REP. STAFSTROM (129TH): [Gavel] Good morning, everyone. I'd like to call to order the Judiciary Committee public hearing for Friday, March 8. I will turn it over to Representative Palm for the safety announcements.

REP. PALM (36TH): Good morning, everyone. It's my honor to read these. In the interest of safety, I would ask that you note the location of and access to the exits in this hearing room. The two doors through which you entered the room are the emergency exits and are marked with exit signs. In the event of an emergency, please walk quickly to the nearest exit. After exiting the room, proceed to the main stairs or follow the exit signs to one of the fire stairs. Please quickly exit the building and follow any instructions from the Capitol Police. Do not delay, and don't return unless and until you are advised that it's safe to do so. And in the event of a lockdown announcement, please remain in the
hearings room, stay away from the exit doors, and seek concealment behind desks and chairs until the all-clear announcement is heard. Thank you.

REP. STAFSTROM (129TH): Thank you, Representative. As is our custom, we will devote the first hour of our public hearing to hear from state agency heads and legislators at which point we will alternate between the public -- the official list and the public list. First up, I have Representative Dauphinais, followed by Chief Public Defender Rapillo. And as a reminder to folks, you have three minutes to give a statement. If you've submitted written testimony, it's helpful if you summarize as opposed to read directly from the written statement, and when you hear the bell, we'll ask you to wrap up. Representative.

REP. DAUPHINAIS (44TH): Good morning, esteemed members of the Judicial Committee. I am State Representative Anne Dauphinais from the 44th District, and today I am here to speak in opposition of SB 992, AN ACT CONCERNING THE TRUST ACT, and in support of SB 993, AN ACT CONCERNING LOCAL AND STATE COOPERATION IN THE ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

I oppose SB 992 for several reasons, and I will highlight three of those: one for the violation of federal law, two for the financial burdens and costs to the Connecticut state taxpayers, and three for the public safety risks it put the citizens of Connecticut in. I support SB 993 for several reasons, and I will highlight those as well -- three of those, which are the rule of law. I believe it is a good idea if the local and state of Connecticut officials cooperate with federal law enforcement
personnel in the enforcement of federal immigration law. It is a fact, illegal immigrants have violated our immigration laws, committed a crime, and shouldn't -- should not be rewarded for their behavior. There are millions of people standing in line obeying the rule of law to enter this country legally. There is nothing moral or compassionate about letting millions of people to cut in line in front of those obeying the law.

Financial burdens and costs -- the net financial burden to Connecticut citizens for our state's current illegal policy in north of $1 billion dollars, surely to rise with the passage of this bill. As a state, we don't have two nickels to rub together. Spending $1 billion of charity to illegal aliens to benefit so few, in my opinion, is unwise. One billion is almost 25 percent of our budget deficit.

And public safety -- I believe public safety will improve as Connecticut law enforcement personnel cooperate with federal law enforcement personnel. It is a mathematical fact; we would have less crime in our state if we did not have 120,000 illegal immigrants in our state. Factually, we would have less crime in our communities if we eliminated illegal alien criminals from our population through deportation. Thank you.

REP. STAFSTROM (129TH): Thank you. Questions from the committee? Representative -- Senator Sampson.

SENATOR SAMPSON (16TH): Thank you very much, Mr. Chairman, and thank you for being here, Representative, I appreciate your testimony. Just looking at Senate Bill 992, it looks to me like this
bill simply removes certain people from not being eligible for the current Trust Act, and those people are people that have criminal records, people that are on a known list of terrorists, gang members, that sort of thing. Is it your understanding that that bill helps anyone other than criminals?

REP. DAUPHINAIS (44TH): No, it's not my understanding that it helps any of the citizens of Connecticut who are here trying to live a safe, productive life.

SENATOR SAMPSON (16TH): Right, so this bill is not even about just people that are in the country illegally. This is a bill that actually is targeted to benefit the criminal population among that population.

REP. DAUPHINAIS (44TH): That's how I understand it, yes.

SENATOR SAMPSON (16TH): All right. Thank you very much, Anne, and thank you, Mr. Chairman.


REP. DUBITSKY (47TH): Thank you, Mr. Chairman. Thank you for coming in. I very much appreciate it. Now, do you know what the impetus of -- of 992 is? Do you know why this bill is being put up, or how -- or what benefit, if any, it's supposed to give to the people of this state?

REP. DAUPHINAIS (44TH): I do not.
REP. DUBITSKY (47TH): Okay. With regard to 993, you indicated in your initial remarks that you supported it because, as currently written, our statutes violate federal law, increase cost, and decrease safety. How -- in what ways do -- does our law violate federal law?

REP. DAUPHINAIS (44TH): Well, as I understand it, illegal immigrants are illegal, so that breaks federal law. And us allowing them to stay here breaks federal law.

REP. DUBITSKY (47TH): Okay, and do you know if under federal law states are generally required to cooperate with federal authorities under the Supremacy Clause of the U.S. Constitution.

REP. DAUPHINAIS (44TH): I believe they are.

REP. DUBITSKY (47TH): Okay, and is it your feeling that our law, without 993 -- SB 993, would -- would perpetuate the -- the violation of federal law.

REP. DAUPHINAIS (44TH): Yes.

REP. DUBITSKY (47TH): In what way does it decrease safety, as currently written?

REP. DAUPHINAIS (44TH): As we currently are?

REP. DUBITSKY (47TH): Yes.

REP. DAUPHINAIS (44TH): Well, I think that they are not required to comply with federal law and assist federal law in arresting or detaining illegal immigrants who have done crimes.
REP. DUBITSKY (47TH): Okay. Thank you. Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Thank you. Representative, I guess I -- well first, I don't agree with the premise that people can be illegal. I don't know how a person can be illegal, but moving beyond that, when you talk about violation of federal law, is it your belief that the current Trust Act, which was passed in this state in 2013, violates federal law?

REP. DAUPHINAIS (44TH): Yes.

REP. STAFSTROM (129TH): Okay. Has that been challenged in court?

REP. DAUPHINAIS (44TH): I don't know.

REP. STAFSTROM (129TH): Well, if it violates the law, then -- and it's been in effect for about six years, don't you think somebody would've challenged it in court?

REP. DAUPHINAIS (44TH): You would think.

REP. STAFSTROM (129TH): You cited the Supremacy Clause. What specifically about the Supremacy Clause do you believe would invalidate our current Trust Act?

REP. DAUPHINAIS (44TH): Well, we're currently not detaining criminals that are known to be illegal immigrants, correct? Is that -- I mean that's as I understand that.

REP. DAUPHINAIS (44TH): Yeah.

REP. STAFSTROM (129TH): Is that your testimony that we are not doing it?

REP. DAUPHINAIS (44TH): That's -- that's my belief is that we do not detain them and that we don't hold them.

REP. STAFSTROM (129TH): Okay. Are you aware that under the Trust Act there's actually seven -- the current Trust Act, there are seven circumstances in which immigrants can be detained?

REP. DAUPHINAIS (44TH): No.

REP. STAFSTROM (129TH): Okay. Are you aware that DOC has a policy to enforce three of those seven conditions?

REP. DAUPHINAIS (44TH): I believe I am, yes.

REP. STAFSTROM (129TH): But it's your belief DOC is not enforcing any of those seven -- any of those three -- any of those seven?

REP. DAUPHINAIS (44TH): I believe they're not supported by the state of Connecticut to enforce those laws.

REP. STAFSTROM (129TH): But are they enforcing that law?

REP. DAUPHINAIS (44TH): I am not aware of any particular case.
REP. STAFSTROM (129TH): Okay. All right. Thank you. Further questions from the committee? Representative Palm.

REP. PALM (36TH): Good morning. Thank you for being here to testify. Do you believe that public policy should flow from data?

REP. DAUPHINAIS (44TH): Public -- can you explain that?

REP. PALM (36TH): Yes. Do you believe that lawmaking should be -- that the premise for lawmaking should be based on factual input that we receive and that our -- that data bears out the legitimacy of enacting a law or repealing a law?

REP. DAUPHINAIS (44TH): Well, I believe that we look at many forms of data to determine laws, if that's what you're asking me?

REP. PALM (36TH): Okay, and in looking at them, do you believe we should take them strongly into consideration when casting votes?

REP. DAUPHINAIS (44TH): I think it depends on where the data's coming from.

REP. PALM (36TH): So, the reason I'm asking is that the Trust Act does, among many things, three things in particular. It requires data. It requires a review process, and it requires the -- or it suggests that police should be trained in -- in understanding what the law is. So, my question is, if we have the means to educate one another, our lawmakers, our policymakers, our citizenry, don't
you think that's a valid thing? Because that would be repealed.

REP. DAUPHINAIS (44TH): To educate us?

REP. PALM (36TH): Mm-hmm.

REP. DAUPHINAIS (44TH): I think we're -- I think lawmakers are always open to being educated.

REP. PALM (36TH): And in the Trust Act though, there is a -- there is a reporting process and there is actually a requirement for data, which would be undone.

REP. DAUPHINAIS (44TH): I'm not sure I'm following what you're saying.

REP. PALM (36TH): Okay. I'm talking about SB 992. So, in the Trust Act, among the things that it requires would be law enforcement should report data. On interactions with federal immigration enforcement, they would be required to report to OPM. It would require that the state make sure that police understand and are given training on changes to the law and provisions like that. Those to me are provisions that are designed to make sure that decisions that we make are based on data, are based on real, true, quantifiable facts, and I believe that that's important. So, I wondering how you stand -- where you stand on that?

REP. DAUPHINAIS (44TH): Well, I always believe it's important to look at data, and I would look at where it's coming from and the validity of the data.

REP. PALM (36TH): But would you be concerned if this -- these requirements were taken away?
REP. DAUPHINAIS (44TH): To look at data?

REP. PALM (36TH): Mm-hmm.

REP. DAUPHINAIS (44TH): I guess I'm not sure what you're asking me. You're saying that they would take away the requirements to look at data. And again, I would -- it would be determined on what data you're asking them to take away.

REP. PALM (36TH): All right. Well, I mean, my point in bringing it up is I believe that our responsibility is to make sure that we are informed and that we inform others. And what I understand, the importance of the Trust Act, among the important things, are that there is this accountability, these provisions that ultimately are about accountability.

REP. DAUPHINAIS (44TH): Yes.

REP. PALM (36TH): Okay. Thanks.


REP. LUXENBERG (12TH): Thank you, Mr. Chair. Through you, just a question. You had mentioned a cost associated with one of these bills. I think at one point you mentioned one-dollar figure, at another point you mentioned something like a billion dollars. And I'm just wondering. I don't -- I don't have the fiscal note in front of me. I'm just wondering where you're getting the information that any legislation before us today would come with a billion-dollar price tag.
REP. DAUPHINAIS (44TH):  I don't have my sources here, but I can certainly provide those for you. It was just information that looks back, I think, with an array of costs to the state.

REP. LUXENBERG (12TH):  Thank you, and through you, Mr. Chair, I'm just -- I'm a little concerned about that because you referenced it in the context of the state budget, and our state budget challenges, and billions of dollars. And many of the studies I've looked at that have tried to engage in a very complex economic analysis, where they weigh the economic benefits of undocumented folks that are living in our state, working in our state, paying taxing in our state, and contributing to the state's economy. Those data points get weighed against the cost of certain services that our provided to those folks, and in many cost-benefit analyses I've seen, the numbers seem to indicate that folks that are living here actually contribute greatly to our economy much -- and it's actually a net positive in terms of a variety of economic factors for all people who live in this state. And so, when you come to testify in front of us and you say there's a billion-dollar cost, but there's no fiscal note on the bill that has a billion dollars and there's no documentation for a claim that there's a billion-dollar cost, it makes me concerned. And I'm just wondering if you could -- have you looked at any of that information and if you could provide any additional detail to the committee, I think it would -- it would help us, as adversaries?

REP. DAUPHINAIS (44TH):  I will. I was referring to education, healthcare, the justice system, public assistance, and general government services. I
don't have the sources here, but I have a chart. So, I will -- I will provide that.

REP. LUXENBERG (12TH): Okay, and did that study include taxes that those folks paid as well and ways in which they contributed, or is it just looking at the cost without looking at any of the economic benefits?

REP. DAUPHINAIS (44TH): I don't have that number here.

REP. LUXENBERG (12TH): Okay. All right. Well, thank you very much for answering my questions. Thank you, Mr. Chairman, for your indulgence.

REP. STAFSTROM (129TH): Thank you, Representative. Further questions? Representative Dubitsky for the second time.

REP. DUBITSKY (47TH): Thank you, Mr. Chairman. I believe you testified with regard to 993 that the only people affected are criminals. Is that right?

REP. DAUPHINAIS (44TH): Yes, I was referring to the criminals.

REP. DUBITSKY (47TH): Okay, and do you know when -- when the fiscal note is generated on a bill, do you know if the crimes committed by these criminals is taken into account when they put together a fiscal note, or is it simply taxes, services, and things like that?

REP. DAUPHINAIS (44TH): I'm assuming that the criminals aren't noted in that, but I'm -- I'm not sure. They weren't mentioned.
REP. DUBITSKY (47TH): All right. Well, in my understanding is that when -- when a fiscal note is generated, they don't look at victims, and they don't account for the cost to the people who have been victimized by criminals. And that this -- because this bill only addresses criminals and not the general population of illegal aliens, that it would -- that those costs would be factored in but not shown on a fiscal note. Do you think that's right?

REP. DAUPHINAIS (44TH): Yeah. Yes, I do.

REP. DUBITSKY (47TH): Okay. Thank you. Thank you, Mr. Chairman.


REP. DAUPHINAIS (44TH): Thank you.

REP. STAFSTROM (129TH): Next up will be Christine Rapillo, the chief public defender, followed by Mayor Jay Moran of Manchester. Attorney Rapillo, welcome.

CHRISTINE RAPILLO: Good morning, members of the Judiciary Committee. I'm Christine Rapillo. I'm a chief public defender for the state of Connecticut. I have submitted testimony on Senate Bill 922, AN ACT CONCERNING THE TRUST ACT, and I'm going to speak briefly on Senate Bill 948, AN ACT CONCERNING THE RECOMMENDATIONS OF THE SENTENCING COMMISSION WITH RESPECT TO MISDEMEANOR SENTENCES.
This is a bill that would impact predominantly people who have legal status, who are in Connecticut, as I said, living legally who have minor scrapes with the law and end up in court with misdemeanor offenses. Currently, federal law describes as an aggravated felony any offense that carries a maximum sentence of a year or above, and in Connecticut, a misdemeanor sentence is anything with a sentence of a year or below. So, what this would do by reducing the maximum sentence for misdemeanors to 364 days, it would give full faith and credit to the intent of this Connecticut Legislature to classify these offenses as misdemeanors by definition, more minor offenses, and allow people coming into court to rely on the fact that they're misdemeanor sentences. The Sentencing Commission has conducted, it's a -- I guess bipartisan isn't really the right word 'cause it's not legislative, but it consists -- it's very multidisciplinary. It consists of judges, prosecutors, law enforcement, and this is a recommendation that came out of the Sentencing Commission because they thought that it was important that people who come into court can rely on their decisions to plead to a charge and understand what the consequences and the collateral consequences are going to be. So, I would urge the committee to look favorably upon this bill, and I'm happy to answer any questions about any of my testimony.

REP. STAFSTROM (129TH): Thank you, Attorney Rapillo. So, you are a member -- you or a designee from your office is a member of the Sentencing Commission?
CHRISTINE RAPILLO: I'm a member of the Sentencing Commission, yes.

REP. STAFSTROM (129TH): Okay, and I believe we're gonna have some testimony from them later, but how many members are there in the Sentencing Commission?

CHRISTINE RAPILLO: I don't know the exact number, but there's around 20.

REP. STAFSTROM (129TH): Okay, and you said it was judges, prosecutors, public defenders.

CHRISTINE RAPILLO: There's law enforcement members, the Board of Pardons and Paroles --

REP. STAFSTROM (129TH): Victims' advocates.

CHRISTINE RAPILLO: Victims' advocate has a seat on the Sentencing Commission, yes.

REP. STAFSTROM (129TH): Okay. So, basically, most all of the stakeholders within the criminal justice communities.

CHRISTINE RAPILLO: Yes, and those of us who don't often agree on anything, so -- it's a great group when we can come up with something that we all agree on.

REP. STAFSTROM (129TH): And this is a -- and the bill before us, 948, is a collaborative agreement from all of those stakeholders?

CHRISTINE RAPILLO: That's correct.
REP. STAFSTROM (129TH): Okay, and the effect of it would be to reduce misdemeanor sentences by a day, which would take certain offenses, which are deportable under federal law, including crimes involving moral turpitude and aggravated felonies out from under possible deportation rules.

CHRISTINE RAPILLO: That's correct.

REP. STAFSTROM (129TH): Okay. I did a little -- I was doing a little research last night. My understanding is some of the Class A misdemeanors we're talking about includes offenses like -- such as reckless driving or larceny in the fourth degree.

CHRISTINE RAPILLO: That's correct.

REP. STAFSTROM (129TH): Okay. So, the end result of this bill then is somebody who's charged with reckless driving would -- somebody who's living here legally in Connecticut and is charged with reckless driving could still face state consequences for that charge of reckless driving, could still face up to 364 days in prison for a charge of reckless driving, but that offense would not, following the completion of that sentence, be a deportable offense.

CHRISTINE RAPILLO: Correct.


CHRISTINE RAPILLO: Thank you, Representative.
REP. STAFSTROM (129TH): Mayor Jay Moran of Manchester.

MAYOR JAY MORAN: Good morning. Thank you, Mr. Chairman. I'm Jay Moran.

REP. STAFSTROM (129TH): Good morning. Is your microphone on there in front of you?

MAYOR JAY MORAN: I can't see. Hit the little button. There we go. I tell people to do that in my chamber all the time. Sorry. Good morning, and thank you from the great town of Manchester. Representative Luxenberg represents us well. Thank you.

I'm here to talk about immigration in general, my personal experiences with that. We have a very diverse community, and I'm very proud of that -- very welcoming to our mosque, and I got to know the Bangladesh community through and the Muslim community through that mosque. And on a Saturday night last July, I got a phone call from MD Rahman [phonetic], my friend, who said I just watched a news story on Fox 61. They're gonna deport Salma from New Haven. We gotta help her. So, the next morning, I called Congressman Larson's office. To make a long story short, we were in Rosa DeLauro's office a couple days later. And I tell you this story because this woman was a mom. Her son was about to start Quinnipiac in about a month. He is a citizen. Her husband, Anwar, and her came to the country 20 years ago. They are low on the list of priority for immigration. They go every year. They do their paperwork, and then in July/June, she goes in to do her paperwork, they put a bracelet on her, tell her she's gonna be deported. And so, we met
them in Manchester on a Sunday night. She had tears in her eyes. You could tell she was afraid to leave her husband and her son, as he started her college career.

