

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 13-155—sHB 6659

Judiciary Committee

Public Safety and Security Committee

AN ACT CONCERNING CIVIL IMMIGRATION DETAINERS

SUMMARY: This act establishes the procedures state and local law enforcement officers must follow when they receive a civil immigration detainer regarding a person in their custody (see BACKGROUND).

Specifically, the act prohibits 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 he or she 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 act prohibits holding a person for longer than 48 hours solely on the basis of a civil immigration detainer under any circumstances.

EFFECTIVE DATE: January 1, 2014

CIVIL IMMIGRATION DETAINER

Public Safety Risk Factors

The act 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 he or she:

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 by the Department of Correction (DOC) 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;
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

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Under the act, “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 act, “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 (DHS) who is charged with enforcing the civil provisions of the Immigration and Nationality Act.

Law Enforcement Officer

Under the act, “law enforcement officer” means (1) each officer, employee, or other person otherwise paid by or acting as an agent of DOC, 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 that DHS issues to a law enforcement agency (1) informing the agency of its intent to assume custody of an alien in the agency’s custody and (2) requesting that the agency advise DHS, before releasing the alien, in order for DHS to arrange to assume custody, in situations when gaining immediate physical custody is either impracticable or impossible. Federal civil immigration detainer regulations limit detentions to 48 hours (8 CFR § 287.7).

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