

**2019 DRAFTING REQUEST****Bill**

For: **Marisabel Cabrera (608) 266-1707** Drafter: **ewheeler**  
 By: **Michael @ Rep. Brostoff** Secondary Drafters: **mshovers**  
 Date: **5/13/2019** May Contact:  
 Same as LRB: **-3782**

Submit via email: **YES**  
 Requester's email: **Rep.Cabrera@legis.wisconsin.gov**  
 Carbon copy (CC) to: **Elizabeth.Wheeler@legis.wisconsin.gov**  
**melinda.johns@legis.wisconsin.gov**  
**eric.mueller@legis.wisconsin.gov**  
**Rep.Brostoff@legis.wisconsin.gov**  
**@legis.wisconsin.gov**  
**Marisabel.Cabrera@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

Sanctuary state status, limit local law enforcement cooperation with federal immigration officials

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	ewheeler 6/5/2019	anienaja 6/7/2019			
/P1	ewheeler 6/26/2019	kfollett 6/26/2019	jmurphy 6/7/2019		State S&L
/P2	mshovers 7/24/2019		lparisi 6/26/2019		State S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P3		anienaja 7/24/2019	mbarman 7/24/2019		State S&L
/1	mshovers 7/26/2019		lparisi 7/24/2019	lparisi 7/24/2019	State S&L
/2		anienaja 7/26/2019	dwalker 7/26/2019	dwalker 7/26/2019	State S&L

FE Sent For:

At Intro

<END>

**2019 DRAFTING REQUEST**

**Bill**

*Original Requestor*

For: **Jonathan Brostoff (608) 266-0650** Drafter: **ewheeler**  
 By: **Michael** Secondary Drafters: **mshovers**  
 Date: **5/13/2019** May Contact:  
 Same as LRB: **-3782**

Submit via email: **YES**  
 Requester's email: **Rep.Brostoff@legis.wisconsin.gov**  
 Carbon copy (CC) to: **Elizabeth.Wheeler@legis.wisconsin.gov**  
**melinda.johns@legis.wisconsin.gov**  
**eric.mueller@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

Sanctuary state status, limit local law enforcement cooperation with federal immigration officials

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	ewheeler 6/5/2019	anienaja 6/7/2019			
/P1	ewheeler 6/26/2019	kfollett 6/26/2019	jmurphy 6/7/2019		State S&L
/P2	mshovers 7/24/2019		lparisi 6/26/2019		State S&L
/P3		anienaja 7/24/2019	mbarman 7/24/2019		State S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1			lparisi 7/24/2019	lparisi 7/24/2019	State S&L

FE Sent For:

<END>

Michael in Brostoff's office

5/16/2019

Instructions for sanctuary state bill:

- Prohibit state and local law enforcement from expending monies to cooperate with federal agencies to enforce immigration status offenses. (similar to California law)

- Prohibit state and local law enforcement from detaining an individual based solely on a suspected or alleged immigration offense. (similar to NY bill)

-ok to get this out the week of 5/28



# California

## LEGISLATIVE INFORMATION

[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)

### SB-54 Law enforcement: sharing data. (2017-2018)

SHARE THIS:



Date Published: 10/05/2017 09:00 PM

## Senate Bill No. 54

### CHAPTER 495

An act to amend Sections 7282 and 7282.5 of, and to add Chapter 17.25 (commencing with Section 7284) to Division 7 of Title 1 of, the Government Code, and to repeal Section 11369 of the Health and Safety Code, relating to law enforcement.

[ Approved by Governor October 05, 2017. Filed with Secretary of State October 05, 2017. ]

### LEGISLATIVE COUNSEL'S DIGEST

SB 54, De León. Law enforcement: sharing data.

Existing law provides that when there is reason to believe that a person arrested for a violation of specified controlled substance provisions may not be a citizen of the United States, the arresting agency shall notify the appropriate agency of the United States having charge of deportation matters.

This bill would repeal those provisions.

Existing law provides that whenever an individual who is a victim of or witness to a hate crime, or who otherwise can give evidence in a hate crime investigation, is not charged with or convicted of committing any crime under state law, a peace officer may not detain the individual exclusively for any actual or suspected immigration violation or report or turn the individual over to federal immigration authorities.

This bill would, among other things and subject to exceptions, prohibit state and local law enforcement agencies, including school police and security departments, from using money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, as specified, and would, subject to exceptions, proscribe other activities or conduct in connection with immigration enforcement by law enforcement agencies. The bill would apply those provisions to the circumstances in which a law enforcement official has discretion to cooperate with immigration authorities. The bill would require, by October 1, 2018, the Attorney General, in consultation with the appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement to the fullest extent possible for use by public schools, public libraries, health facilities operated by the state or a political subdivision of the state, and courthouses, among others. The bill would require, among others, all public schools, health facilities operated by the state or a political subdivision of the state, and courthouses to implement the model policy, or an equivalent policy. The bill would state that, among others, all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including the University of California, are encouraged to adopt the model policy. The bill would require that a law enforcement agency that chooses to participate in a joint law enforcement task force, as defined, submit a report annually pertaining to task force operations to the Department of Justice, as specified. The bill would require the Attorney General, by March 1, 2019, and annually thereafter, to report on the types and frequency of joint law enforcement task forces, and other information, as specified, and to post those reports on the Attorney General's Internet Web site. The bill would require law

enforcement agencies to report to the department annually regarding transfers of persons to immigration authorities. The bill would require the Attorney General to publish guidance, audit criteria, and training recommendations regarding state and local law enforcement databases, for purposes of limiting the availability of information for immigration enforcement, as specified. The bill would require the Department of Corrections and Rehabilitation to provide a specified written consent form in advance of any interview between a person in department custody and the United States Immigration and Customs Enforcement regarding civil immigration violations.

This bill would state findings and declarations of the Legislature relating to these provisions.

By imposing additional duties on public schools and local law enforcement agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 7282 of the Government Code is amended to read:

**7282.** For purposes of this chapter, the following terms have the following meanings:

- (a) "Conviction" shall have the same meaning as subdivision (d) of Section 667 of the Penal Code.
- (b) "Eligible for release from custody" means that the individual may be released from custody because one of the following conditions has occurred:
  - (1) All criminal charges against the individual have been dropped or dismissed.
  - (2) The individual has been acquitted of all criminal charges filed against him or her.
  - (3) The individual has served all the time required for his or her sentence.
  - (4) The individual has posted a bond.
  - (5) The individual is otherwise eligible for release under state or local law, or local policy.
- (c) "Hold request," "notification request," and "transfer request" have the same meanings as provided in Section 7283. Hold, notification, and transfer requests include requests issued by the United States Immigration and Customs Enforcement or the United States Customs and Border Protection as well as any other immigration authorities.
- (d) "Law enforcement official" means any local agency or officer of a local agency authorized to enforce criminal statutes, regulations, or local ordinances or to operate jails or to maintain custody of individuals in jails, and any person or local agency authorized to operate juvenile detention facilities or to maintain custody of individuals in juvenile detention facilities.
- (e) "Local agency" means any city, county, city and county, special district, or other political subdivision of the state.
- (f) "Serious felony" means any of the offenses listed in subdivision (c) of Section 1192.7 of the Penal Code and any offense committed in another state which, if committed in California, would be punishable as a serious felony as defined by subdivision (c) of Section 1192.7 of the Penal Code.
- (g) "Violent felony" means any of the offenses listed in subdivision (c) of Section 667.5 of the Penal Code and any offense committed in another state which, if committed in California, would be punishable as a violent felony as defined by subdivision (c) of Section 667.5 of the Penal Code.

**SEC. 2.** Section 7282.5 of the Government Code is amended to read:

**7282.5.** (a) A law enforcement official shall have discretion to cooperate with immigration authorities only if doing so would not violate any federal, state, or local law, or local policy, and where permitted by the California Values Act (Chapter 17.25 (commencing with Section 7284)). Additionally, the specific activities described in subparagraph (C) of paragraph (1) of subdivision (a) of, and in paragraph (4) of subdivision (a) of, Section 7284.6 shall only occur under the following circumstances:

(1) The individual has been convicted of a serious or violent felony identified in subdivision (c) of Section 1192.7 of, or subdivision (c) of Section 667.5 of, the Penal Code.

(2) The individual has been convicted of a felony punishable by imprisonment in the state prison.

(3) The individual has been convicted within the past five years of a misdemeanor for a crime that is punishable as either a misdemeanor or a felony for, or has been convicted within the last 15 years of a felony for, any of the following offenses:

(A) Assault, as specified in, but not limited to, Sections 217.1, 220, 240, 241.1, 241.4, 241.7, 244, 244.5, 245, 245.2, 245.3, 245.5, 4500, and 4501 of the Penal Code.

(B) Battery, as specified in, but not limited to, Sections 242, 243.1, 243.3, 243.4, 243.6, 243.7, 243.9, 273.5, 347, 4501.1, and 4501.5 of the Penal Code.

(C) Use of threats, as specified in, but not limited to, Sections 71, 76, 139, 140, 422, 601, and 11418.5 of the Penal Code.

(D) Sexual abuse, sexual exploitation, or crimes endangering children, as specified in, but not limited to, Sections 266, 266a, 266b, 266c, 266d, 266f, 266g, 266h, 266i, 266j, 267, 269, 288, 288.5, 311.1, 311.3, 311.4, 311.10, 311.11, and 647.6 of the Penal Code.

(E) Child abuse or endangerment, as specified in, but not limited to, Sections 270, 271, 271a, 273a, 273ab, 273d, 273.4, and 278 of the Penal Code.

(F) Burglary, robbery, theft, fraud, forgery, or embezzlement, as specified in, but not limited to, Sections 211, 215, 459, 463, 470, 476, 487, 496, 503, 518, 530.5, 532, and 550 of the Penal Code.

(G) Driving under the influence of alcohol or drugs, but only for a conviction that is a felony.

(H) Obstruction of justice, as specified in, but not limited to, Sections 69, 95, 95.1, 136.1, and 148.10 of the Penal Code.

(I) Bribery, as specified in, but not limited to, Sections 67, 67.5, 68, 74, 85, 86, 92, 93, 137, 138, and 165 of the Penal Code.

(J) Escape, as specified in, but not limited to, Sections 107, 109, 110, 4530, 4530.5, 4532, 4533, 4534, 4535, and 4536 of the Penal Code.

(K) Unlawful possession or use of a weapon, firearm, explosive device, or weapon of mass destruction, as specified in, but not limited to, Sections 171b, 171c, 171d, 246, 246.3, 247, 417, 417.3, 417.6, 417.8, 4574, 11418, 11418.1, 12021.5, 12022, 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.55, 18745, 18750, and 18755 of, and subdivisions (c) and (d) of Section 26100 of, the Penal Code.

(L) Possession of an unlawful deadly weapon, under the Deadly Weapons Recodification Act of 2010 (Part 6 (commencing with Section 16000) of the Penal Code).

(M) An offense involving the felony possession, sale, distribution, manufacture, or trafficking of controlled substances.

(N) Vandalism with prior convictions, as specified in, but not limited to, Section 594.7 of the Penal Code.

(O) Gang-related offenses, as specified in, but not limited to, Sections 186.22, 186.26, and 186.28 of the Penal Code.

