



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0909/1
MES:jld

2017 ASSEMBLY BILL 127

March 6, 2017 - Introduced by Representatives BRANDTJEN, MURPHY, JACQUE, HORLACHER, KREMER, THIESFELDT, WEATHERSTON, GANNON, SCHRAA and ALLEN. Referred to Committee on Local Government.

1 **AN ACT** *to create* 66.0414 of the statutes; **relating to:** prohibiting local
2 ordinances, resolutions, and policies that prohibit immigration status inquiries
3 and reports to, and cooperation with, other units of government about the
4 presence of illegal aliens, authorizing a resident of this state to commence an
5 enforcement action, and providing a reduction in shared revenue payments.

Analysis by the Legislative Reference Bureau

This bill prohibits a city, village, town, or county (political subdivision) from enacting an ordinance, adopting a resolution, or establishing a policy that would prohibit an employee from inquiring whether an individual who receives public services is lawfully present in the state, notifying the federal government of the presence of aliens who are not lawfully present, acting according to or complying with state law regarding arrested persons who are not lawfully present, inquiring about the immigration status of an individual who has been lawfully detained or arrested, or from otherwise cooperating with or assisting the federal government, or other units of government, with immigration enforcement. Under the bill, a state resident who believes that a political subdivision is not complying with these requirements may petition for a writ of mandamus requiring compliance, and, if a court finds that a political subdivision has failed to comply, the Department of Revenue must reduce the political subdivision's shared revenue payments in the next year by \$500 to \$5,000, depending on the political subdivision's population, for each day of noncompliance.

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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:

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

2 **66.0414 Local ordinances, immigration status, illegal aliens. (1)**

3 DEFINITIONS. In this section:

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

6 (b) “Political subdivision” means a city, village, town, or county.

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

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

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

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

17 3. Inquiring whether an individual who has been lawfully detained or arrested
18 has satisfactory immigration status.

19 4. With regard to the immigration status of any individual who has been
20 lawfully detained or arrested, sending the information to, or requesting or receiving
21 information from, the federal government. Such information may include

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1 information regarding an individual's place of birth, and such information may be
2 maintained by the political subdivision and may be exchanged with another political
3 subdivision, another state, and with the federal government.

4 5. Assisting or cooperating with a federal immigration officer, including the
5 provision of enforcement assistance.

6 6. Permitting a federal immigration officer to enter and conduct immigration
7 enforcement activities in any building or facility under the control of the political
8 subdivision.

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

12 **(3) PRIVATE RIGHT OF ACTION.** (a) If a resident of this state believes that an
13 employee of a political subdivision is acting in a way that is inconsistent with sub.
14 (2) (a), the resident may file a writ of mandamus with the circuit court of the county
15 in which the activity is alleged to have occurred to compel the political subdivision
16 to comply with sub. (2).

17 (b) If the court finds that the political subdivision has failed to comply with sub.
18 (2) (a), the department of revenue shall reduce the amount of the shared revenue
19 payments to the political subdivision under subch. I of ch. 79 in the following year
20 by one of the following amounts for each day after the filing of an action under par.

21 (a) that the political subdivision was noncompliant:

22 1. If the population of the political subdivision is less than 10,000, \$500.

23 2. If the population of the political subdivision is at least 10,000 but less than
24 100,000, \$1,000.

