
Wisconsin Legislative Council

AMENDMENT MEMO



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Contact: Margit Kelley, Senior Staff Attorney

2019 Senate Bill 151

**Senate
Amendment 1**

2019 SENATE BILL 151

Senate Bill 151 prohibits a local unit of government from denying enforcement of a federal or state law regarding persons who are not lawfully present in the United States.

Specifically, the bill provides that a city, village, town, or county: (1) cannot prohibit the enforcement of a federal or state law relating to illegal aliens, including laws relating to ascertaining whether a person has satisfactory immigration status; and (2) must comply with a lawful immigration detainer issued by U.S. Immigration and Customs Enforcement. A local governmental unit that limits or forbids cooperation with aspects of federal immigration enforcement is commonly referred to as having a “sanctuary” policy.

If the bill’s provisions are violated, enforcement may be initiated by the state attorney general or a local district attorney or sheriff by filing a *writ of mandamus* with the county circuit court. If the court finds that a city, village, town, or county failed to comply with either of the requirements, the court must: (1) order the city, village, town, or county to comply; (2) refer the matter to the Department of Revenue for a reduction in shared revenue payments under a specific schedule; and (3) hold the city, village, town, or county liable for any future damages caused by an illegal alien to an individual or property.

For purposes of the bill, an “illegal alien” is defined as an individual who is not a U.S. citizen and who is not lawfully present in the United States. The bill also defines “satisfactory immigration status” as the status of a noncitizen who is lawfully present in the United States.

SENATE AMENDMENT 1

Senate Amendment 1 adds that enforcement may be initiated by a resident who believes that the local governmental unit in which the person resides is failing to comply with the bill’s requirements. The resident may file a *writ of mandamus* with the county circuit court to enforce the bill in the same manner as the attorney general, district attorney, or sheriff.

BILL HISTORY

Senate Amendment 1 was offered by Senator Nass on December 4, 2019. On December 19, 2019, the Senate Committee on Labor and Regulatory Reform recommended adoption of the amendment and passage of the bill, as amended, on votes of Ayes, 3; Noes, 2.

MSK:mca