



General Assembly

January Session, 2015

Raised Bill No. 7039

LCO No. 5588



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. Section 54-192h of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 1, 2016*):

3 (a) For the purposes of this section:

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

6 [(2) "Convicted of a felony" means that a person has been convicted
7 of a felony, as defined in section 53a-25, pursuant to a final judgment
8 of guilt entered by a court in this state or in a court of competent
9 jurisdiction within the United States upon a plea of guilty, a plea of
10 nolo contendere or a finding of guilty by a jury or the court
11 notwithstanding any pending appeal or habeas corpus proceeding
12 arising from such judgment;]

13 [(3)] (2) "Federal immigration authority" means any officer,
14 employee or other person otherwise paid by or acting as an agent of

15 United States Immigration and Customs Enforcement or any division
16 thereof or any officer, employee or other person otherwise paid by or
17 acting as an agent of the United States Department of Homeland
18 Security who is charged with enforcement of the civil provisions of the
19 Immigration and Nationality Act; [and]

20 [(4)] (3) "Law enforcement officer" means:

21 (A) Each officer, employee or other person otherwise paid by or
22 acting as an agent of the Department of Correction;

23 (B) Each officer, employee or other person otherwise paid by or
24 acting as an agent of a municipal police department;

25 (C) Each officer, employee or other person otherwise paid by or
26 acting as an agent of the Division of State Police within the
27 Department of Emergency Services and Public Protection; and

28 (D) Each judicial marshal, [and] state marshal and adult probation
29 officer; and

30 (4) "Confidential information" means any information obtained and
31 maintained by a law enforcement agency relating to (A) an
32 individual's (i) sexual orientation, (ii) status as a victim of domestic
33 violence or sexual assault, or (iii) immigration status, (B) whether such
34 individual is a (i) crime witness, or (ii) recipient of public assistance,
35 and (C) an individual's income tax or other financial records,
36 including, but not limited to, Social Security numbers.

37 (b) No law enforcement officer who receives a civil immigration
38 detainer with respect to an individual who is in the custody of the law
39 enforcement officer shall detain such individual pursuant to such civil
40 immigration detainer. [unless the law enforcement official determines
41 that the individual:

42 (1) Has been convicted of a felony;

43 (2) Is subject to pending criminal charges in this state where bond
44 has not been posted;

45 (3) Has an outstanding arrest warrant in this state;

46 (4) Is identified as a known gang member in the database of the
47 National Crime Information Center or any similar database or is
48 designated as a Security Risk Group member or a Security Risk Group
49 Safety Threat member by the Department of Correction;

50 (5) Is identified as a possible match in the federal Terrorist Screening
51 Database or similar database;

52 (6) Is subject to a final order of deportation or removal issued by a
53 federal immigration authority; or

54 (7) Presents an unacceptable risk to public safety, as determined by
55 the law enforcement officer.

56 (c) Upon determination by the law enforcement officer that such
57 individual is to be detained or released, the law enforcement officer
58 shall immediately notify United States Immigration and Customs
59 Enforcement. If the individual is to be detained, the law enforcement
60 officer shall inform United States Immigration and Customs
61 Enforcement that the individual will be held for a maximum of forty-
62 eight hours, excluding Saturdays, Sundays and federal holidays. If
63 United States Immigration and Customs Enforcement fails to take
64 custody of the individual within such forty-eight-hour period, the law
65 enforcement officer shall release the individual. In no event shall an
66 individual be detained for longer than such forty-eight-hour period
67 solely on the basis of a civil immigration detainer.]

68 (c) No law enforcement officer shall communicate with any officer,
69 employee or other person otherwise paid by or acting as an agent of
70 United States Immigration and Customs Enforcement regarding the
71 custody status or release of an individual who is subject to a civil

72 immigration detainer, except as provided in subsection (d) of this
73 section.

74 (d) No law enforcement officer shall release confidential
75 information relating to an individual who is subject to a civil
76 immigration detainer, unless:

77 (1) The individual, or the parent or guardian of such individual if
78 such individual is a minor or incompetent, authorized, in writing, the
79 release of such information;

80 (2) Such information is released to an officer or employee of another
81 state agency or municipal police department and such information is
82 relevant and necessary to fulfill the purpose or achieve the mission of
83 such state agency or department;

84 (3) Such information is released to a federal immigration authority
85 and such information is necessary in furtherance of a criminal
86 investigation of potential terrorism; or

87 (4) The release of such information is otherwise required by law.

88 (e) Any action or proceeding that may be appropriate or necessary
89 for the enforcement of this section, including (1) an action to secure a
90 permanent injunction enjoining any act or practice that constitutes a
91 violation of this section, (2) require compliance with this section, or (3)
92 for such other relief as may be appropriate, may be initiated in any
93 court of competent jurisdiction by an aggrieved individual.

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2016	54-192h

Statement of Purpose:

To restore trust between police and communities by not requiring enforcement of civil immigration detainers, prevent notification to United States Immigration and Customs Enforcement of the custody

status or release of any person subject to such detainer and to increase procedural protections for such persons.

[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.]