2019 DRAFTING REQUEST

Bill

For:

Jonathan Brostoff (608) 266-0650

Drafter:

emueller

By:

Michael

Secondary Drafters:

Date:

5/13/2019

May Contact:

Same as LRB:

-3778

Submit via email:

YES

Requester's email: Carbon copy (CC) to: Rep.Brostoff@legis.wisconsin.gov eric.mueller@legis.wisconsin.gov

marc.shovers@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Prohibit local governments from entering into a contract with federal government for immigration detention centers

Instructions:

See attached-- see 2017 CA assembly bill 103

Drafting History:

Vers.	<u>Drafted</u>	Reviewed	Submitted	<u>Jacketed</u>	Required
/P1	emueller 5/20/2019	kfollett 5/29/2019	lparisi 5/21/2019		
/P2	emueller 6/5/2019		mbarman 5/29/2019		
/P3	emueller 7/29/2019	kfollett 6/5/2019	mbarman 6/5/2019		
/1		kfollett 7/29/2019	dwalker 7/29/2019	dwalker 7/29/2019	

FE Sent For:

Not Weded

<END>

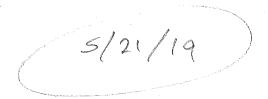


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State of Misconsin 2019 - 2020 LEGISLATURE

LRB-3233/P1 EVM:...S LML

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION





1 AN ACT ...; relating to: local contracts with the federal government related to

housing or detaining persons in locked detention facilities.

Analysis by the Legislative Reference Bureau

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

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

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

- **Section 1.** 66.0414 of the statutes is created to read:
- 66.0414 Detention contracts. (1) In this section, "local governmental unit" means, a city, village, town, or county or local law enforcement agency.

1	(2) (a) A local governmental unit that does not, as of the effective date of this
2	paragraph [LRB inserts date], have a contract with the federal government or any
3	federal agency to detain adult non-citizens for purposes of civil immigration custody
$\overset{\smile}{4}$	may not enter into a contract with the federal government or any federal agency to
5	house or detain in a locked detention facility non-citizens for purposes of civil
6	immigration custody.
7	(b) A local governmental unit that, as of the effective date of this paragraph
8	[LRB inserts date], has an existing contract with the federal government or any
9	federal agency to detain adult non-citizens for purposes of civil immigration custody
10	may not renew or modify that contract in such a way as to expand the maximum
11	number of contract beds that may be utilized to house or detain in a locked detention
12	facility non-citizens for purposes of civil immigration custody.
13	(3) (a) A local governmental unit that does not, as of the effective date of this
14	paragraph [LRB inserts date], have a contract with the federal government or any
15	federal agency to house or detain any accompanied or unaccompanied minor in the
16)	custody of or detained by the federal Office of Refugee Resettlement or the United
(17)	States Immigration and Customs Enforcement may not enter into a contract with the
18	federal government or any federal agency to house minors in a locked detention
19	facility.
20	(b) A local governmental unit that, as of the effective date of this paragraph
21	[LRB inserts date], has an existing contract with the federal government or any
22	federal agency to house or detain any accompanied or unaccompanied minor in the
23	custody of or detained by the federal Office of Refugee Resettlement or the United

States Immigration and Customs Enforcement may not renew or modify that

1	contract in such a way as to expand the maximum number of contract beds that may
2	be utilized to house minors in a locked detention facility.
(3)	(3) This section does not apply to a contract for temporary housing of
4	accompanied or unaccompanied minors in less restrictive settings if all of the
5	following apply:
6	(a) The department of children and families certifies that, because of changing
7	conditions of the population in need, there is a need for the contract.
8	(b) The contract is temporary and not renewable on a long-term or permanent
9	basis.
10	(c) The housing meets all applicable federal and state standards for that type
11	of housing.
	****NOTE: Because the exception language in the California language appeared somewhat unclear, I have revised it somewhat. Please let me know if my revisions do not meet your intent. Also, please let me know if the Department of Children and Families is not the agency you want to make the certification under par. (a).
12	(END)



State of Misconsin 2019 - 2020 LEGISLATURE

in 5/28 due: 5/29 LRB-3233/P1 P2 EVM:kjf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1	AN ACT to create 66.0414 of the statutes; relating to: local contracts with the
2	federal government related to housing or detaining persons in locked detention
3	facilities and a limitation on establishing county [facilities

Analysis by the Legislative Reference Bureau

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

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

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

- **Section 1.** 66.0414 of the statutes is created to read:
- 5 **66.0414 Detention contracts. (1)** In this section, "local governmental unit"
- 6 means, a city, village, town, or county or local law enforcement agency.

