

# **JULIAN BRADLEY**

WISCONSIN STATE SENATOR

## **Senate Committee on Licensing, Regulatory Reform, State and Federal Affairs**

*Tuesday, May 13<sup>th</sup>, 2025*

### **Senate Bill 57 & Assembly Bill 24**

Thank you to Chairman Kapenga and the members of the committee for hearing Senate Bill 57 (SB 57) and its Assembly companion bill Assembly Bill 24 (AB 24). We all want to keep Wisconsin communities safe and this bill helps to achieve that.

Recently, WISN's Dan O'Donnell broke the story of Willmar Ray Cabarcas-Polo. According to O'Donnell's report, Mr. Cabarcas-Polo pistol-whipped and nearly killed a man in a dispute while in our country illegally. He fled to Texas, but was captured and extradited to Dane County, and released on bond. When ICE asked the Dane County Sheriff's Office for Mr. Cabarcas-Polo's GPS coordinates the Sheriff's office refused.

We're here today because those who commit crimes must be held accountable. This proposal would ensure that Wisconsin sheriffs' offices work with federal immigration officials so individuals in the country illegally who commit felonies don't get the chance to harm others.

SB 57 requires law enforcement to ask all individuals detained for a felony if they are lawfully present here in the United States. 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. Finally, it requires the Wisconsin Department of Justice to report to the legislature on the crimes committed by those who aren't lawfully present.

Let's be clear; this proposal will make it easier to remove dangerous criminals from our communities. It's shocking to think that a handful in law enforcement and in our government would rather protect felons than work with our federal partners to stop the flow of crime and drugs into our neighborhoods. Thankfully, I do believe there is room for bi-partisan cooperation on this bill. The Laken Riley Act passed with the support of forty-six Democrats in the House and twelve in the Senate – some coming from deep blue states like California, Connecticut, and Maryland.

I'll close with a quote. "Although we may disagree on many issues, we should be able to agree that following the law is critically important."

That was a line from a letter sent earlier this Spring by Governor Evers to President Trump. If the Governor is serious about those words, I'd welcome his support on this bill. I welcome yours as well. Thank you.



# JIM PIWOWARCZYK

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*Testimony before the Senate Committee on Licensing, Regulatory Reform, State and Federal  
Affairs  
Representative Jim Piwowarczyk  
May 13, 2025*

Good morning, Chairman Kapenga, and members of the committee. I am here today to testify on Assembly Bill 24/ Senate Bill 57, which aims to improve cooperation between local law enforcement and U.S. Immigration and Customs Enforcement, or ICE, to enhance public safety and protect our communities.

As a former law enforcement officer, I have seen firsthand how important it is to keep dangerous individuals off our streets. This bill ensures we take every opportunity to hold individuals who threaten public safety pending federal action. Specifically, this bill requires sheriffs to verify the citizenship status of individuals arrested for felonies - I want to stress, for felonies - and, if the citizenship status is unclear, to inquire with ICE. If ICE issues a detainer and warrant, the sheriff must hold the individual for up to 48 hours to allow federal authorities to take necessary action.

In addition to improving cooperation between local law enforcement and ICE, this bill mandates that sheriffs track the number of persons unlawfully present in Wisconsin jails and their crimes.

This bill imposes financial penalties on local governments that choose not to cooperate with ICE.

Senate Bill 57 focuses on accountability. We must ensure the safety of our communities, including holding jurisdictions accountable that may not be doing their part to cooperate with federal authorities. There is a human cost to their inaction, and there is a fiscal cost to taxpayers through recidivism. I am deeply concerned that some local jurisdictions, including Dane County and Milwaukee County, have severely limited their cooperation with ICE.

Many, if not most, Wisconsin sheriffs are already doing everything they can to identify illegal immigrants in their jails and cooperate with ICE holds. This bill won't affect them. It will affect those who refuse, imperiling the safety of all Wisconsin citizens.

Just last week, The Dane County Sheriff's Office ignored an ICE detainer when it released from jail an illegal alien who allegedly pistol-whipped and nearly killed a man after he terrorized a group of people, including children, by pointing a gun at them. He then fled to Texas. He was charged with two felonies and two misdemeanors, including SUBSTANTIAL BATTERY, USE OF A DANGEROUS WEAPON, and SECOND DEGREE RECKLESSLY ENDANGERING SAFETY, USE OF A DANGEROUS WEAPON. He was eventually arrested and extradited back to Wisconsin but was released back to the streets after posting bond.

The Fitchburg Police Department said they felt fortunate they avoided a mass shooting.

According to a local, when ICE called the Dane County Sheriff's Office to request the GPS coordinates from the subject's electronic monitoring bracelet, the Sheriff's Office refused to share that and told ICE to come back with a warrant.

Thankfully, ICE was later able to locate the subject and took him into custody without further incident.

In 2024, ICE issued nearly 150,000 detainers for noncitizens with criminal histories. By failing to cooperate with ICE, we risk allowing dangerous individuals to remain in our communities, putting the safety of Wisconsin residents in jeopardy.

More than 14,600 ICE detainers were issued in Wisconsin from 2006 through 2023, according to TRAC, a website run by Syracuse University.

In 2024 alone, The Dane County Sheriff's department declined to hold 44 of 49 ICE detainer requests. Many of the rejected holds involve serious felonies, including attempted homicide; child rape, carjacking; violence against women, including strangulation; stalking; and repeat drunk drivers, including one facing a 6th offense. Many of those, were later arrested for new crimes.

I find it particularly disappointing that Governor Evers is prioritizing political agendas over the safety of Wisconsin families. By refusing to support this common-sense legislation, he is allowing dangerous individuals to remain in our communities. As a result, I stand with law enforcement officers and the people of Wisconsin to ensure we are doing everything we can to protect our citizens.

Governor Evers announced that 2025 is the "Year of the Kid". Let's hold him to that and pass this legislation and put it on his desk.

There have been too many examples of Wisconsin residents losing their lives at the hands of illegal immigrants or being victimized by them. I challenge Gov. Evers to stand with them, not with illegal immigrants accused of felony crimes.

Thank you for the opportunity to testify on behalf of Senate Bill 57. I urge the committee to consider its merits and pass it so we can work together to ensure the safety and security of all Wisconsinites.

I am happy to answer any questions at this time.