I tell you this story 'cause there's a story of -- there's a human story behind every one of these stories, and we heard some of 'em downstairs earlier. This is a family that's paid their taxes. They've worked hard, and they have -- they just were here doing their best. And they wanted to become -- they want to become citizens. And after a month or so of working hard up to the last minute, the judge was able to listen, and she was not deported. Folks, I'm here to tell you that I've been a mayor for five years. I've been an elected official since 2007, and on a municipal level in Manchester we start every meeting with the Pledge of Allegiance. And it's a great reminder when we're making decisions that we end the Pledge of Allegiance with liberty and justice for all.

The laws have been put forth, the Trust Act and the Misdemeanor Act in front of you, are hoping those -- that everyone have liberty and everyone will have justice here. I hope that as you make decisions this legislative season you remember that pledge of allegiance that we're here to have liberty and justice for all. I thank you for your time. I appreciate your hard work, and anything I can do for you, just gimme a call.

REP. STAFSTROM (129TH): Appreciate it, Mayor. Representative Luxenberg.
REP. LUXENBERG (12TH): Thank you, Mr. Chairman, and thank you, Mayor Moran, for your outstanding leadership on behalf of all of Manchester residents
and for coming to the state capital to stand up for people's civil liberties and civil rights here. We -- we deeply appreciate your leadership and look forward to working collaboratively with you and the town of Manchester to make sure our community and the entire state of Connecticut is a welcoming place for all people. Thank you for being here.

MAYOR JAY MORAN: Thank you, Representative Luxenberg, and thank you for your work for our town.


SENATOR SAMPSON (16TH): Thank you, Mr. Chairman. Thank you, Mr. Mayor, for being here today.

MAYOR JAY MORAN: You're welcome.

SENATOR SAMPSON (16TH): And I appreciate your comments very, very much, and I -- I would just like to make it clear that, you know, sometimes we debate very sensitive public policy in here. And certainly on the subject of immigration it gets to be very sensitive, but one thing I don't want to happen is to have anyone in this room characterize anyone as being uncaring or specifically bigoted towards any population whatsoever -- people that fall on different sides of this issue based on their understanding and respect for the rule of law. When you became a mayor, you -- I mean, you swore an oath to the Constitution, is that right?

MAYOR JAY MORAN: Yes, sir.

SENATOR SAMPSON (16TH): That's right. And our Constitution basically gives the Federal Government
supremacy on the area of immigration. Is that right?

MAYOR JAY MORAN: Correct.

SENATOR SAMPSON (16TH): And you understand that the Trust Act, which is current law in Connecticut, is in direct violation of that clause?

MAYOR JAY MORAN: I don't claim to be a lawyer, so I'm not gonna play one on TV or in front of a microphone.

SENATOR SAMPSON (16TH): And you're here today to testify in favor of Senate Bill 992. Is that right?

MAYOR JAY MORAN: I am not really here to testify. I don't understand 'em well enough to be honest with you, the bills -- I was asked to come because I gave a passionate speech. I only had three minutes, so I couldn't get so passionate here. And I appreciate your comments. I'm not -- I'm not here to characterize anyone, and if that came across that way, I apologize, sir.

SENATOR SAMPSON (16TH): Yeah, I just -- I mean, it's just -- Senate Bill 992 is very specific. The Trust Act is already law, and basically, what it does is it takes and expands that law in ways that essentially give the immunity that's created in the Trust Act that were purposely carved out when the Trust Act was originally passed. And they were carved out for a reason -- because those people are convicted felons, those that have active criminal arrest warrants, those that are on a National Security Threat List as known gang members or terrorists, have already been ordered by an
immigration judge or have been determined to pose an unacceptable risk to public safety by a law enforcement official. So, that's what we're talkin' about here. That bill expands the Trust Act to that population. So, if anyone's gonna come and testify in favor of this bill, be prepared, 'cause I'm gonna ask you a question why you think that people that fit that list ought to be immune from the federal prosecution that is the law of the land, regardless of what we do in Connecticut.

REP. STAFSTROM (129TH): Senator, I'm gonna ask you to direct the questions to the witness before us, if you could and through the Chair.

SENATOR SAMPSON (16TH): Well, I appreciate that, Mr. Chairman, and I don't have any further questions. I just wanted to make sure that the mayor was aware of the legislation that he came to testify in favor of. Thank you, sir.


MAYOR JAY MORAN: Thank you for your time. Thank you.

REP. STAFSTROM (129TH): Next up will be Alex Tsarkov and Sarah Russell with the Connecticut Sentencing Commission. ["Not here yet" in background] Okay. We are going to then move on to our public list, and we're gonna start with Robert Goodrich. Robert Goodrich, followed by Danielle Combs. Robert.

ROBERT GOODRICH: Ready?
REP. STAFSTROM (129TH): Go for it.

ROBERT GOODRICH: All right. My name is Robert Goodrich. I'm here in support of Senate Bill 992 and SB 948. As I said, my name is Robert Goodrich, and I sit here before you in strong support of both of those bills. I do so because I believe every person that lives in our state should be free of the entanglements of anti-immigrant legislation, regulatory guidance, and administrative vagueness that places all of our freedoms at risk.

Currently, our state law makes it possible for members of our immigrant community to be isolated, to be discriminated against, and to have their families destroyed and terrorized by federal or local law enforcement agencies because of their immigration status. So, I'm clearly here not just to talk about the technical aspects of the Trust Act and the bill also known as the 364 Misdemeanor Bill, but also to share personal sentiments and stories about my participation with the immigrant community here in Connecticut.

So, first and foremost, no one can be illegal on stolen land. The other part that I'd like to share or sort of just raise the question of how many here who are sitting on this committee have seen a family separated by the rogue actions of ICE or in this room? How many people on this committee or in this room have had the opportunity to support an immigrant family that has been isolated and discriminated against by local law enforcement agencies? So, in Waterbury this is happening as well. It's happening in all of our cities across the state.
Part of my testimony is a story of a woman in Waterbury who called the police for help. She wasn't a criminal. She was being harassed by her ex-boyfriend. The police arrived at the scene, ascertained that she had a deportation order, the police let the boyfriend go and coerced her to come to the police station while the Waterbury Police Department called the ICE officer and detained her until ICE showed up and took her away from her family and from our community. I know this because we had to Freedom of Information request the actual incident report, which is attached to my testimony. Now those types of stories are happening all across our state. Family separation -- and I'll summarize -- is just not happening at the border, our southern border. It's happening in every community here in Connecticut. So, I strongly urge this committee to support SB 992 and SB 948.

REP. STAFSTROM (129TH): Thank you. Thank you for being here and sharing your story. Questions from the committee? Senator Sampson.

SENATOR SAMPSON (16TH): Thank you, Mr. Chairman, and thank you very much for being here. Just curious if you've actually read through Senate Bill 992?

ROBERT GOODRICH: Yes, parts of it.

SENATOR SAMPSON (16TH): Okay. And you were in the room, so you heard me speaking a moment ago. And you are aware that the Trust Act has been in effect since 2013, right -- oh, 2014, I believe it went into effect?

ROBERT GOODRICH: I am.
SENATOR SAMPSON (16TH): Okay. So, I guess the question I have is that you understand that Senate Bill 992 simply expands the Trust Act to cover people it did not cover to begin with?

ROBERT GOODRICH: Well, I sort of object to your characterization of all these people being criminals -- in reference to ICE detainers also indicating that they're (a) either a criminal or that their immigration status is in question, so.

SENATOR SAMPSON (16TH): Well, I only refer to actual criminals as criminals -- people that are convicted felons. That's who I talked about.

ROBERT GOODRICH: Right, so then you would agree that when incidences of the judicial marshals or local police departments detaining people who aren't criminals should be protected in ways through transparency and accountability, not only by local government but here at the Capitol and through state legislation?

SENATOR SAMPSON (16TH): Yeah, I'm with you on pretty much everything. I mean, I think that's --

ROBERT GOODRICH: So, you support 992 then? [Laughing]

SENATOR SAMPSON (16TH): No, 992 basically says that the Trust Act applies to people that it did not apply to before, and that population includes convicted felons. So, I guess the question is, if you support 992, you are saying that federal authorities and local authorities should not be in the business of prosecuting convicted felons.
ROBERT GOODRICH: I think that those people that you're identifying, holistically, not only is it inaccurate that they're all felons, but they're also being not appropriated the same due process as well as the rights that all of us are afforded. So, they should have that opportunity.

SENATOR SAMPSON (16TH): Sir, you're a member of the public, and I certainly -- I don't wanna give you a hard time. [Background talking] I appreciate you comin' up here, and you're very passionate about what you believe in. I want you to understand that I am very much aligned with you on most of this issue. Look, if I was coming from a foreign country that had significant problems and I had difficulty raising my family or supporting myself, I would be trying to find my way into the United States also, and I would do it illegally if I had to. So, I'm certainly sympathetic to why it happens. What I want you to understand is I am not referring to everyone that's in the country as a criminal, I'm referring to criminals -- by definition, people who are convicted felons who have an active criminal warrant.

ROBERT GOODRICH: And they have rights too, right?

REP. STAFSTROM (129TH): Gentlemen, gentlemen, I need you to not talk over each other for several reasons, not the least of which is we need the transcription equipment to pick this up. So, I would ask you both to take a breath and maybe direct your questions and answers through the Chair.

Thanks.

SENATOR SAMPSON (16TH): Thank you, Mr. Chairman.
REP. STAFSTROM (129TH): I think Senator Sampson was finishing his question. Let's let him finish his question.

SENATOR SAMPSON (16TH): I have only one question. And, through you, Mr. Chairman, I appreciate the witness coming forward, and again, I want him to understand that people in this room, regardless of party, are not interested in going after people just because they're undocumented. We are concerned about the bill that's before us. So, I wanna make sure that you are fully aware that this bill expands these things to specific people that were carved out to begin with. Are you concerned that if the issue of the Trust Act, when it was passed, was to encourage people that are in that population of undocumented folks in our state, to come forward to law enforcement authorities if they're aware of criminal activity? That's the whole point of the "Trust Act." Are you concerned that this bill, expanding those protections to actual criminals, undermines the original Trust Act? Through you, Mr. Chairman.

ROBERT GOODRICH: I think that the addition to the Trust Act, and your question relates to a subjective nature of the current application of the law for residents of Connecticut, only increases the trust if you believe that the police and the courts are there to protect and serve all citizens of Connecticut, including the immigrants here in Connecticut. So, yes, I think the Trust Act, as its proposed to be changed and made stronger, helps our state, does not hurt it.

REP. STAFSTROM (129TH): Senator Sampson again.
SENATOR SAMPSON (16TH): Thank you very much, Mr. Chairman. I guess I have to ask a followup then, which is if we were referring to folks that are not among the illegal immigrant population and they were convicted felons wanted by federal authorities, would you be okay with the local law enforcement detaining them? Through you, Mr. Chairman.

ROBERT GOODRICH: No, but I think -- the answer is no, but I also think that you're -- you're conflating the issue of immigration status with illegality. So, you're confusing the issue here in this forum today. I don't know if you're doin' it purposely, but those two things are not synonymous.

REP. STAFSTROM (129TH): Senator Sampson.

SENATOR SAMPSON (16TH): Thank you, Mr. Chairman. I appreciate that answer, and I promise you, I'm not conflating anything.

ROBERT GOODRICH: Yeah, you're saying illegal immigrants --

REP. STAFSTROM (129TH): Mr. Goodrich, let Senator Sampson finish the question, please.

SENATOR SAMPSON (16TH): Yeah, the bill is very specific about the folks listed. It says the words convicted felon. It's not referring to someone who is wanted by ICE for a detainer. It says convicted felon. It also says people that are on a National Security Threat List. I mean that's the people that we're expanding these protections to, and I just heard you say that you would be okay with detaining
legal American citizens under those circumstances but not illegal aliens.

Okay, let me rephrase the question a different way, Mr. Goodrich. If I was certainly not conflating it, and you knew that for a fact and I was only referring to people that are known terrorists, would you vote to afford them protections? Would you say that this is a good bill? Through you, Mr. Speaker -- or Mr. Chairman.

ROBERT GOODRICH: Yeah, but you're also now conflating the issue of being a terrorist with being an illegal immigrant, and that's not helpful to defining the issue that we're debating here today. So, your question is confusing insofar as it doesn't get to the point of that you're against this bill, no matter what it represents, because of your political ideology, not whether or not it provides safety and security to residents who have different immigrant status than others do. So, I'm sort of perplexed by the confusing nature of his questions, Chair.

REP. STAFSTROM (129TH): Senator Sampson.

SENATOR SAMPSON (16TH): Thank you, Mr. Chairman. I reject your assertion. I've been trying to be as patient and direct and forward with you, talking about the exact words in the bill. And I don't mean to be difficult with a member of the public. I just wanted to make it completely clear what is actually in the bill, and anyone who thinks I'm conflating it should read the bill themselves. You made it quite clear that you believe that people who are in the country illegally should have more rights than people who are because they should not be prosecuted
or detained, being convicted felons or known terrorists. And I'm wondering if the other people watching this share that view. Thank you, Mr. Chair.

REP. STAFSTROM (129TH): Thank you. Further questions? Mr. Goodrich, I'm just curious, do you know whether the bill before us -- whether 992 prevents any law enforcement agency, including DOC or the Judicial Branch from obtaining a judicial warrant in order to hold someone?

ROBERT GOODRICH: No.

REP. STAFSTROM (129TH): If this bill were to become law, the right to obtain a judicial warrant to hold someone would remain the law of the state of Connecticut, correct?

ROBERT GOODRICH: Yes.


ROBERT GOODRICH: Thank you.

REP. STAFSTROM (129TH): Next up, we have Danielle Combs. Welcome, Ms. Combs.

DANIELLE COMBS: Thank you. Esteemed members of the Judiciary Committee, my name is Danielle Combs, and I'm here today in support of Senate Bill 991. For the past year, I've been an advanced legal intern at the Quinnipiac School of Law Civil Justice Clinic as a part of my immigration-focused legal education.
During my clinic experience, I was put on the case of two brothers who were neglected and abandoned by their mother. They fled Guatemala, fearing gang violence targeting their family. They are now in removal proceedings. When they requested pro bono legal services, they were put on a waiting list hoping to get representation. When they were waiting, the oldest brother turned 18, essentially making his strongest defense against removal significantly harder, if not impossible to prove. A claim that he was eligible to make when he first arrived virtually expired because he was not able to find legal counsel in time.

This case and so many others like it is why Senate Bill 991 is so necessary. Many of us in law school have heard the old adage that the two most arcane areas of the law are immigration and tax law. In addition to the sheer obscurity that are the immigration laws, it is an area that is constantly in flux, especially at a time when an administration changes its immigration policies with the start of every news cycle. It is incredibly challenging, even as a trained law student, to remain cognizant of the ruling policies at any given time. Yet, we are asking people who often do not speak English as a first language, who may have little education, whose native legal systems are very different from our own, people who may have been persecuting or traumatized to try and navigate this confounding area of the law.

Unless you've studied American immigration laws, these defenses are virtually inaccessible to those facing removal if they do not have legal representation. A person can't argue a claim for asylum, a special immigrant juvenile status, visas
for trafficking or crime victims, protection under the U.N. Convention against Torture, or any other defense if they don't know that these claims exist. Even if a person would be so lucky to have heard of these claims, it is likely that they do not know how they work. Asylum, for example, a protection for people who have fear of persecution in their home country, has a one-year bar. If someone is present in the U.S. for more than one year, they are no longer eligible to make the asylum claim. Special immigrant juvenile status is a protection for children who have been abused, abandoned, or neglected by their parents. Once a person reaches the age of 21, and in some states 18, they aren't able to make a claim at all.

Senate Bill 991 is an important addition to the practices and policies of the state of Connecticut for both the interest of justice and the public welfare. Think of my boys and the others just like them who need representation to escape deportation back to places that make people fear death every day. Make it possible for immigrants to get the representation that they need. Thank you.

REP. STAFSTROM (129TH): Thank you. Questions from the committee? Seeing none. Thank you very much for being with us. Next up will be Gretchen Raffa, followed by Veronica Ubaldo. Good morning.

GRETCHE RAFFA: Good morning, Representative Stafstrom, Representative Blumenthal, members of the Judiciary Committee. My name is Gretchen Raffa, the director of public policy and advocacy with Planned Parenthood of Southern New England, testifying in support of Senate Bill 992, AN ACT CONCERNING THE TRUST ACT, and Senate Bill 948, AN ACT CONCERNING
Planned Parenthood of Southern New England serves over 60,000 patients every year for reproductive and sexual health services. As a healthcare provider and advocate, we believe all people should have access to high-quality, affordable healthcare, no matter what, and we see patients regardless of their immigration status or citizenship. We see firsthand the ways in which harsh immigration enforcement restricts families' access to healthcare in this country. We have long fought for a woman's right to control her reproductive destiny, which includes planning her family and raising her family with dignity in safe, healthy, and sustainable environments. What we're seeing is the Trump-Pence administration undermining the health and rights of immigrants and their families, and we will not sit by silently and we'll stand by -- we will stand by and support immigrant communities, many of them who are our patients, they are staff, they are our volunteers. They continue to face increasing barriers to healthcare and this potential of being ripped apart from their families.

People achieve reproductive freedom when they have full bodily autonomy. That doesn't include -- that includes more than just access to healthcare. It means the ability to live in communities that are not over-policed, the ability to live without fear of having families torn apart, and to live without fear of harm from discriminatory policies. We believe that the ability to live and survive without fear and the ability to access healthcare are basic human rights. As the Trump administration continues to push their hateful agenda, rooted in racism and
xenophobia, immigrant communities are living in constant fear of the Federal Government's deportation agenda as Immigration and Customs Enforcement continues to have a presence in our state, trying to compel state and local agencies to participate in enforcement actions.

Our state has the opportunity to reject this and update Connecticut's Trust Act by passing SB 992, which will make Connecticut law consistent with the U.S. Constitution by requiring a judicial warrant whenever ICE wants to detain a member of our community and increase transparency in ICE operations throughout the state. SB 948 will reduce the maximum length of all misdemeanor convictions in Connecticut to 364 days, which would limit some of the most disproportionate immigration consequences for Connecticut immigrants and their families.

These bills will send a bold message that our state will stand against hate and discrimination and support policies to ensure a more just and equitable society for all people. It will work to keep Connecticut families and communities intact. It is our moral imperative that we act now in our state to intervene to address discriminatory policies and do what we can on a state level to stop the mass incarceration and the prison-to-deportation pipeline. We cannot stand by silently [bell] while these harsh immigration policies are underway. I'll wrap up by saying all people within the state of Connecticut deserve to remain in their communities, with their families, regardless of their immigration status or any aspect of their identity. Planned Parenthood will continue to fight for policies that protect the rights of all people to ensure our patients and our communities have what they need to
live healthy, safer, and self-determined lives, and that's why we urge you to support these bills.