(P) An attempt, as defined in Section 664 of, or a conspiracy, as defined in Section 182 of, the Penal Code, to commit an offense specified in this section.

(Q) A crime resulting in death, or involving the personal infliction of great bodily injury, as specified in, but not limited to, subdivision (d) of Section 245.6 of, and Sections 187, 191.5, 192, 192.5, 12022.7, 12022.8, and



12022.9 of, the Penal Code.

(R) Possession or use of a firearm in the commission of an offense.

(S) An offense that would require the individual to register as a sex offender pursuant to Section 290, 290.002, or 290.006 of the Penal Code.

(T) False imprisonment, slavery, and human trafficking, as specified in, but not limited to, Sections 181, 210.5, 236, 236.1, and 4503 of the Penal Code.

(U) Criminal profiteering and money laundering, as specified in, but not limited to, Sections 186.2, 186.9, and 186.10 of the Penal Code.

(V) Torture and mayhem, as specified in, but not limited to, Section 203 of the Penal Code.

(W) A crime threatening the public safety, as specified in, but not limited to, Sections 219, 219.1, 219.2, 247.5, 404, 404.6, 405a, 451, and 11413 of the Penal Code.

(X) Elder and dependent adult abuse, as specified in, but not limited to, Section 368 of the Penal Code.

(Y) A hate crime, as specified in, but not limited to, Section 422.55 of the Penal Code.

(Z) Stalking, as specified in, but not limited to, Section 646.9 of the Penal Code.

(AA) Soliciting the commission of a crime, as specified in, but not limited to, subdivision (c) of Section 286 of, and Sections 653j and 653.23 of, the Penal Code.

(AB) An offense committed while on bail or released on his or her own recognizance, as specified in, but not limited to, Section 12022.1 of the Penal Code.

(AC) Rape, sodomy, oral copulation, or sexual penetration, as specified in, but not limited to, paragraphs (2) and (6) of subdivision (a) of Section 261 of, paragraphs (1) and (4) of subdivision (a) of Section 262 of, Section 264.1 of, subdivisions (c) and (d) of Section 286 of, subdivisions (c) and (d) of Section 288a of, and subdivisions (a) and (j) of Section 289 of, the Penal Code.

(AD) Kidnapping, as specified in, but not limited to, Sections 207, 209, and 209.5 of the Penal Code.

(AE) A violation of subdivision (c) of Section 20001 of the Vehicle Code.

(4) The individual is a current registrant on the California Sex and Arson Registry.

(5) The individual has been convicted of a federal crime that meets the definition of an aggravated felony as set forth in subparagraphs (A) to (P), inclusive, of paragraph (43) of subsection (a) of Section 101 of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101), or is identified by the United States Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

(6) In no case shall cooperation occur pursuant to this section for individuals arrested, detained, or convicted of misdemeanors that were previously felonies, or were previously crimes punishable as either misdemeanors or felonies, prior to passage of the Safe Neighborhoods and Schools Act of 2014 as it amended the Penal Code.

(b) In cases in which the individual is arrested and taken before a magistrate on a charge involving a serious or violent felony, as identified in subdivision (c) of Section 1192.7 or subdivision (c) of Section 667.5 of the Penal Code, respectively, or a felony that is punishable by imprisonment in state prison, and the magistrate makes a finding of probable cause as to that charge pursuant to Section 872 of the Penal Code, a law enforcement official shall additionally have discretion to cooperate with immigration officials pursuant to subparagraph (C) of paragraph (1) of subdivision (a) of Section 7284.6.

**SEC. 3.** Chapter 17.25 (commencing with Section 7284) is added to Division 7 of Title 1 of the Government Code, to read:

**CHAPTER 17.25. Cooperation with Immigration Authorities**

**7284.** This chapter shall be known, and may be cited, as the California Values Act.

**7284.2.** The Legislature finds and declares the following:

(a) Immigrants are valuable and essential members of the California community. Almost one in three Californians is foreign born and one in two children in California has at least one immigrant parent.

(b) A relationship of trust between California's immigrant community and state and local agencies is central to the public safety of the people of California.

(c) This trust is threatened when state and local agencies are entangled with federal immigration enforcement, with the result that immigrant community members fear approaching police when they are victims of, and witnesses to, crimes, seeking basic health services, or attending school, to the detriment of public safety and the well-being of all Californians.

(d) Entangling state and local agencies with federal immigration enforcement programs diverts already limited resources and blurs the lines of accountability between local, state, and federal governments.

(e) State and local participation in federal immigration enforcement programs also raises constitutional concerns, including the prospect that California residents could be detained in violation of the Fourth Amendment to the United States Constitution, targeted on the basis of race or ethnicity in violation of the Equal Protection Clause, or denied access to education based on immigration status. See *Sanchez Ochoa v. Campbell, et al.* (E.D. Wash. 2017) 2017 WL 3476777; *Trujillo Santoya v. United States, et al.* (W.D. Tex. 2017) 2017 WL 2896021; *Moreno v. Napolitano* (N.D. Ill. 2016) 213 F. Supp. 3d 999; *Morales v. Chadbourne* (1st Cir. 2015) 793 F.3d 208; *Miranda-Olivares v. Clackamas County* (D. Or. 2014) 2014 WL 1414305; *Galarza v. Szalczyk* (3d Cir. 2014) 745 F.3d 634.

(f) This chapter seeks to ensure effective policing, to protect the safety, well-being, and constitutional rights of the people of California, and to direct the state's limited resources to matters of greatest concern to state and local governments.

(g) It is the intent of the Legislature that this chapter shall not be construed as providing, expanding, or ratifying any legal authority for any state or local law enforcement agency to participate in immigration enforcement.

**7284.4.** For purposes of this chapter, the following terms have the following meanings:

(a) "California law enforcement agency" means a state or local law enforcement agency, including school police or security departments. "California law enforcement agency" does not include the Department of Corrections and Rehabilitation.

(b) "Civil immigration warrant" means any warrant for a violation of federal civil immigration law, and includes civil immigration warrants entered in the National Crime Information Center database.

(c) "Immigration authority" means any federal, state, or local officer, employee, or person performing immigration enforcement functions.

(d) "Health facility" includes health facilities as defined in Section 1250 of the Health and Safety Code, clinics as defined in Sections 1200 and 1200.1 of the Health and Safety Code, and substance abuse treatment facilities.

(e) "Hold request," "notification request," "transfer request," and "local law enforcement agency" have the same meaning as provided in Section 7283. Hold, notification, and transfer requests include requests issued by United States Immigration and Customs Enforcement or United States Customs and Border Protection as well as any other immigration authorities.

(f) "Immigration enforcement" includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry, or reentry to, or employment in, the United States.

(g) "Joint law enforcement task force" means at least one California law enforcement agency collaborating, engaging, or partnering with at least one federal law enforcement agency in investigating federal or state crimes.

(h) "Judicial probable cause determination" means a determination made by a federal judge or federal magistrate judge that probable cause exists that an individual has violated federal criminal immigration law and that authorizes a law enforcement officer to arrest and take into custody the individual.

(i) "Judicial warrant" means a warrant based on probable cause for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge that authorizes a law enforcement officer to arrest and take into custody the person who is the subject of the warrant.

(j) "Public schools" means all public elementary and secondary schools under the jurisdiction of local governing boards or a charter school board, the California State University, and the California Community Colleges.

(k) "School police and security departments" includes police and security departments of the California State University, the California Community Colleges, charter schools, county offices of education, schools, and school districts.

**7284.6.** (a) California law enforcement agencies shall not:

(1) Use agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including any of the following:

(A) Inquiring into an individual's immigration status.

(B) Detaining an individual on the basis of a hold request.

(C) Providing information regarding a person's release date or responding to requests for notification by providing release dates or other information unless that information is available to the public, or is in response to a notification request from immigration authorities in accordance with Section 7282.5. Responses are never required, but are permitted under this subdivision, provided that they do not violate any local law or policy.

(D) Providing personal information, as defined in Section 1798.3 of the Civil Code, about an individual, including, but not limited to, the individual's home address or work address unless that information is available to the public.

(E) Making or intentionally participating in arrests based on civil immigration warrants.

(F) Assisting immigration authorities in the activities described in Section 1357(a)(3) of Title 8 of the United States Code.

(G) Performing the functions of an immigration officer, whether pursuant to Section 1357(g) of Title 8 of the United States Code or any other law, regulation, or policy, whether formal or informal.

(2) Place peace officers under the supervision of federal agencies or employ peace officers deputized as special federal officers or special federal deputies for purposes of immigration enforcement. All peace officers remain subject to California law governing conduct of peace officers and the policies of the employing agency.

(3) Use immigration authorities as interpreters for law enforcement matters relating to individuals in agency or department custody.

(4) Transfer an individual to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination, or in accordance with Section 7282.5.

(5) Provide office space exclusively dedicated for immigration authorities for use within a city or county law enforcement facility.

(6) Contract with the federal government for use of California law enforcement agency facilities to house individuals as federal detainees, except pursuant to Chapter 17.8 (commencing with Section 7310).

(b) Notwithstanding the limitations in subdivision (a), this section does not prevent any California law enforcement agency from doing any of the following that does not violate any policy of the law enforcement agency or any local law or policy of the jurisdiction in which the agency is operating:

(1) Investigating, enforcing, or detaining upon reasonable suspicion of, or arresting for a violation of, Section 1326(a) of Title 8 of the United States Code that may be subject to the enhancement specified in Section 1326(b)(2) of Title 8 of the United States Code and that is detected during an unrelated law enforcement activity. Transfers to immigration authorities are permitted under this subsection only in accordance with paragraph (4) of subdivision (a).

(2) Responding to a request from immigration authorities for information about a specific person's criminal history, including previous criminal arrests, convictions, or similar criminal history information accessed through the California Law Enforcement Telecommunications System (CLETS), where otherwise permitted by state law.