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# ROBIN J. VOS

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SPEAKER OF THE WISCONSIN STATE ASSEMBLY

## Testimony in Support of Senate Bill 57

Senate Committee on Licensing, Regulatory Reform, State and Federal Affairs

May 13, 2025

Thank you Chairman Kapenga and members of the committee for holding a hearing on Senate Bill 57 requiring county sheriffs to assist with federal immigration enforcement. This legislation will require every sheriff to cooperate with U.S. Immigration and Customs Enforcement (ICE) and protect our citizens from dangerous criminals.

We have all seen the reports from local law enforcement agencies declaring that they will not proactively notify ICE or honor a federal immigration detainer. A recent 2024 "Detainer Acceptance Tracker" produced by ICE confirmed these reports by naming both Milwaukee County and Dane County as "non-cooperative facilities." The report defines a "non-cooperative facility" as an institution failing to both notify federal authorities and adequately hold an individual awaiting Department of Homeland Security action.

I want to remind the committee that the notification and compliance requirement in this legislation applies only to individuals taken into custody for a felony charge. While sheriffs maintain their discretion to notify ICE for lesser crimes, this bill only requires notification and compliance in cases of sexual-assault, homicide, kidnapping, strangulation, illegal possession of a firearm, soliciting a child to participate in gang activity, and other serious crimes.

The vast majority of Americans support the intention of this legislation. A 2025 AP Poll found that 83% of adults support deporting immigrants who have committed a violent crime. Even polls conducted in deep blue states like New York find that nearly 8 in 10 residents support deportation of undocumented immigrants who commit a crime. This includes 70% of democrats and 86% of independents.

The failure of a few sheriffs to cooperate with ICE affects the safety of residents in neighboring communities. This was evident in the recent incident in Prairie Du Chien where Venezuelan migrant and known gang member Coronel Zarate was charged with sexual assault and child abuse. Prior to his arrest in Wisconsin, Colonel was arrested in Minneapolis on suspicion of vehicle theft. He was booked into Hennepin County Jail and soon released. Hennepin County is listed as a "non-cooperative facility" by ICE. Prompt ICE notification could have prevented this terrible crime from occurring here in Wisconsin.

To ensure compliance, the bill requires sheriffs to self-certify that they have taken the required actions when an individual is booked into jail or risk losing 15% of the County's shared revenue. The bill requires sheriffs to seek reimbursement from the federal government for services provided to inmates while being held on an immigration detainer under the State Criminal Alien Assistance Program (SCAAP). Finally, sheriffs must keep a record of the number of individuals who are verified as unlawfully present in the state. This report is then compiled by DOJ and provided to the legislature every 6 months.

This bill requires sheriffs to do what so many of them are already doing – notifying ICE and complying with federal immigration detainers. Thank you for your time today and I'm happy to answer any questions you may have.





AMERICAN CIVIL LIBERTIES UNION

Wisconsin

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May 13, 2025

Chair Kapenga, Vice-Chair Jacque, and Honorable Members of the Senate Committee on Licensing, Regulatory Reform, State and Federal Affairs:

The American Civil Liberties Union of Wisconsin appreciates the opportunity to provide testimony in opposition to Assembly Bill 24/Senate Bill 57.

There are roughly 159,000 immigrants living in Wisconsin who are not yet U.S. citizens—many have been living here for years or even decades.<sup>1</sup> Their immigration status runs from permanent resident, DACA recipient, refugee, to holders of work and student visas, humanitarian parolee, Temporary Protected Status (TPS), U-visa and T-visa applicants, as well as others who are undocumented. They work in a wide variety of jobs, including being the backbone of the state's dairy and farming industry. They live in communities throughout Wisconsin and are our neighbors, friends, and family members. And all of them run the risk of being deported through some contact with the criminal legal system.

In addition to exacerbating Wisconsin's jail-to-deportation pipeline,<sup>2</sup> AB-24 forces local law enforcement into harmful roles they were never meant to play – tools of mass deportation – under threat of losing shared revenue funding for essential county services. When considering the sweeping impacts of this bill, it's important to keep in mind the dehumanizing practices employed by U.S. Immigration and Customs Enforcement (ICE) that implicate the Fourth Amendment's protection against unreasonable searches and seizures, the constitutional guarantee of due process, and the constitutional guarantee of equal protection and freedom from discrimination based on race, ethnicity, and national origin.

**"If you don't have enough evidence to charge someone criminally but you think he's illegal, we can make him disappear."**

**-Jim Pendergraph, Former Executive Director,  
ICE's Office of State and Local Coordination**

<sup>1</sup> "Immigration Data Profile for State of Wisconsin," Migration Policy Institute, <https://www.migrationpolicy.org/data/state-profiles/state/demographics/WI/>; "Immigrants in Wisconsin," American Immigration Council, <https://map.americanimmigrationcouncil.org/locations/wisconsin/>.

<sup>2</sup> "Report: Wisconsin's Jail-to-Deportation Pipeline," ACLU of Wisconsin (August 25, 2022), <https://www.aclu-wi.org/en/publications/report-wisconsins-jail-deportation-pipeline>.



Specifically, Assembly Bill 24, as amended by Assembly Amendment 1 mandates that county sheriffs:

1. Request proof of the citizenship status of anyone in jail alleged to have committed any felony, and report anyone to ICE who fails to have ready access to an acceptable form of proof or anyone who invokes their Fifth Amendment right to remain silent; and
2. Without a warrant signed by a judge, hold any individual “confined in the jail for an offense punishable by a felony” for 48 hours after they should have otherwise been released if the individual “reasonably appears to be” someone ICE requests to pick up through a voluntary detainer request.

### **Mandatory Investigation of Citizenship Status**

For individuals booked into jail on felony allegations under the proposal, sheriffs “shall request proof...of whether the individual is lawfully present in the United States,” only accepting specific items enumerated in the bill’s proposed § 59.28(3)(a)1. This scheme functionally compels all people in the state of Wisconsin, citizens and non-citizens alike, to carry identification documents on them at all times to prove their citizenship or immigration status. Notably, a 2024 survey found that nearly one in 10 American citizens do not have proof of citizenship – a passport, birth certificate, or naturalization papers – readily available.<sup>3</sup>

Even if someone who was arrested had ready access to one of the acceptable forms of proof of status, law enforcement officers are not trained to identify the validity of these items. The bill also lacks any standard outlining the level of effort or timeline required for a sheriff to verify the information provided. **Ultimately, for any person who fails to have access to the specific documents listed or any person who invokes their Fifth Amendment right to remain silent, sheriffs “shall immediately” report them to ICE.**

### **Mandatory Compliance with Detainer Requests Not Signed by a Judge**

The bill language, as amended, states, “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 an offense punishable by a felony, the sheriff shall comply with the requests of the detainer.” [emphasis added]

**To be clear—this means sheriffs must honor any detainer request not signed by a judge for *anyone* booked into jail (or anyone who “reasonably appears to be” a person confined in the jail) for an alleged felony, before conviction of a crime, and in some cases before a crime is even charged.** Federal immigration proceedings are civil—not criminal—matters. Rarely, if ever, are ICE detainer requests accompanied by a warrant signed by a neutral judicial official. Most

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<sup>3</sup> “Millions of Americans Don’t Have Documents Proving Their Citizenship Readily Available,” Brennan Center for Justice, <https://www.brennancenter.org/our-work/analysis-opinion/millions-americans-dont-have-documents-proving-their-citizenship-readily>.



often, detainers are simply signed by an ICE officer and lack the approval of a judicial authority reviewing the basis for a detention. ICE also admits that its detainers are only “requests” to local law enforcement, not mandatory.