REP. STAFSTROM (129TH): Thank you. Questions from the committee? Seeing none. Thanks so much for being with us. Next up will be Veronica Ubaldo, followed by Sonia Hernandez. Welcome to Hartford, Veronica.

VERONICA UBALDO: Good morning, Mr. Stafstrom. Good morning, everyone in here. My name is Veronica Ubaldo. I live in Bridgeport. I'm originally from Mexico, and I've been living in the United States for almost 30 years. I became American citizen in 2015, and I'm here today to express my support of the Senate Bill 992, AN ACT CONCERNING THE TRUST ACT.

I feel very strongly about the expansion of the Trust Act because I know how hard it is for a family to break apart by the law enforcement -- local law enforcement. In my case, a probation officer decided to pass my husband over to ICE. In June -- mid-June 2015, he was in probation, doing what he was told to do from a car accident that he had. He didn't -- they didn't give him jail, but they gave him probation, and when he was about to finish his probation, they handed him over to ICE. It was -- it was really hard to explain to my kids why they were not gonna be able to see their father anymore. Not only they have lost their father because of the deportation, but I also have to work all day in order to -- to keep up with the bills, the rent. My oldest daughter had to stop going to school and get a job, get two-part times, to help me out.
This was probably the worst experience in my life. When you've been living for almost 30 years in this country, paying taxes, following the rules, and one mistake that he did -- it not only it affects him, it affects me and my kids. It affects my job, and it affects people around me trying to provide support for me. That's why our community needs your support in the Trust Act and the 364 Sentencing Bill. We need to be able to tell our friends and our family that it's okay for them to show up to court to do their probation if they have to without having to worry about getting deported and being separated from their families. A mistake shouldn't be [bell] a punishment for families to be apart.

REP. STAFSTROM (129TH): Veronica, thank you. Thank you so much for making the trip up here. This is at least the third time I've heard you tell this story, and it doesn't get any easier. But I just -- I wanna -- I wanna make sure that folks here this. So, how long had your husband been living in the United States for?

VERONICA UBALDO: Over 24 years.

REP. STAFSTROM (129TH): Okay. And your four children were born here?

VERONICA UBALDO: Correct.

REP. STAFSTROM (129TH): Okay. And he was gainfully employed for most of the time he was here?

VERONICA UBALDO: Yes.

REP. STAFSTROM (129TH): He was working. What did he do?
VERONICA UBALDO: He did construction.

REP. STAFSTROM (129TH): Right.

VERONICA UBALDO: And he had a fall -- a construction accident that affected his health when his boss by accident dropped a sledgehammer on his head. And he -- my husband didn't wanna sue him because at that time the boss was going through a divorce thing, and he didn't wanna put another stuff on him. But, um, the accident caused him to have seizures, and his health was just going bad.

REP. STAFSTROM (129TH): And he was -- and he was driving and he suffered a seizure while driving?

VERONICA UBALDO: He got a small seizure, and he hit the car in front of him. And he got scared because he was just picking up my kids from school 'cause I was working, and he left the scene. Literally, it was in the same block that where -- where we used to live.

REP. STAFSTROM (129TH): Okay. And this is -- this is on the west side of Bridgeport?

VERONICA UBALDO: This happened in Norwalk. I used to live in Norwalk.

REP. STAFSTROM (129TH): Okay. And he was charged with leaving the scene of an accident?
VERONICA UBALDO: Yes.

REP. STAFSTROM (129TH): Okay. And he went to court by himself for that?
VERONICA UBALDO: Yes.
REP. STAFSTROM (129TH): And he was given a period of two years of probation for leaving the scene of an accident?

VERONICA UBALDO: Yes.

REP. STAFSTROM (129TH): And he dutifully filled out his two years' probation, went to all the meetings with all of his probation officers and everything like that?

VERONICA UBALDO: Correct.

REP. STAFSTROM (129TH): And at the end of the two years, he was called in for what he thought was the last meeting with the probation officer?

VERONICA UBALDO: Yes. Officer told him that next week will be the last week that you see me, and he actually didn't wanna go to the last meeting. He thought it was over, but my daughters and I told him that he should finish with what the law asked him to do, and went over to see her, and an officer of ICE went in the room and arrested him and took him. And it wasn't -- not until like six, almost seven hours that he has --- that he was able to call me and tell me that he was caught by immigration.

REP. STAFSTROM (129TH): How long ago was this?

VERONICA UBALDO: That was in mid -- mid-June 2015.

REP. STAFSTROM (129TH): And you and your daughters haven't seen him since?
VERONICA UBALDO: I was able to -- to bring my kids over to Mexico to see him last summer, but it was -- it was really hard, hard times for me to -- to be able to work. You know, I have to pay bills. I have to pay rent. I have to be able to save money to buy their passports, to buy their tickets, so they can actually go over there and see their father.

REP. STAFSTROM (129TH): How old are your daughters?

VERONICA UBALDO: Right now, they're 26, 21, 18, and 13. At that time, Edna was 22, 19, 15, and 10.


REP. O'DEA (125TH): Thank you very much for your testimony. How long have you been in -- are you a resident of the United States?

VERONICA UBALDO: I'm an American citizen now.

REP. O'DEA (125TH): Okay, okay, and how long?

VERONICA UBALDO: I become American citizen in 2015, in April.

REP. O'DEA (125TH): Congratulations.

VERONICA UBALDO: Thank you. And I've been living in the United States since 1989, and I was a Green Card holder since 2002.

REP. O'DEA (125TH): And how about your husband -- when did he come to the United States?

REP. O'DEA (125TH): And was there a process by which he attempted to become a U.S. citizen?

VERONICA UBALDO: Yes. We want -- we wanna do our papers, but money-wise, it was hard 'cause it's a lot of money.

REP. O'DEA (125TH): How much money does it cost -- did it cost you?

VERONICA UBALDO: I believe I spent around $10,000 dollars or more to all my legal fees back and forth -- around $10,000 dollars.

REP. O'DEA (125TH): And how long did that take -- for your process?

VERONICA UBALDO: From the time that I applied -- that I was able to apply in 2001 till 2015.

REP. O'DEA (125TH): Fourteen years.

VERONICA UBALDO: Yes.

REP. O'DEA (125TH): And when did your husband apply?

VERONICA UBALDO: He was -- actually, our plans were, when I become American citizen in April, to get married because it will be easier, you know, to do the -- the process, but they took him before that.

REP. O'DEA (125TH): Oh, so you weren't married when he got deported?
VERONICA UBALDO: We were not married. We only lived together since 1990 till he got deported.

REP. O'DEA (125TH): When did he come to the U.S.?


REP. O'DEA (125TH): Did he ever tell you why he didn't try to go through the process earlier than that? Was it because of money -- the $10,000 dollars?

VERONICA UBALDO: Not only money but the fact that we -- Mexicans -- we are not allowed to apply for our papers, only, I believe, it's like every 30 years. I cannot apply. I went to different lawyers, and the fact that I'm coming from Mexico, I cannot apply at that moment. It wasn't until 2001 that it was a law -- I believe 245 -- that it opened out -- about for 60 days that I was able to apply through my employee. And money-wise, he wasn't able to, so we decided that it was gonna be me that will apply and get the papers. And after those 60 days, no one could apply again.

REP. O'DEA (125TH): And this -- that's what the lawyers were telling you?

VERONICA UBALDO: Yes.

REP. O'DEA (125TH): All right. Thank you, Mr. Chairman. Thank you, ma'am.

Sonia Hernandez, followed by Dave McGuire. Good morning.

SONIA HERNANDEZ: Good morning. Good morning, Representative Stafstrom and members of the Judiciary Committee. So, my name is Sonia Hernandez, and I am from Honduras. So, I've been living in the United States for 17 years. I live in Bridgeport with my three children and my family. I am the leader of Make the Road Connecticut, and I am -- I am before you today because I wanna express my support to the Trust Act and the misdemeanor sentences of the reform 364.

So, I am immigrant from Honduras, and I -- like me, there are dozens of immigrants fighting against the hate of this government that is separating immigrant and deporting people from our community every day. My family is one of those families that has been affected for ICE. I know from my own experience how difficult it is. Now, at any moment, ICE can separate me or detain me, and I'm not gonna have the chance to see my family again, or they can send me to buy my own ticket to go to my country. I will not see them again.

There are many people that are in the same situation as me, but by fear and they stay quiet and they live in the shadow of -- be illegally. I have been fighting my case for over 11 years. I've been paying my tax, follow the rule of the law tell me to do, but I'm not a criminal. My only crime was to cross the border, to follow a dream and have a better life in this country.

I have my three children, that they didn't know about my case, what's going on with my deportation, until last year, then I had to tell them. So, that
was the hardest day of my life to see their faces when I tell them that I have to leave back to my country, but I cannot take them because they are citizens, they've been born here, and they don't know other place than the U.S. To go to my country, they're not gonna have the chance of a better future. It's really hard for me to see them, that they are suffering mental issues. Now they are in therapies. They are with a psychologist. My daughter tried to cut her vein. My son tried to suffocate with a pillow case. My little one cannot see me take a shower or dress up. They say, "Mom, where are you going, the police is gonna take you." I say, "No, everything is gonna be fine," and try to be strong and they cannot see me destroyed because this country is where everybody wants to come to follow a dream, to have a better life. [Bell]

It's really hard for me to see them suffering. I know, like me, many people are suffering the same issues for immigration, so I want to live in this country, like other parents to go in the street, feel safe. So, that's why I'm supporting the Trust Act and the 364 days.

REP. STAFSTROM (129TH): Thank you. Thank you so much for being here and courageously sharing your story. Questions from the committee? Representative O'Dea.

REP. O'DEA (125TH): Thank you for your testimony. What is your legal status here now? So, you came across illegally?

SONIA HERNANDEZ: Yes.

REP. O'DEA (125TH): And what year was that?

REP. O'DEA (125TH): How old -- were your children all born here?

SONIA HERNANDEZ: Yeah, the three of them.

REP. O'DEA (125TH): Are you married?

SONIA HERNANDEZ: Yes.

REP. O'DEA (125TH): Is your husband here -- what's his legal status?

SONIA HERNANDEZ: He has only TPS from Honduras. Temporary status.

REP. O'DEA (125TH): So, he's here. Did he come here illegally?

SONIA HERNANDEZ: No, he came with a visa.

REP. O'DEA (125TH): Visa, okay. And how long has he been here?

SONIA HERNANDEZ: He's been here for 28 years. He's been trying to get a resident, but everything has been hard. He applied through his job, but they -- they didn't wanna support him. [Background announcement]

REP. O'DEA (125TH): When you -- how did you get across? How did you come to the U.S.? How did you get here?

SONIA HERNANDEZ: I crossed the border.
REP. O'DEA (125TH): Where?

SONIA HERNANDEZ: From Mexico. I came from Honduras.

REP. O'DEA (125TH): And so, you went from Honduras, you crossed Mexico, and then came across the border where?

SONIA HERNANDEZ: In Harlingen -- [background announcement] in Hidalgo, Texas.

REP. O'DEA (125TH): And how did you get across? You just walked across?

SONIA HERNANDEZ: Yeah, it took me one month to get here. And then when I was detained by the border patrol, then they told me in that case if you have somebody here to -- he can respond for you -- because I was 19 years when I came here. So, if you have any relative or somebody can be responsible for me, they can let me cross. So, I don't have -- when I came here, I didn't have no family, nobody, so only friends that I knew from Honduras when I was working there. So, they -- they gave me the chance to call them and see if they would be able to receive me in their house, and they said yes.

REP. O'DEA (125TH): And [background talking] have you filed for any type of -- has anybody told you the process for you to become legal? Have you hired a lawyer, done anything like that?

SONIA HERNANDEZ: Yeah, we've been spending everything that we can.
REP. O'DEA (125TH): And how much have you spent so far?

SONIA HERNANDEZ: All we got.

REP. O'DEA (125TH): How much is that?

SONIA HERNANDEZ: Like more than $1,500.
REP. O'DEA (125TH): $1,500?

SONIA HERNANDEZ: More than that. It's been like -- let's see -- it's been like $12,000.

REP. O'DEA (125TH): $12,000 dollars. And when did you start that process?

SONIA HERNANDEZ: 2008 and nothing happened yet.

REP. O'DEA (125TH): So, basically 11 years you've been trying to become --

SONIA HERNANDEZ: Yeah, the only thing I can be -- get now is like temporary status.

REP. O'DEA (125TH): And when you say you pay taxes; do you have a --?

SONIA HERNANDEZ: A permit to work.

REP. O'DEA (125TH): I'm sorry.

SONIA HERNANDEZ: A permit to work.

REP. O'DEA (125TH): Okay. And have they told you -- has any lawyer told you what your opportunity or the chances are that you will be able --?
REP. STAFSTROM (129TH): Uh, Representative, that question calls for an invasion of attorney-client privilege.

REP. O'DEA (125TH): Yep, yep, yep. Do you have any idea of the timeline of when it could be resolved?

SONIA HERNANDEZ: No.

REP. STAFSTROM (129TH): Representative, I'm gonna just ask, if I could, what this has to do with the bills before us?

REP. O'DEA (125TH): I'm just tryin' to figure out, through this witness -- through this -- this person testifying, what her situation is and how we can help and how these bills will help. So, I'll move on. Umm, all right, I'll end there because based on what the Chair has stated, I agree we got afield from where I started. Thank you very much, Mr. Chair. Thank you for your testimony. Appreciate it.

REP. STAFSTROM (129TH): Appreciate it, Representative.

SONIA HERNANDEZ: Thank you. The only thing I can tell you is that some people have the chance and it's more easy than others, like our friend that you heard, Veronica, waited for 15 years, and some people have been waiting for 20 years. So, it's not an easy thing to do. Even still, we try the best to do what the law says.

REP. STAFSTROM (129TH): Thank you.

SONIA HERNANDEZ: Okay.
REP. STAFSTROM (129TH): Further questions from the committee? Seeing none. Thank you very much, Sonia. Next up is Dave McGuire, followed by Cristhian Cozayatl. I butchered that pretty bad, I'm sure. [Laughing]

DAVID MCGUIRE: Good morning, Senator Winfield and Representative Stafstrom, members of the committee. I'm David McGuire, the executive director with the ACLU here in Connecticut, here to testify in support of 991, 992, 948, and opposition to 993. Before I get into my remarks, I just wanna make a suggestion humbly of the committee that they not ask folks about their immigration status. They're all immigrants. They're all residents here and have the ability to testify here, and I'd hate to see folks be intimidated.

So, today I'm here to fight for equal and fair treatment of everyone in Connecticut, including immigrants. We know that over the past couple of years, in particular, immigrant communities here in Connecticut and across the country have been under assault, and there are three bills here today that would go a long way towards establishing some fairness in our state here.

Really briefly, over the past year, we've worked with the Connecticut Immigrant Bail Fund and the ACLU of Massachusetts' Immigrant Protection Project and others on a Court Watch Program, where every -- every week, we go to the immigration court in Hartford and observe. And we've seen some unbelievable travesties of justice there, where people are really being railroaded into making decisions -- in many cases, not even knowing the
consequences of them, and the bills here will really go a long way to trying to set that straight.

The first bill I'd like to weigh in on is 992, that's the ACT CONCERNING THE TRUST ACT. As has already been said, in 2013, our Legislature became the first -- helped us become the first state in the country to pass the Trust Act, and that would ensure -- and it does ensure -- the state and local law enforcement do not feed the mass deportation pipeline. Unfortunately, we've now found that there are several very large loopholes that have allowed police departments, the department of correction, and judicial marshals to hold and turn folks over to ICE. We think that exposes local law enforcement to liability and is a complete waste of local resources. This bill would close that loophole and make clear that there must be a valid judicial warrant for our local law enforcement to hold folks for ICE.

I wanna make clear that the current Trust Act and this amendment to it that's being proposed is not a problem in terms of conflicting with federal law. The ICE detainers that this really primarily deals with are just what they're called -- detainer requests. They're not binding, and local law enforcement are under no requirement to take those up.

The next bill is 948. That's the Sentencing Commission Misdemeanor Bill. This is a really common-sense proposal in our mind. This is a real issue in Connecticut. People have gotten tripped up on this and often are getting ensnared in ICE's net with sometimes life and death consequences. This is an issue of disproportionate punishment, so we're
very supportive of this bill and particularly the retroactivity piece.

The last bill I wanna support is 991, [bell] if I could just briefly summarize. That's the bill that deals with providing a right to counsel to children in deportation proceedings in Connecticut as well as adults that are indigent and in -- being detained in immigration custody, mostly up in western Massachusetts. Like I said, there's several volunteers here from our Court Watch Program who will testify, but what we've seen there is really atrocious, and the key to why it is that way is most people do not have a lawyer with them. And then, we also oppose 993. That's the bill that would require law enforcement to work with ICE. Thank you.

REP. STAFSTROM (129TH): Thank you, Attorney McGuire. Attorney McGuire, you mentioned your view of whether the current proposal on 992 is in conflict with federal law. I'm wondering if you wanna expand upon that and explain why it's your belief that 992, as proposed, does not conflict with federal law.

DAVID MCGUIRE: Sure. So, we've heard Supremacy Clause thrown around. You know, clearly immigration, the federal government does fill the space on immigration, but this bill -- well, this amendment to the Trust Act and the Trust Act itself is not an immigration bill. This is a bill about what local law enforcement in the state do or don't have to do and the use of their resources. Our position is, again, that if immigration wishes to detain someone that they use their vast resources that far outstrip local law enforcement and do that. So, again, this law's been in place since 2013, and
it has not been challenged for a reason. It's not susceptible to a Supremacy Clause challenge.

REP. STAFSTROM (129TH): I think earlier you used a couple technical terms. You used the term detainer, and also we've heard the term judicial warrant mentioned here today. Could you, if your competent to do so, explain the difference between a detainer and a judicial warrant?

DAVID MCGUIRE: Sure. So, the immigration detainers are essentially a request from immigration to hold someone for 48 hours. It's basically a courtesy request. It's like saying, "Hey, there's a person that we believe is problematic for X, Y, Z reason, can you hold them?" The intention of the Trust Act, 'cause I was involved back in 2013, was to close that loophole and make clear that immigration officials cannot force local law enforcement to hold someone. What I would -- what I would steer the committee towards is other federal agencies, like the FBI. If the FBI wants local law enforcement to hold someone, they get a warrant for it. So, we're defaulting to a situation here by closing a loophole to make sure that there is some judicial review before there is that determination that local law enforcement should cooperate and do ICE'S bidding, at least at the point of picking someone up or holding them or transporting them to immigration.

