

OFFICE OF LEGISLATIVE RESEARCH  
PUBLIC ACT SUMMARY



**PA 19-23—SB 1115**

*Judiciary Committee*

**AN ACT CONCERNING AMENDMENTS TO THE TRUST ACT**

**SUMMARY:** This act makes several changes to the state's civil immigration detainer law as amended by PA 19-20.

Among other things, PA 19-20 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 act:

1. additionally prohibits judicial branch intake, assessment, and referral specialists from taking such actions;
2. allows the officials subject to the prohibition to arrest or detain an individual pursuant to 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;
3. 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;
4. specifies that a law enforcement agency that provides Immigration and Customs Enforcement (ICE) with information on an individual's release, must make a good faith attempt to contact the person the detained individual has designated if the agency does not contact the detained individual or his or her attorney;
5. 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);
6. 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 to an individual; and
7. makes other minor and conforming changes (e.g., no longer classifies bail commissioners as law enforcement officers, but continues to subject them to the detainer-related prohibitions).

**EFFECTIVE DATE:** October 1, 2019

**CIVIL IMMIGRATION DETAINER**

*Risk Factors*

## OLR PUBLIC ACT SUMMARY

PA 19-20 eliminates prior 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 act instead 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*

PA 19-20 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 act 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*

PA 19-20 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 the individual and the individual's attorney, or one other person the individual designates, a copy of the notification. This act requires law enforcement to make a good faith attempt to contact the designated person.

Under PA 19-20, 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 act specifies that this requirement only applies when the detained individual is suspected of violating a federal immigration law or has been issued a final order of removal.

## RECORDS EXEMPT FROM DISCLOSURE UNDER FOIA

Under PA 19-20, 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 act specifies that PA 19-20 must not be construed to require disclosure of any record

## OLR PUBLIC ACT SUMMARY

that is exempt from disclosure under FOIA.

### LAW ENFORCEMENT AGENCIES' REPORTING TO OPM

Under PA 19-20, 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 act requires these municipalities to instead do this reporting every six months using data for the previous six months.