(3) Conducting enforcement or investigative duties associated with a joint law enforcement task force, including the sharing of confidential information with other law enforcement agencies for purposes of task force

investigations, so long as the following conditions are met:

- (A) The primary purpose of the joint law enforcement task force is not immigration enforcement, as defined in subdivision (f) of Section 7284.4.
- (B) The enforcement or investigative duties are primarily related to a violation of state or federal law unrelated to immigration enforcement.
- (C) Participation in the task force by a California law enforcement agency does not violate any local law or policy to which it is otherwise subject.
- (4) Making inquiries into information necessary to certify an individual who has been identified as a potential crime or trafficking victim for a T or U Visa pursuant to Section 1101(a)(15)(T) or 1101(a)(15)(U) of Title 8 of the United States Code or to comply with Section 922(d)(5) of Title 18 of the United States Code.
- (5) Giving immigration authorities access to interview an individual in agency or department custody. All interview access shall comply with requirements of the TRUTH Act (Chapter 17.2 (commencing with Section 7283)).
- (c) (1) If a California law enforcement agency chooses to participate in a joint law enforcement task force, for which a California law enforcement agency has agreed to dedicate personnel or resources on an ongoing basis, it shall submit a report annually to the Department of Justice, as specified by the Attorney General. The law enforcement agency shall report the following information, if known, for each task force of which it is a member:
  - (A) The purpose of the task force.
  - (B) The federal, state, and local law enforcement agencies involved.
  - (C) The total number of arrests made during the reporting period.
  - (D) The number of people arrested for immigration enforcement purposes.
- (2) All law enforcement agencies shall report annually to the Department of Justice, in a manner specified by the Attorney General, the number of transfers pursuant to paragraph (4) of subdivision (a), and the offense that allowed for the transfer, pursuant to paragraph (4) of subdivision (a).
- (3) All records described in this subdivision shall be public records for purposes of the California Public Records Act (Chapter 3.5 (commencing with Section 6250)), including the exemptions provided by that act and, as permitted under that act, personal identifying information may be redacted prior to public disclosure. To the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, that information shall not be disclosed.
- (4) If more than one California law enforcement agency is participating in a joint task force that meets the reporting requirement pursuant to this section, the joint task force shall designate a local or state agency responsible for completing the reporting requirement.
- (d) The Attorney General, by March 1, 2019, and annually thereafter, shall report on the total number of arrests made by joint law enforcement task forces, and the total number of arrests made for the purpose of immigration enforcement by all task force participants, including federal law enforcement agencies. To the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, that information shall not be included in the Attorney General's report. The Attorney General shall post the reports required by this subdivision on the Attorney General's Internet Web site.
- (e) This section does not prohibit or restrict any government entity or official from sending to, or receiving from, federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of an individual, or from requesting from federal immigration authorities immigration status information, lawful or unlawful, of any individual, or maintaining or exchanging that information with any other federal, state, or local government entity, pursuant to Sections 1373 and 1644 of Title 8 of the United States Code.
- (f) Nothing in this section shall prohibit a California law enforcement agency from asserting its own jurisdiction over criminal law enforcement matters.

**7284.8.** (a) The Attorney General, by October 1, 2018, in consultation with the appropriate stakeholders, shall publish model policies limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law at public schools, public libraries, health facilities operated by the state or a political subdivision of the state, courthouses, Division of Labor Standards Enforcement facilities, the Agricultural Labor Relations Board, the Division of Workers Compensation, and shelters, and ensuring that they remain safe and accessible to all California residents, regardless of immigration status. All public schools, health facilities operated by the state or a political subdivision of the state, and courthouses shall implement the model policy, or an equivalent policy. The Agricultural Labor Relations Board, the Division of Workers' Compensation, the Division of Labor Standards Enforcement, shelters, libraries, and all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including the University of California, are encouraged to adopt the model policy.

(b) For any databases operated by state and local law enforcement agencies, including databases maintained for the agency by private vendors, the Attorney General shall, by October 1, 2018, in consultation with appropriate stakeholders, publish guidance, audit criteria, and training recommendations aimed at ensuring that those databases are governed in a manner that limits the availability of information therein to the fullest extent practicable and consistent with federal and state law, to anyone or any entity for the purpose of immigration enforcement. All state and local law enforcement agencies are encouraged to adopt necessary changes to database governance policies consistent with that guidance.

(c) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2), the Department of Justice may implement, interpret, or make specific this chapter without taking any regulatory action.

**7284.10.** (a) The Department of Corrections and Rehabilitation shall:

(1) In advance of any interview between the United States Immigration and Customs Enforcement (ICE) and an individual in department custody regarding civil immigration violations, provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he or she may decline to be interviewed or may choose to be interviewed only with his or her attorney present. The written consent form shall be available in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean.

(2) Upon receiving any ICE hold, notification, or transfer request, provide a copy of the request to the individual and inform him or her whether the department intends to comply with the request.

(b) The Department of Corrections and Rehabilitation shall not:

(1) Restrict access to any in-prison educational or rehabilitative programming, or credit-earning opportunity on the sole basis of citizenship or immigration status, including, but not limited to, whether the person is in removal proceedings, or immigration authorities have issued a hold request, transfer request, notification request, or civil immigration warrant against the individual.

(2) Consider citizenship and immigration status as a factor in determining a person's custodial classification level, including, but not limited to, whether the person is in removal proceedings, or whether immigration authorities have issued a hold request, transfer request, notification request, or civil immigration warrant against the individual.

**7284.12.** The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

**SEC. 4.** Section 11369 of the Health and Safety Code is repealed.

**SEC. 5.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-3246? P1  
EAW&MES:... GMM

In: 6105 due 6/07

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

SA  
Xref

Gen.

1 AN ACT ...; **relating to:** limiting the cooperation of state and local law  
2 enforcement officers with certain federal immigration enforcement activities.

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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:***

3 SECTION 1. 59.26 (11) of the statutes is created to read:

4 ~~59.26 (11)~~ LIMITING COOPERATION WITH IMMIGRATION OFFICIALS AND LIMITING  
5 DETENTION BASED ON IMMIGRATION STATUS. (a) *Definitions* In this subsection:

6 1. "Immigration enforcement activities" means any action taken by a federal  
7 or local law enforcement officer, a sheriff, or a deputy that is related to determining  
8 whether an individual has satisfactory immigration status.

1           2. “Satisfactory immigration status” means immigration status under which  
2 an individual who is not a U.S. citizen is lawfully present in the United States.

3           (b) *Limitation on cooperation* To the extent that federal law does not require  
4 a sheriff or deputy to cooperate with a federal immigration officer on a matter  
5 relating to the enforcement of federal immigration law, neither a sheriff nor a deputy  
6 may assist the federal immigration officer in immigration enforcement activities.

7           (c) *Limitation on detention.* Except as required by federal law, no sheriff or  
8 deputy may detain an individual based solely on an allegation that the individual  
9 does not have satisfactory immigration status.

10           SECTION 2. 66.0112 of the statutes is created to read:

11           × **66.0112 Limiting cooperation with immigration officials and limiting**  
12 **detention based on immigration status.** (1) DEFINITIONS. In this section:

13           (a) “Immigration enforcement activities” means any action taken by a federal  
14 or local law enforcement officer that is related to determining whether an individual  
15 has satisfactory immigration status.

16           (b) “Local law enforcement officer” means any person employed by a political  
17 subdivision for the purpose of detecting and preventing crime and enforcing laws or  
18 ordinances and who is authorized to make arrests for violations of the laws or  
19 ordinances that the person is employed to enforce.

20           (c) “Political subdivision” means any <sup>^</sup>city, village, town, or county.

21           (d) “Satisfactory immigration status” means immigration status under which  
22 an individual who is not a U.S. citizen is lawfully present in the United States.

23           (2) LIMITATION ON COOPERATION. To the extent that federal law does not require  
24 a local law enforcement officer to cooperate with a federal immigration officer on a  
25 matter relating to the enforcement of federal immigration law, a political subdivision

1 may not authorize or permit a local law enforcement officer who is employed by the  
2 political subdivision to assist the federal immigration officer in immigration  
3 enforcement activities.

4 (3) LIMITATION ON DETENTION. Except as required by federal law, no local law  
5 enforcement officer may detain an individual based solely on an allegation that the  
6 individual does not have satisfactory immigration status.

7 (4) COMPLIANCE WITH STATE POLICY. No later than the first day of the 6th month  
8 after the effective date of this subsection .... [LRB inserts date], a political subdivision  
9 shall adopt and implement the policy published by the department of justice under  
10 s. 165.57 (4) related to limiting assistance with immigration enforcement activities  
11 to the fullest extent possible.

12 SECTION 3. 165.57 of the statutes is created to read:

13 ~~165.57~~ **Limiting cooperation with immigration officials and limiting**  
14 **detention based on immigration status; state policy. (1) DEFINITIONS.** In this  
15 section:

16 (a) "Immigration enforcement activities" means any action taken by a federal  
17 or local law enforcement officer that is related to determining whether an individual  
18 has satisfactory immigration status.

19 (b) "Local law enforcement officer" means any person employed by the state or  
20 any political subdivision of the state, for the purpose of detecting and preventing  
21 crime and enforcing laws or ordinances and who is authorized to make arrests for  
22 violations of the laws or ordinances that the person is employed to enforce.

23 (c) "Political subdivision" means any city, village, town, or county.

24 (d) "Satisfactory immigration status" means immigration status under which  
25 an individual who is not a U.S. citizen is lawfully present in the United States.







State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-3246/P1  
EAW&MES:amn

Handwritten initials and signature: "PZ" and "JGF".

in 6/26 due today

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1        **AN ACT to create** 59.26 (11), 66.0112 and 165.57 of the statutes; **relating to:**  
2                limiting the cooperation of state and local law enforcement officers with certain  
3                federal immigration enforcement activities.

---

*Analysis by the Legislative Reference Bureau*

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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:*

4                **SECTION 1.** 59.26 (11) of the statutes is created to read:  
5                59.26 (11) (a) In this subsection:  
6                1. "Immigration enforcement activities" means any action taken by a federal  
7                law enforcement officer, a sheriff, or a deputy that is related to determining whether  
8                an individual has satisfactory immigration status.

1           2. "Satisfactory immigration status" means immigration status under which  
2 an individual who is not a U.S. citizen is lawfully present in the United States.

3           (b) To the extent that federal law does not require a sheriff or deputy to  
4 cooperate with a federal immigration officer on a matter relating to the enforcement  
5 of federal immigration law, neither a sheriff nor a deputy may assist the federal  
6 immigration officer in immigration enforcement activities. (a)

7           (c) Except as required by federal law, no sheriff or deputy may detain an  
8 individual based solely on an allegation that the individual does not have  
9 satisfactory immigration status.

10           **SECTION 2.** 66.0112 of the statutes is created to read:

11           **66.0112 Limiting cooperation with immigration officials and limiting**  
12 **detention based on immigration status. (1) DEFINITIONS.** In this section:

13           (a) "Immigration enforcement activities" means any action taken by a federal  
14 or local law enforcement officer that is related to determining whether an individual  
15 has satisfactory immigration status.

16           (b) "Local law enforcement officer" means any person employed by a political  
17 subdivision for the purpose of detecting and preventing crime and enforcing laws or  
18 ordinances and who is authorized to make arrests for violations of the laws or  
19 ordinances that the person is employed to enforce.

20           (c) "Political subdivision" means any city, village, town, or county.

21           (d) "Satisfactory immigration status" means immigration status under which  
22 an individual who is not a U.S. citizen is lawfully present in the United States.

23           **(2) LIMITATION ON COOPERATION.** To the extent that federal law does not require  
24 a local law enforcement officer to cooperate with a federal immigration officer on a  
25 matter relating to the enforcement of federal immigration law, a political subdivision

1 may not authorize or permit a local law enforcement officer who is employed by the  
2 political subdivision to assist <sup>(a)</sup> the federal immigration officer in immigration  
3 enforcement activities.

4 (3) LIMITATION ON DETENTION. Except as required by federal law, <sup>(a)</sup> no local law  
5 enforcement officer may detain an individual based solely on an allegation that the  
6 individual does not have satisfactory immigration status.

7 (4) COMPLIANCE WITH STATE POLICY. No later than the first day of the 6th month  
8 after the effective date of this subsection .... [LRB inserts date], a political subdivision  
9 shall adopt and implement the policy published by the department of justice under  
10 s. 165.57 (4) related to limiting assistance with immigration enforcement activities  
11 to the fullest extent possible.

