



General Assembly

Substitute Bill No. 6659

January Session, 2013



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 request issued
4 pursuant to 8 CFR 287.7;

5 (2) "Convicted of a crime" means a final judgment of guilt entered
6 with respect to an individual twenty-one years of age or older on a
7 class A felony in the Superior Court, or a final judgment of guilt
8 entered with respect to an individual twenty-one years of age or older
9 for an offense in any other court of competent jurisdiction within the
10 United States which, if committed in this state, would be a class A
11 felony, provided either such judgment of guilt was entered not more
12 than ten years prior to the civil immigration detainer, or the individual
13 was released after serving a sentence for a class A felony conviction
14 not more than five years prior to the civil immigration detainer,
15 whichever is later;

16 (3) "Department" means a department or division that employs a
17 law enforcement officer;

18 (4) "Federal immigration authority" means any officer, employee or

19 other person otherwise paid by or acting as an agent of United States
20 Immigration and Customs Enforcement or any division thereof or any
21 officer, employee or other person otherwise paid by or acting as an
22 agent of the United States Department of Homeland Security who is
23 charged with enforcement of the civil provisions of the Immigration
24 and Nationality Act; and

25 (5) "Law enforcement officer" means:

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

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

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

36 (D) Each judicial marshal and state marshal and each officer,
37 employee or other person otherwise paid by or acting as an agent of a
38 judicial marshal or state marshal.

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

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

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

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

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

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

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

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

59 (f) Nothing in this section shall be construed to confer authority on
60 any person to hold an individual on a civil immigration detainer
61 beyond the authority, if any, that such person held prior to January 1,
62 2014.

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

68 (h) Any person aggrieved by a violation of this section may bring an
69 action in the Superior Court, including an action (1) to secure a
70 permanent injunction enjoining any act or practice that constitutes a
71 violation of this section, (2) to require compliance with this section, or
72 (3) for such other relief as may be appropriate.

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 detainers
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 detainers
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 detainers 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 detainers 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

JUD *Joint Favorable Subst.*

PS *Joint Favorable*