REP. STAFSTROM (129TH): Let me ask this as directly as I can. There seemed to be the suggestion earlier today that if 992 were to become law, if there was a terrorist being held in a state court in Connecticut that there would not be an ability to hold that person if 992 became law. Is that your reading of the statute and why?
DAVID MCGUIRE: Well, I mean, the reality is that what we're seeing here -- and I can't speak to this as well as many of the immigrant rights advocates who are gonna come after me -- is that we've seen situations not where someone is convicted or pretrial on something in a state facility, it's more when people are coming out and the DOC will hold someone beyond their sentence for -- to be picked up. That is really problematic, and I believe the initial intent of the Legislature was not to allow that. Senator Sampson was taking about those Federal Watch Lists, which are notoriously inaccurate, but again, this just makes clear that local law enforcement, the DOC, and judicial marshals, and SROs cannot go beyond their normal day-to-day duties and -- and essentially hold people for immigration. I don't know if that directly answers your question.

REP. STAFSTROM (129TH): Thank you. Further questions from the committee? Vice-Chairman Blumenthal, followed by Representative O'Dea.

REP. BLUMENTHAL (147TH): Thank you, Mr. Chairman, and thank you for your testimony, Attorney McGuire. There was some suggestion earlier in questioning that Senate Bill 992 would somehow privilege immigrants in a way that U.S. citizens -- or give them process that U.S. citizens don't have. To your knowledge, is there any situation where a U.S. citizen would be subject to criminal process or detention, but under Senate Bill 992, an immigrant would not be?
DAVID MCGUIRE: Absolutely not. This would just put them on level playing field with every other resident in Connecticut.

REP. BLUMENTHAL (147TH): Thank you. Thank you, Mr. Chair.

REP. STAFSTROM (129TH): Representative O'Dea.

REP. O'DEA (125TH): Thank you, Mr. Chairman. So, my understanding of your testimony is you don't want local law enforcement to coordinate or work with ICE. Is that fair to say?

DAVID MCGUIRE: Well, I think it's a public policy matter that -- yes -- but what this bill would do is just make clear they can't go above and beyond to do that next step work for them. So, obviously, if there's a warrant that they are served with, they have to hold that person for that to be executed. That makes sense, and this bill would allow that. But beyond that, yes, no they should not cooperate with law enforcement in these ways -- with federal immigration law enforcement, I should say.

REP. O'DEA (125TH): So, you think that ICE -- the federal immigration law enforcement -- should be required to basically do its job on its own without the assistance of local law enforcement. Is that fair to summarize your opinion?

DAVID MCGUIRE: Perfect. Perfect summarization.

REP. O'DEA (125TH): So, would you support -- you believe ICE should get more resources or less resources? Do you have that opinion?
DAVID MCGUIRE: Well, obviously, that's not before the Judiciary Committee today. I do believe they have ample resources if they're used appropriately. But again, that's really for our federal officials.

REP. O'DEA (125TH): Understood. So, you're not -- okay. I think that's all I have for you. Thank you very much.


SENATOR SAMPSON (16TH): Thank you, Mr. Chairman. David, thank you for being here. I missed most of your testimony. Forgive me, I was outside, but I just caught the tail-end of that. And I guess -- I guess the question I have is you're clear about the changes that exist in Senate Bill 992, which is essentially expanding the Trust Act? What -- I assume you were in favor of the original Trust Act based on that. Would you describe for me what your -- what the Trust Act is, in your opinion?

DAVID MCGUIRE: Sure. So, yes, the ACLU Connecticut and I were involved in the 2013 passage of the original Trust Act, and the idea was to set out a framework to prevent local law enforcement from collaborating with Immigration Customs Enforcement, specifically focusing on the detention and transportation of folks that ICE wanted to pick up. And these exceptions here that are seeking to be excised from the law were initially drafted -- the thought would be they wouldn't be used very often, but in fact, they're used regularly. And in the last couple of years, we've seen the department of correction, local law enforcement, and the judicial marshals use these exceptions to hold folks for
Immigration and Customs Enforcement. We don't think that's the right -- right thing, and this bill would close that, but allow again for that -- that activity, if there is a valid judicial warrant.

SENATOR SAMPSON (16TH): Thank you for that answer. And through the Chairman, can I ask -- you stated that your objection is you don't want local law enforcement in Connecticut cooperating with federal authorities on the subject of immigration. I'm curious to know why that is. Do you not believe that the federal law should exist, or that the United States has no authority inside Connecticut?

DAVID MCGUIRE: I think that the Federal Government has ample resources to do their job if they see fit to do so. That's essentially where I come down. I also -- I also just -- I also think that local law enforcement are exposing themselves to legal liability if they hold someone. So, for example, the department of corrections, someone finishes their sentence -- I do believe it presents a real legal challenge. This is a seizure of a person beyond their sentence if they're held for Immigration and Customs Enforcement. So, this would close that loophole. And there was some conversation earlier in the day about a press conference about the DOC and how they've gone above and beyond the existing Trust Act and put some safeguards in place. And we commend the DOC for doing that, but they're not always -- that has not always been complied with, and we think the force of law should be very, very clear that local law enforcement should not be intimidated into cooperating with Immigration and Customs Enforcement, opening themselves up to liability.
SENATOR SAMPSON (16TH): Thank you for that answer. So, this is a difficult issue for all of us, and it's a particularly difficult issue for me because I actually am an advocate for comprehensive immigration reform. I think that the Federal Government has failed us horribly, and I'm certainly sympathetic to people that wanna get into this country. I just see that it's an issue where illegal immigration, because we are not actually aware of who's here, presents a public safety problem. So, what we should be doing is expanding lawful immigration and coming up with a solution for the people that are here already -- work permits, something like that -- and I work very hard to try and advocate for that with our federal delegation, but they seem to ignore that. In fact, I would encourage people in this room, if I ever run for Congress or U.S. Senate, to support me if they wanna see federal immigration reform [background noise] because I would be up there fightin' for it every day.

REP. STAFSTROM (129TH): I'll ask the public to refrain from verbal outbursts.

SENATOR SAMPSON (16TH): [Laughing] Thank you, Mr. Chairman, for keeping order in the room. Anyway, so my whole issue with this is that I can understand someone being in favor of the Trust Act because, you know, they don't consider their status to be an issue. My concern about the -- the language in 992 is that it's pretty explicit that we're talking about five new categories that are now going to get the same immunities. You don't see that as a public safety issue? Through you, Mr. Chairman.
DAVID MCGUIRE: So, respectfully, I don't. And I don't see these as immunities, I see this as these folks should be treated like any other resident in Connecticut, where they should not be held by local or state law enforcement without a judicial warrant. And I do think it's really important to go back to the term of the law that's trying to be amended here -- the Trust Act -- because this is about trying to create a harmonious and open relationship between the immigrant -- immigrant community and law enforcement. And we've seen situations where people have come to the police to report a crime, and they are picked up by local law enforcement and held, even though they've done nothing wrong in that piece. They're on, you know, an immigration watch list 'cause perhaps they've had an issue with their paperwork or something like that. The Trust Act just doesn't work anymore 'cause people know that it's -- the loopholes have swallowed the rules.

So, I'm with you on the need for comprehensive immigration reform and really don't think this is gonna undermine public safety. You know, police -- the people still have to deal with consequences if they've done something wrong at the state court level. This is just making clear that federal law enforcement in the immigration context cannot commandeer local resources.

SENATOR SAMPSON (16TH): Thank you for that answer, and what I would say about that is that I get the original concept of the Trust Act. Do you have any evidence or documentation to support that anyone has ever been prosecuted for reporting a crime, and then the police show up and decide they're gonna detain them and hand them over to ICE just because they reported a crime?
DAVID MCGUIRE: We do have folks that have gone to the police station to report a crime and have been flagged and held for ICE. That has happened here in Connecticut.

SENATOR SAMPSON (16TH): Okay. I would love very much to hear about that because I have asked for proof that that has happened over the last seven years, and no one's ever been able to point to a single case to me. And I challenge anyone to do that -- to show me that if you contact ICE and say my neighbor is a drug dealer or a gangbanger, or they did this and that, that they're gonna come and arrest you for reporting them.

DAVID MCGUIRE: I do think -- I do know this is a real issue, and I will endeavor to get you some documentation on that.

SENATOR SAMPSON (16TH): You know, the other thing too, David, is, you know, I have a little concern about, you know, people who come to the United States, they come here because of what the United States is and um, which is, you know, land of opportunity and it's a place where everyone has a chance to succeed and so forth. And many folks are coming from places that are lawless, you know, where the police authorities are corrupt, they take bribes. You know, they might -- they might intimidate or, you know, hold you against your will just to extort money from you -- I mean, horrible things. I wonder what kind of message it sends to people that come to the United States to say that we are ignoring our federal laws, and we're saying that the United States Government's, you know, authority
and the rule of law doesn't mean anything. Does that concern you at all?

DAVID MCGUIRE: It doesn't 'cause I think this -- this establishes the principles that we, as a country, strive to uphold, to treat people fairly. You know, I think it's important to talk about all three of these bills in concert because they all drive towards the problem of real inequity in the way that immigrants are treated here in Connecticut and across the country. You know, we are deporting people in fast-track and in many cases without them having counsel and for sometimes no criminal involvement and sometimes --

SENATOR SAMPSON (16TH): Do you have examples of that also?

DAVID MCGUIRE: Of what, I'm sorry?

SENATOR SAMPSON (16TH): Of people being deported without -- without any other criminal act.

DAVID MCGUIRE: Absolutely. I'm confident that our Court Watch volunteers will be able to speak to that in greater detail 'cause they see these cases play out every week.

SENATOR SAMPSON (16TH): And you're aware that the United States accepts in over a million people every year lawfully?

DAVID MCGUIRE: Yes, I am.

SENATOR SAMPSON (16TH): And do you see that maybe the reason why there is not an expansion of legal immigration is because of illegal immigration?
DAVID MCGUIRE: You know, I'm not a -- an expert on federal immigration policy to be perfectly honest, but I do -- I do stand by the fact that these three bills are good policy that will keep our state safe. And, you know, not to say that there shouldn't be some work on the federal immigration system, but while we have the system that we have, we need to make sure that people are treated fairly here -- everyone in Connecticut.

SENATOR SAMPSON (16TH): Yeah, no, I completely agree. I mean the United States is a leader in the world on the notion of human rights, and certainly we have policy that allows people that are coming from some very horrible places to get in lawfully via asylum, but that's not the issue with most of the illegal immigration we have. In fact, many of the people that I know, and I know quite a few people who are here, they've never even tried to get into the country legally. They just skipped that process and thought it would be easier to come here illegally. I mean, I think that's unfortunate. If we had a working system where people could come lawfully, they wouldn't be forced to have to get involved in the illegal trafficking, which I think generates a lot of other problems, which we're becoming aware of -- sex trafficking, human trafficking, drug smuggling. These things all are a part of the existence of the -- you know, the border issue.

And again, you know, as I stated earlier, I'm very sympathetic to people wanting to come here. I wanna find a way to make that happen. You don't consider it a public safety concern at all that we are developing policies in this state -- drivers'
licenses, in-state tuition, types of benefits, this Trust Act -- to encouraging people to break our federal law and to come to Connecticut who are undocumented. And, of course, the majority of that population are perfectly wonderful people that are just looking for a better life and a place to raise their family and so forth, but there is a dangerous population also.

DAVID MCGUIRE: So, I disagree that the reforms has -- has gotten through in the past several years on immigrants' rights have made us less safe or incentivized illegal immigration. I just don't think that's true. And I think the Legislature --

SENATOR SAMPSON (16TH): Wait a second, David. Forgive me, I don't mean to interrupt you, but you don't think that people are coming to Connecticut because you can get a driver's license here and other benefits? You don't believe that?

DAVID MCGUIRE: I sincerely doubt people are coming from other countries just to come to Connecticut to drive. [Laughing] I think that the Legislature struck the balance by understanding that folks need to get around in our state. And yes, you know, I think it's kind of lost on many that most of these folks are working towards getting their status legalized. This is a complicated and convoluted process, as you've -- as you've noted. It's a very difficult and, in many cases, unfair immigration system, so.

SENATOR SAMPSON (16TH): Yeah, I would like the Federal Government to come up with a work permit process, like tomorrow, and allow everybody who is in this state illegally that are undocumented to
come forward, get a work permit, and stop worrying about what happens next. Because to me, that's how you weed out the criminal element too -- the MS-13 gang members and the drug dealers and so forth, which are -- are hiding in these same places because they realize that it's a way to hide from the authorities.

DAVID MCGUIRE: I'd also point out, and I think it's in my testimony, that several states have done this. They've passed Trust Acts after hours and closed these loopholes. Illinois has completely banned -- has done what we are looking to do, and the sky has not fallen. So, you know, we are -- we are really trying to catch up with where we should be on this, and --

SENATOR SAMPSON (16TH): I think your characterization of the sky has not fallen is not accurate either. I mean, there are news stories every day, David, that show people that are in the country illegally involved in illegal activity -- and again, not talking about everyone. And, you know, it's very frustrating because every time you try and bring up people that are actual criminals, that murder people and extort, kidnap people for money, that you're not talking about every person who's undocumented. I understand that I'm talking about a very, very tiny percentage, but to ignore the fact that those people are here and they are hiding among the population of law-abiding undocumented folks is a reality. And you can't pick up the news any day -- I mean, there are statistics about the thousands of kidnappings, rapes, and murders that happen in this country as a result of illegal immigration, okay. It's a real thing. So, please stop saying it's not happened and the sky
hasn't fallen. It has fallen for the families of the victims of those people.

DAVID MCGUIRE: I respectfully submit that every member of the Judiciary Committee go to the Federal Immigration Court and watch days of proceedings and see who is going through that court and what it looks like because it is not fair and it is not what you're characterizing it as. These are not, you know, super criminals.

SENATOR SAMPSON (16TH): I didn't characterize the court as anything.

REP. STAFSTROM (129TH): Gentlemen, gentlemen, I'm just gonna ask you not to speak over each other, so -- I believe Attorney McGuire was finishing his thought.

DAVID MCGUIRE: Yeah, just again, I really do believe that these bills will increase public safety and not undermine it.

SENATOR SAMPSON (16TH): Thank you very much, Mr. Chairman. Thank you for being here, David.

DAVID MCGUIRE: Thank you.

REP. STAFSTROM (129TH): Thank you. Vice-Chairman Blumenthal, followed by Representative O'Dea.

REP. BLUMENTHAL (147TH): Thank you, Mr. Chairman, for your indulgence. I had a couple more questions. So, this may be getting a little wonky, but there's been some suggestion that this bill would induce some sort of lawlessness in the United States, but isn't it true under the Tenth Amendment of the U.S.
Constitution that we have something called an anti-commandeering principle and that the idea of that is that the Federal Government, under our Constitution, is not allowed to force the states to enforce federal laws?

DAVID MCGUIRE: That is -- that is accurate, yes.

REP. BLUMENTHAL (147TH): So, isn't this law actually echoing that principle and helping implement it here in this state?

DAVID MCGUIRE: It is, and to the converse, Senate Bill 993 is the opposite and, I think, may offend those principles.

REP. BLUMENTHAL (147TH): So, you think Senate Bill 993 would most likely be unconstitutional.

DAVID MCGUIRE: I think it'd be susceptible to a strong constitutional challenge, yes.

REP. BLUMENTHAL (147TH): And you were asked by Senator Sampson about -- about violent criminal acts done by some immigrants, and doubtless there are some, but isn't it true that there's research showing that immigrants, and even undocumented or authorized immigrants, have a lower rate of such criminal activity than native-born U.S. residents?

DAVID MCGUIRE: I have seen that statistic, yes.

REP. BLUMENTHAL (147TH): And isn't it a concern of local law enforcement that in the cases where those -- those people who -- who are immigrants or otherwise have committed criminal acts, is it a concern of them that they will not be able to actually prosecute those people because witnesses
may fear coming forward if the witnesses themselves are immigrants?

DAVID MCGUIRE: Yes, absolutely.

REP. BLUMENTHAL (147TH): And one last question, there was some mention of the Terrorist Watch List earlier and you made some comments about some flaws with it, and I don't dispute those statements, but isn't it true that under federal law at this point there's no prohibition on those people buying a gun?

DAVID MCGUIRE: I don't know the answer to that, I'm sorry.

REP. BLUMENTHAL (147TH): Well, I would submit that that's the case. Thank you. Thank you, Mr. Chair.

REP. STAFSTROM (129TH): Representative O'Dea.

REP. O'DEA (125TH): Thank you for a second time. Just briefly, I'm tryin' to understand, in 992 line 98 is eliminated, so so from line 94 to 98, if you read that, basically it says that if you've been convicted of a felony you no longer can be detained for more than the 48 hours. Is that your understanding of that reading?

DAVID MCGUIRE: Yes, but I think the way this will practically play out if someone was convicted of a felony, they served time in the department of correction, and they have completed their sentence or discharged on community supervision, that's the piece that I believe this is seeking to address, not the fact that they have a distant felony in their past.
REP. O'DEA (125TH): But, I guess my question is this, let's suppose hypothetically under current -- if this law doesn't pass, okay, so ignoring the revisions to -- or ignoring 992. If someone's convicted of a felony in the U.S. and they're deported, they come back to the U.S. illegally and they're caught by law enforcement with a -- and they've got a felony record in the U.S., currently they could be held until ICE picks them up -- beyond the 48 hours, correct?

DAVID MCGUIRE: That's correct, right.

REP. O'DEA (125TH): If this passes, and that's taken -- line 98 is taken out, will law enforcement be able to detain that convicted felon until ICE comes?

DAVID MCGUIRE: Not solely for the fact that they have a distant felony. No, they would not.

REP. O'DEA (125TH): Do you -- and you think that's good policy?

DAVID MCGUIRE: I think that that's fair policy. That's the way it works for other residents of this state. They can't just be held for no reason but for the federal authorities. So, for example, if it was the FBI or, you know, a federal office, not Customs -- Immigration and Customs Enforcement, they cannot just hold someone for 48 hours as a courtesy for that other federal agency to come pick them up or get their act together. So, this puts that on -- on level playing field.

REP. O'DEA (125TH): Let's assume for a second that an MS-13 gang member is convicted of murdering
somebody in Long Island and they're deported, and they come back illegally and they're arrested in New Canaan. And we see that they had committed murder in Long Island and were deported. And it's a Friday night, and we wanna detain them till Monday or Tuesday when ICE can pick them up, or ICE says we can't -- we can't there until Wednesday. Under current law, New Canaan Police can hold that MS-13 convicted felon until Wednesday when ICE can get there and not get rid of 'em. If this passes, would the New Canaan Police be able to hold them till Wednesday.

DAVID MCGUIRE: Not strictly on that detainer basis, no. But, as a practical matter, immigration and DHS has access to all of these databases, so they would know that this person that they've been looking for, you know presumably, has been arrested by the New Canaan Police. And they're free to use their resources and come out and lawfully detain that person under their jurisdiction.

REP. O'DEA (125TH): What if they can't get there because, you know, the next administration cuts ICE down to half its size, or for whatever reason, they just don't have the resources.

DAVID MCGUIRE: I haven't seen that to be an issue, and I can't speak to that.

