



General Assembly

January Session, 2019

***Raised Bill No. 992***

LCO No. 5102



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING THE TRUST ACT.***

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

1 Section 1. Section 54-192h of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 (a) For the purposes of this section:

4 (1) "Administrative warrant" means a warrant, notice to appear,  
5 removal order or warrant of deportation issued by an agent of a  
6 federal agency charged with the enforcement of immigration laws or  
7 the security of the borders, including ICE and the United States  
8 Customs and Border Protection, but does not include a warrant issued  
9 or signed by a judicial officer.

10 (2) "Civil immigration detainer" means a [detainer request issued  
11 pursuant to 8 CFR 287.7] request from federal immigration authorities  
12 to local or state law enforcement agencies for purposes including, but  
13 not limited to:

14 (A) Detaining a person suspected of violating federal immigration

15 laws or who has been issued a final order of removal;

16 (B) Facilitating the arrest or transfer of an individual to the custody  
17 of a federal immigration authority;

18 (C) Providing notification of the release date and time of an  
19 individual in custody; and

20 (D) Notifying a law enforcement officer, through DHS Form I-247A,  
21 or any other form used by the United States Department of Homeland  
22 Security or any successor agency thereto, of the federal immigration  
23 authority's intent to take custody of a person;

24 [(2) "Convicted of a felony" means that a person has been convicted  
25 of a felony, as defined in section 53a-25, pursuant to a final judgment  
26 of guilt entered by a court in this state or in a court of competent  
27 jurisdiction within the United States upon a plea of guilty, a plea of  
28 nolo contendere or a finding of guilty by a jury or the court  
29 notwithstanding any pending appeal or habeas corpus proceeding  
30 arising from such judgment;]

31 (3) "Confidential information" means any information obtained and  
32 maintained by a law enforcement agency relating to (A) an  
33 individual's (i) sexual orientation, (ii) status as a victim of domestic  
34 violence or sexual assault, or (iii) immigration status, (B) whether such  
35 individual is a (i) crime witness, or (ii) recipient of public assistance, or  
36 (C) an individual's income tax or other financial records, including, but  
37 not limited to, Social Security numbers;

38 [(3)] (4) "Federal immigration authority" means any officer,  
39 employee or other person otherwise paid by or acting as an agent of  
40 [United States Immigration and Customs Enforcement] ICE or any  
41 division thereof or any officer, employee or other person otherwise  
42 paid by or acting as an agent of the United States Department of  
43 Homeland Security or any successor agency thereto who is charged  
44 with enforcement of the civil provisions of the Immigration and  
45 Nationality Act; [and]

46 (5) "ICE" means United States Immigration and Customs  
47 Enforcement or any successor agency thereto;

48 (6) "ICE access" means that when an individual is stopped with or  
49 without their consent, arrested, detained or otherwise under the  
50 control of the law enforcement agency, any of the following actions by  
51 a law enforcement officer:

52 (A) Responding to a civil immigration detainer or notification  
53 request concerning such individual;

54 (B) Providing notification to a federal immigration authority that  
55 such individual is being or will be released at a certain date and time  
56 through data sharing or otherwise;

57 (C) Providing a federal immigration authority nonpublicly available  
58 information concerning such individual regarding release dates, home  
59 addresses or work addresses, whether obtained through computer  
60 databases or otherwise;

61 (D) Allowing a federal immigration authority to interview such  
62 individual in law enforcement custody;

63 (E) Allowing a federal immigration authority to use a facility or  
64 resources in the control of a law enforcement agency to conduct  
65 interviews, administrative proceedings or other immigration  
66 enforcement activities concerning such individual; or

67 (F) Providing a federal immigration authority information  
68 regarding dates and times of probation or parole supervision or any  
69 other information related to such individual's compliance with the  
70 terms of probation and parole;

71 (7) "Judicial officer" means any judge of the state or federal judicial  
72 branches other than an immigration judge;

73 (8) "Law enforcement agency" means any agency for which a law  
74 enforcement officer is an employee of or otherwise paid by or acting as

75 an agent of;

76 [(4)] (9) "Law enforcement officer" means:

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

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

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

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

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

90 (b) No law enforcement officer [who receives a civil immigration  
91 detainer with respect to an individual who is in the custody of the law  
92 enforcement officer shall detain such] or employee of a school police or  
93 security department shall:

94 (1) Detain an individual pursuant to [such] a civil immigration  
95 detainer unless the [law enforcement official determines that the  
96 individual:] detainer is accompanied by a warrant issued or signed by  
97 a judicial officer;

98 [(1) Has been convicted of a felony;

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

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

102 (4) Is identified as a known gang member in the database of the  
103 National Crime Information Center or any similar database or is  
104 designated as a Security Risk Group member or a Security Risk Group  
105 Safety Threat member by the Department of Correction;

