits 506
knowingly harboring persons who are unlawfully present in the 507
United States, it is inappropriate and contrary to the public 508
safety and welfare of this state for any public official to 509
encourage, endorse, or otherwise support any public or private 510
organization that seeks to offer so-called "sanctuary 511
protection" to persons who are unlawfully present in the United 512
States. 513

(2) Policies that direct state or local employees not to 514
cooperate with federal immigration authorities or that protect 515
persons who are unlawfully present in the United States are 516
contrary to federal law, the interests of this state, and the 517
safety and welfare of the people of this state. 518

(3) This act is necessary to ensure consistency and 519
fairness in the enforcement of the laws of this state. 520

(4) The subject of this act is a matter of statewide 521
concern. 522

Section 5. This act is declared to be an emergency measure 523
necessary for the immediate preservation of the public peace, 524
health, and safety. The reason for that necessity is that 525
government policies that prohibit cooperation with federal 526
authorities in the enforcement of immigration laws endanger the 527
public safety and welfare. Therefore, this act shall go into 528
immediate effect. 529