12 SECTION 3. 165.57 of the statutes is created to read:

13 **165.57 Limiting cooperation with immigration officials and limiting**  
14 **detention based on immigration status; state policy.** (1) DEFINITIONS. In this  
15 section:

16 (a) "Immigration enforcement activities" means any action taken by a federal  
17 or local law enforcement officer that is related to determining whether an individual  
18 has satisfactory immigration status.

19 (b) "Local law enforcement officer" means any person employed by the state or  
20 any political subdivision of the state, for the purpose of detecting and preventing  
21 crime and enforcing laws or ordinances and who is authorized to make arrests for  
22 violations of the laws or ordinances that the person is employed to enforce.

23 (c) "Political subdivision" means any city, village, town, or county.

24 (d) "Satisfactory immigration status" means immigration status under which  
25 an individual who is not a U.S. citizen is lawfully present in the United States.





State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-3246/P2  
EAW&MES:amn&kjf

83  
RMR

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

SAY

gen

1 **AN ACT to create** 59.26 (11), 66.0112 and 165.57 of the statutes; **relating to:**  
2 limiting the cooperation of state and local law enforcement officers with certain  
3 federal immigration enforcement activities.

---

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

---

I NS  
ANL

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

4 **SECTION 1.** 59.26 (11) of the statutes is created to read:

5 59.26 (11) (a) In this subsection:

6 1. "Immigration enforcement activities" means any action taken by a federal  
7 law enforcement officer, a sheriff, or a deputy that is related to determining whether  
8 an individual has satisfactory immigration status.

1           2. "Satisfactory immigration status" means immigration status under which  
2 an individual who is not a U.S. citizen is lawfully present in the United States.

3           (b) Neither a sheriff nor a deputy may assist a federal immigration officer in  
4 immigration enforcement activities.

5           (c) No sheriff or deputy may detain an individual based solely on an allegation  
6 that the individual does not have satisfactory immigration status.

7           **SECTION 2.** 66.0112 of the statutes is created to read:

8           **66.0112 Limiting cooperation with immigration officials and limiting**  
9 **detention based on immigration status. (1) DEFINITIONS.** In this section:

10           (a) "Immigration enforcement activities" means any action taken by a federal  
11 or local law enforcement officer that is related to determining whether an individual  
12 has satisfactory immigration status.

13           (b) "Local law enforcement officer" means any person employed by a political  
14 subdivision for the purpose of detecting and preventing crime and enforcing laws or  
15 ordinances and who is authorized to make arrests for violations of the laws or  
16 ordinances that the person is employed to enforce.

17           (c) "Political subdivision" means any city, village, town, or county.

18           (d) "Satisfactory immigration status" means immigration status under which  
19 an individual who is not a U.S. citizen is lawfully present in the United States.

20           **(2) LIMITATION ON COOPERATION.** A political subdivision may not authorize or  
21 permit a local law enforcement officer who is employed by the political subdivision  
22 to assist a federal immigration officer in immigration enforcement activities.

23           **(3) LIMITATION ON DETENTION.** No local law enforcement officer may detain an  
24 individual based solely on an allegation that the individual does not have  
25 satisfactory immigration status.

1           (4) COMPLIANCE WITH STATE POLICY. No later than the first day of the 6th month  
2 after the effective date of this subsection .... [LRB inserts date], a political subdivision  
3 shall adopt and implement the policy published by the department of justice under  
4 s. 165.57 (4) related to limiting assistance with immigration enforcement activities  
5 to the fullest extent possible.

6           **SECTION 3.** 165.57 of the statutes is created to read:

7           **165.57 Limiting cooperation with immigration officials and limiting**  
8 **detention based on immigration status; state policy. (1) DEFINITIONS.** In this  
9 section:

10           (a) "Immigration enforcement activities" means any action taken by a federal  
11 or local law enforcement officer that is related to determining whether an individual  
12 has satisfactory immigration status.

13           (b) "Local law enforcement officer" means any person employed by the state or  
14 any political subdivision of the state, for the purpose of detecting and preventing  
15 crime and enforcing laws or ordinances and who is authorized to make arrests for  
16 violations of the laws or ordinances that the person is employed to enforce.

17           (c) "Political subdivision" means any city, village, town, or county.

18           (d) "Satisfactory immigration status" means immigration status under which  
19 an individual who is not a U.S. citizen is lawfully present in the United States.

20           **(2) LIMITATION ON COOPERATION.** The department of justice may not authorize  
21 a local law enforcement officer to assist a federal immigration officer in immigration  
22 enforcement activities.

23           **(3) LIMITATION ON DETENTION.** No local law enforcement officer may detain an  
24 individual based solely on an allegation that the individual does not have  
25 satisfactory immigration status.





**2019-2020 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3246/P3ins  
EAW&MES:amn&kjf

INS ANL

This bill limits the extent to which the department of justice and local law enforcement officers may cooperate with federal immigration enforcement activities.

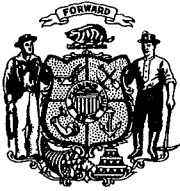
Under the bill, DOJ may not authorize a state or local law enforcement officer to assist a federal immigration officer in immigration enforcement activities, and the department must publish a model policy for local governments to adopt on limiting assistance with such activities. The bill defines immigration enforcement activities as any action taken by federal or state or local law enforcement officers related to determining whether an individual has satisfactory immigration status, meaning determining whether a non-U.S. citizen is lawfully present in the United States.

Also under the bill, no city, village, town, or county may authorize or permit its law enforcement officers to assist a federal immigration officer in immigration enforcement activities, nor may a sheriff or deputy provide such assistance. In addition, neither a sheriff, a deputy, nor a state or local law enforcement officer may detain an individual based solely on an allegation that the individual does not have satisfactory immigration status.

Finally, the bill requires a political subdivision to adopt and implement the DOJ's model policy related to limiting assistance with immigration enforcement activities.

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

(political  
subdivision)



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-3246/P3  
EAW&MES:amn&kjf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No  
changes

- 1 AN ACT *to create* 59.26 (11), 66.0112 and 165.57 of the statutes; **relating to:**  
2 limiting the cooperation of state and local law enforcement officers with certain  
3 federal immigration enforcement activities.

---

***Analysis by the Legislative Reference Bureau***

This bill limits the extent to which the Department of Justice and local law enforcement officers may cooperate with federal immigration enforcement activities.

Under the bill, DOJ may not authorize a state or local law enforcement officer to assist a federal immigration officer in immigration enforcement activities, and the department must publish a model policy for local governments to adopt on limiting assistance with such activities. The bill defines "immigration enforcement activities" as any action taken by federal or state or local law enforcement officers related to determining whether an individual has satisfactory immigration status, meaning determining whether a non-U.S. citizen is lawfully present in the United States.

Also under the bill, no city, village, town, or county (political subdivision) may authorize or permit its law enforcement officers to assist a federal immigration officer in immigration enforcement activities, nor may a sheriff or deputy provide such assistance. In addition, neither a sheriff, a deputy, nor a state or local law enforcement officer may detain an individual based solely on an allegation that the individual does not have satisfactory immigration status.

Finally, the bill requires a political subdivision to adopt and implement the DOJ's model policy related to limiting assistance with immigration enforcement activities.

**SECTION 3**

1 (c) "Political subdivision" means any city, village, town, or county.

2 (d) "Satisfactory immigration status" means immigration status under which  
3 an individual who is not a U.S. citizen is lawfully present in the United States.

4 (2) LIMITATION ON COOPERATION. The department of justice may not authorize  
5 a local law enforcement officer to assist a federal immigration officer in immigration  
6 enforcement activities.

7 (3) LIMITATION ON DETENTION. No local law enforcement officer may detain an  
8 individual based solely on an allegation that the individual does not have  
9 satisfactory immigration status.

10 (4) MODEL POLICY. No later than the first day of the 4th month beginning after  
11 the effective date of this subsection ... [LRB inserts date], the department of justice  
12 shall publish a model policy for limiting assistance with immigration enforcement  
13 activities to the fullest extent possible for adoption by a political subdivision under  
14 s. 66.0112 (4).

15 **SECTION 4. Initial applicability.**

16 (1) This act first applies to immigration enforcement activities that occur on the  
17 effective date of this subsection.

18 (END)

## Shovers, Marc

---

**From:** Cabrera, Marisabel  
**Sent:** Thursday, July 25, 2019 3:24 PM  
**To:** Shovers, Marc  
**Subject:** LRB 3246 Edits  
**Attachments:** Sanctuary Bill Edits.docx; ATT00001.htm

Hello Marc,

I've attached the bill with my edits. I will say that the bolded headings may need some work. But, essentially what is in red is what I revised or added.

So that you understand my reasoning, the goals of the bill are:

#1 limit local law enforcement's cooperation with ICE if and when requested

#2 limit local law enforcement's ability to engage in immigration enforcement without ICE's involvement (some agencies take it upon themselves to enforce immigration laws without ICE ever requesting assistance....the specific examples listed are the most common ways this happens)

If you have any questions, please do not hesitate to contact me at 414.335.0404.

~Rep. Cabrera

**SECTION 1. 59.26 (11) of the statutes is created to read:**

**59.26 (11) (a)** In this subsection:

1. "Civil immigration warrant" means any warrant for a violation of federal civil immigration law.

2. "Hold request" means a federal Immigration and Customs Enforcement (ICE) request that a local law enforcement agency maintain custody of an individual currently in its custody beyond the time he or she would otherwise be eligible for release in order to facilitate transfer to ICE and includes, but is not limited to, Department of Homeland Security (DHS) Form I-247D.] - *not needed - this form falls w/in the definition*

3. "Immigration enforcement" includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry, or reentry to, or employment in, the United States.

4. "Satisfactory immigration status" means immigration status under which an individual who is not a U.S. citizen is lawfully present in the United States.

(b) Neither a sheriff nor a deputy may assist a federal immigration officer in immigration enforcement activities.

(c) No sheriff or deputy may use agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including, but not limited to, any of the following:

(i) Inquiring into an individual's immigration status.

(ii) Detaining an individual based solely on information or belief that the individual does not have satisfactory immigration status.

(iii) Detaining an individual on the basis of a hold request.

(iv) Assisting or participating in arrests based on civil immigration warrants.

**SECTION 2. 66.0112 of the statutes is created to read:**

**66.0112 Limiting cooperation with immigration officials and limiting engagement in immigration enforcement. (1) DEFINITIONS.** In this section:

(a) "Civil immigration warrant" means any warrant for a violation of federal civil immigration law.

(b) "Hold request" means a federal Immigration and Customs Enforcement (ICE) request that a local law enforcement agency maintain custody of an individual currently in its custody beyond the time he or she would otherwise be eligible for release in order to facilitate transfer to ICE and includes, but is not limited to, Department of Homeland Security (DHS) Form I-247D.

(c) "Immigration enforcement" includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to

*Who's the actor?*

*issued by whom?*

*not needed  
C42*

investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry, or reentry to, or employment in, the United States.

(d) "Local law enforcement officer" means any person employed by a political subdivision for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is employed to enforce.

(e) "Political subdivision" means any city, village, town, or county.

(f) "Satisfactory immigration status" means immigration status under which an individual who is not a U.S. citizen is lawfully present in the United States.

**(2) LIMITATION ON COOPERATION.** A political subdivision may not authorize or permit a local law enforcement officer who is employed by the political subdivision to assist a federal immigration officer in immigration enforcement activities.

