



Ohio Legislative Service Commission

Bill Analysis

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H.B. 378

129th General Assembly
(As Introduced)

Reps. Young, J. Adams, Beck, Blessing

BILL SUMMARY

- Provides that if the Bureau of Criminal Identification and Investigation or a county sheriff submits the fingerprints of an arrested person to the FBI or the Department of Homeland Security and is notified in return that the fingerprints match those of an undocumented alien, BCII or the sheriff's department must determine whether the arrestee was issued an Ohio driver's license and whether the arrestee provided or displayed a false or altered driver's license or another person's driver's license as identification at the time of arrest or processing.
- If so, BCII or the sheriff's department must notify the Attorney General, who in turn must notify the Bureau of Motor Vehicles, Secretary of State, and Department of Job and Family Services, which are to cancel the arrestee's driver's license and voter registration and, unless prohibited by federal law, terminate any benefits the arrestee is receiving from programs administrated or supervised by DJFS.

CONTENT AND OPERATION

Submission of an arrestee's fingerprints to a federal agency

Under the bill, if the Bureau of Criminal Identification and Investigation (BCII) or a county sheriff directly or indirectly submits the fingerprints of a person who has been arrested by a law enforcement agency and fingerprinted by the sheriff's department during the person's processing at a county jail to the Federal Bureau of Investigation's Integrated Automated Fingerprint Identification System or the Department of Homeland Security's Automated Biometric Identification System and receives a response from either system stating that the fingerprints submitted match the fingerprints of an undocumented alien, BCII or the sheriff's department must determine both of the following:

(1) Whether the Registrar of Motor Vehicles or a deputy registrar issued the arrestee a driver's license; and

(2) Whether the arrestee provided or displayed a false or altered driver's license or another person's driver's license as identification at the time of arrest or processing.¹

The bill defines "alien" as an individual who is not a citizen of the United States.²

If BCII or the sheriff's department determines that the Registrar or a deputy registrar issued such an arrestee a driver's license or the arrestee provided or displayed a false or altered driver's license or another person's driver's license as identification at the time of arrest or processing, BCII or the sheriff's department is required to notify the Attorney General and provide the Attorney General with a copy of the response BCII or the sheriff's department received from the federal identification system.³

Notification by the Attorney General

The Attorney General must notify the Bureau of Motor Vehicles (BMV), the Secretary of State, the Department of Job and Family Services (DJFS), and the arrestee that the Attorney General received notice that the arrestee provided or displayed a false or altered driver's license or another person's driver's license as identification at the time of arrest or processing. The Attorney General must determine the format for notification.⁴

The Attorney General is required to adopt rules pursuant to the Administrative Procedure Act to provide for the timely transfer of information between agencies under the bill.⁵

Action by the Secretary of State

The Secretary of State is required to determine if an arrestee described in the preceding paragraph is registered to vote in this state. If so, the Secretary must cancel the arrestee's voter registration and notify the arrestee of the cancellation.⁶

¹ R.C. 109.5722(B)(1).

² R.C. 109.5722(A)(1).

³ R.C. 109.5722(B)(2).

⁴ R.C. 109.5722(C).

⁵ R.C. 109.5722(F).

⁶ R.C. 109.5722(D)(1).

Action by the Department of Job and Family Services

DJFS is required to determine if the arrestee who was named in the notice as having provided or displayed a false or altered driver's license or another person's driver's license as identification at the time of arrest or processing receives any benefits from programs administrated or supervised by the DJFS. If the arrestee receives benefits from any of these programs, DJFS must terminate the arrestee's receipt of all benefits from the program and notify the arrestee of the termination unless the termination of a benefit is prohibited by a federal statute or regulation.⁷

Action by the Bureau of Motor Vehicles

The BMV is required to cancel any driver's license issued to an arrestee described in the preceding paragraph and notify the arrestee of the cancellation.⁸

Restoration of an arrestee's rights, privileges, or benefits

An arrestee who loses rights, privileges, or benefits under the bill may obtain those rights, privileges, and benefits at a later date if the arrestee meets all licensing, registration, benefit, and residency requirements for the rights, privileges, or benefits at that later date.⁹

Compilation of data

The bill requires the Secretary of State, DJFS, and BMV to compile monthly data on the number of arrestees who lose rights, privileges, and benefits under the bill, and the compilation for a particular month must be completed by the end of the following month. Upon request, the compiled data must be sent to the Attorney General within 60 days after receiving such a request. The Attorney General is required to post the compiled data for each calendar quarter in a readily accessible format on the Attorney General's web site prior to the end of the next calendar quarter.¹⁰

HISTORY

ACTION	DATE
Introduced h0378-i-129.docx/ks	11-15-11

⁷ R.C. 109.5722(D)(2).

⁸ R.C. 109.5722(D)(3).

⁹ R.C. 109.5722(E).

¹⁰ R.C. 109.5722(G).