

As Introduced

**130th General Assembly
Regular Session
2013-2014**

H. B. No. 354

Representatives Butler, Young

**Cosponsors: Representatives Adams, J., Beck, Becker, Brenner, Henne,
Hood, Lynch, Retherford, Roegner, Sprague, Stebelton, Terhar**

—

A B I L L

To enact section 2935.034 of the Revised Code to 1
prevent the state or a political subdivision from 2
assisting the armed forces of the United States in 3
the illegal investigation, prosecution, or 4
detention of any person within the state who is 5
lawfully present in the United States. 6

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

Section 1. That section 2935.034 of the Revised Code be 7
enacted to read as follows: 8

Sec. 2935.034. (A)(1) Except as provided in division (A)(2) 9
of this section, notwithstanding any contrary provision of law, no 10
agency of this state, political subdivision of this state, 11
employee of either acting in the employee's official capacity, or 12
any member of the Ohio organized militia, when such a member is 13
serving in the Ohio organized militia on official state duty, 14
shall knowingly aid an agency of the United States in any 15
investigation, prosecution, or detention of a person within this 16
state, pursuant to any of the following laws, if the agency, 17
political subdivision, employee, or member would violate the 18
United States Constitution or the constitution of this state: 19

<u>(a) Section 1021 or 1022 of the "National Defense</u>	20
<u>Authorization Act for Fiscal Year 2012," Pub. L. No. 112-81;</u>	21
<u>(b) The "Authorization for Use of Military Force of 2001,"</u>	22
<u>Pub. L. No. 107-40; or</u>	23
<u>(c) Any other federal law that would deprive a person who is</u>	24
<u>lawfully present in the United States of the right to petition for</u>	25
<u>a writ of habeas corpus.</u>	26
<u>(2) Division (A)(1) of this section does not apply to</u>	27
<u>participation by state or local law enforcement or the Ohio</u>	28
<u>organized militia in a joint task force, partnership, or other</u>	29
<u>similar cooperative agreement with federal law enforcement if that</u>	30
<u>joint task force, partnership, or similar cooperative agreement is</u>	31
<u>not for the purpose of investigating, prosecuting, or detaining</u>	32
<u>any person who is lawfully present in the United States pursuant</u>	33
<u>to the laws described in divisions (A)(1)(a) to (c) of this</u>	34
<u>section.</u>	35
<u>(B) It is the policy of this state to refuse to provide</u>	36
<u>material support for or to participate in any way with the</u>	37
<u>implementation within this state of any federal law that purports</u>	38
<u>to authorize indefinite detention of a person within this state.</u>	39
<u>(C) Notwithstanding any contrary provision of law, no</u>	40
<u>political subdivision, no law enforcement agency of a political</u>	41
<u>subdivision, and no employee of a political subdivision acting in</u>	42
<u>the employee's official capacity shall knowingly use state funds</u>	43
<u>or funds appropriated by the state to local entities on or after</u>	44
<u>the effective date of this section, in whole or in part, to engage</u>	45
<u>in any activity that aids an agency of the United States in the</u>	46
<u>detention of any person within this state for purposes of</u>	47
<u>implementing the laws described in divisions (A)(1)(a) to (c) of</u>	48
<u>this section, if that activity would violate the United States</u>	49
<u>Constitution or the constitution of this state.</u>	50