**(3) LIMITATION ON ???.** No local law enforcement office may use agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration related purposes, including, but not limited to, any of the following:

(a) Inquiring into an individual's immigration status.

(b) Detaining an individual based solely on information or belief that the individual does not have satisfactory immigration status.

(c) Detaining an individual on the basis of a hold request.

(d) Assisting or participating in arrests based on civil immigration warrants.

**(4) COMPLIANCE WITH STATE POLICY.** No later than the first day of the 6th month after the effective date of this subsection .... [LRB inserts date], a political subdivision shall adopt and implement a policy published by the department of justice under s. 165.57 (4) related to limiting assistance with immigration enforcement activities to the fullest extent possible.

**SECTION 3.** 165.57 of the statutes is created to read:

**165.57 Limiting cooperation with immigration officials and limiting engagement in immigration enforcement.** (1) DEFINITIONS. In this section:

(a) "Civil immigration warrant" means any warrant for a violation of federal civil immigration law.

(b) "Hold request" means a federal Immigration and Customs Enforcement (ICE) request that a local law enforcement agency maintain custody of an individual currently in its custody beyond the time he or she would otherwise be eligible for release in order to facilitate transfer to ICE and includes, but is not limited to, Department of Homeland Security (DHS) Form I-247D.

(c) "Immigration enforcement" includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry, or reentry to, or employment in, the United States.

(d) "Local law enforcement officer" means any person employed by a political subdivision for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is employed to enforce.

(e) "Political subdivision" means any city, village, town, or county.

(f) "Satisfactory immigration status" means immigration status under which an individual who is not a U.S. citizen is lawfully present in the United States.

**(2) LIMITATION ON COOPERATION.** The department of justice may not authorize a local law enforcement officer to assist a federal immigration officer in immigration enforcement activities.

**(3) LIMITATION ON ???.** No local law enforcement office may use agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration related purposes, including, but not limited to, any of the following:

(a) Inquiring into an individual's immigration status.

(b) Detaining an individual based solely on information or belief that the individual does not have satisfactory immigration status.

(c) Detaining an individual on the basis of a hold request.

(d) Assisting or participating in arrests based on civil immigration warrants.

**(4) MODEL POLICY.** No later than the first day of the 4th month after the effective date of this subsection .... [LRB inserts date], the department of justice shall publish a model policy for limiting assistance with immigration enforcement activities to the fullest extent possible for adoption by a political subdivision under s. 66.0112 (4).

#### **SECTION 4. Initial applicability.**

(1) This act first applies to immigration enforcement activities that occur on the effective date of this subsection.

**(END)**





# THE BASICS ON ICE WARRANTS AND ICE DETAINERS

*Why ICE is Sending Immigration Warrants to Local Law Enforcement and What it Means*

## 1. What is ICE's new policy on detainers and warrants?

In March 2017, Immigration and Customs Enforcement (ICE) issued a new policy regarding immigration detainers and administrative immigration warrants, or "ICE warrants."

This policy directs that all ICE detainers shall be accompanied by immigration warrants ("ICE warrants") signed by an authorized ICE officer. The new policy is available at <https://www.ice.gov/detainer-policy>.

## 2. What is an ICE warrant?

An "ICE warrant" is a form issued by certain immigration officers that names an allegedly deportable non-citizen and directs various federal immigration enforcement agents to arrest that individual. For an annotated ICE warrant, see: <https://www.ilrc.org/annotated-ice-administrative-warrants-2017>.

ICE warrants are issued for civil violations of immigration law, not criminal charges. They are also sometimes called "administrative warrants."

An "ICE warrant" is not a real warrant. It is not reviewed by a judge or any neutral party to determine if it is based on probable cause.

For more analysis of the legal authority of ICE warrants, see: <https://www.ilrc.org/legal-analysis-ice-warrants>.

## 3. What does an ICE warrant do?

An ICE warrant directs various federal immigration enforcement agents to arrest the person named in the warrant. Because it is not issued by a judge, an ICE warrant does not give the immigration enforcement officer the authority to demand entry to a home or private space in order to make the arrest.

ICE warrants do not generally provide a basis for a local or state law enforcement officer or agency (LEA) to arrest or detain anyone. Federal regulations allow a specific list of *federal* immigration agents to execute administrative immigration arrest warrants. See: <https://www.ilrc.org/annotated-ice-administrative-warrants-2017>.

## 4. How is an ICE warrant different from an ICE detainer?

An ICE warrant is directed only at authorized DHS officials, while an ICE detainer is a request directed to other law enforcement agencies. For an annotated ICE detainer, see: <https://www.ilrc.org/annotated-detainer-form-2017>.

Both an ICE detainer and an ICE warrant are issued based on alleged civil immigration violations and do not provide probable cause of a crime. Neither document meets Fourth Amendment requirements for arrest or provides authority for local law enforcement to arrest or detain someone. The combination of both documents together does not add any new requirements for local agencies. For more analysis of the legal authority of ICE warrants and detainers, see: <https://www.ilrc.org/legal-analysis-ice-warrants>.

## 5. Are the ICE warrants that come with detainers the same as those ICE brings on a home raid or other enforcement action?

Yes. Although administrative immigration warrants (another term for ICE warrants) do not provide enforcement authority beyond what ICE already possesses, they may sometimes issue an ICE warrant before making arrests at homes or in the street. Because these "warrants" are issued by ICE officers, not a judge, they do not give ICE authority to enter private spaces without consent.



## ICE WARRANTS AND LOCAL AUTHORITY

*What is an ICE administrative warrant and what legal authority does it confer?*

In March 2017, Immigration and Customs Enforcement (ICE) issued a new policy regarding immigration detainees and administrative immigration warrants, or “ICE warrants.”<sup>1</sup> The policy directs that all ICE detainees shall be accompanied by immigration warrants signed by an authorized ICE officer.

An “ICE warrant” is not a real warrant. ICE warrants are administrative forms issued by ICE officers, without any review by a judge.<sup>2</sup> An ICE warrant is similar to an ICE detainer, although it derives from different federal regulations. Neither an ICE detainer nor an ICE warrant provides authority for a local law enforcement agency to arrest or detain someone for civil immigration violations.

This advisory analyzes the legal authority of ICE warrants, with specific regard to their meaning for local law enforcement officers.

### I. What is an ICE Warrant?

An “ICE warrant” is a form issued by certain immigration officers that names an allegedly deportable non-citizen and directs various federal immigration enforcement agents to arrest that individual.<sup>3</sup> ICE can issue an arrest warrant at the same time as, or after, they issue a Notice to Appear for removal proceedings.<sup>4</sup> ICE warrants are administrative warrants that “do not grant the same authority as a criminal search or an arrest warrant.”<sup>5</sup> Unlike criminal warrants, an ICE warrant is not reviewed or issued by a neutral magistrate. Further, it does not confer authority to enter private spaces to execute an arrest or search.<sup>6</sup> An ICE warrant does not compel any local law enforcement officer to take action of any kind; it is exclusively directed to ICE agents.<sup>7</sup>

Federal regulations authorize immigration warrants to be generated at any time following the issuance of a Notice to Appear for removal proceedings.<sup>8</sup> The Notice to Appear itself does not authorize arrest, and is not reviewed by a judge until much later in removal proceedings. The sufficiency or validity of the warrant or the arrest action is never reviewed by a judge at all. The implementing regulations for ICE warrants focus on which agents have authority to issue or execute a warrant, and what training is required for them before receiving that authority.<sup>9</sup> All of the officers authorized to issue and execute administrative arrest warrants are federal agents, not local law enforcement officers or agencies.

---

Contact Lena Graber, [lgrab@ilrc.org](mailto:lgrab@ilrc.org) with questions about this document.

<sup>1</sup> See Immigration and Customs Enforcement Policy Number 10074.2, Issuance of Immigration Detainers by ICE Immigration Officers, (March 24, 2017) available at <https://www.ice.gov/sites/default/files/documents/Document/2017/10074-2.pdf>. ICE also provided a revised detainer form and updated immigration warrant forms, available at <https://www.ice.gov/detainer-policy>. An immigration detainer is a request from federal immigration authorities to a local, state or federal law enforcement agency to provide them with notice prior to releasing the subject of the detainer, in order for ICE to arrange to take custody. 8 CFR § 287.7(a).

<sup>2</sup> 8 C.F.R. § 287.5(e).

<sup>3</sup> See 8 U.S.C. § 1226(a) (“On a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States.”). See also 8 C.F.R. § 287.5(e) (listing the various categories of immigration officials authorized to issue or execute immigration warrants). ICE warrants may be referred to as removal warrants or arrest warrants. An I-200 arrest warrant is for an allegedly deportable immigrant who does not already have a removal order against her, while an I-205 is issued subsequent to a removal order. A blank sample ICE warrant is available on ICE’s website at: [https://www.ice.gov/sites/default/files/documents/Document/2017/I-200\\_SAMPLE.PDF](https://www.ice.gov/sites/default/files/documents/Document/2017/I-200_SAMPLE.PDF). (An I-203 or I-203a is an order to detain or release the person. This is described in the ICE Detention Standards for purposes of making preliminary custody and bond determinations. This document is administrative and has no legal force, and is unlikely to affect local law enforcement unless they contract with ICE for immigration detention.)

<sup>4</sup> 8 C.F.R. § 236.1.

<sup>5</sup> Letter from Karin Lang, ICE Office of Congressional Relations, to Congresswoman Zoe Lofgren, March 14, 2007. Karin Lang’s letter refers to ICE warrants on Form I-205, which are based on an order of removal by an Immigration Judge.

<sup>6</sup> See *See v. City of Seattle*, 387 U.S. 541 (1967) (holding that administrative entry to areas not open to the public may only be compelled through the warrant procedure); *El-Badrawi v. Dep’t of Homeland Security*, 579 F. Supp. 2d 249, 275 (D. Conn. 2008) (“That is why, as a matter of federal constitutional law, search warrants issued exclusively by executive officials involved in an investigation are ignored for Fourth Amendment purposes.”).

<sup>7</sup> See 8 C.F.R. § 287.5.

<sup>8</sup> 8 C.F.R. § 236.1. See also 8 C.F.R. § 287.8(c).

<sup>9</sup> 8 C.F.R. § 287.5(e).

