

**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**

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**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 Revised Code. 343  
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