REP. O'DEA (125TH): I guess my point is, that's my concern. Listen, I agree with Representative Sampson -- or Senator Sampson, I think Congress has completely failed us for decades, and it's on them to fix this immigration system. I want more immigrants. We need more immigrants in our -- in our society. You know, I'm a family of immigrants.
And so, we need more immigrants. We need to make the process better. And I wanna apologize to the woman that was here -- I was looking for her -- because my reason for asking the questions I was asking was simply to figure out how we can fix that. That's crazy that someone's gotta spend $15,000 dollars over 18 years to become a legal resident. That's broken, and that needs to be fixed. And I wanna apologize to the woman that was here. My intent was not to make her feel -- my intent was to understand that we've got a problem and we need to fix it. And my concern with these bills is, you know, we're not -- we're not fixing that problem, we're creating other ones for the bad characters.

People who are coming here for opportunity, we want to encourage. We want to encourage legal immigration and help those that are here illegally become legal, so that the criminal elements can get -- we can get rid of those. Anyway, I just -- I can't understand why we're allowing convicted felons to stay, and we're not assisting law enforcement and getting rid of those bad elements. And this bill will hurt our ability to get rid of the bad elements. And I think we need to fix that, respectfully, Mr. Chairman, and I'm hopeful that we can do that. Anyway, thank you for your testimony.

DAVID MCGUIRE: Thank you for your questions.

REP. STAFSTROM (129TH): Attorney McGuire, not to belabor this, but just a quick followup 'cause I just wanna make sure I understand this. So, in Representative O'Dea's hypothetical of the MS-13 gang member who is camping out in New Canaan.

REP. STAFSTROM (129TH): Couldn't -- if the New Canaan Police Department picked that person up, couldn't they run up to the federal courthouse in Bridgeport and get a judicial warrant from a federal judge -- from Judge Underhill in Bridgeport in order to detain that person?

DAVID MCGUIRE: Under the language of this proposal, I believe that's a yes.

REP. STAFSTROM (129TH): Okay, so even though they couldn't hold 'em just based on the ICE detainer request, as long as a federal judge says, you know what, yep, there's enough probable cause here, this guy's enough of a danger, there's, you know, a likelihood of deportation -- whatever the criteria may be -- and that judge signs that warrant, you could still hold that person?

DAVID MCGUIRE: That would satisfy the elements of this bill, yes, because a judge signed off.

REP. STAFSTROM (129TH): Okay, thanks. Senator Bizzarro. And, by the way, actually, before we begin, I should've done this earlier. Welcome to Senator Bizzarro, our newest member of our committee. Congratulations on your election, and welcome to the Judiciary Committee.

SENATOR BIZZARRO (6TH): Thank you, Mr. Chairman. I appreciate it. I'm glad to be here. Attorney McGuire, thank you very much for being here for your testimony today and also for your advocacy in this extremely important area. I mean, I have a
tremendous amount of respect for what it is that you do. Just a couple of very quick questions for you.

During your testimony and in your exchange with Senator Sampson, you continue to refer to wanting to close a loophole in the existing legislation. Now I'm trying to get up to speed with everything. I'm glad to hear that you were a part of getting the initial legislation passed, but I'm having a hard time reconciling. When I go to look at the language of the bill and the proposed new bill -- the language of the existing statute and the new bill -- I see a category -- I see seven different specific categories delineated in the existing legislation, and the proposed bill would eliminate all seven of those, and yet you keep saying that it's a loophole that we have to close. Now, when I read that, it signals to me that my colleagues and my predecessors here were cognizant of those seven specific categories, and when they voted to pass the initial legislation, they had, in fact, in mind excluding those seven categories. You're calling it a loophole, so is it really -- do you really think that there is a gap that was unintended here, or are you here because you just want to advocate for an expansion of the existing legislation?

DAVID MCGUIRE: Great -- great question. I think it's a very large loophole. Those seven exceptions have essentially swallowed the rule. As you can see through some of these, like number seven, "presents an unacceptable risk to public safety as determined by a law enforcement officer." There's such discretion baked into that that it can be used essentially whenever a law enforcement officer wants. So, what we're seeking here is to really shrink down those circumstances to just a judicial
warrant. And perhaps loophole is -- is not the right word for it, but yes -- and I do -- don't exactly remember the negotiations around this, but I would imagine that this was borne out some political compromise at the time. We were the first state to pass it, and it did pave the way for several other states, but it's now been out-paced by other bills.

SENATOR BIZZARRO (6TH): Fair enough. I thank you for recognizing my point. One last question for you. Would you support this bill -- and maybe you haven't thought of it, but would you be in support of this bill [background announcement] if it did not contain the requirement that a warrant be issued?

DAVID MCGUIRE: So, that would default to what, Senator Bizzarro, sorry? [Background announcement]

SENATOR BIZZARRO (6TH): It would allow the -- it would just eliminate the seven categories that we were just talking about -- eliminate those exclusions -- but without the accompanying requirement that a warrant be issued by a judicial officer.

DAVID MCGUIRE: So, would that essentially permanently bar collaboration or the detention of an immigrant by local law enforcement?

SENATOR BIZZARRO (6TH): In the cases that are enumerated in the legislation that exists now, yes.

DAVID MCGUIRE: I don't think that that would be a solution. I can't, you know, speak to that without further looking at it, but I -- yeah, no, I don't believe so.
SENATOR BIZZARRO (6TH): Okay. Thank you.

DAVID MCGUIRE: Thank you.

REP. STAFSTROM (129TH): Thank you, Senator. Further questions from the committee? Seeing none. Thank you, Attorney McGuire, for being with us. Next up it was Cristhian Cozayatl. And then following that we're gonna have Alex Tsarkov and Sarah Russell from the Sentencing Commission.

CRISTHIAN COZAYATL: [Testimony in Spanish, translated via interpreter] Good morning, everyone. My name is Cristhian Cozayatl, and I live in New Haven, and I'm originally from Mexico. Today I'm here because I'm supporting the bill known as the Trust Act, as I have been personally affected, and I'm currently fighting my immigration case in Hartford.

So, I had a car accident on June 9 of 2017 in I-91, a little bit after exit 13. I was on my way back home, as I was not feeling well, and I had decided to take the afternoon off. It was then that I had a small collision with the vehicle that was going -- that was in front of mine. In this accident, nobody ended up hurt, but there was like some damage to the vehicle in front of mine and mine. We stopped. A few minutes later, a state trooper showed up, and he asked for my driver's license and other documentation. I didn't have a license, so he asked me for another idea, so I gave him my consular ID.

The state trooper went to -- to his car. Like a few minutes passed by, and then he came back. He handcuffed me, and he arrested me and placed me inside a police car. After 20 or 30 minutes, two vans came. Two men came out of those vans wearing
vests that said ICE. One of them asked me if I had DACA or the Deferred Action for Childhood Arrivals. I said no. The state trooper then handed me over to the immigration agents, who made me go in one of the vans and took me to Hartford.

I was processed in Hartford, where I was able to get in touch with my brother. And after that, I was transported to the detention center in Franklin County in Greenfield, Massachusetts. I was detained for 19 days. I didn’t know what was gonna happen. I was in a small cell with four other people, and there was no space inside of the facility. I spent three days in that cell before I was moved to the main facility.

I was able to get out with the help of my community on June 28, but I still am fighting my case before the immigration court in Hartford. Being detained was an experience that I will never forget. I have never been in a similar situation. I thought constantly of my family, especially my son. I was afraid that I was not gonna be able to see him if I was deported. Back then, my son was seven years old. He didn't know that I had been detained until later, when I was able to tell him what had happened. He started to cry, and he thought that it was inevitable that I was gonna be sent back to Mexico.

I know that the state trooper broke the Trust Act when he contacted the ICE agents and then held me with the intention of handing me over. Today, I am here as a proof that the current Trust Act is not enough to prevent cases like mine. We need a stronger law that includes transparency and holds
those who decide to break it accountable. Thank you.

REP. STAFSTROM (129TH): Thank you. Questions from the committee? Seeing none. Thanks so much for being with us. Appreciate it.

CRISTHIAN COZAYATL: Thank you.

REP. STAFSTROM (129TH): Alex Tsarkov and Sarah Russell at the Sentencing Commission.

ALEX TSARKOV: Good morning, Senator Winfield, Representative Stafstrom, Senator Kissel, Representative Blumenthal, and members of the Judiciary Committee. For the record, my name is Alex Tsarkov, and I am the director of the Connecticut Sentencing Commission. With me today is Sarah Russell, a member of the Sentencing Commission and a professor at the Quinnipiac University School of Law. We're here to testify in favor of Senate Bill 948, AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO MISDEMEANOR SENTENCES. This is a pretty straightforward proposal. As you know, we would reduce the maximum sentence for misdemeanor cases by one day, and it's really to adjust the disconnect that exists between the federal immigration law and our state's criminal code. The professor also can explain the bill in a bit more detail, but to give you some brief background about the Sentencing Commission, we are a permanent state agency by statute. We have 23 members, most of them are leaders of their respective agencies. We have as members the chief state's attorney, the chief public defender, the chief court administrator, several commissioners, and each office of the Legislature
has an appointee to the Commission. So, we -- the Commission does represent a pretty large segment of the criminal justice community. And with that, I'll turn to Professor Russell.

SARAH RUSSELL: Great, thanks Alex. So, Alex said this is a really simple change to our law that the bill proposes. So, the current penalty for Class A -- Class A misdemeanors is a year, and this would change the penalty to 364 days. It would have no negative impact on our operation of our state criminal justice system, but what it would do is avoid some harsh and unintended consequences with respect to federal immigration law. And this really results from this disconnect between the definitions we have in Connecticut of misdemeanors and felonies and the definitions that the federal immigration law uses for -- for misdemeanors and felonies.

And so, there are essentially two situations where this comes up. So, some offenses are considered crimes of moral turpitude under federal immigration law. And in situations where the maximum possible sentence imposed is a year or more, the federal immigration law captures those offenses. Whereas for us in Connecticut, such an offense is considered a misdemeanor. And I should underscore here that this applies even if the sentence imposed is well under a year and is treated as a very minor offense in our system. It's that exposure to up to a year that then there's this sort of one day disconnect that the federal law then captures as something more serious. So, this would address that problem -- exposure type of problem -- and it would also address a situation. The federal law defines aggravated felonies, with respect to some offenses, if a sentence of a year or more is imposed, again
using a different definition than we use in Connecticut. So, someone for a misdemeanor offense, if they receive a year sentence, even if it's fully a suspended, that misdemeanor offense [bell] can be considered an aggravated felony under federal law. And what that does is it removes all sorts of discretion from the -- from the immigration judge and results in really harsh consequences that weren't intended by, I think, our state and how we've defined that offense.

REP. STAFSTROM (129TH): Can you -- Professor, can you just expand upon this issue of discretion and -- say somebody is charged with a Class A misdemeanor, if this bill becomes law, what discretion would an immigration judge still have as opposed to now, the discretion that they don't have.

SARAH RUSSELL: Yeah, so I think it depends on whether it's treated -- whether it's in the category of a crime involving moral turpitude or an aggravated felony. The aggravated felonies really take away virtually all discretion and result in things like mandatory detention and removal even for Green Card holders. But even the -- even the crimes of moral turpitude where a sentence of a year wasn't imposed can remove that discretion from -- from the judges. And so, yeah, so I think what this bill would do is return some discretion -- when the offenses are minor and are considered by our state to be misdemeanors -- return some discretion to the judges to consider the equity of situations. What it wouldn't do is influence -- if we treat the offense as a felony, it doesn't change -- it doesn't change those sort of more serious cases and the implications in the immigration system for those -- those cases.
REP. STAFSTROM (129TH): So, for example, a crime of larceny in the fourth degree, which carries up to -- which is a Class A misdemeanor and involves theft of between $1,000 and $2,000 dollars. We classify that in Connecticut as a Class A misdemeanor, but the Federal Government would classify that as an aggravated felony under current law because that Class A misdemeanor of larceny in the fourth degree carries a penalty of up to a year in prison.

SARAH RUSSELL: Exactly, so it's that single day that's causing the disconnect -- that up to and including a year is how we define misdemeanors, and really most states do, but for some reason, when they drafted these immigration laws, they said a year or more. And so, it's a single day, and it really wouldn't impact our criminal justice system. If anything, it has a positive impact because it will bring clarity to plea negotiations and to the parties in the -- who are trying to reach resolutions in these cases.

REP. STAFSTROM (129TH): So, third degree larceny, which under Connecticut law is a Class D felony, would continue to be treated as an aggravated felony under federal immigration law and still would be a mandatory detention and deportation.

SARAH RUSSELL: Yeah, so I think this doesn't impact anything that is already defined by us as a felony. So, the consequences remain the same. It's really just those offenses right at the -- right at the edge.

REP. STAFSTROM (129TH): Do you know whether Connecticut is the first state to adjust its
misdemeanor sentencing length in order to make sure that we're not running into this issue of the intersection between federal immigration law and state misdemeanor sentences?

SARAH RUSSELL: Yeah, no, other states have -- have led the way with this. So, on my list, though others may have more now that have acted, but Nevada, California, Washington, and Oregon have all moved on this issue 'cause they, like Connecticut, define misdemeanor like most people do, which is including a year but not above.


REP. BLUMENTHAL (147TH): Thank you, Mr. Chair, and thanks for your testimony, Professor Russell. You spoke a bit about bringing clarity to plea negotiations in our criminal justice system. I was wondering if you could speak a little bit about how this bill -- what benefits it might have for our state criminal justice -- excuse me, state criminal justice in that area.

SARAH RUSSELL: Yeah, so sure. So, I think immigration law is obviously a very confusing area, and so I think increasingly the players in the criminal justice system are expected and are trying to understand the consequences. But where you have -- you have this sort of disconnect, where everyone is treating it as a misdemeanor and assuming it'll be treated as a misdemeanor, it just causes greater confusion, I think, in trying to -- trying to reach those resolutions. And I think often people are motivated to enter into pleas because they understand they will maybe not remove the chance
altogether of deportation but at least put the case in a category where the judge will have some discretion. And so, there'll be greater flexibility in ability of prosecutors and defendants to reach agreements if they can enter into pleas the Class A misdemeanors. Right now, it really removes some category of offense that's really removed from the table by continuing to count the misdemeanors the way they are counted. So, I think it'll give more flexibility, I think, to prosecutors and defense lawyers, but it'll also make much more clearer what the consequences are -- are gonna be.

REP. BLUMENTHAL (147TH): Thank you, and so it sounds like you think that it would make our criminal justice system here in the state more efficient. Is that your opinion?

SARAH RUSSELL: Yeah, I think -- exactly, more efficient and also more fair. And it will mean that the consequences people expect that will come, the flatter consequences that they expect will come will actually be what comes about -- 'cause I think in many of these cases, people -- everyone is quite surprised to see the impact that these -- what was treated by the state as a relatively minor offense is carrying such extreme consequences for the -- for the person involved.

REP. BLUMENTHAL (147TH): Thank you.

SENATOR WINFIELD (10TH): Representative Palm.

REP. PALM (36TH): Thank you, Mr. Chair. Good morning. Am I correct that the intent of this bill is to prevent the overly onerous consequences for minor infractions, right? We're trying to prevent
people from being deported or punished for things that we in Connecticut feel are less severe than the federal. That's the overall intent?

SARAH RUSSELL: Well, I think -- or at least to return some more discretion to the immigration courts to consider things on an individualized basis.

REP. PALM (36TH): So, in the sense of returning discretion, that's -- that's also a way of saying empowering our own judicial system.

SARAH RUSSELL: Well, and empowering, I think, federal immigration courts as well. If -- because in many of these cases, people will still enter deportation proceedings, but the judges in those cases will have more of an ability to look at the individual situations.

REP. PALM (36TH): And have there already been people affected by this? Can you give this -- I'm not trying to put you on the spot -- but do you have any sense of how many people have already been affected by this disconnect?

SARAH RUSSELL: By the disconnect? Yeah, no, I think nationally it's -- and here in Connecticut, it's an issue. Others may have more statistics on that. I don't, but anecdotally I've certainly heard stories of it, and it certainly was enough to motivate lawmakers in -- in other states nationally.

REP. PALM (36TH): And if we were to go ahead and enact this, is there any sort of retroactive mechanism for undoing the harm that has been done?
SARAH RUSSELL: Yeah, so I think the bill contains -- I think the changes would impact previous convictions, not in any way undoing them but just mean that they would be -- the way that the courts, immigration courts, would look at them would be as true misdemeanors, as we intended them. So, in that sense, I think there's a retroactivity piece.

REP. PALM (36TH): Great. Thank you very much.

SENATOR WINFIELD (10TH): Thank you. Are there others? Seeing none. Thank you very much for your testimony.

SARAH RUSSELL: Thank you.

SENATOR WINFIELD (10TH): We'll next hear from Anton Hebenstreit.

ANTON HEBENSTREIT: Hi, good morning. Good morning, members of the Judiciary Committee. My name is Anton Hebenstreit of New Britain, and I'm here to speak in support of SB 991, that's the ACT CONCERNING ACCESS TO LEGAL COUNSEL FOR INDIGENT INDIVIDUALS IN IMMIGRATION REMOVAL PROCEEDINGS. The bill, if enacted, will provide for legal counsel to children and to indigent adults who are Connecticut residents and are in ICE detention.

I just wanted to share my firsthand experience as a member of the observer team at the immigration court in Hartford. The detainees that I've observed, they're held in detention up in Massachusetts. They do not appear in a Hartford courtroom except by a video link. But, to me, it's clear from the responses to their questions that almost universally they do not have an idea of how the proceeding
works, nor the choices available to them when confronted with specific charges. Many of them also face the impediment of trying to understand specific legal language as presented through an interpreter. My observation is that the detainees do not act in their own and their family's best interest simply by being overwhelmed by the proceedings. They give up. They have no resources, and they don't know what laws are available to protect them.

I would encourage you in the name of fairness to provide access to legal counsel for detainees, as provided in the bill before you. It helps ensure that those who seek asylum get a fair hearing and also benefits many long-time legal residents, spouses of U.S. citizens, and children.

I'm a lifelong Connecticut resident myself and the grandson of immigrants. This is my first trip to speak before you. I appreciate your attention to this urgent matter, and I thank you.

SENATOR WINFIELD (10TH): Thank you. Are there questions or comments from members of the committee? Seeing none. Thank you very much for your testimony. We'll hear next from Marianne Hebenstreit followed by Dr. Laurel Laporte-Grimes.

MARIANNE HEBENSTREIT: Good morning to the members of the Connecticut Judiciary Committee. My name is Marianne Hebenstreit of New Britain. I am here in support of SB 948, SB 992, and SB 991. I support all three of these bills and wholeheartedly agree with others in the room who have spoken so eloquently in favor of SB 948 and SB 992. However, I will limit my testimony today to SB 991 for one simple reason, I am the facilitator for ACLU People
Power of New Britain. It's a grassroots group that grew up in the early part of 2017 in response to the U.S. president's cruel and heartless executive action against immigrants in our country and his continued assault on this community. Since beginning this group, I have learned much about our immigrant community and all of the advocates who have been on the frontlines for decades fighting against the cruel laws and actions that target and discriminate against our immigrant neighbors.

