



General Assembly

January Session, 2013

Raised Bill No. 6659

LCO No. 4662



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING CIVIL IMMIGRATION DETAINERS.

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

1 Section 1. (NEW) (*Effective January 1, 2014*) (a) For the purposes of
2 this section:

3 (1) "Civil immigration detainer" means a detainer issued pursuant to
4 8 CFR 287.7;

5 (2) "Convicted of a crime" means a final judgment of guilt entered
6 with respect to a person twenty-one years of age or older on a class A
7 felony in the Superior Court, or a final judgment of guilt entered with
8 respect to a person twenty-one years of age or older for an offense in
9 any other court of competent jurisdiction within the United States
10 which, if committed in this state, would be a class A felony, provided
11 the judgment occurred within ten years of the detainer request or the
12 individual was released after serving a sentence for a class A felony
13 conviction within five years of the detainer request, whichever is later;

14 (3) "Department" means a department or agency that employs a law

15 enforcement officer;

16 (4) "Federal immigration authority" means any officer, employee or
17 person otherwise paid by or acting as an agent of United States
18 Immigration and Customs Enforcement or any division thereof or any
19 other officer, employee or person otherwise paid by or acting as an
20 agent of the United States Department of Homeland Security who is
21 charged with enforcement of the civil provisions of the Immigration
22 and Nationality Act; and

23 (5) "Law enforcement officer" includes:

24 (A) The Department of Correction and each officer, employee or
25 other person otherwise paid by or acting as an agent of the
26 department;

27 (B) Each municipal police department and each officer, employee or
28 other person otherwise paid by or acting as an agent of a municipal
29 police department;

30 (C) The Division of State Police within the Department of
31 Emergency Services and Public Protection and each officer, employee
32 or person otherwise paid by or acting as an agent of the division; and

33 (D) Each judicial marshal and state marshal and each officer,
34 employee and person otherwise paid by or acting as an agent of a
35 judicial marshal or state marshal.

36 (b) A law enforcement officer shall not give effect to a civil
37 immigration detainer by:

38 (1) Holding an individual beyond the time when such individual
39 would otherwise be released from the department's custody,

40 (2) Notifying federal immigration authorities of such individual's
41 release, or

42 (3) Otherwise expending time or resources to facilitate the
43 individual's transfer to United States Immigration and Customs
44 Enforcement.

45 (c) Subsection (b) of this section shall not apply when:

46 (1) A search, conducted at or about the time when such individual
47 would otherwise be released from the department's custody, of state
48 and federal databases, or any similar or successor databases, indicates
49 that such individual has been convicted of a crime; or

50 (2) The individual consents, in writing, to early release and transfer
51 to United States Immigration and Customs Enforcement pursuant to
52 section 54-125a or 18-100g of the general statutes.

53 (d) In no event shall an individual be held pursuant to a civil
54 immigration detainer for a period of more than twenty-four hours.

55 (e) Nothing in this section shall affect the obligation of a department
56 to maintain the confidentiality of any information obtained pursuant to
57 this section.

58 (f) Nothing in this section shall be construed to confer any authority
59 on any person to hold an individual on a civil immigration detainer
60 beyond the authority, if any, that such person held prior to January 1,
61 2014.

62 (g) Nothing in this section shall be construed to (1) prohibit any
63 state agency from cooperating with federal immigration authorities
64 when required under federal law, or (2) create any power, duty or
65 obligation in conflict with any federal law or other provision of the
66 general statutes.

67 (h) Any action or proceeding that may be appropriate or necessary
68 for the enforcement of this section, including an action to secure a
69 permanent injunction enjoining any act or practice that constitutes a
70 violation of this section, require compliance with this section, or for

71 such other relief as may be appropriate, may be initiated in any court
72 of competent jurisdiction by an aggrieved individual.

73 (i) Not later than December 31, 2014, and annually thereafter, each
74 department shall post a report on such department's Internet web site
75 that includes the following information for the prior twelve-month
76 period:

77 (1) The number of individuals held on civil immigration detainees
78 pursuant to subdivision (1) of subsection (c) of this section beyond the
79 time when such individual would otherwise be released from the
80 department's custody, and a list of any felony convictions for such
81 individuals, or any misdemeanor convictions for such individuals if
82 there are no felony convictions for such individuals;

83 (2) The number of individuals held on civil immigration detainees
84 pursuant to subdivision (2) of subsection (c) of this section beyond the
85 time when such individual would otherwise be released from the
86 department's custody, and a list of any felony convictions for such
87 individuals, or any misdemeanor convictions for such individuals if
88 there are no felony convictions for such individuals;

89 (3) The number of individuals transferred to the custody of federal
90 immigration authorities on civil immigration detainees pursuant to
91 subdivision (1) of subsection (c) of this section, and a list of any felony
92 convictions for such individuals, or any misdemeanor convictions for
93 such individuals if there are no felony convictions for such individuals;

94 (4) The number of individuals transferred to the custody of federal
95 immigration authorities on civil immigration detainees pursuant to
96 subdivision (2) of subsection (c) of this section, and a list of any felony
97 convictions for such individuals, or any misdemeanor convictions for
98 such individuals if there are no felony convictions for such individuals;
99 and

100 (5) The amount of funding requested and received from the federal

101 government with respect to the criminal alien program of United
102 States Immigration and Customs Enforcement or any successor
103 program.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2014</i>	New section

Statement of Purpose:

To establish procedures with respect to civil immigration detainees.

[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.]