



General Assembly

January Session, 2017

**Amendment**

LCO No. 8421



Offered by:

REP. SAMPSON, 80<sup>th</sup> Dist.

REP. SKULCZYCK, 45<sup>th</sup> Dist.

To: House Bill No. 6663

File No. 221

Cal. No. 174

(As Amended)

**"AN ACT CONCERNING POLICE MISCONDUCT."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective from passage*) As used in this section and  
4 sections 502 to 504, inclusive, of this act:

5 (1) "Department of Homeland Security" means the United States  
6 Department of Homeland Security and any of its agencies, including  
7 the United States Immigration and Customs Enforcement, the United  
8 States Border Patrol and any successor department or agency. The  
9 term includes officials, representatives, agents and employees;

10 (2) "Inmate" means any individual in the custody of a law  
11 enforcement agency;

12 (3) "Law enforcement agency" means an agency in the state or a  
13 political subdivision thereof charged with enforcement of state,  
14 county, city, municipal or federal laws, or with managing custody of  
15 detained persons in the state and includes, but is not limited to, county  
16 and other municipal police departments, sheriffs' offices, state police,  
17 the Department of Correction and campus police. The term includes  
18 officials, representatives, agents and employees;

19 (4) "Municipality" means any city, county, town or other political  
20 subdivision of this state, including law enforcement agencies. The term  
21 includes officials, representatives, agents and employees; and

22 (5) "State agency" means any public agency, bureau, commission,  
23 council, department or other office established under the laws of the  
24 state, including law enforcement agencies. The term includes officials,  
25 representatives, agents and employees.

26 Sec. 502. (NEW) (*Effective from passage*) (a) No state agency or  
27 municipality may be prohibited or restricted from sending to or  
28 receiving from the Department of Homeland Security information  
29 regarding the immigration status, lawful or unlawful, of any alien  
30 pursuant to 8 USC 1644.

31 (b) No state agency or municipality may prohibit or restrict any  
32 other state agency or municipality or official from sending to or  
33 receiving from the Department of Homeland Security information  
34 regarding the citizenship or immigration status, lawful or unlawful, of  
35 any individual pursuant to 8 USC 1373(a).

36 (c) No state agency or municipality may, pursuant to 8 USC 1373(b),  
37 prohibit or in any way restrict any other state agency or municipality  
38 from doing any of the following: (1) Sending information to or  
39 requesting or receiving information from the Department of Homeland  
40 Security, (2) maintaining such information, or (3) exchanging such  
41 information with any other federal, state or municipal agency.

42 (d) No state agency or municipality may prohibit or in any way

43 restrict any other state agency or municipality from: (1) Determining  
44 eligibility for any public benefit, service or license provided by federal  
45 law or a law of this state or its political subdivisions; (2) verifying a  
46 claim of residence or domicile if a determination of residence or  
47 domicile is required under federal law or a law of this state or its  
48 political subdivisions or under a judicial order issued pursuant to a  
49 civil or criminal proceeding in this state; or (3) confirming the identity  
50 of a person who is detained by a law enforcement agency.

51 (e) No state agency or municipality may limit or restrict the  
52 enforcement of federal immigration law, including, but not be limited  
53 to: (1) Providing a federal immigration official access to an inmate for  
54 an interview; (2) initiating an immigration status investigation; or (3)  
55 providing a federal immigration official with the incarceration status  
56 or release date of an inmate in custody of a state agency or  
57 municipality.

58 Sec. 503. (NEW) (*Effective from passage*) (a) The Attorney General  
59 shall receive complaints regarding any violation of section 502 of this  
60 act. Such complaints may be submitted by any resident of this state  
61 and shall be submitted in writing in such form and manner as  
62 prescribed by the Attorney General. In lieu of submitting a complaint,  
63 any member of the state legislature may request, at any time, that the  
64 Attorney General investigate and issue an opinion as to whether a  
65 state agency or municipality has violated section 502 of this act.

66 (b) Upon receiving a complaint or request, the Attorney General  
67 shall investigate and determine whether a violation of section 502 of  
68 this act has occurred. The Attorney General shall issue and make  
69 public an opinion stating whether the state agency or municipality,  
70 which is the subject of the complaint or request, has enacted or  
71 adopted a policy, law, regulation or other written or unwritten  
72 directive in violation of section 502 of this act. Upon the issuance of  
73 such an opinion by the Attorney General that a state agency or  
74 municipality has violated section 502 of this act, the state agency or  
75 municipality shall become ineligible to receive any moneys that would

76 otherwise be remitted to it. Such ineligibility shall commence on the  
77 date such opinion is issued and shall continue until such time as the  
78 Attorney General certifies that such policy, law, regulation or other  
79 written or unwritten directive is repealed or is no longer in effect.

80 (c) The Attorney General shall send to the state agency or  
81 municipality that was the subject of the investigation and to the State  
82 Treasurer a copy of any opinion issued pursuant to this section and  
83 any certification by the Attorney General that a violation of section 502  
84 of this act is no longer in effect.

85 Sec. 504. (NEW) (*Effective from passage*) (a) In the event the Attorney  
86 General fails to investigate a complaint pursuant to section 503 of this  
87 act, any resident of the state may bring an action in Superior Court to  
88 challenge a suspected violation of section 502 of this act. The court  
89 shall expedite any action under this section, including assigning a  
90 hearing at the earliest practicable date.

91 (b) If the court finds that such state agency or municipality has  
92 violated section 502 of this act, the court shall enjoin such policy or  
93 practice.

94 (c) The court may award court costs and reasonable attorney fees to  
95 the prevailing party in a proceeding brought pursuant to this section.

96 Sec. 505. (NEW) (*Effective from passage*) Every person holding public  
97 office or having official duties as a representative, agent or employee  
98 of this state or a municipality shall have a duty to report a violation of  
99 section 502 of this act. Persons reporting under this section shall be  
100 protected under section 4-61dd of the general statutes."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>from passage</i>	New section
Sec. 502	<i>from passage</i>	New section
Sec. 503	<i>from passage</i>	New section
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Sec. 505	<i>from passage</i>	New section
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