Although I may be thought of as late to the party of advocacy, I am nonetheless passionate about it. That is why our People Power group in New Britain has dedicated our efforts to helping our immigrant neighbors in any way we can. So, last July, with the guidance of ACLU Connecticut, we initiated an immigration court observer program in which we dispatch a crew of no less than three people to the court on Wednesdays at the federal building in Hartford. We have taken notes on every case seen in that court on Wednesdays for more than eight months.

As a result of our records and reports, we have gathered enough information to prove without a doubt that the Connecticut men appearing in this court via video camera, all of whom are held in detention in Massachusetts, are desperately in need of professional legal representation. Very few of these men have the resources to provide counsel on their own behalf. These are men who are living in the shadows of our communities, just trying to earn a living to support themselves and their families, all the while trying to avoid any behavior that could possibly draw attention to them, as all of them have not been able to secure a long-term solution to their undocumented status in this
country for a whole host of reasons. They are the poorest of the poor, but I have witnessed that most of these men are some of the hardest working people in our community because they all desire to do -- all they desire to do is provide for their families and, in many cases, provide a safe place to raise their mostly American-born children.

But I have also witnessed in this court the cruelest of situations that force these men to answer questions to the judge with no legal understanding of the consequences of their answers with no legal representation. They know they must tell the truth [bell] but are completely ill-equipped to defend themselves adequately in this complicated judicial system. Further, their lengthy and perhaps inhumane incarceration in Massachusetts on misdemeanor charges only serves to encourage these men to give up on the legal process.

SENATOR WINFIELD (10TH): For one second -- are you close to the end?

MARIANNE HEBENSTREIT: Yes.

SENATOR WINFIELD (10TH): Okay.

MARIANNE HEBENSTREIT: This is cruel. This is not American, and this has got to stop. In criminal courts, we offer people attorneys. In some civil courts, we offer attorneys to those who cannot afford them. In all of these cases, we as a country know the import of these legal decisions and believe it is fair and just to provide counsel for the best possible outcome, even for the indigent. It is time for Connecticut to live up to our reputation as a state that cares about justice, our communities, and
especially our people. Give our immigrant neighbors representation for their best possible outcome. They are an integral part of our community, and they deserve the care and love and inclusion in our system of fairness for all. Thank you.

SENATOR WINFIELD (10TH): Thank you. Questions, comments from members of the committee? Seeing none. Thank you very much for your -- sorry -- Senator Bizzarro.

SENATOR BIZZARRO (6TH): Thank you, Mr. Chairman. Thank you very much, Marianne, for being here. It's nice to see a neighbor and a constituent up here and testifying on such an important issue. So, I thank you for coming up here. Just -- can you just -- I wanna give you an opportunity 'cause I'm amazed at what you just said. So, your -- your group is sending three people to every court hearing?

MARIANNE HEBENSTREIT: On Wednesdays in the immigration court.

SENATOR BIZZARRO (6TH): Okay. And can you just explain to me exactly what it is that they're doing when they go there?

MARIANNE HEBENSTREIT: Our three people go in. We take -- we just simply listen to everything that's going on in the court. We take vital information on every person appearing by way of video, you know, their name, their number, and the country they're from, and so forth. And we observe the court. We observe the whole proceedings of each and every case. We note whether they're in a pre -- a pre-bond hearing or, you know, what version of the hearing they're in, and then we go back to the
offices of ACLU Connecticut and we write a report on each and every person that provides this information.

SENATOR BIZZARRO (6TH): And do you have any lawyers that are part of your organization who attend the court hearings?

MARIANNE HEBENSTREIT: Actually, we do.

SENATOR BIZZARRO (6TH): And, last question for you.

MARIANNE HEBENSTREIT: And I’m not one. [Laughing]

SENATOR BIZZARRO (6TH): No, I understand. Is there a -- an additional repository for the reports that you generate, or is it just you keep it internal and share it with the ACLU? Is there something else that you do with these things?

MARIANNE HEBENSTREIT: As far as I know, it lies with ACLU Connecticut. We go to their offices. We input the data on their laptops. They have been using it for a variety of reasons to help notify other community members that have been advocates for immigrants and say, hey, this looks like somebody you might be able to help. They've given heads up to people of CIRA. They've given heads up to the Immigration Bail Fund, and hopefully, you know, I wish -- I wish every single one of these cases could be referred to an agency or a professional lawyer who could help represent them.

SENATOR BIZZARRO (6TH): All right. Very good. I thank you. I know there's, you know, a great deal of differing opinions on this subject, but I think that's a tremendous undertaking on your part, and
you and your organization ought to be commended for that. So, thank you.

MARIANNE HEBENSTREIT: Well, we have a wonderful crew of volunteers that do this, so thank you.

SENATOR WINFIELD (10TH): Thank you.

SENATOR BIZZARRO (6TH): Thank you, Mr. Chairman.

SENATOR WINFIELD (10TH): Next, we'll hear from Dr. Laurel LaPorte-Grimes, followed by Melissa Perez-Constantine.

DR. LAUREL LAPORTE-GRIMES: Good afternoon, Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee. I'm Dr. Laurel LaPorte-Grimes. I'm a resident of Manchester and a founding organizer of Uniting for a Safe Inclusive Community Manchester. I speak today in support of SB 948 as well as SB 992. Both of these bills would positively impact the safety and well-being of our immigrant families, friends, and neighbors as well as our communities at large.

SB 948 would reduce the maximum length of a sentence for misdemeanor convictions in Connecticut to 364 days. Currently, immigrants who receive a one-year misdemeanor sentence in Connecticut may be subject to deportation. This is regardless of whether they're even required to serve any of their sentence and regardless of how long ago their conviction occurred. So, an error in judgment when someone was young can result in their being ripped away from their family today. None of us plan on having interactions with the criminal justice system, but who among us can guarantee that this won't happen.
If it does, we all have to deal with the consequences, but these consequences should be commensurate with the offense. Deportation essentially removes a person permanently from their family, community, and livelihood and is not an appropriate consequence for a misdemeanor offense. The technical change proposed in SB 948 can ensure that it won't be.

SB 992 would update Connecticut's Trust Act to further protect our communities from the overreach of Immigration and Customs Enforcement and ensure that everyone in our state receives due process when they interact with our judicial system, regardless of immigration status. I have witnessed the unjust impact on families when our state and local agencies ignore their mandate to serve and protect all people who live in our state. All people are entitled to due process and should not be subject to the whims of individuals with power. If there is just cause for someone to be detained by ICE, then they should be required to present a judicial warrant to local and state officials. If they cannot do so, then we have to assume the evidence is not present for someone to be detained. In these circumstances, our local and state agencies should not be cooperating or conspiring to detain individuals against their will, neither should they be acting independently to provide information to ICE.

Our law enforcement and judicial systems are only as good as the trust we can place in them. It's important that all people in our state, regardless of immigration status, can trust that they will be safe when reporting a crime, providing testimony, entering a courthouse, or otherwise interacting with our justice system. It's important that we can all trust that consequences will match a crime and that
evidence will be required before assuming someone is guilty. These safeguards must apply to all people, regardless of immigration status. Otherwise, we end up treating a whole class of people as less than human, as less than deserving of basic human rights. Passing SB 948 and SB 992 will go in the right direction of recognizing the humanity and right of due process of all members of our community. Thank you.

SENATOR WINFIELD (10TH): Thank you. Are there questions or comments from the committee? Seeing none. Thank you very much for your testimony.

DR. LAUREL LAPORTE-GRIMES: Thank you.

SENATOR WINFIELD (10TH): We'll next hear from Melissa Perez-Constantine, followed by Ann Speyer.

MELISSA PEREZ-CONSTANTINE: Good afternoon, Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee. My name is Melissa Perez-Constantine. I live in Torrington, Connecticut, and I am a graduate student from the University of Connecticut School of Social Work with a policy practice concentration. I am here to testify in favor of SB Number 948, AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO MISDEMEANOR OFFENSES. As an intern with the Connecticut Sentencing Commission, I have had the honor to see how much time and discussion it involves within the commission to work collaboratively with stakeholders in the criminal justice system, including judges, prosecutors, defense attorneys, municipal police chiefs, and chairs of head departments, such as
corrections, boards or pardons and parolees, etc., and this raised bill is no exception.

As you know, a misdemeanor offense conviction in Connecticut that carries a maximum sentence of 365 days can result in severe immigration consequences for non-citizens, including Green Card holders who live and work in our state. Connecticut's one-year maximum sentence for Class A misdemeanors creates drastic, unintended, and disproportionate consequences for non-citizens, especially long-term lawful residents. Many residents convicted of only a single low-level or nonviolent misdemeanor offense are subject to mandatory detention and deportation due to the application and interpretation of the federal immigration laws. Furthermore, the effect of deportation is not only felt by the individuals but their families and communities as well. This not only is a traumatic experience for the individual, but it breaks the connections and relationships that were built. Families are left with sudden and severe financial hardship, children's routines and relationships are disrupted, and nearly all individuals and families experienced this -- increased mental health issues, such as extreme stress, anxiety, and depression.

As an Ecuadorian Latina, I have seen and felt how many people are affected by the different facets of our federal government. Being in contact with different identity groups at my job as an intensive case management case worker has shaped my life experiences by exposing me to different scenarios and circumstances that I have not grasped before. These experiences have shown me that it is not just an occasional individual racism or micro-aggressions but a deeper, larger system at work. With our
history built on oppression and inequality, it is not radical to see how our society developed into what it is today.

Working with the Connecticut Sentencing Commission, I can see the possibility in making tangible, concrete, systematic changes that can be stepping stones to where we need to be as a society today. With this bill, the state of Connecticut can preserve the integrity of the state's unintended criminal penalties, ensure judicial discretion, and keep families together. Without this, our society will continue to debate between the deserving and the undeserving while still maintaining the broken systems that have brought many people into poverty. I believe that this modest proposal sentencing reform is good public policy, and I stand strongly in support of SB 948. To the Judiciary Committee, thank you for your time.

SENATOR WINFIELD (10TH): Thank you. Questions or comments from members of the committee? If not, thank you very much for your testimony, and thank you for the way in which you testified. We'll next hear from Ann Speyer and then Jesus Morales Sanchez, I believe it is -- something.

ANN SPEYER: Good afternoon, members of the committee and a special welcome to Senator Bizzarro -- you are my representative at this point, so welcome to the New Britain world of politics. Well, one of the hats, one of the numerous hats that I wear in New Britain is a member of the Democratic Town Committee, and not because this is a partisan
issue but because people in politics tend to be very concerned about their citizens and residents of their town that the Democratic Town Committee Exec Board passed a resolution the other night in support of SB 991, and as secretary, I get to bring it to you. It is brief. I will read it in total. It has been submitted as well.

Whereas New Britain has long been the home to many immigrants to our country. And whereas the complexity of the immigration law are now such that it is necessary to have representation for a just and proper administration of this law. Whereas American society has upheld the need for legal representation for serious life-impacting matters through the requirement that counsel be provided in such matters. Be it resolved that the Democratic Town Committee of New Britain Executive Board urges the passes of SB 991, AN ACT CONCERNING ACCESS TO LEGAL COUNSEL FOR INDIGENT INDIVIDUALS IN IMMIGRATION REMOVAL PROCEEDINGS. It was passed unanimously.

I -- number two -- I'm the person who rounds up everybody to go observe the court. I'm part of the ACLU People Power in New Britain immigration court observation project. As such, I've become very involved in this. Yes, I did not know a lot of immigration -- about immigration a year ago, except that my grandparents were immigrants, came here impoverished, made a good life for all of us. Thank goodness they could come then. It was before the 1920 changes.

What I've found after months of weekly observations of the court is that those who are in ICE detention and appear before the immigration court have no idea
of what defenses the law provides for their immigration status. They may very well qualify for legal status under our immigration law, but they have no way of knowing it. I'm going to short some of this -- it is in the record. Some will be torn away from their children, who are American citizens. Most of these detainees have lived quietly during their time in the U.S., earning what they could at jobs no one else wants to take or starting small businesses, which have helped our communities, especially like New Britain, where we need business. They have meager financial resources due to their immigration status.

American society has long upheld the need for state-provided legal representation for serious life-impacting matters. [Bell] It's been guaranteed under law for anyone facing a criminal charge with a possible sentence of prison time, jail time, probation. In the civil courts, it is provided in cases of parental -- termination of parental rights. If such a -- someone in such a situation cannot afford legal counsel, the state will provide such. We believe, and I certainly believe from what I've seen, that proper representation is necessary to administer justice in these serious cases. Certainly, the severity of deportation fits this standard. We hope that you will provide -- you will pass 991 and provide the legal counsel that these people who are residents of Connecticut so desperately need.

One thing I'd also like to mention is way early in this hearing there was question about the costs and because Connecticut is so desperately in needs of funds, etc. The cost for this is coming out of the AG Settlements Funds. It's not coming out of the
regular budget area, and that's all documented in the latter half of the bill. So, you might wanna take a look at some of that as well. Folks, if you have any questions, I would be happy to answer them. I'm kind of an expert in how we run the observation corps.

SENATOR WINFIELD (10TH): Thank you.

ANN SPEYER: I'm not a lawyer. I'm a retired music teacher, but I'll try.

SENATOR WINFIELD (10TH): Thank you. Are there questions or comments from members of --? Senator Bizzarro.

SENATOR BIZZARRO (6TH): Thank you, Mr. Chairman. Thank you, Ann, for being here today, and I thank you, as I did your colleague, Marianne, for all of your advocacy. And again, you and your group ought to be commended. As I have -- you know, I understand and I'm very sympathetic to the -- the underlying reason, you know, for this proposed bill. My concern you just touched on, and I'm glad you went there, is with the funding source. I'm gonna ask you to put your DTC hat on now. Was there discussion before the resolution was passed about the funding source if this bill were to pass?

ANN SPEYER: The information was provided to everybody before it was presented, so I guess the questions were answered.

SENATOR BIZZARRO (6TH): Did anybody mention or ask whether this would impact municipal budgets in any way?
ANN SPEYER: No.

SENATOR BIZZARRO (6TH): Okay. Do you think it -- it would?

ANN SPEYER: No, I don't. It's not the same pool.

SENATOR BIZZARRO (6TH): Okay. I ask that because as I go through this and I start thinking about the ramifications, it occurs to me that when we talk about the Attorney General's Settlement Fund, New Britain has been the recipient of significant dollars in recent years as a result of some of those types of settlements. I mean, just off the top of my head, we had the Libor settlement not long ago, which resulted in a significant amount of money that flowed back to our general fund. We've got opioid litigation that's pending, and some of those cases have been resolved. So, I do think that there -- you know, that there's a little more to it than -- than saying that there won't be any impact. So, I just -- I just wanted to know. I was curious if anybody during the town committee meeting had brought any of that up.

ANN SPEYER: No, we had not.

SENATOR BIZZARRO (6TH): Okay. All right.

ANN SPEYER: I would be defending New Britain's needs more hard.

SENATOR BIZZARRO (6TH): I understand that. And I thank you very much.

ANN SPEYER: Than anyone.
SENATOR BIZZARRO (6TH): Thank you. Thank you for answering my questions. Thank you, Mr. Chairman, for the time.

SENATOR WINFIELD (10TH): Thank you. Are there questions or comments from other members of the committee?

ANN SPEYER: Okay.

SENATOR WINFIELD (10TH): Seeing none. Thank you very much for your testimony.

ANN SPEYER: Okay.


JESUS MORALES SANCHEZ: All right. Good afternoon, and just for the record, I want to clarify, my name is Jesus Morales Sanchez.

SENATOR WINFIELD (10TH): Well, that's different than what I have here. [Laughing]

JESUS MORALES SANCHEZ: I understand. All right. Well, good afternoon, and I am here in support of the Senate Bill 992, also known as AN ACT CONCERNING THE TRUST ACT. I am a community organizer based in New Haven. I do work with the Connecticut Immigrant Rights Alliance, and I am also someone that works very closely with the community, especially in the Greater New Haven area. I have been involved in many of the campaigns for people that are fighting for their lives. They're fighting for their lives in the sense that they're fighting for their
families, they're fighting for their legacy, their future in this country. They're fighting for their own freedom, as we remember Nelson Pinos, who's been in sanctuary for over 15 months.

So, I am here also as someone who has -- who's witnessed that happens against our community, the violence that happens when judicial marshals decide to go rogue and contact Immigration and Customs Enforcement. I'm here as the person the community goes to when they're afraid to go to court, to go to probation, to go to comply with their responsibilities, as they don't know if they will be walking into a building -- they know they will be walking into a building, but they don't know if they will be walking out. It has created a lot of panic, a lot of fear of the public institutions. And I believe that based on the original sentiment that the Trust Act -- the original Trust Act was passed on, which was to strengthen the relationship between community members and the institutions, the judicial institutions such as courts and law enforcement, this is doing that disservice to those institutions.

We've talked a lot about loopholes. We've talked about those seven exceptions included in the original Trust Act, and I believe that someone had asked about, you know, why are we calling it loopholes. And that is very simple because initially those seven exceptions were meant to be something not ordinary, something that would serve -- would allow some discretion on the part of the -- of the authorities, and unfortunately they have become the very tool that does a disservice to this piece of legislation.
We're talking about exceptions that are very, very subjective, such as the seventh objection, which is someone who has been determined to pose an unacceptable risk to public safety as determined by the officer. You're giving individual officers such authority to determine who's a public risk and who isn't, and that authority has been very clearly violated. A little bit -- like a couple hours ago, we were holding a press conference where we released a report that said [bell] that judicial marshals were taking advantage of that discretion -- high discretionary power to really -- to hold people and to turn them over to ICE, not only like complying for -- with Immigration and Customs Enforcement but even taking the initiative to reach out and let them know sensitive information about these people, including their next court dates, including the time that they're supposed to be released or if they are supposed to be released on bond or not.

So, I'm here just advocating for a stronger Trust Act, one that includes -- that nullifies those loopholes, that nullifies that very subjective power that has caused that abuse and violence towards our community because there's nothing more heartbreaking than seeing an 18-year-old, a 12-year-old crying for their father as he is being taken away in a white van after court. If you have -- if you are probably aware of that case, and I'm sure that you have -- it's been all over the news over the last couple of months -- it is one thing to read about it. It is very different to hear the screams over and over whenever you close your eyes, whenever you see the faces of these children. So, I'm asking you to strengthen the Trust Act, not just because it is a strategic matter but because it is very humane and right for you to do. It is the source of a lot of
issues for our community, for the kids. So, it's -- it's -- I want to appeal to that humane and personal approach today. Thank you.

SENATOR WINFIELD (10TH): Thank you. Are there comments or questions from people on the committee? Representative Porter.

