



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

IN OPPOSITION TO:

H.B. No. 7039 (RAISED) AN ACT CONCERNING CIVIL IMMIGRATION DETAINERS

JOINT COMMITTEE ON JUDICIARY
March 30, 2015

The Division of Criminal Justice opposes H.B. No. 7039, An Act Concerning Civil Immigration Detainers, and respectfully recommends the Committee take NO ACTION on this bill.

The General Assembly enacted legislation effective just this past year that limited the circumstances under which law enforcement officials can detain someone pursuant to a civil immigration detainer (Public Act 13-155, An Act Concerning Civil Immigration Detainers, effective January 1, 2014). Even in enacting P.A. 13-155, however, the legislature recognized that detention might be necessary in some circumstances to protect public safety. In an attempt to strike a balance between the need to protect public safety and the desire not to detain a person in state custody for an indefinite period under a civil immigration detainer, P.A. 13-155 provides that a person must be released if United States Immigration and Customs Enforcement (ICE) fails to take custody of the individual within forty-eight hours of receiving notice that the person is in custody.

H.B. No. 7039 eliminates any protection for public safety by preventing state law enforcement officials from detaining someone pursuant to a federal civil immigration detainer under any circumstances. Under the proposal, state officials could not detain a person pursuant to a civil immigration detainer even if they knew the person was identified as a possible match in the federal Terrorist Screening Database, was subject to a final order of deportation, or was a substantial risk to public safety.

The bill would further prevent state law enforcement officials from informing ICE of the fact that a person who is subject to a civil immigration detainer is in their custody except under very limited circumstances. In this regard, the proposal directly violates federal law which provides that state and local officials may not be prohibited from sharing information about the immigration status of an individual with federal immigration authorities. *See 8 U.S.C. § 1373; 8*

U.S.C. § 1644. The clear import behind the federal laws is to protect public safety by ensuring cooperation between state and local officials on immigration matters.

In short, while the stated purpose of H.B. No. 7039 is to restore trust between police and communities the effect it would have would be just the opposite. This bill undermines the ability of local, state, and federal officials to work in a cooperative manner to protect the public safety and authorizes the release of potentially dangerous individuals into the very communities in which the bill is trying to create trust. To the extent that any limitations should be placed on the ability of local and state officials to hold someone on a civil immigration detainer P.A. 13-155 provides sufficient protections to address any concerns that might be raised.

In conclusion, the Division recommends the Committee take no action on this bill. The Division thanks the Committee for affording this opportunity to offer input on this matter and would be happy to provide any additional information you require or answer any questions you might have.