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:

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.

(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.

(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.

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

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

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.