## II. Implications of ICE Warrants for Local Law Enforcement Agencies

ICE warrants do not generally provide a basis for a local or state law enforcement officer or agency (LEA) to arrest or detain an individual. This includes prolonging the detention of someone who is subject to an ICE detainer and/or ICE warrant but who would otherwise be released. Federal courts have ruled that holding an individual beyond the conclusion of their criminal case constitutes a new seizure that must meet Fourth Amendment requirements.<sup>10</sup> Additionally, such a seizure must be within the lawful authority of the local agency under state law.<sup>11</sup> ICE warrants cannot meet these requirements. First, "ICE warrants" are not constitutionally valid warrants because they are not reviewed by a judge or neutral magistrate. Second, no legal authority contemplates local or state officers executing an administrative ICE warrant, even if it were constitutionally valid. Third, ICE warrants are for civil immigration arrests, and local law enforcement agencies lack authority to arrest or detain individuals for civil immigration violations.<sup>12</sup>

### A. ICE Warrants Do Not Satisfy Requirements of the Fourth Amendment

An "ICE warrant" is not a real warrant. Unlike the warrant requirements of the Fourth Amendment, ICE warrants are issued by the immigration enforcement agency itself, without any review by a neutral magistrate.<sup>13</sup> Federal courts have repeatedly found that such warrants do not meet basic Fourth Amendment requirements, and therefore actions taken on the basis of such warrants are evaluated as if there were no warrant at all.<sup>14</sup>

For local law enforcement to detain an individual pursuant to an ICE warrant may violate the Fourth Amendment, and in addition could constitute false imprisonment under state law. In *Coolidge v. New Hampshire*, the U.S. Supreme Court held that a warrant issued by the attorney general was invalid, specifically because the attorney general was in charge of prosecution and therefore he could not be a neutral and detached magistrate.<sup>15</sup> ICE warrants, issued by agents of the Department of Homeland Security, similarly lack any imprimatur of neutral or detached findings to support probable cause for arrest. The District of Connecticut found that seizure based on an immigration warrant should nonetheless be evaluated as a warrantless arrest, because an ICE warrant is issued by an agent, not a judge.<sup>16</sup>

### B. There is No Authority for Local Law Enforcement Officers to Execute ICE Warrant

An ICE warrant does not confer any arrest authority to a local law enforcement officer. Federal regulations allow a specific list of *federal* immigration agents to execute immigration arrest warrants.<sup>17</sup> This does not include any local law enforcement agents or delegate arrest authority to such officers. Rather, the list of officers empowered to execute such warrants is specifically enumerated and limited to federal immigration officials.<sup>18</sup> The U.S. Supreme Court noted in *Arizona v. United States* that only authorized, trained immigration agents execute such warrants.<sup>19</sup> Local law enforcement officers generally lack any authority to detain someone on the basis of an ICE warrant.

<sup>10</sup> *Illinois v. Caballes*, 543 U.S. 405, 407 (2005); *Gonzales v. Peoria*, 722 F.2d 468 (9th Cir. 1983) ("The chief of police expressed the conviction that 'detaining' persons in custody for suspected violations of the Act is different from arresting them. There is no constitutional distinction between these procedures."); *Melendres v. Arpaio*, 695 F.3d 990, 1000 (9th Cir. 2012); *Morales v. Chadbourne*, 793 F.3d 208, 217 (1st Cir. 2015); *Miranda-Olivares v. Clackamas Co.*, No. 3:12-cv-02317-ST (D.Or. April 11, 2014).

<sup>11</sup> See *United States v. Di Re*, 332 U.S. 581, 589 (1948). See also *Melendres v. Arpaio*, 695 F.3d 990, 1000 (9th Cir. 2012).

<sup>12</sup> *Arizona v. United States*, 132 S. Ct. 2492, 2506 (2012).

<sup>13</sup> 8 C.F.R. § 287.5(e).

<sup>14</sup> *Coolidge v. New Hampshire*, 403 US 443 (1971) (finding a warrant issued by the Attorney General to be invalid because he was not a neutral magistrate); *Johnson v. United States*, 333 U.S. 10 (1948) (Fourth Amendment protection consists in requiring that those "inferences be drawn by a neutral and detached magistrate instead of being judged by the officer engaged in the often competitive enterprise of ferreting out crime."); *El-Badrawi v. Dep't of Homeland Security*, 579 F. Supp. 2d 249, 275 (D. Conn. 2008) ("The law places a high premium on arrest warrants because such warrants are issued by neutral magistrates who provide an independent check on executive discretion.") (citing *Coolidge v. New Hampshire*, 403 US at 449 (1971)).

<sup>15</sup> *Coolidge v. New Hampshire*, 403 US 443 (1971).

<sup>16</sup> *El-Badrawi v. Dep't of Homeland Security*, 579 F. Supp. 2d 249, 275 (D. Conn. 2008) ("No neutral magistrate (or even a neutral executive official) ever examined the warrant's validity. Under Connecticut tort law (and federal constitutional law), the arrest must therefore be treated as warrantless.")

<sup>17</sup> 8 C.F.R. § 287.5(e). Under 8 USC § 1357(g), the "287(g) program," a law enforcement agency may enter into a formal memorandum of agreement with DHS, under which local officers are deputized to perform certain federal immigration enforcement functions. These agreements designate the specific functions authorized for local officials, which may include arrests based on immigration warrants.

<sup>18</sup> 8 C.F.R. § 236.1(b)(1). See also *Arizona v. United States*, 132 S. Ct. 2492, 2506 (2012).

<sup>19</sup> *Arizona v. United States*, 132 S. Ct. 2492, 2506 (2012). Furthermore, at the time of arrest even with a warrant, the regulations at 8 C.F.R. § 287.8(c)(2)(iii) direct "the designated immigration officer" to "identify himself or herself as an immigration officer who is authorized to make the arrest" and state the reason for the arrest. Local law enforcement agents have no way of doing this because they are not immigration officials.

### C. Local Law Enforcement Officers Have No Civil Immigration Enforcement Authority

ICE warrants are issued for civil violations of immigration law, not criminal charges. Local law enforcement agencies do not have authority to arrest or detain someone for civil immigration violations.<sup>20</sup> The Supreme Court said in *Arizona v. United States* that “[i]f the police stop someone based on nothing more than possible removability, the usual predicate for an arrest is absent.”<sup>21</sup> While ICE agents may arrest individuals on the basis of administrative warrants,<sup>22</sup> it does not follow that local law enforcement agents may do so, because the existence of an ICE warrant or of an immigration violation does not provide any arrest authority to local officers.<sup>23</sup> State and local law enforcement powers derive from state laws.<sup>24</sup> And state laws do not grant local officers power to arrest for immigration violations; they authorize arrest for state, and sometimes federal, criminal violations.<sup>25</sup> Therefore ICE warrants, which are issued on the basis of civil immigration violations, are not a basis for arrest by local law enforcement officers.

### III. ICE Detainers Combined with ICE Warrants Do Not Affect LEA Authority

Neither an ICE detainer nor an ICE warrant meets Fourth Amendment standards or provides legal authority to local law enforcement officers outside of their own state authority. The combination of both these documents together does not change the legal analysis for local law enforcement agencies. The reason ICE has begun issuing administrative immigration warrants along with detainers is to meet its own legal obligations, not because an ICE warrant provides different authority for local officials than an ICE detainer.

Federal courts have found that ICE was issuing detainers in excess of its own statutory authority. The Immigration and Nationality Act authorizes ICE to arrest a person without a warrant if they have probable cause that the person is subject to removal, and if they have determined that the person is likely to escape before a warrant can be obtained.<sup>26</sup> ICE detainers cause a warrantless arrest and therefore ICE must also meet these requirements in order to issue a detainer. Because ICE was causing warrantless arrests and never evaluating the risk of escape, the courts ruled that ICE was violating the statute and the resulting detainers were legally invalid.<sup>27</sup>

In response, ICE has begun issuing administrative warrants with its detainers, so that the arrest is now supported by an ICE warrant. If there is a warrant, ICE does not need to show likelihood of escape before a warrant can be obtained, because the warrant has been obtained already. However it is not clear that an ICE warrant, as opposed to a valid judicial warrant, is legally sufficient in this context. The courts did not yet evaluate whether an administrative ICE warrant, which is not reviewed by a judge, is sufficient to overcome the problem of ICE’s arrest authority. Since an ICE warrant is effectively just another form signed by an ICE officer, much like a detainer, it seems unlikely that this formalistic change has any meaningful legal impact. Fundamentally, these changes are about ICE’s own exercise of law enforcement authority, and do not affect the analysis for local law enforcement agencies.

<sup>20</sup> *Arizona v. United States*, 132 S. Ct. 2492, 2505 (2012); see also *Melendres v. Arpaio*, 695 F.3d 990, 1000 (9th Cir. 2012) (“detention beyond the duration of the initial traffic stop must be supported independently by reasonable suspicion of criminality”); *Santos v. Frederick County Bd. of Com’rs*, 725 F.3d 451, 464-65 (4th Cir. 2011) (holding that local officers’ lack of authority for immigration arrests extends to brief investigatory detentions).

<sup>21</sup> *Id.*

<sup>22</sup> *Arizona v. United States*, 132 S. Ct. 2492, 2505-6 (2012).

<sup>23</sup> See *Arizona v. United States*, 132 S. Ct. 2492, 2505-6 (2012) (noting that in all instances of administrative warrants, the law provides that they be executed by immigration officers with training in enforcement of immigration law); *Gonzales v. City of Peoria*, 722 F.2d 468 (9th Cir. 1983) (local or state law enforcement officers can only make arrests for criminal violations of federal immigration law, not civil violations, as are charged in an ICE warrant); *Santos v. Frederick County Bd. Of Com’rs*, 725 F.3d 451, 465-66 (4th Cir. 2013) (local arrest based on civil immigration warrant violated the Fourth Amendment).

<sup>24</sup> *United States v. Di Re*, 332 U.S. 581, 589 (1948).

<sup>25</sup> See *Buquer v. City of Indianapolis*, 797 F. Supp. 2d 905, 918 (S.D. Ind. 2011) (enjoining section of state law that “authorize[d] state and local law enforcement officers to effect warrantless arrests” based on ICE detainers, because permitting arrests “for matters that are not crimes” would contravene the Fourth Amendment); *People ex rel Swanson v. Ponte*, No. 14652, --- N.Y.S.2d --- (2014), 2014 N.Y. Slip Op. 24304 (“There is no allegation that the Department has actually obtained a removal order and, if in fact they had, there is still no authority for a local correction commissioner to detain someone based upon a civil determination, as immigration removal orders are civil, not criminal, in nature.”); *Mercado v. Dallas County*, No. 3:15-cv-3481 (N.D.Tx. Jan. 17, 2017);

<sup>26</sup> 8 USC § 1357(a).

<sup>27</sup> *Jimenez-Moreno v. Napolitano*, No. 1:11-cv-05452, Docket Entry 230 at 16-17 (N.D. Ill. Sept. 30, 2016) (“The bottom line is that, because immigration officers make no determination whatsoever that the subject of a detainer is likely to escape upon release before a warrant can be obtained, ICE’s issuance of detainers that seek to detain individuals without a warrant goes beyond its statutory authority to make warrantless arrests under 8 U.S.C. § 1357(a)(2).”); *Orellana v. Nobles County*, No. 0:15-cv-03852 (D. Minn. Jan. 6, 2017).

#### **IV. Conclusion**

Generally, ICE warrants are not valid warrants and do not confer authority on local law enforcement to detain someone for civil immigration violations. There is no requirement for a local officer to take action based on an ICE warrant, because such action is outside their legal authority. An ICE warrant provides no probable cause of a crime, and generally no authorization for state and local law enforcement to make an arrest. An ICE warrant also does not change the constitutionality or authority of a local agency to hold someone on an ICE detainer. Detention in local custody pursuant to an ICE warrant opens the local custodian to liability for unlawful imprisonment.

