



General Assembly

January Session, 2019

Raised Bill No. 993

LCO No. 5073



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING LOCAL AND STATE COOPERATION IN THE ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

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 Section 54-192h of the general statutes is repealed and the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) "Civil immigration detainer" means a detainer request issued
5 pursuant to 8 CFR 287.7;

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

13 [(3)] (2) "Federal immigration authority" means any officer,
14 employee or other person otherwise paid by or acting as an agent of
15 United States Immigration and Customs Enforcement or any division

16 thereof or any officer, employee or other person otherwise paid by or
17 acting as an agent of the United States Department of Homeland
18 Security who is charged with enforcement of the civil provisions of the
19 Immigration and Nationality Act; and

20 [(4)] (3) "Law enforcement officer" means:

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

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

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

28 (D) Each judicial marshal and state marshal.

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

34 (1) Has been convicted of a felony;

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

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

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

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

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

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

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

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

Statement of Purpose:

To ensure that local and state officials are fully cooperating with law enforcement personnel in the enforcement of federal immigration law.

[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.]