For context, data from the Wisconsin DOJ Criminal History Repository indicates 55,030 felony arrests and 91,514 misdemeanor arrests were made by Wisconsin law enforcement agencies across the state in 2023.<sup>4</sup>

### **Civil Rights Concerns with Existing ICE/Sheriff Cooperation Programs**

When local law enforcement plays the role of federal immigration agents, they have to make judgments about complex areas of federal law without the appropriate resources and training. Recent studies show the risk: **The more law enforcement officers are required to investigate and interpret complex federal immigration laws, the greater the risk of racial profiling.**

A 2022 ACLU report<sup>5</sup> detailed the how existing voluntary ICE/sheriff cooperation programs—particularly the 287(g) program—have a long history as a vehicle for racism and targeting of immigrant communities, despite being advertised as public safety initiatives:

- At least 65% of 287(g)-participating agencies have records of a pattern of racial profiling and other civil rights violations, including excessive use of force;
- Numerous studies show that being in the business of immigration enforcement leads local law enforcement to target immigrants for minor violations and pretextual arrests, generating book-ins to local custody that can then lead to deportations;
- Local law enforcement use “foreign-sounding” last names, place of birth, or racial appearance as a reason for stops, investigation, and arrest;
- A 2021 Washington Post analysis found that 287(g)-participating sheriff’s departments “saw a major increase in low-level arrests per officer starting in 2016”;
- Studies of the 287(g) program have long shown that it undermines public safety by decreasing trust in local law enforcement and diverting resources away from investigation of serious crimes, and many law enforcement leaders have joined civil rights groups in calling for its termination.

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<sup>4</sup> “Arrests Submitted to the Criminal History Repository,” Wisconsin Department of Justice, <https://www.doj.state.wi.us/dles/bjia/arrests-submitted-criminal-history-repository>.

<sup>5</sup> “License to Abuse: How ICE’s 287(g) Program Empowers Racist Sheriffs and Civil Rights Violations,” ACLU, [https://www.aclu.org/sites/default/files/field\\_document/2022-04-26-sheriffresearch.pdf](https://www.aclu.org/sites/default/files/field_document/2022-04-26-sheriffresearch.pdf).



Open records obtained by ACLU of Wisconsin have raised significant concerns about close relationships between Wisconsin law enforcement agencies and ICE. For example:

Walworth County Jail employees frequently and proactively reached out to ICE. In dozens of emails, most with the subject line 'foreign born,' these employees notified a deportation officer working within ICE's Criminal Alien Program that an immigrant had come into contact with the criminal justice system. The Walworth jail staff contacted ICE regarding people with a range of immigration statuses, including naturalized *U.S. citizens*, persons protected under the Deferred Action for Childhood Arrivals or "DACA" program, Lawful Permanent Residents, and individuals who were undocumented. The county employees proactively supplied ICE information regarding these individuals, facilitated the issuance of detainers for immigrants incarcerated in other counties, coordinated the pick-up of immigrants by ICE at jails and prisons, and helped ICE fill out its databases with people who legally could not be deported, including citizens.<sup>6</sup>

In addition to the specific mandatory provisions of the bill, AB-24 will exacerbate the routine practice of information sharing between local law enforcement and ICE that increases surveillance of immigrant communities and invites reliance on stereotypes, race, ethnicity, and language in law enforcement interactions with community members. Despite AB-24 including a provision to limit a law enforcement agency's criminal or civil liability, this bill does not address the potential liability sheriffs will face due to constitutional violations occurring under this statutory scheme.

By removing local sheriffs' discretion, AB-24 undermines community safety by diminishing trust in law enforcement by immigrants and others who may be presumed to be "foreign." Everyone's safety, including citizens', is put in jeopardy when victims and witnesses don't feel safe coming forward with critical information about crimes committed against them, their families, or members of the larger community. Increasing access to critical resources at the county level, especially for critical human services programs addressing mental health, children and families, aging and disability, and housing is what makes communities safer—not threats to cut this funding unless sheriffs do ICE's bidding.

The ACLU of Wisconsin strongly urges committee members to vote against this proposal. Thank you.

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<sup>6</sup> "Report: Wisconsin's Jail-to-Deportation Pipeline," ACLU of Wisconsin (August 25, 2022), <https://www.aclu-wi.org/en/publications/report-wisconsins-jail-deportation-pipeline>."





Chairman, members of the committee:

Thank you for the opportunity to submit testimony on behalf of America First Works in strong support of Assembly Bill 24—urgent legislation that would require Wisconsin sheriffs to coordinate with federal immigration authorities in detaining and transferring criminal illegal aliens charged with felony offenses.

Let me be absolutely clear: AB 24 is not just a policy debate—it is a moral obligation.

On November 5, 2024, Americans sent a resounding message at the ballot box: Secure the border. End human trafficking. Defeat the cartels. This was not a close call. It was not ambiguous. It was a mandate—delivered not only to Washington but to every governor, legislature, and community nationwide. Yet in Wisconsin, that mandate is being actively ignored—and even sabotaged.

Instead of joining the fight to protect Wisconsin families, Governor Tony Evers has threatened to veto this bill, calling it "unserious" and accusing its sponsors of "micromanaging" law enforcement. Let us be clear: interfering in a commonsense effort to stop cartel-connected criminals from reoffending is not leadership. It is complicity.

The federal government's dereliction of duty under the Biden Administration created the most dangerous border crisis in American history. Since January 2021, Customs and Border Protection has reported more than 10.3 million encounters at the southern border—not including over 2 million known "getaways." These are individuals who evaded apprehension entirely, their identities and intentions unknown.

