

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: **Rep.Brostoff@legis.wisconsin.gov**
 Carbon copy (CC) to: **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:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/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 Needed

<END>



Handwritten initials: SF
Handwritten initials: RMR (circled)

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

5/21/19 (circled)

gen (circled)

1 **AN ACT ...; relating to:** local contracts with the federal government related to
2 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:

- X 1. Enter into or extend a contract with the federal government to house or detain non-citizens 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:

3 **SECTION 1.** 66.0414 of the statutes is created to read:
4 **66.0414 Detention contracts.** (1) In this section, "local governmental unit"
5 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
 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
 24 States Immigration and Customs Enforcement may not renew or modify that

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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 Wisconsin
2019 - 2020 LEGISLATURE

LRB-3233/P1 P2
EVM:kjf
§ EAW

In 5/28
due: 5/29

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 secured*

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. *y*

*at ins - A
EAW*

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

4 **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.

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 noncitizens for purposes of civil immigration custody
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 noncitizens 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 noncitizens 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 noncitizens 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 U.S.
17 immigration and customs enforcement may not enter into a contract with the federal
18 government or any federal agency to house minors in a locked detention facility.

19 (b) A local governmental unit that, as of the effective date of this paragraph
20 [LRB inserts date], has an existing contract with the federal government or any
21 federal agency to house or detain any accompanied or unaccompanied minor in the
22 custody of or detained by the federal office of refugee resettlement or the U.S.
23 immigration and customs enforcement may not renew or modify that contract in
24 such a way as to expand the maximum number of contract beds that may be utilized
25 to house minors in a locked detention facility.

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

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

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

8 (c) The housing meets all applicable federal and state standards for that type
9 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).

10

(END)

INS
EAW 8-10

INS EAW-A

X 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

1 **SECTION 1.** 301.37 (6) of the statutes is created to read:
2 301.37 (6) The department may not approve plans and specifications for any
3 secured facility under sub. (3) that is proposed to be established after the effective
4 date of this subsection [LRB inserts date] that is intended to be used to detain
5 noncitizens for the purpose of civil immigration custody.

6



6/5 Michael Q. R. Brostoff

-3233

-elim mat "in such a way as to facilitate"
from (27)(b) + (3)(b)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-3233/P2
EVM&EAW:kjf

P3

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

6/5/19

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

Analysis by the Legislative Reference Bureau

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

1. Enter into or extend a contract with the federal government to house or detain noncitizens in a locked detention facility for purposes of civil immigration custody.

2. With an exception, enter into or extend a contract with the federal government to house minors in a locked detention facility.

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

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

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

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

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

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

10 (b) A local governmental unit that, as of the effective date of this paragraph
11 [LRB inserts date], has an existing contract with the federal government or any
12 federal agency to detain adult noncitizens for purposes of civil immigration custody
13 may not renew or modify that contract in such a way as to expand the maximum
14 number of contract beds that may be utilized to house or detain in a locked detention
15 facility noncitizens for purposes of civil immigration custody.

16 (3) (a) A local governmental unit that does not, as of the effective date of this
17 paragraph [LRB inserts date], have a contract with the federal government or any
18 federal agency to house or detain any accompanied or unaccompanied minor in the
19 custody of or detained by the federal office of refugee resettlement or the U.S.
20 immigration and customs enforcement may not enter into a contract with the federal
21 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
2 [LRB inserts date], has an existing contract with the federal government or any
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14 basis.

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16 of housing.

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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.

22 (END)

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 <lrblegal@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 [Facebook](#), Follow on [Twitter](#)

From: LRB.Legal <lrblegal@legis.wisconsin.gov>
Sent: Wednesday, June 05, 2019 3:06 PM
To: Rep.Brostoff <Rep.Brostoff@legis.wisconsin.gov>
Subject: Draft review: LRB -3233/P3

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



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-3233/P3
EVM&EAW:kjf

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

7/29/19

1 AN ACT *to create* 66.0414 and 301.37 (6) of the statutes; **relating to:** local
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10 (b) A local governmental unit that, as of the effective date of this paragraph
11 [LRB inserts date], has an existing contract with the federal government or any
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13 may not renew or modify that contract.

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16 date of this subsection [LRB inserts date], that is intended to be used to detain
17 noncitizens for the purpose of civil immigration custody.

18

(END)

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.