REP. PORTER (94TH): Thank you, Mr. Chair, and thank you, Jesus, for being here -- not surprised to see you here 'cause you are very active in the community. And I just wanted to say thank you for all the work that you do, and thank you for bringing the humanity and compassion to this very serious issue that we're facing with what's going on culturally -- the climate in this country right now around immigration and the people that represent that population, how they're being treated. I am highly sensitive to this, and I stand in agreement with you. I just wanted to say thank you, not just for being here today to testify on the issue but thank you for all the hard work and committed work that you do around these issues and so many others.

JESUS MORALES SANCHEZ: Thank you.

REP. PORTER (94TH): Thank you, Mr. Chair.

SENATOR WINFIELD (10TH): Thank you, Rep. Porter. Are there others --? Ah, Jesus, sorry about the name because it had -- I don't know what was on my paper. [Laughing] First, thank you for your work. Several years ago, I went to a conference, and it was a conversation about doing something along the lines of a Trust Act, and I was told that that would not happen in any state. Well, that's why I came back here to push the bill. And during that time
when we were having the conversation, there was a lot of talk about safety. I've heard some talk about safety here today.

And I'm gonna ask you your perspective as somebody who lives in the community. The way that I see the safety issue is that when there's not the trust between certain communities and the police -- and I actually, during that time, was trying to figure out how to get people outside of the immigrant community to understand this, and in my community, where it's mostly black people, I talked about the fact that I, as a person of color, particularly a black person, [background announcement] never leave my house without my identification. I don't take out my trash without my identification because of the experience I had growing up. And I talk about how my community was less safe because we weren't trying to call the police if we didn't have to. So, can you speak a little bit about how safety actually manifests in your community because of the inability to believe that you're safe when you interact with the police.

JESUS MORALES SANCHEZ: Well, of course. It is not unheard of that there are a lot of issues, and there's a lot of underlying issues obviously that come with the interactions of the community and police, especially in this day and age when we see a lot of cases where there's racism and there's other factors that come with those interactions. However, I do want to -- to speak out about like the concern of people to do something when they victims. They're concerned to approach the authorities when a woman is a victim of sexual assault -- the concerns that people have when they're victims of wage theft, when they're victims of labor abuse, they are
victims of any other -- any other matter. A lot of people in our community feel like they don't have rights, that they don't have protections, and going to the police it's already very intimidating. It is a tough process. It is very difficult. If you add to that not knowing that if you go to court you may not come out, it is unsettling to say the least. It is frightening. And in the worst-case scenario, it is unfortunately true.

And we know that because earlier today we had our -- one of our members, our youngest -- one of our youngest members, Gerardo, whose father was taken away at the Meriden Court after a hearing, after he was let out on parole. And before they were even able to say goodbye or hello even, that parent was taken away. How can we expect these kids to really trust the authorities, trust the institutions that are claiming to serve a population to keep us all safe when those same institutions are the ones that are breaking families? And it's not just breaking families in the matter of like breaking them apart and like having that emotional trauma. It is also economic violence, as his father was the breadwinner. All of a sudden, it is a single mother trying to survive with five kids in an apartment that was -- that was literally falling to pieces.

It is all those unintended consequences, and to have judicial marshals simply say I'm just doing my job, I find it very, very disturbing. So, I just wanted to point out that if society cannot truly trust in the institutions that are there to "serve" us, then the system is just set to fail. And I don't know -- I'm sure that that is not the intent of the people in this room, so that's the reason why we're here to appeal to you that there needs to be a solution. We
know that there are much larger issues in the community and society, but right now we're trying to do damage control, especially with this administration, especially with all the rhetoric and the hateful -- the hatred that is going around society. It's time to do some damage control, and hopefully tomorrow we can have larger conversations about how can we overcome that and create a system that really and truly works for everybody.

SENATOR WINFIELD (10TH): Thank you. I appreciate your -- your answer. And I would just say, in addition to that, that I guess you can look at this as the issues of one community, but none of our -- none of our communities have real barriers between them, and what happens in one community spills into another. And so, if any of us are not safe that affects all of us.

JESUS MORALES SANCHEZ: Of course, of course. And like, I mean, as you said, we have different communities, and my community is mainly Hispanic, mainly people from Mexico and Central America. Your community seems to be different than mine, at least on the outside, but we know that there's always overlap. That's what makes -- that's the beauty of diversity, I guess. So, there are like -- there are more things in common between different communities than there are differences.

And just like -- the same way it's been our duty to advocate for our community, our people, the Latino community, we've been there for other communities that are facing the exact same issues. We had the case of Wayzaro a couple months ago, an African-American resident of Hartford that was going through a process very similar and that could have been
prevented with, you know, the proposal that is now before you, SB 948, I believe is the number. And we have the case of Salma of Bangladesh -- a mother from Bangladesh who also was facing this dilemma. So, yeah, I'm just resonating that sentiment that when something is afflicting one community, it's afflicting multiple, and it is -- it's time to really do something about it. I believe that you will have the power to do something about it.

SENATOR WINFIELD (10TH): Thank you. Are there others? Seeing none. Thank you very much for your testimony.

JESUS MORALES SANCHEZ: All right. Thank you.

SENATOR WINFIELD (10TH): We'll next hear from Eric Klotz, followed by Josh -- I should know his name because I've known him for years, but I always mess it up -- Pawelek.

ERIC KLOTZ: Hi, good afternoon. My name is Eric Klotz. I live in Portland, Connecticut. I speak before you today to express my support for Senate Bill 992, AN ACT CONCERNING THE TRUST ACT. This bill would update Connecticut's Trust Act to further protect Connecticut's residents from rogue actions of immigrant -- Immigration and Customs Enforcement, which exploits state and local systems to target and attack our communities.

It is a loathsome turn of events when members of our communities face arbitrary arrest and detainment at the hands of federal agents. It is -- is it justice when someone driving to work is pulled over by a state police officer for a speeding infraction and then detained and handed over to federal agents
because of their immigration status? Is it justice to detain an individual without cause [background announcement] or a warrant because of failure of an inefficient bureaucracy designed to hinder an individual's path to citizenship?

Some will argue that people who are not citizens should not be protected by the Constitution. But if this is the ideal framework for law and governing, why not extend this ideal and its inherent rights to everyone? We should, as a state, take a stand and say that we will protect those who are most vulnerable. At the very least, if we cannot or lack the will to help, do not hinder a person from attempting to improve their lives and the lives of their families.

State and local entities should not be flipped to operate against the people they have been established to serve. All people within the state of Connecticut deserve to remain in their communities or together with their families, regardless of immigration status or any aspect of identity. An updated Trust Act would enable us to collectively create a safer and healthier Connecticut. Thank you very much.

SENATOR WINFIELD (10TH): Thank you. Questions, comments from members of the committee? Seeing none. Thank you very much for your testimony today.

ERIC KLOTZ: Thank you for your time.

JUSTIN FARMER: Good morning, Chair and exemplary members of the Judiciary Committee. I'm here to speak on two bills, SB 61 and then -- hold up for one second -- SB 992. So, I -- I wanna start off speaking to the fact that oftentimes when we're talking about individuals in our communities, we talk about us being a multicultural community. I see many people behind me who are constantly fighting for communities that are first in need. Salma that was mentioned -- that woman from Bangladesh, her son was a first-year student at Quinnipiac, which is in my hometown, and he was starting his first week of school, and he was concerned about his mother being deported and worried about the process.

When we -- so, when we allow our state agencies to collaborate with ICE and to really attack and create a detriment to public trust, it not only affects us but it affects our whole community at whole. Oftentimes, you have community members rallying together last minute to really show a village mentality and talk about how we need to preserve our community.

Frankly, I'm tired. I was here last night. I was here the night before. I've been here all week. I've had things with my own family. And it's saddening and disappointing to be here to speak on an issue literally lowering our misdemeanor offense one day, changing a whole family's life, their livelihood, their ability to provide for their family, the ability to be together, the legal fees, the stress, the trauma that we're creating. That should be something simple to say that we're gonna change literally one day of punishment to ease a
generation or a lifetime of pain. And when it comes to public safety in terms of having our state -- our state police and having our other correctional facility officers working with ICE -- there are plenty of people who are undocumented in my community. I failed to mention that I’m a councilman in Hamden, but today I’m speaking as an intern at Planned Parenthood. But I often have knocked on doors where just the fact of telling my community members I wanna represent them, I want to see what their problems are and fix them, and the fact that I'm part of an institution that has abused that trust has left my community unsafe.

So, I won't take up any more of your time. In the land of study habits, I think we need to make it a habit to take care of our community members, and I urge y'all to support these bills.

SENATOR WINFIELD (10TH): Thank you. Questions, comments from members of the committee? Seeing none. I would just say thank you for coming to this building over and over and over again. You've become a regular fixture, and I think every time I watch you testify; I think you have probably some really good mentors. [Laughing] That's an inside joke. Representative Blumenthal, followed by Representative Porter.

REP. BLUMENTHAL (147TH): Thank you, Mr. Chair. And I would just like to echo the Chair's comments as a fellow young Democrat. I've been proud to see you representing your community up here this week and also in your community in Hamden. So, thank you, Justin.

JUSTIN FARMER: Thank you.
SENATOR WINFIELD (10TH): Representative Porter.

REP. PORTER (94TH): Thank you, Mr. Chair, and I guess it's just your day to have accolades thrown your way. I just wanna join the chorus of what my two colleagues just said, and personally knowing you from Hamden, being one of my constituents and always being in places, I'm not surprised to see you positioned where you are. And I just wanna say, thank you for your commitment and your dedication. I know the sacrifices you're making to make this happen and to fight the good fight on the behalf of people in Connecticut. So, thank you, Justin. I really do admire what you do, and it is my pleasure to assist you.

JUSTIN FARMER: Thank you.

REP. PORTER (94TH): You're welcome.

SENATOR WINFIELD (10TH): Thank you very much. We'll next hear from Alok Bhatt, followed by Maria Martinez.

ALOK BHATT: Good afternoon, Senator Winfield, Representative Stafstrom, Representative Blumenthal, and esteemed members of the Judiciary Committee. My name is Alok. I'm the community defense coordinator for the Connecticut Immigrant Rights Alliance or CIRA. CIRA is the statewide coalition of social justice-oriented organizations around the state, many of which are represented here. And when we work as a coalition, we focus on disentangling our state and local criminal justice systems from federal immigration enforcement. And, in pursuing that mission, we have been the primary advocates for
the Trust Act, which this year is SB 992, and beginning last year with the Connecticut Sentencing Commission, we're also the primary advocates for what is this year SB 948, or what we've been colloquially calling misdemeanor -- 364 days misdemeanor sentencing reform.

Our representatives at the Worker and Immigrant Advocacy Clinic at Yale Law School will speak more specifically to the substance and content of both of these bills, and folks before me have spoken from their own personal experiences. So, I just really wanna take a minute really -- not even that much time -- to reinforce to the committee why we're here this year and why the Yale team is here every single year. It's because every single year we've been on the ground since 2013 when we passed the Trust Act. The collusion between ICE and our state and local law enforcement agencies has gotten worse. It's gotten worse. It's gotten more violent.

ICE has gotten access to more background information in order to target and capture our community members, and they're being able to communicate with our systems that we pay for. We pay for these, right? ICE doesn't pay for these systems. We pay for these systems to protect us -- ostensibly to protect us -- and they're being used by a rogue federal agency to harm our communities, to do violence on our communities.

For those who were present during the press conference this morning, y'all heard about how Gerardo's father was violently taken away from him, how ICE -- how even our own state judicial marshals abused physically him and his sister just to enable ICE to execute their separation of his family.
These are the kind of things that we fight for when we come up here. These are the conversations our groups have on the ground, and these are the conversations we as advocates and community members bring back to y'all to let y'all know what the issues are and continue to push y'all to maybe even put aside your own political ideologies to act for the best interest of all the people of Connecticut, not just those you might have some -- some sympathies or lack of sympathies behind, but for all the state residents of Connecticut.

Attorney McGuire from the ACLU spoke about how the Trust Act, in particular, isn't affording anybody any more protections that aren't already afforded to every single individual within the United States under the U.S. Constitution, and we stand by that. We're fighting for our immigrant communities to be treated equally, not to be given any more advantages than anybody else. We want -- we are fighting for our community to be treated -- we're fighting for our communities to be treated equally because the systems in place, the state and local systems and the federal immigration systems, are committing violence on our communities. [Bell] And what we're gonna do -- what we're trying to do is make sure that the state of Connecticut does its part to make sure that it addresses that complicity and ends it. So, we urge y'all to pass SB 992 and 948 out of this committee. Thank you.

SENATOR WINFIELD (10TH): Thank you. Questions, comments from members of the committee? Alok, just as an individual, I wanna thank you for coming back year after year after year to try to make sure that we do the right thing. Thank you.
ALOK BHATT: It's for the peoples. Thank you.
[Laughing]

SENATOR WINFIELD (10TH): Maria Martinez, followed by Ellen Messali.

MARIA MARTINEZ: [Testimony in Spanish, translated via interpreter] Good afternoon, my name is Maria Martinez. I live in Hartford. I am here to support the Trust Act, and I wanna tell you a little bit about my story.
In December, I was traveling in New York, in the state of New York, with my husband, my daughter, and my nephew, and I was stopped by the police for a transit violation. They checked all of our paperwork, the license, everything that we had, and they let us go. They continued to follow us, however, for about half-an-hour, and after a half-an-hour they stopped us again and said that they had to check some more paperwork. We were waiting, and after waiting for about three minutes, three immigration vehicles pulled up.
Right away, they took my nephew and the father of my children out of the car. They handcuffed them, and they took them away. And they asked me to follow them with my daughter. My daughter was born here, they didn't know that, and my own paperwork is in the process. We were detained all night long, and the next morning my daughter and I were released. The father of my children was deported after 15 days, and my nephew was able to get bonded out with a bond of $14,000 dollars thanks to the help of some organizations.
One of the things that I would like to share is that this is such a difficult situation for me. My two
oldest children have some mental problems. [Bills] I have an eight-month-old baby, and now I have to work all the time, and so I can't even take care of my children in the way that they need me. It is very difficult for me to listen to my son count the days that he has not seen his father, and he has said to me we're going to die and not see him again. And that is it.

REP. STAFSTROM (129TH): Thank you, Maria. Thank you for comin' up here and taking the time and sharing your story with us. You know, I'm struck as we enter hour three of this hearing, the personal stories we've already heard today and I'm sure we're gonna continue to hear. Often on this committee, we sit here and we hear from lobbyists and different interest groups, and we deal with, you know, sort of the technical minutia of language and the like, and you know, it's refreshing to hear, you know, real voices from our community here telling their personal stories and why what we do or don't do in this building affects people's lives. So, thank you for being here. Representative Miller.

REP. MILLER (145TH): Mr. Chair, I just wanted to say that I'm so sorry that you're going through what you're going through, and I'm disappointed in what type of country we've become because I know that you and your family came here for a better life and not to be treated as criminals and to be torn apart. And I just also want to tell you that I know it's hard, but be encouraged -- be encouraged. Things are going to get better. Thank you.

MARIA MARTINEZ: Thank you.

SENATOR BRADLEY (23RD): I'm gonna say something in Spanish, and I'll translate for myself. I wanna thank you for your courage to come forth and testify. I know it's not easy, and we appreciate the testimony you've given to this committee.

REP. STAFSTROM (129TH): Representative Porter.

REP. PORTER (94TH): Thank you, Mr. Chair. Just pretty much chiming in on what's been said, but I feel your pain and I am so sorry that you've been subjected to this kind of behavior and injustice because what happened was not right. I'm just curious, how old is her son?

MARTIA MARTINEZ: [Via interpreter] She has an 18-year-old daughter, an 11-year-old son, and an eight-month-old baby.

REP. PORTER (94TH): Okay, wow.

MARTIA MARTINEZ: But I have to take care of my oldest daughter as if she were almost a five-year-old 'cause she has a lot of mental health issues.

REP. PORTER (94TH): Well, I -- I'm so sorry, so very sorry. And I will just -- Representative Miller, I think, said it best -- I know it's hard, but be encouraged and just know that you do have people in this capacity that are here praying for you and your family. And that what you said has more than touched my heart, it's touched my spirit. So, thank you for having the courage to come before
us and share such an intimate occasion -- what happened. Thank you. Thank you, Mr. Chair.

MARIA MARTINEZ: Thank you.

REP. STAFSTROM (129TH): Thank you, Representative. Further questions, comments from the committee? Seeing none. Thanks again.

Next up we have Ellen Messali, followed by John Gonzalez.

ELLEN MESSALI: Good afternoon to the members of the committee. Thank you very much for having me here. My name is Ellen Messali, and I am here this afternoon to testify in support of SB 991, AN ACT CONCERNING ACCESS TO LEGAL COUNSEL FOR INDIGENT INDIVIDUALS IN IMMIGRATION REMOVAL PROCEEDINGS. My testimony today will focus on representation for minors in removal proceedings, though I do agree that everyone deserves representation in these situations.

I am privileged to be an immigration staff attorney at New Haven Legal Assistance Association, a statewide nonprofit organization dedicated to providing high-quality legal services to individuals unable to obtain legal services because of limited income, age, disability, discrimination, and other barriers. For the last eight years, I have had the pleasure of representing individuals in removal proceedings. My clients are wonderful human beings, but they are also exceptionally vulnerable, none more so than the children who find themselves before an immigration judge, unsure of what is being asked of them and whether or not anyone will step in to
help them understand what they are facing and to advocate for them.

What is at stake for these children can often be a matter of life and death, and representation is crucial to ensuring every possible avenue for obtaining lawful status is explored and that viable options are diligently pursued. The difference in success rates for those children who have legal counsel and those who do not are staggering. According to the Transactional Records Access Clearinghouse maintained by Syracuse University, as of 2014, 73 percent of unaccompanied minors with attorneys were allowed to stay in the United States compared with the 15 percent of those who did not have representation.

As an attorney who represents numerous individuals in immigration removal proceedings, many of my clients are children. I currently represent three siblings who fled Guatemala together to escape a very abusive situation. While they were making the dangerous journey to the United States, they fell prey to human traffickers, and the female sibling was drugged and then raped by one of them. Without representation it is possible that these siblings would never have known that they have multiple options for acquiring lawful status in the United States, including applying for a T visa and for Special Immigrant Juvenile Status. Thankfully, we have pursued status for these children, and they remain in the United States, where they feel safe, having loving family, and the opportunity to pursue their education. I cannot imagine a situation in which these three young children would have been able to mount a defense to their deportation without representation.
REP. STAFSTROM (129TH): Thank you.

ELLEN MESSALI: Thank you.

REP. STAFSTROM (129TH): Questions from the committee? Representative O'Dea.

REP. O'DEA (125TH): Thank you very much, Mr. Chair, and thank you for your testimony, more importantly thank you for your service. It's truly amazing and something that we need more -- we need more people doing. What does it cost to represent a person through this process?

