



General Assembly

Amendment

February Session, 2018

LCO No. 3749



Offered by:

REP. SAMPSON, 80th Dist.

REP. DUBITSKY, 47th Dist.

To: Subst. House Bill No. 5185

File No. 8

Cal. No. 36

"AN ACT CONCERNING GUARDIANSHIP APPOINTMENTS FOR INDIVIDUALS SEEKING SPECIAL IMMIGRANT JUVENILE STATUS."

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

3 "Sec. 501. Section 54-192h of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2018*):

5 (a) For the purposes of this section:

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

8 [(2) "Convicted of a felony" means that a person has been convicted
9 of a felony, as defined in section 53a-25, pursuant to a final judgment
10 of guilt entered by a court in this state or in a court of competent
11 jurisdiction within the United States upon a plea of guilty, a plea of
12 nolo contendere or a finding of guilty by a jury or the court

13 notwithstanding any pending appeal or habeas corpus proceeding
14 arising from such judgment;]

15 [(3)] (2) "Federal immigration authority" means any officer,
16 employee or other person otherwise paid by or acting as an agent of
17 United States Immigration and Customs Enforcement or any division
18 thereof or any officer, employee or other person otherwise paid by or
19 acting as an agent of the United States Department of Homeland
20 Security who is charged with enforcement of the civil provisions of the
21 Immigration and Nationality Act; and

22 [(4)] (3) "Law enforcement officer" means:

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

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

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

30 (D) Each judicial marshal and state marshal.

31 (b) [No] Any law enforcement officer who receives a civil
32 immigration detainer with respect to an individual who is in the
33 custody of the law enforcement officer shall detain such individual
34 pursuant to such civil immigration detainer, [unless the law
35 enforcement official determines that the individual:

36 (1) Has been convicted of a felony;

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

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

40 (4) Is identified as a known gang member in the database of the

41 National Crime Information Center or any similar database or is
42 designated as a Security Risk Group member or a Security Risk Group
43 Safety Threat member by the Department of Correction;

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

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

48 (7) Presents an unacceptable risk to public safety, as determined by
49 the law enforcement officer.]

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

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	October 1, 2018	54-192h