

**As Passed by the Senate**

**128th General Assembly  
Regular Session  
2009-2010**

**Am. S. B. No. 35**

**Senator Stewart**

**Cosponsors: Senators Seitz, Cates, Faber, Gibbs, Harris, Niehaus, Patton,  
Schaffer, Schuring**

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**A B I L L**

To enact section 109.45 of the Revised Code to direct 1  
the Attorney General to pursue a memorandum of 2  
agreement that permits the enforcement of federal 3  
immigration laws in this state by law enforcement 4  
officers. 5

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

**Section 1.** That section 109.45 of the Revised Code be enacted 6  
to read as follows: 7

**Sec. 109.45.** (A) The attorney general shall pursue a 8  
memorandum of agreement under the federal "Illegal Immigration 9  
Reform and Immigrant Responsibility Act of 1996," 110 Stat. 3009, 10  
8 U.S.C. 1357(g), between the state of Ohio and the United States 11  
attorney general or the appropriate federal agency the United 12  
States attorney general designates, to permit the enforcement in 13  
this state of federal immigration laws, both criminal and civil, 14  
including the apprehension, detention, and investigation of 15  
illegal aliens located in this state. 16

(B) Any memorandum of agreement entered into pursuant to this 17  
section shall be signed on behalf of this state by the Ohio 18

attorney general or as the memorandum otherwise requires. 19

(C)(1) The attorney general shall designate appropriate law 20  
enforcement officers to be trained in the enforcement of the 21  
relevant federal immigration laws as the memorandum of agreement 22  
specifies. Any law enforcement officer the attorney general 23  
designates to receive training shall be trained as the memorandum 24  
specifies. 25

(2) A law enforcement officer who is certified as trained in 26  
accordance with the memorandum of agreement shall enforce the 27  
federal immigration laws the memorandum specifies while performing 28  
within the scope of that law enforcement officer's authorized 29  
duties. 30

(3) No law enforcement officer shall enforce the federal 31  
immigration laws specified in the memorandum of agreement unless 32  
that law enforcement officer has received the training this 33  
section requires. 34

(D) The participation of any local law enforcement agency in 35  
a memorandum of agreement entered into by the attorney general is 36  
permissive. 37