DEPARTMENT OF HOMELAND SECURITY (DHS)  
**IMMIGRATION DETAINER – REQUEST FOR VOLUNTARY ACTION**

Subject ID: \_\_\_\_\_  
 Event #: \_\_\_\_\_

File No: \_\_\_\_\_  
 Date: \_\_\_\_\_

TO: (Name and Title of Institution - OR Any Subsequent Law Enforcement Agency) \_\_\_\_\_

FROM: (DHS Office Address) \_\_\_\_\_

Name of Subject: \_\_\_\_\_  
 Date of Birth: \_\_\_\_\_ Citizenship: \_\_\_\_\_ Sex: \_\_\_\_\_

**1. DHS HAS DETERMINED THAT (mark at least one option in subsection A and one option in subsection B, or skip to section 2):**

- A. THE SUBJECT IS AN IMMIGRATION ENFORCEMENT PRIORITY BECAUSE HE/SHE:**
- has engaged in or is suspected of terrorism or espionage, or otherwise poses a danger to national security;
  - has been convicted of an offense of which an element was active participation in a criminal street gang, as defined in 18 U.S.C. § 521(a), or is at least 16 years old and intentionally participated in an organized criminal gang to further its illegal activities;
  - has been convicted of an offense classified as a felony, other than a state or local offense for which an essential element was the alien's immigration status;
  - has been convicted of an aggravated felony, as defined under 8 U.S.C. § 1101(a)(43) at the time of conviction;
  - has been convicted of a "significant misdemeanor," as defined under DHS policy; and/or
  - has been convicted of 3 or more misdemeanors, not including minor traffic offenses and state or local offenses for which immigration status was an essential element, provided the offenses arise out of 3 separate incidents.

**B. PROBABLE CAUSE EXISTS THAT THE SUBJECT IS A REMOVABLE ALIEN. THIS DETERMINATION IS BASED ON:**

- a final order of removal against the subject;
- the pendency of ongoing removal proceedings against the subject;
- biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

**2. DHS TRANSFERRED THE SUBJECT TO YOUR CUSTODY FOR A PROCEEDING OR INVESTIGATION.**

- Upon completion of the proceeding or investigation for which the subject was transferred to your custody, DHS intends to resume custody of the subject to complete processing.

**IT IS THEREFORE REQUESTED THAT YOU:**

- Serve a copy of this form on the subject and maintain custody of him/her for a period **NOT TO EXCEED 48 HOURS** beyond the time when he/she would otherwise have been released from your custody to allow DHS to assume custody. **This request takes effect only if you serve a copy of this form on the subject, and it does not request or authorize that you hold the subject beyond 48 hours. This request arises from DHS authorities and should not impact decisions about the subject's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters.**
- As early as possible prior to the time you otherwise would release the subject, please notify DHS by calling  U.S. Immigration and Customs Enforcement (ICE) or  U.S. Customs and Border Protection (CBP) at \_\_\_\_\_  
 If you cannot reach an official at the number(s) provided, please contact the Law Enforcement Support Center at: (802) 872-6020.
- Notify this office in the event of the subject's death, hospitalization or transfer to another institution.
- If checked: Please cancel the detainer related to this subject previously submitted to you on \_\_\_\_\_ (date).

\_\_\_\_\_  
 (Name and title of Immigration Officer)

\_\_\_\_\_  
 (Signature of Immigration Officer)

**Notice:** If the subject is taken into DHS custody, he or she may be removed from the United States. If the subject may be the victim of a crime or you want the subject to remain in the United States for a law enforcement purpose, please notify the ICE Law Enforcement Support Center at (802) 872-6020. You may also call this number if you have any other questions or concerns about this matter.

**TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE SUBJECT OF THIS NOTICE:**

Please provide the information below, sign, and return to DHS by mailing, emailing, or faxing a copy to \_\_\_\_\_  
 Local Booking/Inmate #: \_\_\_\_\_ Est. release date/time: \_\_\_\_\_ Date of latest criminal charge/conviction: \_\_\_\_\_  
 Latest offense charged/convicted: \_\_\_\_\_

This Form I-247D was served upon the subject on \_\_\_\_\_, in the following manner:  
 in person       by inmate mail delivery       other (please specify): \_\_\_\_\_

\_\_\_\_\_  
 (Name and title of Officer)

\_\_\_\_\_  
 (Signature of Officer)

DEPARTMENT OF HOMELAND SECURITY  
IMMIGRATION DETAINER - NOTICE OF ACTION

Subject ID: \_\_\_\_\_  
Event #: \_\_\_\_\_

File No: \_\_\_\_\_  
Date: \_\_\_\_\_

TO: (Name and Title of Institution - OR Any Subsequent Law Enforcement Agency)

FROM: (Department of Homeland Security Office Address)

Name of Alien: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Citizenship: \_\_\_\_\_ Sex: \_\_\_\_\_

**1. DHS HAS DETERMINED THAT PROBABLE CAUSE EXISTS THAT THE SUBJECT IS A REMOVABLE ALIEN. THIS DETERMINATION IS BASED ON (complete box 1 or 2).**

- A final order of removal against the alien;
- The pendency of ongoing removal proceedings against the alien;
- Biometric confirmation of the alien's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- Statements made by the alien to an immigration officer and/or other reliable evidence that affirmatively indicate the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

**2. DHS TRANSFERRED THE ALIEN TO YOUR CUSTODY FOR A PROCEEDING OR INVESTIGATION (complete box 1 or 2).**

- Upon completion of the proceeding or investigation for which the alien was transferred to your custody, DHS intends to resume custody of the alien to complete processing and/or make an admissibility determination.

**IT IS THEREFORE REQUESTED THAT YOU:**

- **Notify DHS** as early as practicable (at least 48 hours, if possible) before the alien is released from your custody. Please notify DHS by calling  U.S. Immigration and Customs Enforcement (ICE) or  U.S. Customs and Border Protection (CBP) at \_\_\_\_\_. If you cannot reach an official at the number(s) provided, please contact the Law Enforcement Support Center at: (802) 872-6020.
- **Maintain custody** of the alien for a period **NOT TO EXCEED 48 HOURS** beyond the time when he/she would otherwise have been released from your custody to allow DHS to assume custody. The alien **must be served with a copy of this form** for the detainer to take effect. This detainer arises from DHS authorities and should not impact decisions about the alien's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters
- Relay this detainer to any other law enforcement agency to which you transfer custody of the alien.
- Notify this office in the event of the alien's death, hospitalization or transfer to another institution.

If checked: please cancel the detainer related to this alien previously submitted to you on \_\_\_\_\_ (date).

\_\_\_\_\_  
(Name and title of Immigration Officer)

\_\_\_\_\_  
(Signature of Immigration Officer) (Sign in ink)

**Notice:** If the alien may be the victim of a crime or you want the alien to remain in the United States for a law enforcement purpose, notify the ICE Law Enforcement Support Center at (802) 872-6020. You may also call this number if you have any other questions or concerns about this matter.

**TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE ALIEN WHO IS THE SUBJECT OF THIS NOTICE:**

Please provide the information below, sign, and return to DHS by mailing, emailing or faxing a copy to \_\_\_\_\_

Local Booking/Inmate #: \_\_\_\_\_ Estimated release date/time: \_\_\_\_\_

Date of latest criminal charge/conviction: \_\_\_\_\_ Last offense charged/conviction: \_\_\_\_\_

This form was served upon the alien on \_\_\_\_\_, in the following manner:

in person  by inmate mail delivery  other (please specify): \_\_\_\_\_

\_\_\_\_\_  
(Name and title of Officer)

\_\_\_\_\_  
(Signature of Officer) (Sign in ink)



PUBLICATION

# Detainer requests: Controversial and unconstitutional, according to some courts

October 02, 2018

Detainer requests are a controversial tool that U.S. Immigration and Customs Enforcement (ICE) has used to detain people and push them into the deportation machine.

***Detainer requests: Controversial and unconstitutional, according to some courts is part of the Southern Poverty Law Center's No End in Sight report. Read the full report.***

It's also a tool that some courts have found unconstitutional.<sup>1</sup>

ICE issues detainers to other law enforcement agencies that have arrested a person on criminal charges. It's a request for the agency to keep the person in custody for potential civil immigration enforcement action by ICE.

The use of detainers has surged by 80 percent since January 2017, according to the Department of Homeland Security (DHS). Despite the increase, the number of average monthly detainers is nearly half of what it was in 2012, during the Obama administration.

Detainers purportedly allow the continued detention of a person for suspected violations of civil immigration laws for up to 48 hours – even after a person posts bail for the charged criminal offense.<sup>2</sup> This is problematic because the U.S. Supreme Court has recognized that, “[a]s a general rule, it is not a crime for a removable alien to remain present in the



United States.”<sup>3</sup> A detainer does not even guarantee ICE will arrest the person, nor does it prove a person’s immigration status. It does, however, erode trust in local law enforcement.

Furthermore, local law enforcement agencies are not authorized to enforce civil immigration laws without formal agreements with the federal government that include special training. In other words, local law enforcement agencies do not have the authority to make a unilateral decision to arrest a person without a warrant for an immigration offense that could result in the person’s removal.<sup>4</sup>

## Constitutional issues

Though ICE has instructed agents to issue administrative warrants together with detainers, these documents are not judicial warrants and lack two key features of judicial warrants designed to comply with the U.S. Constitution.

ICE detainers and administrative warrants, for example, are not issued by magistrate judges, who as members of the judicial branch are neutral and independent from the executive branch’s law enforcement agents. Instead, detainers and ICE administrative warrants may be issued by lower-ranking ICE agents, the same officers charged with *enforcing* immigration laws.<sup>5</sup>

What’s more, ICE’s administrative warrants are not supported by probable cause to believe that a person has committed a crime, which would justify detaining a person against his or her will.

As a result, numerous courts have found that cities and counties that comply with ICE detainer requests in the absence of a judicial warrant are violating a person’s Fourth Amendment right against unreasonable searches and seizures, and have required those governments to pay damages to the people they held in jail as a result of detainers.

## Endnotes

[1] See, e.g., *Ochoa v. Campbell*, 266 F. Supp. 3d 1237, 1243 (E.D. Wash. 2017), appeal dismissed as moot sub nom. *Sanchez Ochoa v. Campbell*, 716 F. App’x 741 (9th Cir. 2018); *Moreno v. Napolitano*, 213 F. Supp. 3d 999, 1005 (N.D. Ill. 2016), *Morales v. Chadbourne*, 793 F.3d 208, 216 (1st Cir. 2015); *Lunn v. Commonwealth*, 78 N.E.3d 1143, 1160 (2017). [Back to report.](#)

[2] 5 8 C.F.R. § 287.7(d) (“Upon a determination by [DHS] to issue a detainer for an alien not otherwise detained by a criminal justice agency, such agency shall maintain custody of the alien for

a period not to exceed 48 hours, excluding Saturdays, Sundays, and holidays in order to permit assumption of custody by [DHS].”). [Back to report.](#)

[3] Arizona v. United States, 567 U.S. 387, 407 (2012) (internal citations omitted). [Back to report.](#)

[4] Arizona v. United States, 567 U.S. at 413 (“Detaining individuals solely to verify their immigration status would raise constitutional concerns.”). [Back to report.](#)

[5] 8 C.F.R. § 287.7(a) (“Any authorized immigration officer may at any time issue a Form I-247, Immigration Detainer – Notice of Action, to any other Federal, State, or local law enforcement agency.”); 8 C.F.R. § 236.1(b) (“...the respondent may be arrested and taken into custody under the authority of Form I-200, Warrant of Arrest. A warrant of arrest may be issued only by those immigration officers listed in § 287.5(e)(2) of this chapter...”). [Back to report.](#)

\*\*\*

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3246/2dn  
EAW&MES:amn&kjf

-Date-

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



Handwritten initials: pmk

2019 BILL

SAJ

D-note

regan

1 AN ACT *to create* 59.26 (11), 66.0112 and 165.57 of the statutes; relating to:  
2 limiting the cooperation of state and local law enforcement officers with certain  
3 federal immigration enforcement activities.