- (2) (a) A local governmental unit that does not, as of the effective date of this paragraph [LRB inserts date], have a contract with the federal government or any federal agency to detain adult noncitizens for purposes of civil immigration custody may not enter into a contract with the federal government or any federal agency to house or detain in a locked detention facility noncitizens for purposes of civil immigration custody.
- (b) A local governmental unit that, as of the effective date of this paragraph [LRB inserts date], has an existing contract with the federal government or any federal agency to detain adult noncitizens for purposes of civil immigration custody may not renew or modify that contract in such a way as to expand the maximum number of contract beds that may be utilized to house or detain in a locked detention facility noncitizens for purposes of civil immigration custody.
- (3) (a) A local governmental unit that does not, as of the effective date of this paragraph [LRB inserts date], have a contract with the federal government or any federal agency to house or detain any accompanied or unaccompanied minor in the custody of or detained by the federal office of refugee resettlement or the U.S. immigration and customs enforcement may not enter into a contract with the federal government or any federal agency to house minors in a locked detention facility.
- (b) A local governmental unit that, as of the effective date of this paragraph [LRB inserts date], has an existing contract with the federal government or any federal agency to house or detain any accompanied or unaccompanied minor in the custody of or detained by the federal office of refugee resettlement or the U.S. immigration and customs enforcement may not renew or modify that contract in such a way as to expand the maximum number of contract beds that may be utilized to house minors in a locked detention facility.

(4) This section does not apply to a contract for temporary housing of
accompanied or unaccompanied minors in less restrictive settings if all of the
following apply:
(a) The department of children and families certifies that, because of changing
conditions of the population in need, there is a need for the contract.

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

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

****Note: Because the exception language in the California language appeared somewhat unclear, I have revised it somewhat. Please let me know if my revisions do not meet your intent. Also, please let me know if the Department of Children and Families is not the agency you want to make the certification under par. (a).

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2019-2020 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

INS EAW-A

Under current law, a county may establish houses of correction, jails, lockup facilities, and other secured facilities only with the approval of and subject to inspection by the Department of Correction. Under this bill, the DOC is prohibited from approving any such facilities that are proposed to be established for the purpose of detaining noncitizens for the purpose of civil immigration custody.

INS EAW 3-10

Section 1. 301.37 (6) of the statutes is created to read:

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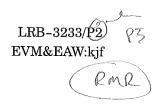
301.37 (6) The department may not approve plans and specifications for any secured facility under sub. (3) that is proposed to be established after the effective date of this subsection [LRB inserts date] that is intended to be used to detain noncitizens for the purpose of civil immigration custody.



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9/5 Michael Q Rp. Brosher
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from (21(b) + (3)(b)



State of Misconsin 2019 - 2020 LEGISLATURE



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

(6/5/19)

AN ACT to create 66.0414 and 301.37 (6) of the statutes; relating to: local contracts with the federal government related to housing or detaining persons

in locked detention facilities and a limitation on establishing county secured

4 facilities.

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Analysis by the Legislative Reference Bureau

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

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

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

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

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

Section 1. 66.0414 of the statutes is created to read:

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

- (2) (a) A local governmental unit that does not, as of the effective date of this paragraph [LRB inserts date], have a contract with the federal government or any federal agency to detain adult noncitizens for purposes of civil immigration custody may not enter into a contract with the federal government or any federal agency to house or detain in a locked detention facility noncitizens for purposes of civil immigration custody.
- (b) A local governmental unit that, as of the effective date of this paragraph
 [LRB inserts date], has an existing contract with the federal government or any federal agency to detain adult noncitizens for purposes of civil immigration custody may not renew or modify that contract in such a way as to expand the maximum number of contract beds that may be utilized to house or detain in a locked detention facility noncitizens for purposes of civil immigration custody.
- (3) (a) A local governmental unit that does not, as of the effective date of this paragraph [LRB inserts date], have a contract with the federal government or any federal agency to house or detain any accompanied or unaccompanied minor in the custody of or detained by the federal office of refugee resettlement or the U.S. immigration and customs enforcement may not enter into a contract with the federal government or any federal agency to house minors in a locked detention facility.