Many have made their way into towns across the country, including in Wisconsin. As of last year, there were an estimated 120,000 illegal aliens in the state, many in rural areas unequipped to deal with the sudden influx. In places like Whitewater, a town of just 15,000 people, residents have reported that illegal immigration surged to more than 7% of the population over just two years.

This isn't a hypothetical. It's happening in real-time—and the consequences are deadly.

In Prairie du Chien, a small town of 5,000, a horrific crime shattered the lives of an innocent family. In September 2024, Alejandro Coronel Zarate, an illegal alien and confirmed member of the Venezuelan cartel Tren de Aragua, violently assaulted his partner and her teenage daughter. He was wanted on multiple warrants—yet he was living freely in Wisconsin because local law enforcement had no obligation to report him to ICE. His charges included domestic battery, strangulation, physical abuse of a child, and second-degree sexual assault. His victims will carry the scars forever.

This never should have happened. AB 24 is designed to stop this kind of preventable tragedy.

The bill would:

- Require sheriffs to ask for proof of lawful presence when an individual is held for a felony;
- Mandate coordination with ICE for transfer and detention;
- Prohibit so-called "sanctuary" jurisdictions from shielding criminal illegal aliens;
- Impose financial penalties—cutting shared revenue by 15%—for counties that refuse to comply.

For perspective, noncompliance would cost Milwaukee County upwards of \$8 million per year. That's taxpayer money lost because certain leaders would rather play politics than protect their citizens.

We are not talking about traffic stops or paperwork violations. We are talking about felons—people charged with rape, trafficking, assault, child abuse, drug distribution, and murder. The idea that anyone in power would try to protect these individuals from deportation is unconscionable.

To those who suggest this bill will lead to racial profiling—let's be honest. That is a lazy argument rooted in political theater, not fact. AB 24 only applies to individuals already in custody for serious offenses. It does not target individuals based on race or ethnicity—it targets criminals based on behavior and legal status.

And let's not forget—this isn't new or radical. It's already working.

Seven Wisconsin counties, including Waukesha, Fond du Lac, and Sheboygan, currently participate in ICE's 287(g) program. These counties report stronger public safety, better coordination, and greater access to federal resources. Deputies are empowered to hold criminals who would otherwise be released into the community. That's the kind of partnership we need statewide—not just where political courage exists. Local law enforcement must be full partners in this fight. Without AB 24, criminals like Coronel Zarate will keep slipping through the cracks.

This will have a major economic impact in addition to public safety. In just two years (2020–2022), states spent more than \$21 billion on illegal alien-related crimes. In Wisconsin, the estimates say that illegal aliens cost taxpayers approximately \$515 million annually or about \$4,633 per resident.

This is not about partisanship. It's about protection. The November election gave elected officials a clear directive: Secure our border. Defend our families. End the chaos. Those who ignore that call and seek to block, delay, or veto this kind of action are not neutral. They are aiding and abetting the very lawlessness the people of this country rejected in record numbers just months ago.

If Governor Evers's opposition to this legislation is carried through, it will represent not just a policy disagreement—it will be a direct betrayal of the voters' will and a dereliction of his most basic duty: keeping the people of Wisconsin safe. It's time to stand with the people, with law enforcement, and with victims of crime—especially those who no longer have a voice.

Pass AB 24. Justice is not optional, and public safety is not subject to political veto.

Thank you.

Submitted by:

Ashley Hayek  
President  
America First Works





WISCONSIN COUNCIL  
OF CHURCHES

COURAGE. JUSTICE. HOLY IMAGINATION.

To: Members of the Senate Committee on Licensing, Regulatory Reform, State and Federal Affairs  
From: Rev. Breanna Illéné, Director of Ecumenical Innovation and Justice Initiatives, Wisconsin Council of Churches  
Date: May 13, 2025  
Re: Testimony in opposition to SB 57

The Wisconsin Council of Churches (WCC) is a network of Christian churches and faith-based organizations committed to working together across our many differences to promote collective good. We connect 23 Christian traditions, which have within them approximately 2,000 congregations and over one million church members. Exercising holy imagination, we help one another make courageous choices that lead toward peacemaking, social and economic justice for Wisconsin's most vulnerable residents, the vitality of the church, and the well-being of our neighbors.

We are here today to speak against SB 57. As a Council, our policy statement on nonviolence calls us to work for the *dignity and civil rights of all persons*; this includes immigrant members of our community. Our immigration policy statements "call for public policy and legislation that work to reduce racial disparities in all aspects of institutional life, including...sentencing and incarceration..." and to "expose work against policies that profile people of color..." We are here because of the Bible's call to care for our immigrant neighbors (Leviticus 19:33-34).

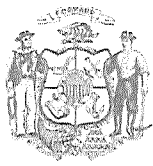
We are here to raise concerns that SB 57 will create avenues to target black, brown, immigrant and indigenous residents of and visitors to our state. Studies have found when local law enforcement officers are required to investigate and interpret complex federal immigration laws, something that is beyond their training and ordinary duties, there is a greater risk of racial profiling.<sup>1</sup> We also have concerns that not everyone has access to documents required by this law because of the financial burden of acquiring them, because they are survivors of violence or disasters, or because tribal documents are not considered acceptable documentation.<sup>2</sup> This legislation presumes that someone's inability to immediately document their status means they are unworthy to be among us, and only worthy of removal. By contacting immigration enforcement, law enforcement is presuming guilt, which is an assault on the dignity and worth of this person as a member of the community.

Rather than appropriate acts of maintaining order, these proposals are instead indictments of *us* and our choices to act without care or caution. If we enact this legislation, we are deciding that it is important to leap to conclusions about someone's worth and belonging and take hasty actions that destroy families and communities, actions that are not easily reversed. We can do better.

Please vote no on SB 57  
Thank you for your time.

<sup>1</sup> 2022 ACLU report—"License to Abuse: How ICE's 287(g) Program Empowers Racist Sheriffs and Civil Rights Violations".  
[https://assets.aclu.org/live/uploads/publications/2022-06-02-sheriffresearch\\_1.pdf](https://assets.aclu.org/live/uploads/publications/2022-06-02-sheriffresearch_1.pdf)

<sup>2</sup> A 2024 survey conducted by the Center for Democracy and Civic Engagement at the University of Maryland in conjunction with the Brennan Center for Justice found that more than 9% of American citizens of voting age don't have documents — including a passport, birth certificate, or naturalization papers — to serve as proof of citizenship readily available.