**Analysis by the Legislative Reference Bureau**

This bill limits the extent to which the Department of Justice and local law enforcement officers may cooperate with federal immigration enforcement activities.

Under the bill, DOJ may not authorize a state or local law enforcement officer to assist a federal immigration officer in immigration enforcement activities, and the department must publish a model policy for local governments to adopt on limiting assistance with such activities. The bill defines "immigration enforcement activities" as any action taken by federal or state or local law enforcement officers related to determining whether an individual has satisfactory immigration status, meaning determining whether a non-U.S. citizen is lawfully present in the United States.

INS ANL-1

Also under the bill, no city, village, town, or county (political subdivision) may authorize or permit its law enforcement officers to assist a federal immigration officer in immigration enforcement activities, nor may a sheriff or deputy provide such assistance. In addition, neither a sheriff, a deputy, nor a state or local law enforcement officer may detain an individual based solely on an allegation that the individual does not have satisfactory immigration status.

INS ANL-2

Finally, the bill requires a political subdivision to adopt and implement the DOJ's model policy related to limiting assistance with immigration enforcement activities.

**BILL**

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:*

**SECTION 1.** 59.26 (11) of the statutes is created to read:

59.26 (11) (a) In this subsection:

1. "Immigration enforcement activities" means any action taken by a federal law enforcement officer, a sheriff, or a deputy that is related to determining whether an individual has satisfactory immigration status.

4. (2) "Satisfactory immigration status" means immigration status under which an individual who is not a U.S. citizen is lawfully present in the United States.

(b) Neither a sheriff nor a deputy may assist a federal immigration officer in immigration enforcement activities.

(c) No sheriff or deputy may detain an individual based solely on an allegation that the individual does not have satisfactory immigration status.

**SECTION 2.** 66.0112 of the statutes is created to read:

**66.0112 Limiting cooperation with immigration officials and limiting engagement in detention based on immigration status.** (1) DEFINITIONS. In this section:

(a) "Immigration enforcement activities" means any action taken by a federal or local law enforcement officer that is related to determining whether an individual has satisfactory immigration status.

(d) (b) "Local law enforcement officer" means any person employed by a political subdivision for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is employed to enforce.

INS  
2-10

INS  
2-11

INS  
2-17

**BILL**

1 (e) (c) "Political subdivision" means any city, village, town, or county.

2 (f) (d) "Satisfactory immigration status" means immigration status under which  
3 an individual who is not a U.S. citizen is lawfully present in the United States.

4 (2) LIMITATION ON COOPERATION. A political subdivision may not authorize or  
5 permit a local law enforcement officer who is employed by the political subdivision  
6 to assist a federal immigration officer in immigration enforcement activities.

7 (3) LIMITATION ON ~~DETENTION~~ <sup>Enforcement</sup>. No local law enforcement officer may detain an  
8 individual based solely on an allegation that the individual does not have  
9 satisfactory immigration status. (INS 3-9) (No §)

10 (4) COMPLIANCE WITH STATE POLICY. No later than the first day of the 6th month  
11 after the effective date of this subsection .... [LRB inserts date], a political subdivision  
12 shall adopt and implement the policy published by the department of justice under  
13 s. 165.57 (4) related to limiting assistance with immigration enforcement activities  
14 to the fullest extent possible.

15 SECTION 3. 165.57 of the statutes is created to read:

16 **165.57 Limiting cooperation with immigration officials and limiting**  
17 **engagement in** ~~detention based on~~ <sup>enforcement</sup> **immigration status; state policy.** (1) DEFINITIONS. In this  
18 section:

19 (a) "Immigration enforcement activities" means any action taken by a federal  
20 or local law enforcement officer that is related to determining whether an individual  
21 has satisfactory immigration status.

22 (c) (b) "Local law enforcement officer" means any person employed by the state or  
23 any political subdivision of the state, for the purpose of detecting and preventing  
24 crime and enforcing laws or ordinances and who is authorized to make arrests for  
25 violations of the laws or ordinances that the person is employed to enforce.

INS  
3-18

**BILL**

**SECTION 3**

1 (e) (c) "Political subdivision" means any city, village, town, or county.

2 (f) (d) "Satisfactory immigration status" means immigration status under which  
3 an individual who is not a U.S. citizen is lawfully present in the United States.

4 (2) LIMITATION ON COOPERATION. The department of justice may not authorize  
5 a local law enforcement officer to assist a federal immigration officer in immigration  
6 enforcement activities.

7 (3) LIMITATION ON ~~DETENTION~~ <sup>Enforcement</sup>. No local law enforcement officer may detain an  
8 individual based solely on an allegation that the individual does not have  
9 satisfactory immigration status. (INS 4-9, not)

10 (4) MODEL POLICY. No later than the first day of the 4th month beginning after  
11 the effective date of this subsection ... [LRB inserts date], the department of justice  
12 shall publish a model policy for limiting assistance with immigration enforcement  
13 activities to the fullest extent possible for adoption by a political subdivision under  
14 s. 66.0112 (4).

15 **SECTION 4. Initial applicability.**

16 (1) This act first applies to immigration enforcement activities that occur on the  
17 effective date of this subsection.

18 (END)

0-NOTE  
↓

**2019-2020 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3246/2ins  
EAW&MES:amn&kjf

INS ANL - 1

the investigation or enforcement of any federal civil immigration law or any federal criminal immigration law that penalizes an individual's presence in, entry or reentry to, or employment in, the United States.

INS ANL - 2

engage in activities related to the investigation, interrogation, detention, or arrest of an individual for any purpose related to immigration enforcement, including actions related to determining whether an individual has satisfactory immigration status and detaining an individual on an Immigration and Customs Enforcement hold request. Under the bill, satisfactory immigration status means determining whether a non-U.S. citizen is lawfully present in the United States.

INS 2-2

1. "Civil immigration warrant" means any arrest warrant issued by a federally authorized immigration officer specified in 8 CFR section 287.5 (e) (2) for the arrest of an individual for an alleged violation of federal civil immigration law.

\*\*\*\*NOTE: Does this subd. 1. meet your intent? Your instruction states "Civil immigration warrant means any warrant for a violation of federal civil immigration law", but I don't believe warrants are issued for a violation. My understanding is that a warrant is essentially an order issued by a court directing the arrest of an individual or authorizing the search of a specific place. Do you mean to limit this definition to an "ICE warrant" that is issued by certain immigration officers, but not reviewed by a judge? See 8 CFR section 236.1 (b) and 287.7 (a).

2. "Hold request" means a federal immigration and customs enforcement request that a local law enforcement agency maintain custody of an individual currently in its custody beyond the time he or she would otherwise be eligible for release in order to facilitate the <sup>federal</sup> department of homeland security to assume custody.

3. "Immigration enforcement" includes any of the following actions taken by a federal law enforcement officer, a sheriff, or a deputy:

a. The investigation or enforcement of any federal civil immigration law.



b. The investigation or enforcement of any federal criminal immigration law that penalizes an individual's presence in, entry or reentry to, or employment in, the United States.

INS 2-11

(c) No sheriff or deputy may engage in activities related to the investigation, interrogation, detention, or arrest of an individual for any purpose related to immigration enforcement, including the following:

1. Inquiring into whether an individual has satisfactory immigration status.
2. Detaining an individual based solely on information or belief that the individual does not have satisfactory immigration status.
3. Detaining an individual on the basis of a hold request.
4. Assisting or participating in arrests based on a civil immigration warrant.

INS 2-17

(a) "Civil immigration warrant" means any arrest warrant issued by a federally authorized immigration officer specified in 8 CFR section 287.5 (e) (2) for the arrest of an individual for an alleged violation of federal civil immigration law.

(b) "Hold request" means a federal immigration and customs enforcement request that a local law enforcement agency maintain custody of an individual currently in its custody beyond the time he or she would otherwise be eligible for release in order to facilitate the <sup>federal</sup> department of homeland security to assume custody.

(c) "Immigration enforcement" includes any of the following actions taken by a federal law enforcement officer or a local law enforcement officer:

1. The investigation or enforcement of any federal civil immigration law.

2. The investigation or enforcement of any federal criminal immigration law that penalizes an individual's presence in, entry or reentry to, or employment in, the United States.

INS 3-9

engage in activities related to the investigation, interrogation, detention, or arrest of an individual for any purpose related to immigration enforcement, including the following:

- (a) Inquiring into whether an individual has satisfactory immigration status.
- (b) Detaining an individual based solely on information or belief that the individual does not have satisfactory immigration status.
- (c) Detaining an individual on the basis of a hold request.
- (d) Assisting or participating in arrests based on a civil immigration warrant.

INS 3-18

(a) "Civil immigration warrant" means any arrest warrant issued by a federally authorized immigration officer specified in 8 CFR section 287.5 (e) (2) for the arrest of an individual for an alleged violation of federal civil immigration law.

(b) "Hold request" means a federal immigration and customs enforcement request that a local law enforcement agency maintain custody of an individual currently in its custody beyond the time he or she would otherwise be eligible for release in order to facilitate the <sup>Federal</sup> department of homeland security to assume custody.

(c) "Immigration enforcement" includes any of the following actions taken by a federal law enforcement officer or a local law enforcement officer:

- 1. The investigation or enforcement of any federal civil immigration law.

2. The investigation or enforcement of any federal criminal immigration law that penalizes an individual's presence in, entry or reentry to, or employment in the United States.

INS 4-9

engage in activities related to the investigation, interrogation, detention, or arrest of an individual for any purpose related to immigration enforcement, including the following:

- (a) Inquiring into whether an individual has satisfactory immigration status.
- (b) Detaining an individual based solely on information or belief that the individual does not have satisfactory immigration status.
- (c) Detaining an individual on the basis of a hold request.
- (d) Assisting or participating in arrests based on a civil immigration warrant.

**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

**Walker, Dan**

---

**From:** LRB.Legal  
**To:** Rep.Cabrera  
**Subject:** Draft review: LRB -3246/2  
**Attachments:** 19-3246/2; DraftersNote1

**State of Wisconsin - Legislative Reference Bureau**  
**One East Main Street - Suite 200 - Madison**

**The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent.** If you have any questions concerning the draft or would like to have it redrafted, please contact Elizabeth Wheeler, Legislative Attorney, at (608) 504-5880, at [Elizabeth.Wheeler@legis.wisconsin.gov](mailto:Elizabeth.Wheeler@legis.wisconsin.gov), or at One East Main Street, Suite 200.

**We will re-jacket this draft for introduction in the Assembly.**

**If a jacket is needed immediately, please let us know in your response e-mail so we know to immediately jacket the proposal for you.**

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at [LRB.Legal@legis.wisconsin.gov](mailto:LRB.Legal@legis.wisconsin.gov) or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

**Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.**