1	(b) A local governmental unit that, as of the effective date of this paragraph \dots
2	[LRB inserts date], has an existing contract with the federal government or any
3	federal agency to house or detain any accompanied or unaccompanied minor in the
4	custody of or detained by the federal office of refugee resettlement or the U.S.
(5)	immigration and customs enforcement may not renew or modify that contract/in
6	such a way as to expand the maximum number of contract beds that may be utilized
(7)	to house minors in a locked detention facility.
8	(4) This section does not apply to a contract for temporary housing of
9	accompanied or unaccompanied minors in less restrictive settings if all of the
10	following apply:
11	(a) The department of children and families certifies that, because of changing
12	conditions of the population in need, there is a need for the contract.
13	(b) The contract is temporary and not renewable on a long-term or permanent
14	basis.
15	(c) The housing meets all applicable federal and state standards for that type
16	of housing.
	****Note: Because the exception language in the California language appeared somewhat unclear, I have revised it somewhat. Please let me know if my revisions do not meet your intent. Also, please let me know if the Department of Children and Families is not the agency you want to make the certification under par. (a).
17	SECTION 2. 301.37 (6) of the statutes is created to read:
18	301.37 (6) The department may not approve plans and specifications for any
19	secured facility under sub. (3) that is proposed to be established after the effective
20	date of this subsection [LRB inserts date], that is intended to be used to detain
21	noncitizens for the purpose of civil immigration custody.

Mueller, Eric

From:

Walker, Dan

Sent:

Monday, July 29, 2019 9:54 AM

To:

Mueller, Eric

Subject:

FW: Draft review: LRB -3233/P3

From: Rep.Brostoff < Rep.Brostoff@legis.wisconsin.gov>

Sent: Monday, July 29, 2019 9:50 AM

To: LRB.Legal < Irblegal@legis.wisconsin.gov> **Subject:** RE: Draft review: LRB -3233/P3

Can this be jacketed, please? Thanks!

Thank you, Rebecca Frank Office of Representative Brostoff AD 19 | 608.266.0650 Like on <u>Facebook</u>, Follow on <u>Twitter</u>

From: LRB.Legal < lrblegal@legis.wisconsin.gov Sent: Wednesday, June 05, 2019 3:06 PM

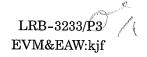
To: Rep.Brostoff@legis.wisconsin.gov>

Subject: Draft review: LRB -3233/P3

Following is the PDF version of draft LRB -3233/P3.

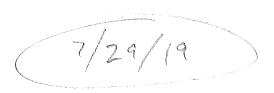


State of Misconsin 2019 - 2020 LEGISLATURE





PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION



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

Analysis by the Legislative Reference Bureau

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

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

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

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

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

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

- (2) (a) A local governmental unit that does not, as of the effective date of this paragraph [LRB inserts date], have a contract with the federal government or any federal agency to detain adult noncitizens for purposes of civil immigration custody may not enter into a contract with the federal government or any federal agency to house or detain in a locked detention facility noncitizens for purposes of civil immigration custody.
- (b) A local governmental unit that, as of the effective date of this paragraph [LRB inserts date], has an existing contract with the federal government or any federal agency to detain adult noncitizens for purposes of civil immigration custody may not renew or modify that contract.
- (3) (a) A local governmental unit that does not, as of the effective date of this paragraph [LRB inserts date], have a contract with the federal government or any federal agency to house or detain any accompanied or unaccompanied minor in the custody of or detained by the federal office of refugee resettlement or the U.S. immigration and customs enforcement may not enter into a contract with the federal government or any federal agency to house minors in a locked detention facility.
- (b) A local governmental unit that, as of the effective date of this paragraph [LRB inserts date], has an existing contract with the federal government or any

1,	federal agency to house or detain any accompanied or unaccompanied minor in the
2	custody of or detained by the federal office of refugee resettlement or the U.S.
3	immigration and customs enforcement may not renew or modify that contract.
4	(4) This section does not apply to a contract for temporary housing of
5	accompanied or unaccompanied minors in less restrictive settings if all of the
6	following apply:
7	(a) The department of children and families certifies that, because of changing
8	conditions of the population in need, there is a need for the contract.
9	(b) The contract is temporary and not renewable on a long-term or permanent
10	basis.
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12	of housing.
13	Section 2. 301.37 (6) of the statutes is created to read:
14	301.37 (6) The department may not approve plans and specifications for any
15	secured facility under sub. (3) that is proposed to be established after the effective
16	date of this subsection [LRB inserts date], that is intended to be used to detain
17	noncitizens for the purpose of civil immigration custody.

Walker, Dan

From:

LRB.Legal

To:

Rep.Brostoff@legis.wisconsin.gov

Subject:

Draft review: LRB -3233/1

Attachments:

19-3233/1

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 Eric V. Mueller, Senior Legislative Attorney, at (608) 504-5825, at eric.mueller@legis.wisconsin.gov, or at One East Main Street, Suite 200.

We will 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 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.