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# Proposed Ohio Bill Would Require Local Police to Assist in Immigration Actions

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On January 28, 2025, fifteen Republican members of the Ohio House of Representatives renewed a bill that aims to eliminate—or at least partially de-fund—any “sanctuary jurisdictions” within Ohio. It hopes to do so by requiring Ohio political subdivisions to participate in federal immigration-enforcement actions moving forward. If the political subdivision does not do so, then the state would subtract ten percent of the political subdivision’s allotted Local Government Funds (“LGF”).

House Bill 26 would add four sections to the Ohio Revised Code: sections 9.631, 9.632, 9.633, and 5747.504. The full text of the proposed bill is available [here](#).

## Requiring Cooperation with Federal Enforcement Actions

Section 9.631 would require political subdivisions and their law enforcement arms to participate in all U.S. Department of Homeland Security (“DHS”) programs that allow state- or local-level participation in federal immigration enforcement actions. Currently, federal law does not require (and likely cannot require without violating the 10th Amendment to the U.S. Constitution) local law enforcement officials to participate in such actions.

Section 9.631 would also require law enforcement to “[i]mmediately report the identity of any arrestee whom a peace officer has reasonable cause to believe is unlawfully present in the United States” to DHS; detain “a person who is unlawfully present in the United States;” and “[o]therwise cooperate and comply with federal officials in the enforcement of federal immigration law.”

Finally, section 9.631 would prohibit political subdivisions from “adopt[ing] an ordinance, policy, directive, rule, or resolution that prohibits or otherwise restricts a public official or employee” from

doing any of these things that are formalized by policy in some “sanctuary jurisdictions” throughout the country:

- Inquiring about a person’s name, birth date, place of birth, or citizenship or immigration status in the course of investigating or prosecuting a violation of any law or ordinance;
- Maintaining information about a person’s citizenship or immigration status;
- Sending information to, or requesting or receiving information from, a federal, state, or local government agency or employee concerning a person’s citizenship or immigration status or for the purpose of determining a person’s citizenship or immigration status;
- Complying with any request by a federal agency engaged in the enforcement of federal immigration law for information, access, or assistance, regardless of whether the federal agency has obtained a warrant to compel the state or local government agency or political subdivision to comply with the request, unless federal law prohibits the state or local government agency or political subdivision from complying with the request; or
- Complying with the requirements of § 9.631(B) or (C).

## Ohio Attorney General to Investigate Noncompliance

Section 9.632 would create a process by which a sitting Ohio Legislator “who believes that [a political subdivision] ... is not complying with the requirements of section 9.631 of the Revised Code may file a complaint with the attorney general.” After receiving a complaint, the Ohio Attorney General would investigate whether the political subdivision “is complying with the requirements of that section and shall submit a report of the attorney general’s findings to the treasurer of state and to the tax commissioner.”

If the Ohio Attorney General were to determine that the political subdivision is not complying with section 9.631, then “the county,

township, or municipal corporation [would be] ineligible to receive homeland security funding and required to receive reduced local government fund distributions from the state under section 5747.504 of the Revised Code” until the Ohio Attorney General certifies that the political subdivision is complying fully with section 9.631.

## Annual Reporting Requirements

Section 9.633 would require a political subdivision to “submit a report annually to the attorney general confirming the county, township, or municipal corporation is in compliance with sections 9.63, 9.631, and 9.632 of the Revised Code.”

## Noncompliance Would Lead to Reduced Local Government Funds Payments

Finally, section 5747.504 would penalize any jurisdiction that the Ohio Attorney General has determined (through the process at section 9.632) is not complying with section 9.631. For any such jurisdiction, the Ohio Commissioner must “subtract a sanctuary jurisdiction adjustment from the local authority’s LGF payments, ... beginning with the next required payment and until such time as the attorney general notifies the commissioner ... that the local authority is in compliance with the requirements of section 9.631 of the Revised Code.”

LGF payments are “the payments a local authority would receive each month under sections 5747.503, 5747.51, and 5747.53, and division (C) of section 5747.50 of the Revised Code[.]” And the so-called “sanctuary jurisdiction adjustment” is “ten per cent of a local authority’s [LGF] payment for a month.” Such a reduction could materially affect a political subdivision’s operating budget.

## Pathway to Becoming Law

While H.B. 26 is far from being enacted as law—and not the first Ohio bill to try to disrupt sanctuary jurisdiction policies—the federal government’s ramped-up deportation efforts and public sentiment towards immigration enforcement may provide meaningful political

momentum to push proposals like this forward.

Frost Brown Todd's [Government Service Practice Group](#) is tracking this and related bills concerning the intersection of federal immigration priorities and political subdivision actions. Contact the authors or any other attorney in Frost Brown Todd's [Government Service Practice Group](#) if you have any questions about addressing these or similar issues.

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