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Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Fischer and Williams

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SUMMARY

- Requires law enforcement agencies, the departments of Rehabilitation and Correction, Education and Workforce, Job and Family Services, and Medicaid to collect and annually report data to the Governor concerning citizenship and immigration status of persons with whom they come into contact.
- Permits the Attorney General and Department of Job and Family Services, as appropriate, to adopt rules to establish the format of the citizenship and immigration information collected and the report.
- Requires the Governor to submit an annual report to the General Assembly that summarizes the information in the reports provided to the Governor.

DETAILED ANALYSIS

Data collection regarding U.S citizenship or immigration status

The bill requires law enforcement agencies, the departments of Rehabilitation and Correction (DRC), Education and Workforce (DEW), Job and Family Services (JFS), and Medicaid to collect and report data concerning the citizenship and immigration status of persons with whom they come into contact.

Law enforcement agencies

Data collection

The bill requires law enforcement agencies to collect and maintain, as part of its official records for each person in detention, the person's citizenship or immigration status, if available. At the law enforcement agency's request, a prosecuting attorney, court clerk, or DRC must provide any available citizenship or immigration status information to the law enforcement agency. Under the bill, a law enforcement agency is "a municipal or township police department,

office of a sheriff, the state highway patrol, or any other state or local government body that enforces criminal laws and that has employees who have statutory power of arrest.”¹

Report

Each law enforcement agency is required to submit a report to the Attorney General by January 31 of each year that includes the following:²

- The number of people detained in the previous year who were U.S. citizens or nationals.
- The number of people detained in the previous year who were not U.S. citizens or nationals but were lawfully present in the U.S.
- The number of people detained in the previous year who were unlawfully present in the U.S.

The Attorney General is required to submit a report to the Governor by February 28 of each year that summarizes the reports submitted by law enforcement agencies.³

The Attorney General may adopt rules under the Administrative Procedure Act to establish the format of the citizenship or immigration information collected by law enforcement agencies and the annual reports submitted to the Attorney General.⁴

Department of Rehabilitation and Correction

Data collection

The bill requires DRC to collect and maintain, as part of its official records for each person in detention, the person’s citizenship or immigration status, if available. At DRC’s request, a prosecuting attorney, law enforcement agency, or court clerk must provide any available citizenship or immigration status information to DRC.⁵

Report

DRC is required to submit a report to the Governor by February 28 of each year that summarizes the following:⁶

- The number of people detained in the previous year who were U.S. citizens or nationals.
- The number of people detained in the previous year who were not U.S. citizens or nationals but were lawfully present in the U.S.

¹ R.C. 2965.01(A) and (B).

² R.C. 2965.01(C).

³ R.C. 2965.01(D).

⁴ R.C. 2965.01(E).

⁵ R.C. 2965.02(A).

⁶ R.C. 2965.02(B).

- The number of people detained in the previous year who were unlawfully present in the U.S.

Department of Education and Workforce

Data collection

Continuing law requires DEW to establish and maintain a statewide education management information system. The bill requires the following data to be maintained in that system:⁷

- The number of students who are U.S. citizens or nationals.
- The number of students who are not U.S. citizens or nationals but are lawfully present in the U.S., disaggregated by specific immigration status.
- The number of students who are not lawfully present in the U.S.

Report

Each public school is required to report the above data to DEW by January 31 of each year. The report must include the number of students in each category who were enrolled in the school on December 31 of the previous calendar year. DEW must submit a report to the Governor by February 28 of each year summarizing the data.⁸

The U.S. Supreme Court has held that under the Equal Protection Clause of the 14th Amendment to the U.S. Constitution, states may not deny undocumented children access to K-12 public education. In following that precedent, the federal 11th Circuit Court of Appeals ruled that the state of Alabama could not require public schools to verify students' immigration status for the purpose of data reporting. The court held that the law operated in a way that significantly interfered with the undocumented students' 14th Amendment right to a K-12 public education because it deterred them from enrolling in and attending school. The 11th Circuit Court of Appeals' reasoning might be considered by an Ohio court if this provision of the bill is challenged.⁹

Department of Job and Family Services

Data collection

The bill requires a county department of job and family services to collect data that indicates either of the following regarding each household that receives Supplemental Nutrition Assistance Program (SNAP) benefits:¹⁰

⁷ R.C. 3301.0714(B)(1)(s) through (u).