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## ***Testimony before the Senate Committee on Licensing, Regulatory Reform, State and Federal Affairs***

Senator André Jacque

Senate Bill 57

May 13, 2025

Thank you, Mr. Chairman and Colleagues on the Senate Committee on Licensing, Regulatory Reform, State and Federal Affairs for holding a hearing on Senate Bill 57, a bill that addresses a critical gap in public safety and law enforcement coordination in our state by simply ensuring Wisconsin county sheriffs cooperate with federal immigration authorities in upholding our laws.

For years, I have expressed serious concerns about the consequences of "sanctuary city" policies and their impact on community safety. These policies undermine the rule of law and create dangerous inconsistencies across jurisdictions. What this bill does is simple: it ensures that no county in Wisconsin can turn a blind eye to known immigration violations when they intersect with felony criminal activity.

Currently, some sheriffs in our state already cooperate with federal immigration authorities when a detainer is issued. But in others—most notably Milwaukee and Dane Counties—that cooperation has eroded. There is no statewide requirement for sheriffs to notify federal authorities when they cannot confirm a person's citizenship status, and no obligation to honor detainer requests issued by ICE.

That's not just a policy gap. It's a public safety threat.

We've seen it documented: the June 2024 ICE report specifically identified Milwaukee and Dane Counties as "non-cooperative institutions." Recent reporting in the *Cap Times* detailed how Dane County, under its current sheriff, no longer proactively communicates with ICE. That means individuals arrested for serious crimes—who may already have been flagged by federal immigration enforcement—can walk out of jail without any coordination with federal authorities.

This isn't theoretical. These sanctuary policies have real-world consequences. They create pockets of immunity for individuals who have already broken multiple laws, and in doing so, they make our communities less safe. My local sheriffs and law enforcement officers have been sounding the alarm for years, urging us to act. They want and need this authority to prevent our state's largest cities from becoming safe havens for violent offenders—places from which criminals can operate with impunity and pose a threat to neighboring communities and the entire rest of the state.

Senate Bill 57 requires that following an arrest for a felony, sheriffs must notify federal immigration authorities if a person's legal status cannot be confirmed. It also requires that any detainer request—



limited to 48 hours—be honored. It brings uniformity and accountability to a system currently plagued by inconsistency.

Let me be clear: this is not about immigration status alone. This is about public safety. It is about ensuring that dangerous individuals—especially those who have committed serious crimes—do not fall through the cracks because of political posturing or policy defiance.

Wisconsin should not lag behind when it comes to protecting our communities and backing our law enforcement professionals with the tools they've been asking for.

I respectfully urge you to support Senate Bill 57. Let's close these dangerous loopholes and send a clear message that Wisconsin will not be a refuge for criminals. I welcome your questions and thank you for your consideration of Senate Bill 57.

Senators: My name is Beth Meyer and I live in Franklin, WI. I have never testified before a state senate (or assembly) committee, but I have reached the point where I can no longer be silent. I am here today of my own accord, not representing any organization or group. I am here because my faith compels me to speak my truth, what I know in my heart, in my bones and with every fiber of my being.

Every sacred text of which I am aware requires those who rule to care for the most vulnerable among us, not to wield power for the sake of power but to serve humbly. I believe that every individual is created in the image of God, a God of steadfast love who sees all of us as equals. I am saddened by the mood of our country, where many of us who have been privileged to have been born and raised here now define so many of the most vulnerable among us as somehow or another less worthy than the rest of us - as a nefarious, dangerous "other". This is not the "better angels" we are called to be. In my ideal world, governments exist to take care of the most vulnerable among us, where everyone who lives within its borders are given the opportunity and means not just to live but to thrive. It is my understanding that this is what the sacred texts of Christianity, Judaism, and Islam call upon rulers to do. We are in this world to care for each other from a place of love, not to sow fear or hatred.

Everyone in this room is aware of the current administration in DC running roughshod over the Constitution, denying due process; deciding that the Alien Enemies Act applies in 2025 when we are not at war with any nation or government; and contemplating suspending habeas corpus. If they continue down this path for undocumented immigrants and those here legally who exercise their right to free speech protest, it will not be long before any citizen will be denied these same rights. A case in point - since the WI Assembly passed AB24 on March 18th, the US government has deported children who are legal US citizens. It's a slippery slope until they come after all of us. We must resist such inhumane treatment of fellow human beings, not jump on the bandwagon of supporting this current administration (whether out of fear or out of feeling part of the "in crowd" of those in power).

SB57 is a power grab, following the playbook of the current administration in Washington, attempting to bully others using the by now tired trope of "keeping communities safe". Of course, I want to hold folks accountable when they have committed crimes. I simply do not see how this bill does that. Many local jurisdictions are already stretched thin. The unfunded mandates in SB57 could result in changing locally determined best use of resources for keeping their communities safe to having to prioritize assisting ICE over work that prevents and/or solves crimes committed by citizens. That doesn't make me feel safe. Plus, your own DOR and DOJ offices have estimated indeterminate state increased costs of



administration that cannot be absorbed within their agency's budget. I prefer my tax dollars to go toward elected officials working in a bipartisan fashion to address ways to care for the most vulnerable among us whose lives are becoming increasingly economically fragile.

I have no firsthand knowledge of the trauma endured in their home countries that would compel individuals to risk their lives to get to this country to make a better life for themselves - and to knowingly do so without legal documentation when waiting for such documentation could cost them their lives. But those stories exist. These are our neighbors who deserve to be treated with dignity and respect. I urge each of you on this committee and each state senator to look deep into your heart and vote based on what justice and mercy looks like to you. Do you really need a "win" on this?