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

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

110 (7) Presents an unacceptable risk to public safety, as determined by  
111 the law enforcement officer]

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

117 (3) Arrest or detain an individual based on a civil immigration  
118 detainer or an administrative warrant;

119 (4) Give a federal immigration authority access to interview an  
120 individual in agency or department custody for immigration  
121 enforcement purposes;

122 (5) Perform any function of a federal immigration authority,  
123 whether pursuant to 8 USC 1357(g) or any other law, regulation,  
124 agreement or contract or policy, whether formal or informal; or

125 (6) Expend or use time, money, facilities, property, equipment,  
126 personnel or other resources to investigate, enforce or assist in the  
127 investigation or enforcement of any federal program requiring  
128 registration of individuals on the basis of race, gender, age, sexual  
129 orientation, religion, country from which the individual has  
130 immigrated or national or ethnic origin.

131 [(c) Upon determination by the law enforcement officer that such  
132 individual is to be detained or released, the law enforcement officer  
133 shall immediately notify United States Immigration and Customs  
134 Enforcement. If the individual is to be detained, the law enforcement  
135 officer shall inform United States Immigration and Customs  
136 Enforcement that the individual will be held for a maximum of forty-  
137 eight hours, excluding Saturdays, Sundays and federal holidays. If  
138 United States Immigration and Customs Enforcement fails to take  
139 custody of the individual within such forty-eight-hour period, the law  
140 enforcement officer shall release the individual. In no event shall an  
141 individual be detained for longer than such forty-eight-hour period  
142 solely on the basis of a civil immigration detainer.]

143 (c) Prior to responding to any request for notification of an  
144 individual's release date and time from custody of a law enforcement  
145 agency, the law enforcement officer shall forward the request to the  
146 head of such law enforcement agency for review.

147 (d) Any confidential information of an individual who comes into  
148 contact with a law enforcement official may be disclosed to a federal  
149 immigration authority only if such disclosure is:

150 (1) Authorized in writing by the individual to whom the  
151 information pertains, or by the parent or guardian of such individual if  
152 the individual is a minor or not legally competent to consent to such  
153 disclosure;

154 (2) Necessary in furtherance of a criminal investigation of potential  
155 terrorism; or

156 (3) Otherwise required by law.

157 (e) (1) Upon receiving any civil immigration detainer, a law  
158 enforcement agency shall provide a copy of the detainer to the affected  
159 individual and inform him or her whether the law enforcement agency  
160 intends to comply with the detainer. If a law enforcement agency  
161 provides ICE with notification that an individual is being, or will be

162 released on a certain date, the law enforcement agency shall promptly  
163 provide to the individual and to his or her attorney or one other  
164 person who the individual may designate a copy of such notification  
165 as well as the reason, in writing, such law enforcement agency is  
166 complying with the detainer.

167 (2) All records relating to ICE access maintained by law enforcement  
168 agencies shall be deemed public records under the Freedom of  
169 Information Act, as defined in section 1-200. Records relating to ICE  
170 access include, but are not limited to, data maintained by the law  
171 enforcement agency regarding the number and demographic  
172 characteristics of individuals to whom the agency has provided ICE  
173 access, the date ICE access was provided to an individual, the type of  
174 ICE access provided to an individual, the amount of resources  
175 expended on providing ICE access and any communication between  
176 the law enforcement agency and any federal immigration authority.

177 (3) Beginning January 1, 2020, the legislative body of any  
178 municipality with a law enforcement agency that has provided ICE  
179 access to an individual during the past month shall provide to the  
180 Office of Policy and Management, on an ongoing monthly basis, data  
181 regarding the number and demographic characteristics of individuals  
182 to whom the law enforcement agency has provided ICE access, the  
183 date ICE access was provided to an individual and whether the ICE  
184 access was provided as part of compliance with a civil immigration  
185 detainer or through other means. Data may be provided in the form of  
186 statistics or, if statistics are not maintained, as individual records,  
187 provided personally identifiable information is redacted.

188 (f) The Office of Policy and Management shall ensure that the  
189 requirements provided in this section are disseminated to, and  
190 appropriate training is provided for, all affected law enforcement  
191 agencies and school police or security departments and employees and  
192 agents of such law enforcement agencies and school police or security  
193 departments. Such training may entail how law enforcement officers  
194 and other officials performing similar duties shall adhere to the

195 provisions of this section and how they will interact with crime  
196 victims, potential criminal suspects and individuals cooperating with  
197 law enforcement officers.

198 (g) No provision of this section shall be construed to provide,  
199 expand or ratify the legal authority of any law enforcement agency to  
200 detain an individual based upon a civil immigration detainer request.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	54-192h

**Statement of Purpose:**

To foster trust between residents and city and state officials and ensure public safety.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*