⁸ R.C. 3301.0717.

⁹ *Plyler v. Doe*, 457 U.S. 202 (1982) and *Hispanic Interest Coalition of Alabama v. Governor of Alabama*, 691 F.3d 1236 (11th Cir. 2012).

¹⁰ R.C. 5101.546(A).

- All members of the household are U.S. citizens or nationals;
- At least one member of the household is not a U.S. citizen or national but is lawfully present in the U.S., including specific immigration status.

Additionally, the bill requires a county department to collect data that indicates one of the following regarding each assistance group that receives cash assistance:¹¹

- All members of the assistance group are U.S. citizens or nationals;
- At least one member of the assistance group is not a U.S. citizen or national but is lawfully present in the U.S.;
- For child-only assistance groups, each parent, guardian, custodian, or specified relative residing with and caring for the child is a U.S. citizen or national;
- For child-only assistance groups, at least one parent, guardian, custodian, or specified relative residing with and caring for the child is not a U.S. citizen or national but is lawfully present in the U.S.

Report

Each county department is required to submit a report to JFS by January 31 of each year that includes the following for the previous calendar year:¹²

- For households receiving SNAP benefits:
 - The total number of households for which all members were U.S. citizens or nationals or at least one member of the household was not a U.S. citizen or national but was lawfully present in the U.S., including specific immigration status.
 - The monetary value of benefits provided to households that include a member who is not a U.S. citizen or national but is lawfully present in the U.S.
- For assistance groups receiving cash assistance:
 - The total number of assistance groups for which:
 - ❖ All members were U.S. citizens or nationals;
 - ❖ At least one member was not a U.S. citizen or national but was lawfully present in the U.S., disaggregated by immigration status;
 - ❖ Each parent, guardian, custodian, or specified relative residing with and caring for a child in a child-only assistance group was a U.S. citizen or national;
 - ❖ At least one parent, guardian, custodian, or specified relative residing with and caring for a child in a child-only assistance group was not a U.S. citizen or national but was lawfully present in the U.S., disaggregated by immigration status.

¹¹ R.C. 5107.101(A).

¹² R.C. 5101.546(B) and 5107.101(B).

- The monetary value of benefits provided to assistance groups that included a member who was not a U.S. citizen or national but was lawfully present in the U.S.

JFS is required to submit reports to the Governor by February 28 of each year that summarizes the reports submitted by the county departments.¹³

Adoption of rules

JFS may adopt rules under the Administrative Procedure Act to establish the format of the citizenship or immigration information collected by a county department and the annual reports submitted to JFS.¹⁴

Department of Medicaid

The bill requires the Department of Medicaid to submit a report to the Governor by January 31 of each year that includes the following information:¹⁵

- The number of qualified aliens enrolled in the Medicaid program;
- The number of qualified aliens who applied for benefits under the Medicaid program in the previous calendar year;
- The number of individuals not lawfully present in the U.S. who received alien emergency medical assistance under the “Social Security Act” in the previous calendar year.

Report to the General Assembly

The bill requires the Governor to submit a report to the General Assembly by March 31 of each year that summarizes the information provided in the reports submitted to the Governor by the Attorney General, DRC, DEW, JFS, and Medicaid with information related to the data collected concerning the citizenship or immigration status of the persons who they came into contact with as required under the bill. The report must be submitted in accordance with continuing law requirements for submitting reports to the General Assembly. The report must also be posted on the Governor’s website.¹⁶

HISTORY

Action	Date
Introduced	02-03-25

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¹³ R.C. 5101.546(C) and 5107.101(C).

¹⁴ R.C. 5101.546(D) and 5107.101(D).

¹⁵ R.C. 5162.138.

¹⁶ R.C. 107.26 and 101.68, not in the bill.