

GOP bill targets Ohio court rules shielding ‘unlawful immigrants’ from arrest

By Anna Staver
Cleveland.com

COLUMBUS, Ohio -- As federal immigration agents [ramp up courthouse arrests](#) under a Trump-era policy shift, Ohio lawmakers are moving to stop local judges from getting in the way.

[Senate Bill 172](#) would require local officials to permit the arrest or detention of anyone “who is, or is suspected of being, unlawfully present in the U.S.” And it would block court officials from interfering “directly or indirectly” with any federal, state or civil arrest.

“Persons who are unlawfully present in the United States are not privileged from arrest,” said Sen. Kristina Roegner, a [Hudson Republican](#).

But immigration attorneys and advocates warn that aggressive courthouse enforcement could have a chilling effect--pushing even legal immigrants to avoid court altogether, whether they’re victims, witnesses or simply seeking help.

Under Ohio law, certain people are [protected from civil arrest](#) when attending or traveling to court. That includes jurors, witnesses, attorneys, court officials and parties in a case. Roegner’s bill would eliminate that protection for undocumented individuals.

She said it’s a direct response to rules issued earlier this year by the Franklin County Court of Common Pleas.

In late February, judges there adopted two emergency rules: One bans civil arrests inside the courthouse, and another blocks court personnel from assisting immigration officers, asking about someone’s immigration status, or executing a judicial warrant without approval from a local judge.

In a news release, the court said these new policies were a response to “increased immigration enforcement on courthouse grounds in the last 30 days.”

And that arresting people at the courthouse “affects the fairness of trials and other court proceedings for citizens and non-citizens alike, directly intruding on the Court’s own core responsibilities for due process and public safety.”

The U.S. Department of Homeland Security rescinded prior guidance that had limited immigration arrests in and around courthouses shortly after President Donald Trump took office.

The updated memo -- “Common Sense Enforcement Actions in or Near Protected Areas” -- grants ICE agents broad discretion to make arrests if they believe a targeted individual is or will be present, so long as no state or local law prevents it.

Roegner’s bill would ensure no such protections exist in Ohio.

“If you have not broken the law, then you have nothing to fear,” Roegner said. “Whatever the crime might be, we have a system in place for our courts to determine guilt and innocence. The same goes for immigration.”

But Democratic Sen. Casey Weinstein said the bill’s language raises serious red flags--particularly the part that allows someone to be detained on suspicions of being in the country illegally.

“That’s an open door to stripping people of their rights and due process, and that should concern everyone,” he said.

Weinstein said he’s heard from Nepali immigrants and green card holders in his district who fear any interaction with law enforcement or public officials.

“They’re legal long-term residents, and they are deeply concerned. Some are afraid to travel,” he said. “This is concerning to a lot of people.”

SB 172 is scheduled for its second hearing Wednesday. Roegner hopes it can pass before lawmakers leave for their summer break at the end of June, but she recognizes that might not be possible.