



2007 SENATE BILL 309

November 2, 2007 – Introduced by Senators GROTHMAN, A. LASEE, LAZICH, LEIBHAM, ROESSLER and SCHULTZ, cosponsored by Representatives ROTH, ALBERS, BIES, GOTTLIEB, HONADEL, JESKEWITZ, KERKMAN, KESTELL, KLEEFISCH, F. LASEE, LEMAHIEU, MEYER, MUSSER, NASS, NEWCOMER, NYGREN, J. OTT, OWENS, PETERSEN, PETROWSKI, PRIDEMORE, SUDER, TOWNSEND, VAN ROY, VOS, M. WILLIAMS and ZIPPERER. Referred to Committee on Judiciary and Corrections.

1 **AN ACT** *to create* 66.0408 of the statutes; **relating to:** prohibiting local
2 ordinances, resolutions, and policies that prohibit immigration status inquiries
3 and reports to the federal government about the presence of illegal aliens and
4 authorizing a private right of action.

Analysis by the Legislative Reference Bureau

This bill prohibits a city, village, town, or county (political subdivision) from enacting or enforcing an ordinance, resolution, or policy that prohibits an employee of that political subdivision from inquiring about the immigration status of an individual who is seeking or receiving public services provided by that political subdivision and from notifying the federal government of the presence of illegal aliens in the political subdivision. The bill also authorizes an elector of a political subdivision to file a writ of mandamus with the circuit court to require compliance with the requirements created by the bill if the elector is aggrieved by the failure of the political subdivision to comply with the requirements.

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:

5 **SECTION 1.** 66.0408 of the statutes is created to read:

SENATE BILL 309**SECTION 1****1 66.0408 Local ordinances, immigration status, illegal aliens. (1)**

2 DEFINITIONS. In this section:

3 (a) "Illegal alien" means an individual who is not a U.S. citizen and who is not
4 lawfully present in the United States.

5 (b) "Political subdivision" means a city, village, town, or county.

6 (c) "Satisfactory immigration status" means immigration status under which
7 an individual who is not a U.S. citizen is lawfully present in this country.

8 **(2) INQUIRIES ABOUT IMMIGRATION STATUS; REPORTING ILLEGAL ALIENS.** (a) A
9 political subdivision may not enact an ordinance, adopt a resolution, or establish a
10 policy that prohibits an employee of that political subdivision from doing any of the
11 following:

12 1. Inquiring whether an individual seeking or receiving public services from
13 the political subdivision has satisfactory immigration status.

14 2. Notifying the federal government of the presence of illegal aliens in the
15 political subdivision.

16 (b) If a political subdivision has in effect on the effective date of this paragraph
17 [revisor inserts date], an ordinance or resolution that is inconsistent with par. (a),
18 the ordinance or resolution does not apply and may not be enforced.

19 **(3) PRIVATE RIGHT OF ACTION.** If an elector of this state is aggrieved by the failure
20 of a political subdivision to comply with the requirements of sub. (2) (a), the elector
21 may file a writ of mandamus with the circuit court for the county where the failure
22 to comply with sub. (2) (a) occurred to compel the noncomplying political subdivision
23 to comply with the requirements.

24 **(END)**