



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-3778/1
EVM&EAW:kjf

2019 SENATE BILL 402

September 16, 2019 - Introduced by Senators LARSON, L. TAYLOR, SMITH and JOHNSON, cosponsored by Representatives CABRERA, BROSTOFF, C. TAYLOR, HAYWOOD, BOWEN and ANDERSON. Referred to Committee on Insurance, Financial Services, Government Oversight and Courts.

1 **AN ACT to create** 66.0414 and 301.37 (6) of the statutes; **relating to:** local
2 contracts with the federal government related to housing or detaining persons
3 in locked detention facilities and a limitation on establishing county secured
4 facilities.

Analysis by the Legislative Reference Bureau

This bill prohibits certain local governmental units from entering into certain detention contracts with the federal government. Specifically under this bill, a city, village, town, or county or local law enforcement agency (local governmental unit) may not:

1. Enter into or extend a contract with the federal government to house or detain noncitizens in a locked detention facility for purposes of civil immigration custody.
2. With an exception, enter into or extend a contract with the federal government to house minors in a locked detention facility.

Under current law, a county may establish houses of correction, jails, lockup facilities, and other secured facilities only with the approval of and subject to inspection by the Department of Corrections. Under this bill, DOC is prohibited from

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approving any such facility that is proposed to be established for the purpose of detaining noncitizens for the purpose of civil immigration custody.

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

1 **SECTION 1.** 66.0414 of the statutes is created to read:

2 **66.0414 Detention contracts. (1)** In this section, “local governmental unit”
3 means, a city, village, town, or county or local law enforcement agency.

4 **(2)** (a) A local governmental unit that does not, as of the effective date of this
5 paragraph [LRB inserts date], have a contract with the federal government or any
6 federal agency to detain adult noncitizens for purposes of civil immigration custody
7 may not enter into a contract with the federal government or any federal agency to
8 house or detain in a locked detention facility noncitizens for purposes of civil
9 immigration custody.

10 (b) A local governmental unit that, as of the effective date of this paragraph
11 [LRB inserts date], has an existing contract with the federal government or any
12 federal agency to detain adult noncitizens for purposes of civil immigration custody
13 may not renew or modify that contract.

14 **(3)** (a) A local governmental unit that does not, as of the effective date of this
15 paragraph [LRB inserts date], have a contract with the federal government or any
16 federal agency to house or detain any accompanied or unaccompanied minor in the
17 custody of or detained by the federal office of refugee resettlement or the U.S.
18 immigration and customs enforcement may not enter into a contract with the federal
19 government or any federal agency to house minors in a locked detention facility.

20 (b) A local governmental unit that, as of the effective date of this paragraph
21 [LRB inserts date], has an existing contract with the federal government or any

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1 federal agency to house or detain any accompanied or unaccompanied minor in the
2 custody of or detained by the federal office of refugee resettlement or the U.S.
3 immigration and customs enforcement may not renew or modify that contract.

4 (4) This section does not apply to a contract for temporary housing of
5 accompanied or unaccompanied minors in less restrictive settings if all of the
6 following apply:

7 (a) The department of children and families certifies that, because of changing
8 conditions of the population in need, there is a need for the contract.

9 (b) The contract is temporary and not renewable on a long-term or permanent
10 basis.

11 (c) The housing meets all applicable federal and state standards for that type
12 of housing.

13 **SECTION 2.** 301.37 (6) of the statutes is created to read:

14 301.37 (6) The department may not approve plans and specifications for any
15 secured facility under sub. (3) that is proposed to be established after the effective
16 date of this subsection [LRB inserts date], that is intended to be used to detain
17 noncitizens for the purpose of civil immigration custody.

18

(END)