State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-1735/1
EVM:cdc

# 2025 SENATE BILL 57

February 21, 2025 - Introduced by Senators BRADLEY, JACQUE, KAPENGA, NASS, QUINN, TESTIN, TOMCZYK and WANGGAARD, cosponsored by Representatives VOS, PIWOWARCZYK, ALLEN, ARMSTRONG, AUGUST, BEHNKE, BRILL, CALLAHAN, DALLMAN, DITTRICH, DONOVAN, DUCHOW, GOEBEN, GREEN, GUNDRUM, HURD, B. JACOBSON, KNODL, KREIBICH, KRUG, MAXEY, MURPHY, MURSAU, NEDWESKI, O'CONNOR, PENTERMAN, PETERSEN, SORTWELL, SPIROS, STEFFEN, SWEARINGEN, TITTL, TUCKER, TUSLER, WICHGERS, ZIMMERMAN and GUSTAFSON. Referred to Committee on Licensing, Regulatory Reform, State and Federal Affairs.

AN ACT ***to create*** 59.28 (3) and 79.039 (1g) of the statutes; **relating to:** county sheriff assistance with certain federal immigration functions.

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

This bill requires sheriffs to request proof of legal presence status from individuals held in a county jail for an offense punishable as a felony. The bill also requires sheriffs to comply with detainers and administrative warrants received from the federal department of homeland security regarding individuals held in the county jail for a criminal offense.

Under the bill, sheriffs must annually certify to the Department of Revenue that they have complied with each of these requirements. If a sheriff fails to provide such a certification, DOR must reduce the county's shared revenue payments for the next year by 15 percent. The bill also requires sheriffs to maintain a record of the number of individuals from whom proof of legal presence is requested who are verified as unlawfully present in this state and a list of the types of crimes for which those individuals were confined in the jail. The information must be provided to the Department of Justice upon request, and DOJ must compile the information and submit a report to the legislature.

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.** 59.28 (3) of the statutes is created to read:

59.28 **(3)** (a) 1. For any individual confined in the jail for an offense punishable as a felony, the sheriff shall request proof from the individual of whether the individual is lawfully present in the United States. Only the following constitute proof of lawful presence under this paragraph:

a. A U.S. passport.

b. A birth record bearing an official seal or other mark of authentication and issued by a state, county, or municipality within the United States or by a territory or possession of the United States.

c. A record of birth abroad issued by the federal department of state.

d. A certificate of naturalization.

e. A certificate of U.S. citizenship.

f. A permanent resident card or alien registration receipt card, along with the person's bureau of citizenship and immigration services alien registration number.

g. Any other proof specified in 49 CFR 383.71 (b) (9), along with the person's bureau of citizenship and immigration services alien registration number.

h. Documentary proof of conditional permanent resident status in the United States.

i. A valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States.

j. An approved application for asylum in the United States or documentary proof that the person has entered into the United States in refugee status.

k. A pending application for asylum in the United States.

L. A pending or approved application for temporary protected status in the United States.

m. An approved deferred action status.

n. A pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

o. A valid Wisconsin operator's license or a valid identification card issued under s. 343.50.

2. If the sheriff is unable to verify that an individual under subd. 1. is lawfully present in the United States, the sheriff shall immediately inform the federal department of homeland security of the inability to make a verification.

(b) If the sheriff receives a detainer and administrative warrant from the federal department of homeland security that reasonably appears to be for an individual who is confined in the jail for a criminal offense, the sheriff shall comply with the requests of the detainer. The sheriff shall seek reimbursement from the federal government for any costs incurred while holding individuals under this paragraph.

(c) Annually, not later than July 1, a sheriff shall certify to the department of revenue that, for the preceding year, the sheriff has complied with the requirements of pars. (a) and (b).

(d) 1. The sheriff shall maintain a record of the number of individuals subject to a request under par. (a) 1.who are verified as unlawfully present in this state and

a list of the types of crimes for which those individuals were confined in the jail and provide the records to the department of justice upon request.

2. Beginning January 1, 2027, and every 6 months thereafter, the department of justice shall submit a report compiling the data collected under subd. 1. to the appropriate standing committees of the legislature under s. 13.172 (3).

(e) No law enforcement agency, as defined in s. 165.83 (1) (b), or law enforcement officer employed by a law enforcement agency may be subject to criminal or civil liability for an action taken under par. (a) or (b).

**SECTION 2.** 79.039 (1g) of the statutes is created to read:

79.039 **(1g)** For the distribution in 2026 and subsequent years, if in any year a county's sheriff fails to satisfy the requirements under s. 59.28 (3) (c), the secretary of administration shall reduce the county's total of payments under ss. 79.036 and 79.037 for the next year by 15 percent.

**(END)**