

---

---

## **OLR Bill Analysis**

### **sHB 6659 (as amended by House "A")\***

#### ***AN ACT CONCERNING CIVIL IMMIGRATION DETAINERS.***

#### **SUMMARY:**

This bill establishes the requirements law enforcement officers must follow when they receive a civil immigration detainer regarding a person in their custody (see BACKGROUND).

Specifically, it prohibits law enforcement officers from detaining the person unless the officer determines that specified public safety risk factors exist. It also requires law enforcement officers, upon determining whether to detain or release the person, to immediately notify U.S. Immigration and Customs Enforcement (ICE). If the person is to be detained, the officer must inform ICE that the person will be held for up to 48 hours (excluding Saturdays, Sundays, and federal holidays). If ICE fails to take custody of the person within 48 hours, the officer must release the individual. The bill prohibits the holding of a person for longer than 48 hours on the basis only of a civil immigration detainer under any circumstances.

\*House Amendment "A" replaces the underlying bill, which similarly prohibits law enforcement officers from holding an individual under a civil immigration detainer beyond the time they would otherwise be released, under specified circumstances.

EFFECTIVE DATE: January 1, 2014

#### **CIVIL IMMIGRATION DETAINER**

##### ***Public Safety Risk Factors***

The bill requires law enforcement officers, in carrying out a civil immigration detainer regarding a person in their custody, to release the person unless they determine that the person:

1. has been convicted of a felony;

2. is subject to pending criminal charges in Connecticut where bond has not been posted;
3. has an outstanding arrest warrant in Connecticut;
4. is identified as a known gang member in the National Crime Information Center's database, or any similar database, or is designated as a Security Risk Group member or a Security Risk Group Safety Threat member by the Department of Correction;
5. is identified as a possible match in the federal Terrorist Screening Database or similar database;
6. is subject to a final order of deportation or removal issued by a federal immigration authority; or
7. presents an unacceptable risk to public safety.

## **DEFINITIONS**

### ***Convicted of a Felony***

Under the bill, "convicted of a felony" means that a person has been convicted of an offense for which he or she may be sentenced to a term of imprisonment of more than one year under a final judgment of guilt by a Connecticut or U.S. court after a plea of guilty or nolo contendere or a guilty finding by a jury or the court.

### ***Federal immigration Authority***

Under the bill, "federal immigration authority" means any officer, employee, or other person paid by or acting as an agent of ICE or any officer, employee, or other person otherwise paid by or acting as an agent of the U.S. Department of Homeland Security who is charged with enforcing the civil provisions of the Immigration and Nationality Act.

### ***Law Enforcement Officer***

Under the bill, "law enforcement officer" means (1) each officer, employee, or other person otherwise paid by or acting as an agent of the Department of Correction, a municipal police department, or the

State Police and (2) each judicial and state marshal.

**BACKGROUND**

***Civil Immigration Detainer***

An immigration detainer is a notice of action, from an authorized immigration officer to any other federal, state, or local law enforcement agency. A detainer serves to advise another law enforcement agency that the Department of Homeland Security seeks to arrest and remove an alien presently in the custody of that agency. (8 CFR § 287.7(a)).

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 33 Nay 11 (04/16/2013)

Public Safety and Security Committee

Joint Favorable

Yea 13 Nay 7 (05/14/2013)

.  
.