



General Assembly

January Session, 2019

## Amendment

LCO No. 7494



Offered by:

SEN. FASANO, 34<sup>th</sup> Dist.  
SEN. WITKOS, 8<sup>th</sup> Dist.  
SEN. BERTHEL, 32<sup>nd</sup> Dist.  
SEN. BIZZARRO, 6<sup>th</sup> Dist.  
SEN. CHAMPAGNE, 35<sup>th</sup> Dist.  
SEN. FORMICA, 20<sup>th</sup> Dist.  
SEN. HWANG, 28<sup>th</sup> Dist.

SEN. KELLY, 21<sup>st</sup> Dist.  
SEN. KISSEL, 7<sup>th</sup> Dist.  
SEN. LOGAN, 17<sup>th</sup> Dist.  
SEN. MARTIN, 31<sup>st</sup> Dist.  
SEN. MINER, 30<sup>th</sup> Dist.  
SEN. SAMPSON, 16<sup>th</sup> Dist.  
SEN. SOMERS, 18<sup>th</sup> Dist.

To: Subst. Senate Bill No. 992

File No. 535

Cal. No. 244

### **"AN ACT CONCERNING THE TRUST ACT."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

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 Section 54-192h of the general statutes is repealed and the  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

5 (a) For the purposes of this section:

6 (1) "Civil immigration detainer" means a [detainer request issued  
7 pursuant to 8 CFR 287.7;] request from a federal immigration authority  
8 to a local or state law enforcement agency for a purpose including, but  
9 not limited to:

10 (A) Detaining an individual suspected of violating a federal  
11 immigration law or who has been issued a final order of removal;

12 (B) Facilitating the (i) arrest of an individual by a federal  
13 immigration authority, or (ii) transfer of an individual to the custody  
14 of a federal immigration authority;

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

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

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

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

35 [(3)] (4) "Federal immigration authority" means any officer,  
36 employee or other person otherwise paid by or acting as an agent of  
37 [United States Immigration and Customs Enforcement] ICE or any  
38 division thereof or any officer, employee or other person otherwise  
39 paid by or acting as an agent of the United States Department of  
40 Homeland Security or any successor agency thereto who is charged

41 with enforcement of the civil provisions of the Immigration and  
42 Nationality Act; [and]

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

45 (6) "ICE access" means any of the following actions taken by a law  
46 enforcement officer with respect to an individual who is stopped by a  
47 law enforcement officer with or without the individual's consent,  
48 arrested, detained or otherwise under the control of a law enforcement  
49 official or agency:

50 (A) Responding to a civil immigration detainer or request for  
51 notification pursuant to subparagraph (B) of this subdivision  
52 concerning such individual;

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

56 (C) Providing a federal immigration authority nonpublicly available  
57 information concerning such individual regarding release date or time,  
58 home address or work address, whether obtained through a computer  
59 database or otherwise;

60 (D) Allowing a federal immigration authority to interview such  
61 individual under the control of the law enforcement agency;

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

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

70     ~~(7)~~ "Law enforcement agency" means any agency for which a law  
71 enforcement officer is an employee of or otherwise paid by or acting as  
72 an agent of; and

73     ~~[(4)]~~ ~~(8)~~ "Law enforcement officer" means:

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

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

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

81     (D) Each judicial marshal, ~~[and]~~ state marshal, bail commissioner  
82 and adult probation officer.

83     (b) No law enforcement officer who receives a civil immigration  
84 detainer with respect to an individual who is in the custody of the law  
85 enforcement officer shall detain such individual pursuant to such civil  
86 immigration detainer unless the law enforcement official determines  
87 that the individual [;]

88     ~~[(1) Has]~~ has been convicted of a felony. [;]

89     ~~[(2) Is subject to pending criminal charges in this state where bond~~  
90 ~~has not been posted;~~

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

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

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

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

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

102 (c) Upon determination by the law enforcement officer that such  
103 individual is to be detained or released, the law enforcement officer  
104 shall immediately notify United States Immigration and Customs  
105 Enforcement. If the individual is to be detained, the law enforcement  
106 officer shall inform United States Immigration and Customs  
107 Enforcement that the individual will be held for a maximum of forty-  
108 eight hours, excluding Saturdays, Sundays and federal holidays. If  
109 United States Immigration and Customs Enforcement fails to take  
110 custody of the individual within such forty-eight-hour period, the law  
111 enforcement officer shall release the individual. In no event shall an  
112 individual be detained for longer than such forty-eight-hour period  
113 solely on the basis of a civil immigration detainer.

114 (d) Prior to responding to a request for notification of an  
115 individual's release date and time from custody of a law enforcement  
116 agency, the law enforcement officer shall forward the request to the  
117 head of the law enforcement agency for review.

118 (e) Any confidential information of an individual who comes into  
119 contact with a law enforcement officer may be disclosed to a federal  
120 immigration authority only if such disclosure is:

121 (1) Authorized in writing by the individual to whom the  
122 information pertains, or by the parent or guardian of such individual if  
123 the individual is a minor or not legally competent to consent to such  
124 disclosure;

125 (2) Necessary in furtherance of a criminal investigation of potential  
126 terrorism; or

127 (3) Otherwise required by law.

128 (f) (1) Upon receiving a civil immigration detainer, a law  
129 enforcement agency shall provide a copy of the detainer to the affected  
130 individual who is the subject of the detainer and inform the individual  
131 whether the law enforcement agency intends to comply with the  
132 detainer. If a law enforcement agency provides ICE with notification  
133 that an individual is being, or will be released on a certain date, the  
134 law enforcement agency shall promptly provide to the individual and  
135 to the individual's attorney or one other individual who the individual  
136 may designate, a copy of such notification as well as the reason, in  
137 writing, that such law enforcement agency is complying with the  
138 detainer.

139 (2) All records relating to ICE access maintained by law enforcement  
140 agencies shall be deemed public records under the Freedom of  
141 Information Act, as defined in section 1-200. Records relating to ICE  
142 access include, but are not limited to, data maintained by the law  
143 enforcement agency regarding the number and demographic data of  
144 individuals to whom the agency has provided ICE access, the date ICE  
145 access was provided to an individual, the type of ICE access provided  
146 to an individual, the amount of resources expended on providing ICE  
147 access and any communication between the law enforcement agency  
148 and any federal immigration authority.

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

160 (g) The Office of Policy and Management shall ensure that the

161 requirements of this section are disseminated to, and appropriate  
162 training is provided for, all affected law enforcement agencies and  
163 school police or security departments and employees and agents of  
164 such law enforcement agencies and school police or security  
165 departments. Such training may entail how law enforcement officers  
166 and other officials performing similar duties will adhere to the  
167 provisions of this section and how they will interact with crime  
168 victims, potential criminal suspects and individuals cooperating with  
169 law enforcement officers."

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