OLR Bill Analysis
SB 1115 (File 767, as amended by Senate "A")*

AN ACT CONCERNING A STUDY OF THE STATE’S CIVIL LAWS.

SUMMARY
This bill makes several changes to the state’s civil immigration detainer law as amended by sSB 992, as amended by Senate amendments “A” and “K” (hereinafter, “sSB 992”).

Among other things, sSB 992 prohibits law enforcement officers (including bail commissioners and adult probation officers) and school police or security department employees from arresting or detaining someone pursuant to a civil immigration detainer unless it is accompanied by a judicial warrant.

This bill:

1. applies the prohibition to judicial branch intake, assessment, and referral specialists;

2. continues to subject bail commissioners to the prohibition, but no longer classifies them as law enforcement officers;

3. allows an individual to be arrested and detained pursuant to such an immigration detainer without a judicial warrant if the individual (a) has been convicted of a class A or B felony or (b) is identified as a possible match in the federal Terrorist Screening Database or similar database;

4. allows such state and local officials to give a federal immigration authority access to interview an individual in custody under the circumstances described above in addition to when the individual is the subject of certain U.S. district court orders;

5. requires a law enforcement agency that provided Immigration
and Customs Enforcement (ICE) with information on an individual’s release, to make a good faith attempt to contact the person the individual designates to be notified of such;

6. specifies that its disclosure-related provisions must not be construed to require disclosure of any record that is exempt under the Freedom of Information Act (FOIA); and

7. requires municipalities to report specified information every six months, instead of monthly, to the Office of Policy and Management (OPM), if their law enforcement agency provided ICE access.

"Senate Amendment “A” strikes the underlying bill, which concerned a working group to study the state’s civil laws, and replaces it with provisions that amend sSB 992 concerning the state’s civil immigration detainer law.

EFFECTIVE DATE: October 1, 2019

CIVIL IMMIGRATION DETAINER

Current Law’s Risk Factors

sSB 992 eliminates current law’s requirement that law enforcement officers not detain someone pursuant to a civil immigration detainer unless any of seven public safety and risk factors exist. These include when the individual (1) has any felony conviction or (2) is a match in certain databases, including a possible match in the federal Terrorist Screening Database. This bill allows law enforcement officers (including adult probation officers); school police or security department employees; bail commissioners; and judicial branch intake, assessment, and referral specialists to arrest or detain an individual under such a detainer without a judicial warrant if the individual (1) has been convicted of a class A or B felony or (2) is identified as a possible match in the federal Terrorist Screening Database or similar database.

ICE Access to Interview an Individual in Custody

sSB 992 prohibits law enforcement officers (including adult
probation officers), school police or security department employees, and bail commissioners from giving a federal immigration authority access to interview an individual in their custody. This bill allows them, along with judicial branch intake, assessment, and referral specialists, to give such access if the individual:

1. has been convicted of a class A or B felony,

2. is identified as a possible match in the federal Terrorist Screening Database or similar database, or

3. is the subject of a U.S. district court order to comply with an immigration officer’s subpoena.

**Release Notification**

SB 992 requires a law enforcement agency that provides ICE with notification that an individual is being, or will be, released on a certain date, to promptly provide to the individual and to the individual’s attorney or one other person the individual designates, a copy of the notification. This bill requires law enforcement to make a good faith attempt to contact the designated person.

Under SB 992, before responding to a request for notification of an individual’s release from the agency’s custody, a law enforcement officer must first forward any such request to the head of the law enforcement agency. This bill specifies that the requested notification pertains to the release of an individual suspected of violating a federal immigration law or who has been issued a final order of removal.

**RECORDS EXEMPT FROM DISCLOSURE UNDER FOIA**

Under SB 992, all records law enforcement agencies maintain relating to ICE access are deemed public records under FOIA (e.g., any communication between the law enforcement agency and a federal immigration authority regarding dates and times of an individual’s probation or parole).

This bill specifies that it must not be construed to require disclosure of any record that is exempt under FOIA.
LAW ENFORCEMENT AGENCIES’ REPORTING TO OPM

Under sSB 992, the legislative body of any municipality with a law enforcement agency that provided ICE access to an individual during the prior month must, starting January 1, 2020, and monthly thereafter, provide to OPM:

1. data on the number and demographic characteristics of individuals to whom the agency provided ICE access,

2. the date ICE access was provided, and

3. whether the ICE access was provided as part of compliance with a civil immigration detainer or through other means.

This bill requires such municipalities, instead, to do this reporting every six months using data for the previous six months.

COMMITTEE ACTION
Judiciary Committee

Joint Favorable
Yea 25  Nay 13  (04/08/2019)