



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: Am. S.B. 35 of the 128th G.A. **Date:** April 6, 2010

Status: As Passed by the Senate **Sponsor:** Sen. Stewart

Local Impact Statement Procedure Required: No — Possible indirect local effects

Contents: State enforcement of immigration laws

State Fiscal Highlights

STATE FUND	FY 2011	FY 2012	FUTURE YEARS
GRF and/or Other State Funds			
Revenues	No direct effect	No direct effect	No direct effect
Expenditures	Potential minimal one-time MOA negotiating costs	No direct effect	No direct effect

Note: The state fiscal year is July 1 through June 30. For example, FY 2010 is July 1, 2009 – June 30, 2010.

- The Office of the Attorney General may incur minimal one-time costs to pursue a memorandum of agreement (MOA) concerning the enforcement of federal immigration laws in Ohio.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2010	FY 2011	FUTURE YEARS
Counties, Municipalities, and Townships (Law Enforcement Entities)			
Revenues	No direct effect	No direct effect	No direct effect
Expenditures	No direct effect	No direct effect	No direct effect

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- Until a MOA is entered into between the federal government and the state of Ohio, it is unclear how, and to what extent, local law enforcement agencies will or may be fiscally affected by the possibility of their officers being designated and specially trained to enforce federal immigration laws in Ohio.

Detailed Fiscal Analysis

Memorandum of agreement under federal IIRIRA¹

The bill: (1) directs the Ohio Attorney General to pursue a memorandum of agreement (MOA) with the United States Attorney General concerning the enforcement of federal immigration laws² in Ohio, and (2) requires the Ohio Attorney General, if a memorandum of agreement is entered into, to designate appropriate law enforcement officers to be trained in the enforcement of the relevant federal immigration laws.

State fiscal effects

Office of the Ohio Attorney General

Negotiations (direct effect). The required negotiation of a MOA will directly create a one-time, likely no more than minimal, expense to the Ohio Attorney General, largely in terms of existing staff who would be tasked with handling the negotiation process.

Implementation (indirect effect). The bill requires the Ohio Attorney General, if a MOA is entered, to designate appropriate law enforcement officers to be trained in the enforcement of the relevant federal immigration laws. Until a MOA is entered, however, any ongoing effects on state revenues and expenditures are uncertain. The factors behind these uncertainties include, but are not limited to, the number of state and/or local law enforcement officers to be trained, the course(s) to be taught, the duration of training, the need for refresher training, and the billing and payment of training costs.

Local fiscal effects

Law enforcement agencies

Direct fiscal effect. The bill has no direct fiscal effect on any of the state's political subdivisions.

Indirect fiscal effect. Once a MOA is entered into, the bill requires the Ohio Attorney General to designate appropriate law enforcement officers to train law enforcement officers to enforce relevant federal immigration laws in accordance with that memorandum and prohibits law enforcement officers who are not certified to do so from enforcing those federal immigration laws.

¹ Illegal Immigration Reform and Immigrant Responsibility Act of 1996 110 Stat. 3009, 8 U.S.C. 1357(g) (IIRIRA).

² *Ibid.*

It is unclear how, and to what extent, local law enforcement agencies could be affected by this requirement. Additional uncertainty is created because the bill permits, but does not require, any local law enforcement agency to participate in an MOA. It appears that any local revenue and expenditure effects would depend on a variety of factors, including, but not limited to: (1) the number of officers trained and the corresponding cost, (2) the degree to which local law enforcement agencies opt to participate in an MOU, (3) whether local law enforcement agencies would be permitted to function under current law, therefore maintaining the status quo of current enforcement measures regarding illegal aliens, (4) the availability of funding from the state and/or federal government for reimbursement of training, enforcement, and detention costs, and (5) the number of federal immigration law violation investigations, arrests, and subsequent prosecutions.³

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³ For purposes of this fiscal analysis, any costs related to the training requirements and enforcement duties to be included in the memorandum of agreement are considered to be indirect and permissive costs of the bill.