Thank you and peace be with you,

Respectfully

Beth Meyer

**Thank you for holding a public hearing, I am testifying against SB 57. I would like to first honor everyone in attendance who sees me, sees my humanity, and recognizes immigrants as vital to America.**

**Second, I would like to honor Chief Seattle, who said: We don't inherit the land, we borrow it from our grandchildren. I feel a responsibility to make this world a better place, where everyone regardless of race, status, nationality, who they love or who they worship have a right to a just and dignified life.**

**I live in Milwaukee, but I work remote out of madison Wisconsin. As a level of safety because greyhound buses have announced they will not let ICE seize or search their vehicles, I usually take the bus to work, I feel inclined to carry my:**

**Passport**

**Birth Certificate**

**State ID**

**Work Permit**

**And my authorization of parole of an Alien to the United States**

**A lot of your ancestors came here by boat, as a matter of fact:**

**Nass is a German last name**

**Kapenga is a German last name**

**harvest your crops, who feed your hungry, your tired, your  
poor, and your huddled masses.**

**Thank you.**





To: Senate Committee on Licensing, Regulatory Reform, State and Federal Affairs  
From: Badger State Sheriffs' Association (BSSA)  
Wisconsin Sheriffs and Deputy Sheriffs Association (WS&DSA)  
Date: May 13th, 2025  
RE: **Statement on SB 57** - relating to: county sheriff assistance with certain federal immigration functions

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The Badger State Sheriffs' Association represents all 72 elected county sheriffs in Wisconsin, and the Wisconsin Sheriffs and Deputy Sheriffs Association is a professional organization with over 1,000 members, including sheriffs, deputies, and jail officers. Together, our organizations maintain a joint legislative committee and work collaboratively on public safety issues affecting our members and the communities we serve.

We appreciate the policy intent behind this legislation and engaged in discussions on early bill drafts to ensure it aligns with the current processes and responsibilities of Sheriffs and U.S. Immigration and Customs Enforcement (ICE) officials. Our organizations support the broader goal of ensuring that ICE is notified when individuals who have been charged with felonies and are in the country unlawfully are identified in our jails. Above all, we remain committed to protecting our communities and upholding public safety.

At the same time, we firmly believe that immigration enforcement is fundamentally a federal issue that should be addressed at the federal level. Additionally, while we represent all 72 Sheriffs across Wisconsin, we acknowledge that each Sheriff is an independent, duly elected constitutional officer whose authority derives from Article VI, Section 4 of the Wisconsin Constitution. It is important to clarify that supporting the intent of this policy does not diminish the Sheriff's authority in managing public safety within their respective counties.

We also recognize the challenges that certain provisions of this bill may pose, particularly the mandated reporting requirements. Many county law enforcement agencies are already operating with limited resources, and additional mandates could place further strain on their staffing and budgets.

Additionally, we are concerned about the financial implications of the shared revenue penalty provisions, which could have unintended consequences for county budgets and, ultimately, local public safety efforts.

As with any proposed public policy, our organizations carefully evaluate both the benefits and potential challenges. While we have reservations about certain provisions, we support the overarching goal of ensuring cooperation with ICE in cases involving serious criminal charges. Public safety remains our top priority, and we will continue working toward policies that enhance security while considering the practical realities faced by local law enforcement and the communities they serve.

Dane County Sheriff Calvin Barrett says he won't risk his office's standing in the community by actively participating in any mass deportation operations under President-elect Donald Trump.

But records show the Dane County Jail provides information to the federal government on the citizenship status of people in its custody and, in turn, rakes in tens of thousands of dollars annually in federal funding.

The county receives the money through the State Criminal Alien Assistance Program, or SCAAP, a federal system that provides grants to reimburse local law enforcement agencies for the costs associated with incarcerating noncitizens who have been convicted of crimes.

Barrett, who oversees the jail, has defended Dane County's continued participation in the grant system.

"The SCAAP grant is based on raw historical data from the Dane County Jail population. The grant does not involve proactive enforcement or notifications to federal agencies," the sheriff said in a statement to the Cap Times.

According to the American Civil Liberties Union of Wisconsin, the decision to participate in the grant program is voluntary. Some large Wisconsin agencies, such as the Milwaukee County Sheriff's Office, have opted out.

The ACLU of Wisconsin began investigating what it calls the "jail to deportation pipeline" as a way to highlight what it sees as worrisome connections between local law enforcement and federal immigration enforcement.

Gov. Tony Evers is among Wisconsin leaders who have raised concerns that a large-scale deportation could have a dramatic effect on the state's labor force and overall economy. Immigrant workers are estimated to make up about 70% of Wisconsin's dairy workforce. A 2018 report from the New American Economy research group showed foreign-born residents contributed \$3.4 billion to Dane County's economy in 2016.

Legal experts have also raised the specter that local law enforcement cooperation with Immigration and Customs Enforcement puts Wisconsin's immigrant community at greater risk in general. Tim Muth, a senior staff attorney with the ACLU of Wisconsin, said programs like SCAAP have been enticing for some local law enforcement agencies.

"That creates an incentive for a jail to figure out who in my jail is undocumented, and in order to get the money, you have to tell the federal government the names, identifying information of each undocumented person for whom you want to be reimbursed for the cost of holding them in your jail," Muth said.

Muth was the principal author of a [2022 report](#) by the ACLU of Wisconsin on the entangled relationship of local police and federal immigration agents.

The funding Dane County receives is retroactive. Each year, the county applies for reimbursement and provides the federal Office of Justice Programs — the agency in charge of SCAAP — with information on people the county jailed for four or more consecutive days. The scope includes people convicted of one or more felonies or two or more misdemeanors, and who are believed to be undocumented.

The federal office then passes the records of each of these people along to ICE. That agency decides which noncitizens kept in the Dane County Jail qualify as “criminal aliens,” and the Office of Justice Programs then reimburses the county for a portion of its incarceration costs.

“This isn't true for every state, but in Wisconsin, the primary way that people end up being removed and deported is through some kind of contact that starts out with law enforcement or the criminal justice system,” Muth said.

While Dane County authorities may not be turning over immigration information on people currently in jail, people with misdemeanors who may have since been released back into the community are now more easily traceable by ICE.

From the beginning of 2016 through the end of 2020, Dane County received more than \$634,000 through the program, according to records obtained by the ACLU and reviewed by the Cap Times. Dane County received the second most among Wisconsin agencies during the five-year period. The state Department of Corrections received the most funding, pulling in more than \$6.4 million.

Three years ago, the Dane County Board debated the county's ongoing participation in the grant system and gathered public input, Barrett said.

“All (County Board) supervisor questions were answered, and public comments were heard. Through communication and transparency, the Dane County Board approved continuing the grant,” Barrett said.

During Trump's first term, Dane County brought in more than \$565,000 through the program, an average of more than \$140,000 a year, according to the records obtained by the ACLU.

Barrett became sheriff the spring after Trump left office in January 2021. Since then, the county jail has taken less funding but still participates in the program. The sheriff's office receives about \$90,000 a year on average, according to figures provided to the Cap Times by the Dane County Sheriff's Office.

Under former Dane County Sheriff Dave Mahoney, the jail more actively provided ICE with citizenship information on people incarcerated, according to Muth with the ACLU of Wisconsin. That practice ended after Barrett took over.

