



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3460/1
MES:kjf&ahe

2015 SENATE BILL 369

October 29, 2015 - Introduced by Senators NASS, VUKMIR and STROEBEL, cosponsored by Representatives SPIROS, KREMER, JACQUE, GANNON, HORLACHER, CRAIG, TITTL, A. OTT, MURPHY, KLEEFISCH, ROHRKASTE, EDMING, T. LARSON and J. OTT. Referred to Committee on Labor and Government Reform.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to create* 66.0408 of the statutes; **relating to:** prohibiting local
2 ordinances, resolutions, and policies that prohibit immigration status inquiries
3 and reports to, and cooperation with, other units of government about the
4 presence of illegal aliens, authorizing certain elective officeholders to
5 commence an enforcement action, and providing a reduction in shared revenue
6 payments.

Analysis by the Legislative Reference Bureau

This bill prohibits a city, village, town, or county (political subdivision) from enacting or enforcing an ordinance, resolution, or policy that prohibits an employee of that political subdivision from inquiring about the immigration status of an individual who has been lawfully detained or arrested, or from otherwise cooperating with or assisting the federal government, or other units of government, with immigration enforcement. The bill also authorizes the attorney general or the appropriate district attorney or sheriff to file a writ of mandamus with the circuit court to require compliance with the requirements created by the bill if he or she believes that the political subdivision is failing to comply with the requirements.

If a court finds that a political subdivision has failed to comply, the department of revenue must reduce the political subdivision's shared revenue payments in the next year by \$500 to \$5,000, depending on the political subdivision's population, for each day of noncompliance.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 66.0408 of the statutes is created to read:

2 **66.0408 Local ordinances, immigration status, illegal aliens. (1)**

3 DEFINITIONS. In this section:

4 (a) "Illegal alien" means an individual who is not a U.S. citizen and who is not
5 lawfully present in the United States.

6 (b) "Political subdivision" means a city, village, town, or county.

7 (c) "Satisfactory immigration status" means immigration status under which
8 an individual who is not a U.S. citizen is lawfully present in this country.

9 **(2) INQUIRIES ABOUT IMMIGRATION STATUS; REPORTING ILLEGAL ALIENS.** (a) A
10 political subdivision may not enact an ordinance, adopt a resolution, or establish a
11 policy that prohibits an employee of that political subdivision from doing any of the
12 following:

13 1. Inquiring whether an individual who has been lawfully detained or arrested
14 has satisfactory immigration status.

15 2. With regard to the immigration status of any individual who has been
16 lawfully detained or arrested, sending the information to, or requesting or receiving
17 information from, the federal government. Such information may include
18 information regarding an individual's place of birth, and such information may be
19 maintained by the political subdivision and may be exchanged with another political
20 subdivision, another state, and with the federal government.

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1 3. Assisting or cooperating with a federal immigration officer, including the
2 provision of enforcement assistance.

3 4. Permitting a federal immigration officer to enter and conduct immigration
4 enforcement activities in any building or facility under the control of the political
5 subdivision.

6 (b) If a political subdivision has in effect on the effective date of this paragraph
7 [LRB inserts date], an ordinance, resolution, or policy that is inconsistent with
8 par. (a), the ordinance, resolution, or policy does not apply and may not be enforced.

9 **(3) ENFORCEMENT.** (a) If the attorney general, a district attorney, or a sheriff
10 believes that a political subdivision is failing to comply with the requirements of sub.
11 (2) (a), the attorney general, or the district attorney or sheriff with the appropriate
12 jurisdiction, may file a writ of mandamus with the circuit court for the county where
13 the alleged failure to comply with sub. (2) (a) occurred to compel the noncomplying
14 political subdivision to comply with the requirements.

15 (b) If the court finds that the political subdivision has failed to comply with sub.
16 (2) (a), the department of revenue shall reduce the amount of the shared revenue
17 payments to the political subdivision under subch. I of ch. 79 in the following year
18 by one of the following amounts for each day after the filing of an action under par.
19 (a) that the political subdivision was noncompliant:

20 1. If the population of the political subdivision is less than 10,000, \$500.

21 2. If the population of the political subdivision is at least 10,000 but less than
22 100,000, \$1,000.

23 3. If the population of the political subdivision is at least 100,000 but less than
24 250,000, \$2,000.

