



General Assembly

January Session, 2009

Raised Bill No. 6579

LCO No. 3892

03892_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING THE IMMIGRATION CONSEQUENCES OF A PLEA OF GUILTY OR NOLO CONTENDERE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-1j of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) The court shall not accept a plea of guilty or nolo contendere
4 from any defendant in any criminal proceeding unless the court first
5 addresses the defendant personally and determines that the defendant
6 fully understands that if the defendant is not a citizen of the United
7 States, conviction of the offense for which the defendant has been
8 charged may have the consequences of deportation or removal from
9 the United States, exclusion from readmission to the United States or
10 denial of naturalization, pursuant to the laws of the United States. If
11 the defendant has not discussed these possible consequences with the
12 defendant's attorney, the court shall permit the defendant to do so
13 prior to accepting the defendant's plea.

14 (b) The defendant shall not be required at the time of the plea to
15 disclose the defendant's legal status in the United States to the court.

16 (c) If the court fails to address the defendant personally and
17 determine that the defendant fully understands the possible
18 consequences of the defendant's plea, as required in subsection (a) of
19 this section, and the defendant not later than [three] five years after the
20 acceptance of the plea shows that the defendant's plea and conviction
21 may have one of the enumerated consequences, the court, on the
22 defendant's motion, shall vacate the judgment, and permit the
23 defendant to withdraw the plea of guilty or nolo contendere, and enter
24 a plea of not guilty.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	54-1j

Statement of Purpose:

To extend the time period within which a person who has been convicted after pleading guilty or nolo contendere and been subjected to certain immigration consequences as a result of that plea may seek to vacate the judgment and withdraw the plea.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]