At the Madison Police Department, Assistant Chief John Patterson said he oversees all of the department's grant applications and told the Cap Times he has no knowledge of MPD ever participating in the SCAAP program.

“I can tell you, that's something we've never applied for,” Patterson said. “I've never heard of it.”

‘Noncooperative’ in other ways

Throughout his campaign for president last year, Trump promised to unleash the “largest deportation in the history of our country.” But to achieve such a massive undertaking, it's widely understood that Trump would need to rely on the help of local police.



Right now, a patchwork of Wisconsin counties are more actively involved in cooperation with ICE than others, either through providing detention space for ICE detainees or through operational agreements that allows ICE to deputize local officers for various purposes.

Right now, ICE operates one detention facility for adults in Wisconsin, according to the agency's facility directory.

The Dodge County Detention Facility — described as a “multi-purpose correctional facility” by the Dodge County Sheriff's Office — is in the town of Juneau. Its immigration detention operations are run by the ICE office in Chicago.

According to a rolling population report for the current fiscal year, ICE is holding just over 100 detainees at the Dodge County jail. The reasons for detentions at the jail vary. Some people might be going through deportation proceedings after finishing a sentence for a conviction. Others might be detained after a standard traffic stop, during which police discovered they didn't have the right citizenship documentation.

This number has decreased in recent years. In June 2018, Dodge County Jail officials told PBS Wisconsin the county was housing 188 ICE detainees.

Some sheriff's offices partner with ICE through a federal program called 287(g) agreements. Neither the Dane County Sheriff's Office nor the Madison Police Department participates in that program, records show.

Mahoney told the Cap Times in 2018 he was contacted by ICE to gauge interest in entering a 287(g) agreement and he declined.

Local law enforcement agencies may volunteer to participate in one of the two levels of cooperation under the 287(g) program, which delegates some immigration enforcement authority from ICE to the local agency.

Waukesha County is the longest active participating agency in Wisconsin in this type of agreement, signing up in 2018. Sheriff's Department Capt. Nicholas Ollinger has previously touted the agency's participation as a public safety measure.

“It all comes down to keeping our community safe, and this program allows for that by releasing noncitizen offenders to ICE, rather than back into our communities,” Ollinger, then a lieutenant, told Wisconsin Public Radio in 2022.

**“The Dane County Sheriff's Office will not be involved in any proactive efforts, of roundups, of immigration enforcement of any sort.”**

Waukesha County participates in the most active form of this agreement, called a Jail Enforcement Model, which gives local officers the authority to interrogate people in custody about their citizenship or immigration status without any federal prompting.

The second level of participation is through what's called a Warrant Service Officer Program, which allows ICE to train and authorize local officers to conduct immigration holds and keep noncitizens in jail for up to 48 hours longer than they would otherwise be held.

Six Wisconsin sheriff's offices are currently part of the second level of participation: Brown County, Fond du Lac County, Manitowoc County, Marquette County, Sheboygan County and Waushara County.

This type of 287(g) agreement was started in May 2019 under the first Trump administration and subverts local ordinances that may bar police or deputies from directly partnering with ICE. These agreements may also shield jails from facing constitutional challenges for holding detainees after posting bail when they would otherwise be released.

The Dane County Jail was listed as a "noncooperative" agency in a June 2024 ICE document outlining local agencies that refused to conduct ICE holds on noncitizens in custody.

The number of 287(g) agreements in Wisconsin grew under Trump's first term. Seven of the eight sheriff's departments that held these operating agreements with ICE in 2022 had signed up in 2020. Lafayette County has since ended its participation in the program.

Of the 12 states in the federally recognized Midwest Census Region, Wisconsin is one of four that have local law enforcement agencies in active 287(g) agreements with ICE. That's according to reports by the Immigration Legal Resource Center, a national nonprofit that trains attorneys, legal staff and policymakers to advance immigrant rights.

Of the four states, Wisconsin has the most participating county sheriff's offices with seven. Nebraska and Ohio each has one county with an agreement. Kansas has two.

Barrett made clear his office wouldn't participate in that way.

"The Dane County Sheriff's Office will not be involved in any proactive efforts, of roundups, of immigration enforcement of any sort," Barrett said in a December interview with the Cap Times.

'They know who's in our custody'

In the state Legislature, Democrats have vowed to work against large-scale deportation efforts — though their power in the minority party is limited — while Republicans are more open to an ICE presence in Wisconsin.

Republican Assembly Speaker Robin Vos said he plans to bring forward legislation that would compel local police agencies to cooperate with ICE.

"My effort is saying that if you commit a crime, you are arrested," Vos told the Cap Times in December. "It should not be something where you're let out on bond. You should be released to ICE, and you should be deported."

As far as his support for broader ICE operations, Vos was noncommittal.

"The idea of rounding up people who are here just working a job, that'll be a discussion for a different day," he said.

Wisconsin's "focus should be on people who are here doing bad things in our country, as opposed to those people who are here, you know, for better purposes," Vos added.

Elements of the legislation Vos plans to bring forward would largely be duplicative, though. Barrett said federal agencies already have access to the citizenship status for people incarcerated at state prisons and local jails.

"They know who's in our custody. And so I'm not sure the specifics of the bill, but that is information that's really already available to our federal partners," Barrett said.

The difference that Vos seeks is that responsibility would now be on local agencies to actively hand over information on a regular basis rather than rely on the federal government to look on its own, and local agencies could be compelled to execute ICE holds on undocumented people in jail or prison.

Evers said this month he would work during the current legislative session to "change the minds" of Republican leadership on immigration policy.

For Barrett, the decision to stay out of active ICE operations in Dane County area is about trust.

"We recognize that these federal agencies do indeed come in and then they leave. We're the ones that have to continue to work with our community members on a long-term basis," Barrett said. "And what we don't want to do is create any barriers with any of our community members that would prevent them from contacting law enforcement in case of an emergency."

*Erin McGroarty is a politics reporter for the Cap Times. Erin writes about Wisconsin politics with a focus on state government and*



My name is Suzy Clarkson Holstein, and I attend Plymouth United Church of Christ in Milwaukee. As a lifelong woman of faith, I am speaking for myself and not my congregation. However, the principles of faith and social justice that I have learned in multiple denominations of the Christian church teach me that I must oppose this bill. It distresses me deeply to witness the treatment of our immigrant community and the growing demonization of our brothers and sisters. Although the language of this bill attempts to make it sound as though the interactions with legal authorities would be straightforward and simple, we know that immigration status is complicated and often difficult for individuals to document. Further, assessing legal questions involved is not something most sheriffs' offices want to take on in addition to their other responsibilities. Also, administrative warrants often deal with civil violations, and as they are not signed by a judge, they should not have primacy with sheriffs.

