

**As Reported by the Senate State and Local Government and
Veterans Affairs Committee**

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

Am. S. B. No. 35

Senator Stewart

Cosponsor: Senator Seitz

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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(q), 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