

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3246/2dn
EAW&MES:amn

July 26, 2019

Representative Cabrera:

I believe that this draft reflects your intent, but I want to highlight a number of changes I made to the specific language you requested in your instructions.

Your definition of “civil immigration warrant” states that it is a “warrant for violation of federal civil immigration law.” There is no actor specified, so I added in a reference to a federally authorized immigration officer specified in 8 CFR section 287.5 (e) (2). Is this consistent with your intent? I gathered that you’re concerned about warrants issued by federal officials who are not judges or magistrates, because “ICE warrants” are not issued by judges but by the people referenced in the federal regulations I’ve cited. Also, I don’t believe warrants are issued for a violation, per se, but they are arrest warrants issued for a specific individual who has allegedly violated federal immigration law.

I did not include a specific reference to Department of Homeland Security Form I-247D because after reviewing the form it became clear to me that it fits into the definition specified for “hold request.”

The proposed definition of “immigration enforcement” also does not have an actor specified. From your instructions, I gathered that you’re referring to actions taken by a federal law enforcement officer, a sheriff, a deputy, or a local law enforcement officer, depending on the statute, so I added that in. Is that consistent with your intent? I also reorganized the definition but the content remains essentially unchanged.

Please let me know if you have any questions or if you’d like any changes made to the draft.

Marc E. Shovers
Senior Legislative Attorney
(608) 504-5876
marc.shovers@legis.wisconsin.gov