This bill would increase the burden on already overworked sheriff offices. Here in Milwaukee, the sheriff's office has struggled to cover the duties it already has. One friend, who is a deputy, has been required many times to work mandatory overtime that has become a hardship for his young family. We are all aware, too, of the difficulty for the sheriff to provide bailiffs here in the county courts. The local law enforcement needs to remain focused on the duties they already perform; they do not need to become part of the federal immigration enforcement system, a system we are already funding at alarming rates.

It is difficult to see that this bill would be used impartially, for it opens the door to racial profiling and targeting black and brown residents of our state. We have always looked with horror at governments that require people to carry "papers" to prove they are worthy, and now we are in danger of becoming such a place. This bill does nothing to make my community safer, but instead instills more fear and divisiveness into our residents. Please do not support it. --Suzy Clarkson Holstein, Shorewood, WI 53211

To: Senate Committee on Licensing Regulatory Reform, State and Federal Affairs  
From: Attorney Valeria Martinez, Madison, WI

Testimony on Senate Bill 57, Relating to: county sheriff assistance with certain federal immigration functions

Date: May 13, 2025

Dear Committee members,

I am an attorney practicing immigration law in Madison, WI. I write on behalf of myself in opposition to Senate Bill 57 for the reasons that follow.

### CONSTITUTIONAL ISSUES

If enacted, this bill would jeopardize the 5th amendment rights of those without an ID on their person, even innocent citizens. Specifically, when detained, they have the right to remain silent and refuse to answer questions without an attorney present. The moment that they invoke the 5th, questioning should cease, and the detainee should remain silent, prohibiting law enforcement from requesting proof from the detainee of their legal status. Suppose law enforcement asks the detained for information about their immigration status while detained and the detained continues to exercise their 5th amendment right. In that case, the sheriff will be “unable to verify that an individual under subd. 1. is lawfully present in the United States,” and is mandated to immediately report them to DHS. If the detainee invokes the 5th but then proceeds to answer questions about their immigration status, they risk being forced to waive their 5th amendment right, which is unconstitutional.

To be constitutional, a warrant must be granted by a neutral arbiter. See, e.g., *State v. Ward*, 604 N.W.2d 517, 523 (Wis. 2000); *Coolidge v. New Hampshire*, 403 U.S. 443, 449–50 (1971). An ICE detainer is not such a warrant. It is issued by the enforcement agency itself, not a detached third party. It is unconstitutional to make Sheriffs abide by these warrants and continue to detain those otherwise releasable under state law. Levey, Benjamin, *Disrupting the Jail-to-Deportation Pipeline in Wisconsin* (December 25, 2023). *Wisconsin Law Review*, Vol. 6, No. 2027, 2023, 2044-53, Available at SSRN: <https://ssrn.com/abstract=4716508> or <http://dx.doi.org/10.2139/ssrn.4716508>

### PUBLIC SAFETY IMPLICATIONS

This bill purports to promote public safety, but will inevitably reduce trust between law enforcement and undocumented Wisconsin residents. In my practice, I have seen cases of victims of crimes being arrested for the crime of which they were a victim because the abuser counter-accused. Undocumented victims will be less inclined to report criminal activity out of fear that they would be implicated and referred to ICE, and the perpetrator will remain on the loose. This is especially true in domestic violence situations. Victims will be scared to contact law enforcement when their personal safety is in danger, putting their lives and the lives of their US citizen children at risk.

### PRACTICALLY UNWORKABLE

This bill creates a discretion problem for Sheriffs. Based on the text of the bill, a Sheriff would be mandated to report to DHS their own neighbor, who the Sheriff knows to be a U.S. Citizen (perhaps he visited the neighbor at the hospital when born or traveled internationally with them and saw their U.S. passport) if the neighbor could not furnish proof of legal status from their person. During testimony on this bill, Senator Nass mentioned in the Senate Committee on Licensing, Regulatory Reform, State and

Federal Affairs on May 13, 2025, that a Sheriff only needs an individual's name and date of birth to run their name in the system to see Driver License history. But a result from a database showing they are authorized to drive is not one of the approved forms of proof under this bill. The license or card is required. This bill does not give discretion to the Sheriff to make common-sense decisions to avoid reporting lawful residents.

In another example of this, a US Citizen who is accused of a felony regarding multiple DUIs, who had his license revoked or lost, has never requested a passport, and hasn't had a copy of their birth certificate for decades, would have to be reported to DHS according to the bill.

Sheriffs will not be able to understand and verify the many types of statuses and proof of statuses that it takes immigration attorneys years to perfect. An I-94 card, which is proof of nonimmigrant status for example, is a flimsy white cardstock that lacks a photo of its owner. A Sheriff could easily dismiss the paper as unofficial. In my experience, even DMV employees struggle to recognize official proof of status when granting a Wisconsin Driver License.

The bill states that the Sheriff seeks reimbursement from the federal government for any costs incurred while holding individuals under this paragraph, but does not identify a specific appropriation that could pay for this service. There is none.

The bill states that "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." It is unclear how long the detainee has to organize their belongings to provide proof of status. Many detainees wouldn't be able to even if they had such proof. It is hard to get friends and family to add money to the detainee's account to use the phone. It will be equally hard to send someone to dig through your belongings and drive them to jail in the arbitrary time it takes for a Sheriff to decide "immediately" has passed.

#### REBUTTAL OF COMMITTEE TESTIMONY

The Author of the bill, in testimony, erroneously said that it was a crime to be present in the United States unlawfully. It is not. *Arizona v. United States*, 567 U.S. 387, 407 (2012) ("As a general rule, it is not a crime for a removable alien to remain present in the United States. If the police stop someone based on nothing more than possible removability, the usual predicate for an arrest is absent.").

#### DUE PROCESS CONCERNS

The United States has accidentally deported U.S. citizens in the past. See Stevens, Jacqueline, U.S. Government Unlawfully Detaining and Deporting U.S. Citizens as Aliens (July 2011). *Virginia Journal of Social Policy and the Law*, Vol. 18, No. 3, p. 606, 2011, Available at SSRN: <https://ssrn.com/abstract=1931703>. This bill would make unlawful deportations of citizens more likely. If the President suspends Habeas Corpus as he has suggested, detained citizens would have no recourse.