



Senate Bill No. 1115

Public Act No. 19-23

AN ACT CONCERNING AMENDMENTS TO THE TRUST ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subdivisions (9) and (10) of subsection (a) of section 54-192h of the general statutes, as amended by section 1 of public act 19-20, are repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(9) "Law enforcement officer" means:

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

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

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

(D) Each judicial marshal, state marshal [, bail commissioner] and adult probation officer; [and]

(10) "Bail commissioner or intake, assessment or referral specialist"

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means an employee of the Judicial Branch whose duties are described in section 54-63d; and

[(10)] (11) "School police or security department" means any police or security department of (A) the constituent units of the state system of higher education, as defined in section 10a-1, (B) a public school, or (C) a local or regional school district.

Sec. 2. Subsections (b) and (c) of section 54-192h of the general statutes, as amended by section 1 of public act 19-20, are repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(b) (1) No law enforcement officer, bail commissioner or intake, assessment or referral specialist, or employee of a school police or security department shall:

(A) Arrest or detain an individual pursuant to a civil immigration detainer unless (i) the detainer is accompanied by a warrant issued or signed by a judicial officer, (ii) the individual has been convicted of a class A or B felony offense, or (iii) the individual is identified as a possible match in the federal Terrorist Screening Database or similar database;

(B) Expend or use time, money, facilities, property, equipment, personnel or other resources to communicate with a federal immigration authority regarding the custody status or release of an individual targeted by a civil immigration detainer, except as provided in subsection (e) of this section;

(C) Arrest or detain an individual based on an administrative warrant;

(D) Give a federal immigration authority access to interview an individual who is in the custody of a law enforcement agency unless the individual (i) has been convicted of a class A or B felony offense,

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(ii) is identified as a possible match in the federal Terrorist Screening Database or similar database, or (iii) is the subject of a court order issued under 8 USC 1225(d)(4)(B); or

(E) Perform any function of a federal immigration authority, whether pursuant to 8 USC 1357(g) or any other law, regulation, agreement, contract or policy, whether formal or informal.

(2) The provisions of this subsection shall not prohibit submission by a law enforcement officer of fingerprints to the Automated Fingerprints Identification system of an arrested individual or the accessing of information from the National Crime Information Center by a law enforcement officer concerning an arrested individual.

(c) Prior to responding to a request for notification of [an individual's] the release date and time from custody of a law enforcement agency of an individual suspected of violating a federal immigration law or who has been issued a final order of removal, the law enforcement officer shall forward the request to the head of the law enforcement agency for review.

Sec. 3. Subsection (e) of section 54-192h of the general statutes, as amended by section 1 of public act 19-20, is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(e) (1) Upon receiving a civil immigration detainer, a law enforcement agency shall provide a copy of the detainer to the affected individual who is the subject of the detainer and inform the individual whether the law enforcement agency intends to comply with the detainer. If a law enforcement agency provides ICE with notification that an individual is being, or will be released on a certain date, the law enforcement agency shall promptly provide to the individual and to the individual's attorney or shall make a good faith effort to contact one other individual who the individual may designate, a copy of such

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notification as well as the reason, in writing, that such law enforcement agency is complying with the detainer.

(2) All records relating to ICE access maintained by law enforcement agencies shall be deemed public records under the Freedom of Information Act, as defined in section 1-200. Records relating to ICE access include, but are not limited to, data maintained by the law enforcement agency regarding the number and demographic data of individuals to whom the agency has provided ICE access, the date ICE access was provided to an individual, the type of ICE access provided to an individual, the amount of resources expended on providing ICE access and any communication between the law enforcement agency and any federal immigration authority. No provision of this section shall be construed to require disclosure of any record exempt from disclosure under section 1-210 or 1-215.

(3) Beginning January 1, 2020, the legislative body of any municipality with a law enforcement agency that has provided ICE access to an individual during the prior [month] six months shall provide to the Office of Policy and Management, on an ongoing [monthly] basis every six months, data regarding the number and demographic data of individuals to whom the law enforcement agency has provided ICE access, the date ICE access was provided to an individual and whether the ICE access was provided as part of compliance with a civil immigration detainer or through other means. Data may be provided in the form of statistics or, if statistics are not maintained, as individual records, provided personally identifiable information is redacted.

Approved June 18, 2019