ELLEN MESSALI: I -- I wish that I were able to answer that question satisfactorily. I have only ever worked for nonprofit organizations, where we charge very low rates or where we represent the individuals for free. I think it often depends on how many hearings are required, whether the individual at any point becomes detained, and just how many hours of work whatever avenue they're pursuing requires. And so, I think it would vary, but I haven't worked for an organization where we have charged or charged probably the going rate for representation of these individuals, and so I don't know how to answer that question.

REP. O'DEA (125TH): Fair enough, and I'm sorry it was a bad question. But I'm just trying to figure out how much funding do we need to give like an -- what is the name of your organization?

REP. O'DEA (125TH): All right, but you're focused on -- that association doesn't just focus on children of -- immigrant children?

ELLEN MESSALI: Correct. We represent -- we represent immigrants of any age facing removal, or who are in need of advocacy seeking lawful status, and of course we have other units that focus on other types of civil practice.

REP. O'DEA (125TH): How much funding do you get from the state a year? Do you know?

ELLEN MESSALI: I'm sorry. I don't have that information. I apologize. So, I don't know. I think we are just very hopeful today that this bill will -- will pass the Judiciary Committee and move on to Appropriations so that that discussion can continue.

REP. O'DEA (125TH): Thank you very much for your testimony.

ELLEN MESSALI: Thank you.


SENATOR BRADLEY (23RD): Thank you, Chair. So, I just glanced at this bill really quickly, and I -- you know, to be honest with you, I don't feel like it goes far enough. And correct me if I'm wrong, it's my understanding that the federal law looks at a juvenile till age 21, especially for these special juvenile visas that you're referring to. Is that correct?
ELLEN MESSALI: That is correct, yes.

SENATOR BRADLEY (23RD): So, we could be doing a lot more, and I think you've kind of hit on it in your testimony. I know that the time kinda stopped you, but if you can elaborate a little bit more about the fact that we do have federal laws that protect children through special juvenile visas for people here who are 21 years or younger. Can you maybe elaborate a little bit more about the law and the form of relieve that exists?

ELLEN MESSALI: Yes, and hopefully this will address your question, but there are individuals who come to the United States who -- whether it was their motivation for coming or not, they have been abused, abandoned, or neglected by one or both of their parents. And as a result, federal law has seen fit to allow these individuals to petition for their own lawful permanent residence. This is a two-step process that requires the state courts as well as petitioning before USCIS, the federal immigration benefits granting agency. And that agency has said we define minor up until the age of 21, and that we will grant this benefit to an individual who is eligible up until the age of 21 as long as they have applied for that benefit prior to their 21st birthday. And we have only recently passed law in the state of Connecticut to try to bring us up to the federal standard of that age of 21, whereas before Connecticut used to be the age of 18, essentially depriving 19 and 20 year old -- 18, 19, and 20 year olds of accessing this form of relief that -- that can really be a life-saving measure for many of them who have come to the United States. I hope that answers your question.
SENATOR BRADLEY (23RD): It does. And not to ruin the lovefest 'cause we know we've all had kind of a lot of emotions being brought here and some really compelling testimony, but what we're talking about here, right, like kind of the elephant in the room is like, well, why are we gonna help out people who are criminals. That's the thought. They don't understand the difference between immigration court being a civil court and criminal court being a criminal court, right. What we're talking about here are not criminals. This is not the public defender's office, right. These aren't people we're going to process because they did something wrong in society. These are people who, under the law, have a form of relief that aren't being -- aren't being able to exercise that relief because they don't have legal representation. Is that correct?

ELLEN MESSALI: That's absolutely correct. I have yet to meet a single individual who I've represented who has had much more than traffic violations in terms of -- of any kind of criminal record. So, yes, I 100 percent disagree with the categorization that these individuals are criminals. And what I would say though is that many individuals who are facing criminal proceedings, whether they may be looking at, you know, the removal of their liberty for a matter of months, are afforded representation in those proceedings. Whereas people who are applying for asylum because they are convinced that their life would be in danger if they return to their home countries are not afforded such representation. So, these are immigration death penalty cases and they deserve representation in those matters.
SENATOR BRADLEY (23RD): And so what we're really saying is that here are children who have laws that protect them, but they're being victimized because there's no one there to do what a lot of times -- and not to make it sound trivial because I practice in immigration court -- it's forms. We're talking about people who just don't understand the language of the process and don't have the sophistication to fill out the form so that they can have the laws protect them. Right? That's in essence what you're saying.

ELLEN MESSALI: Correct. And I have seen -- I have a client currently, I'm helping her to petition for her son. She was unsuccessful in her first attempt simply because she had prepared and submitted an expired form. So something -- something as trivial as that that can stand in the way because someone doesn't understand how to find the most current version, or whatever it is, preventing her from bringing her son here when that is something that she, under the law, was absolutely eligible to do.

SENATOR BRADLEY (23RD): Thank you. No further questions.


ELLEN MESSALI: Thank you very much.

REP. STAFSTROM (129TH): Next up is Jon Gonzalez, followed by Ana Maria Rivera Forastieri.

JONATHAN GONZALEZ-CRUZ: Good afternoon, members of the Judiciary Committee. My name is Jonathan
Gonzalez-Cruz, and I am a graduate student at the University of Connecticut pursuing a Master of Science in quantitative economics. I am also the policy coordinator at Connecticut Students for a Dream, and we are a statewide youth-led organization fighting for the rights of immigrants and their families. And today we stand in support of SB 992 concerning the Trust Act.

In Connecticut, our immigrant community yearns to live unafraid, to live unafraid of being to speak their own language without fearing prejudice and discrimination. We yearn to live unafraid of being able to drive our children to school without fearing ICE picking us up. And we, as youth, shouldn't have been afraid of -- not having to worry about if whether our parents are gonna be here when we come home or not. Although the Trust Act was passed in 2013, it is not enough because of the loopholes that have been discussed in this -- this hearing. And I just wanted to share my own personal story.

When I was a high school sophomore, I had just come home, and the day was very sunny, and I was excited because that meant that I was gonna get to play soccer with my friends. But then I received a call from my mom, and she told me that my dad had been pulled over for a minor traffic violation and that he was being held at the police station. And I naively thought that if it was just a very minor traffic violation that he should be able to come home for dinner that night. As I headed to the police station, and as I walked in and I saw my mom coming towards me with tears in her eyes, I already knew what was happening, and she told me that they had called ICE on my father and that they were coming to pick him up right now. And so I alongside
my brother, we sat in the police station lobby with my father in another room, and the police officers didn't even have the humanity of letting us say goodbye to my father. They knew that he was being picked up that very moment, and they didn't even let his son say goodbye to him.

And that isn't -- that is not just my own story, it happens across many families. We do not get to say goodbye to our loved ones before they are deported to a different country. And so today, we do stand in support because we know what it's like to experience family separations. We know that they happen here in Connecticut. And I wanted to also talk about, once you are in detention, it's very terrible because ICE is the very same institution that has held children in cages, that has -- one of my students told me that when she was in the detention center that they mocked children in English because they didn't think they spoke Spanish. This is the very same institution that does not care about human rights laws by the way that they are treating the people that they have in detention. And so, it is -- it is a public health concern that we protect our undocumented community here in Connecticut, and we have that ability to do it by passing this upgraded Trust Act. And we have to do it sooner rather than later because, at this very moment, there are families that are gonna be experiencing family separations if this doesn’t get passed. Thank you.

REP. STAFSTROM (129TH): No, thank you, Jon. Further questions from the committee? Representative Porter.
REP. PORTER (94TH): Thank you, Mr. Chair, and hi, Jonathan. I just wanted to say thank you for comin' in. I do a lot of work out there in New Haven, and you are always on the scene, boots on the ground. I'm very sorry to hear about what happened to you as a sophomore in high school, and I agree, it's inhumane treatment. I mean, the least that could've been done was to give you and your brother the opportunity to say goodbye to your father, since they knew he was gonna be deported.

And the fact that these and other atrocities are happening to immigrant children, not to mention their parents, but especially the children because the children are the most vulnerable, the most innocent. And I think it's our duty to make sure that something is done to ensure that when they are taken into custody that they are safe and that these things are not happening to them. My belly aches every time I hear stories like this, or I have to read about what's being done to these children in detention. It's passed inhumane. It's cruel and unusual treatment.

So, don't think that it's fallin' on deaf ears. I hear you loud and clear. And as a member of this committee, I commit to working to make things better for the people you are here representin' today. So, thank you again for comin' in and testifying and being their voice since they don't have a voice right now. Thank you, Mr. Chair.

REP. STAFSTROM (129TH): Thank you. Senator Winfield.

SENATOR WINFIELD (10TH): I pretty much echo what Representative Porter said. I think I said to you a
couple of years ago -- we were at a press conference, and I think you were a little bit nervous, but I think I said after the press conference that you were phenomenal. I think what you do is you give color to that which is pretty much black-and-white, right. We read on a page what's happening, but you give color to it and it makes it that much more real. And I think the work that you've been doin' for the last few years has actually made the state a better state. So, when -- when we have the opportunity to commend particularly young people for doin' the kind of work you do, it's always my pleasure to do so. Thank you.

JONATHAN GONZALEZ-CRUZ: Thank you. And if I could just make - get one last thing in. I often hear people talk about that undocumented immigrants, especially parents, are criminals. And I just wanna say for the record that we are not in the interest of criminalizing our parents' love. Our parents chose to come here the way that they did because they love us. And when people try to criminalize that and call them criminals and that they should not be here -- we will not tolerate that because our parents loved us with so much love that they were willing to give up everything that they knew in a country -- to come to a country that they may have never been here before and took all that to give us a better life. So, I just wanted to set the record straight that our parents are not criminals either just because they came undocumented.

REP. STAFSTROM (129TH): Thanks. Thank you for your testimony.

JONATHAN GONZALEZ-CRUZ: Thank you.
REP. STAFSTROM (129TH): We really appreciate you being here. Ana Maria Rivera Forastieri.

ANA MARIA RIVERA FORASTIERI: Good afternoon. Dear members of the Judiciary Committee, my name is Ana Maria Rivera Forastieri. I'm one of the co-directors of the Connecticut Bail Fund. We are a community organization focused on supporting people that are facing both criminal charges and/or deportation. We have a number of programs that we run, including two community bail funds that we use to pay bail for people in both the criminal legal system and the immigration system who otherwise would not be able to get out because of inability to pay.

I submitted remarks in support of SB 948, SB 991, and SB 992. I wanna focus my remarks today on the Trust Act. I have been working on these efforts since 2012, and I was part of the original team that passed the Trust Act in 2013. It was a huge deal for us to do that. We were the first state. We were very excited. We thought this would make a huge impact in the community, and I think for a while it did, even with all of the seven loopholes.

In 2015, we came back to then-Governor Malloy's office, and we said, this isn't enough, we need more from the state of Connecticut. Governor Malloy and then-Commissioner Semple instituted Administrative Directive 9.3 that further limited the instances in which law enforcement can cooperate with Immigrations Customs Enforcement. And I thought naively that these two, both the law that we passed in 2013 and the Administrative Directive, would protect our communities as a whole, but that wasn't the case. I think these laws protect some people.
They don't protect all people. And even those that are meant to be protected are not really currently protected under the Trust Act.

So, I know this from firsthand experience, because before I heard it anecdotally from people that would come and talk to us about things that had happened to them, but now we're going inside the jails in Connecticut every single week to talk to people that have bond amounts of $5,500 dollars or less, so mostly misdemeanor charges, traffic violations, things like that that we obviously oppose. Nobody should be in jail in a cage for that reason. But, in our efforts, we've tried to bail out Connecticut residents that are in pretrial detention that have been determined by a judge that they have the right to come out on bail. We have been unable to post bail for those individuals in most cases.

And particularly egregious is York Correctional Institute, the only state-run prison in the state for women, and we have been unable to post bail for any immigrant women in Connecticut for years. And so, for us, that's a huge due process issue. If immigrant women in Connecticut cannot post bail in the state of Connecticut, that is a huge concern.

Not only that, the loopholes are obviously very problematic, but further than the loopholes is the way that the language is drafted right now allows for a lot of discretion for correctional officers and judicial marshals to still continue to hold people. And that happens for a couple of reasons. One of the reasons is that the current policy directs correctional officers and law enforcement agents to give a courtesy call — they call it a courtesy call — to ICE [bell] informing them that
they have to -- informing them that they're gonna be releasing this person. And unfortunately, law enforcement agents take this to mean that once ICE expresses interest in the person that they have a legal obligation to hold them, which is just not the case. They're actually unlawfully holding anyone once bond has been posted or a PTA has been determined by a judge.

And the second problem that we see is that ICE is -- ICE is currently going inside of all of our jail facilities to interrogate and intimidate people that are there on pretrial detention and also serving sentences.

REP. STAFSTROM (129TH): Okay. Thank you. I need you to just wrap it up please.

ANA MARIA RIVERA FORASTIERI: I'll wrap it up. I mean, one particular story of a woman at York that I think about it and the testimony has been submitted written 'cause she couldn't be here today, it breaks my heart because this is a young immigrant woman survivor of sexual violence. And she was led to believe by this ICE agent that he was a lawyer there to help her, when really he was just coming in to get information about her own status, about her family, so that once she was available to come out they could just pick her up and put her in a cage, which is exactly what they did. For four months, this 21-year-old immigrant mother left her five-year-old son alone because this ICE agent did this inside of York.

And the last remark I will say is that the COs mock the Connecticut Bail Fund all the time when we try to support immigrant women. The last time we were
there, two-and-a-half weeks ago, to post bail for someone that was in there for driving without a license -- a woman that was in there for driving without a license -- they came out and told us, sorry, she was remanded into federally custody, and you know, we did this in under an hour since we know that your next call is gonna be to the commissioner. What is that? What is our system doing? Thank you. 
REP. STAFSTROM (129TH): Thank you. Thank you for the work your doin'. Representative Miller.

REP. MILLER (145TH): Thank you and thank you for testifying. Do you know why it's difficult to get women from York Prison to be bailed out?

ANA MARIA RIVERA FORASTIERI: Yeah, so once you initiate the process to post bail, the COs are supposed to go through this checklist to determine if the person should be held for ICE under the three loopholes that currently exist with Administrative Directive 9.3. In most instances, they should not be held because the loopholes are pretty narrow in the DOC, but unfortunately what they have done multiple times is just delay the bond-out process, so that -- to give Immigration an opportunity to get to the jail and actually take over custody of the individual that we're trying to post bail for.

REP. MILLER (145TH): If I may, Mr. Chair. So, do you think it's something that's internal? So, it's something that's happening internally?

ANA MARIA RIVERA FORASTIERI: I think partly it is. When we attempted to post bail for this one woman that I talked about in December of 2017, initially the COs told us you can't post bail 'cause she has an immigration detainer. And we said, actually no,
that's not what the law says. That's not what the Administrative Directive says. We have to be able to post bail. We determined at the time that it wasn't safe for us to do that 'cause we had seen that they were delaying the process, so we didn't post bail for this woman then. And we talked to the commissioner and to the previous administration about just making sure that people knew what the law was. Everybody was retrained, supposedly, on what the law was, but they did exactly the same thing. They had us waiting in the lobby for six hours, I think, while we were trying to post bail. We actually were posting bail for several people, and the people that were not immigrants came out, but not the people that were immigrants. And so that told us that they were very much in the process of just coordinating a transfer into custody -- immigration custody.

REP. MILLER (145TH): Do you think that there's anything that we can do legislatively to prevent that from happening?

ANA MARIA RIVERA FORASTIERI: The Trust Act needs to be expanded. Part of the protections -- people have been talking a lot about the loopholes, which we definitely need to close out, but one of the most important parts of the Trust Act is first preventing ICE from going into the jails unless they have a judicial warrant, and second, that this courtesy call is eliminated. It doesn't prohibit communication between law enforcement and ICE, it just doesn't require that communication happens on an active basis. Connecticut is a small state. ICE is not taking three days in order to get into a jail to get someone. It takes a matter of hours before they get there.
REP. MILLER (145TH): Thank you very much.


REP. BLUMENTHAL (147TH): Thank you, Mr. Chair, and thank you for your testimony today. We've heard a lot today about the consequences of deportation and what it does to families, what it does to individuals, and it's obviously an incredibly grievous experience for those who do experience, but I think you're in a position to talk about the other side of things, which is that not everyone who is detained is actually deportable. And so, I was wondering if you could expand a bit on what happens when people are detained just through the detention process, even if they are not ultimately removed from the United States, and what that does to individuals, what it does to families, what it does to their communities.

ANA MARIA RIVERA FORASTIERI: After they're detained by Immigration Customs Enforcement?

REP. BLUMENTHAL (147TH): Correct.

ANA MARIA RIVERA FORASTIERI: So, once they're detained by Immigration Customs Enforcement, it depends on --- look, every case is complicated and it's very unique, but for the -- if somebody's eligible for bond, then they have to wait for the process to apply for bond. Then they have to pay somebody to talk about having to pay a $14,000-dollar bond, which is cash by the way in the immigration system. There is no such thing as a ten
percent or as going to through the private bail bondsman.

So, you're waiting, depending on the court, sometimes months before you actually get a bond hearing. Once the bond hearing is set, if you are able to pay that bond, and a lot of these folks, again, are unrepresented, which is why some of the other bills are also important. I believe the statistic is that 76 percent of detained immigrants in Connecticut in removal proceedings go through these proceedings without a lawyer. So, that's pretty shocking. So, if they are able to get bond, and if they're able to get -- pay that bail, then for years they're fighting an immigration case in order not to be separated. If they're not eligible for bond, then it means because they've been convicted, for example, of one of these misdemeanors that we're trying to address now. They could be held in mandatory detention while the duration of their case might take place. And the case log in the -- in the immigration system is so long that sometimes people wait two-three years before their hearing actually takes place. So, someone is held in detention for a really long period of time before they're actually [background announcement] able to make an argument about what forms of relief they're eligible for.

REP. BLUMENTHAL (147TH): It may seem obvious, but what would that do to that person's economic prospects? What would that do to their family?

ANA MARIA RIVERA FORASTIERI: I mean, I cringe every time I hear some of these stories. And I choke up not because I haven't heard it over and over and over again, but it's because it's like the most
inhumane experience that I've ever seen in my life. It destroys families economically. It takes one of the breadwinners out from the -- the mental health trauma that the children experience of being separated from their parents, the fear of never seeing your parent ever again, the fear of never seeing your partner ever again takes a huge mental health toll. There's been articles and articles about it.

The young woman that I was talking about told me when she was writing her testimony that she submitted that, while she was in detention, she often thought about killing herself because it was such a terrible place to be -- rats running around, maggots in the food. But the only thing that she told me, I have to fight myself every single day from not committing suicide because I just can only think about my son and that my son was waiting for me on the outside. That's the only thing that kept her, you know, not committing suicide. And this is the kind of things that communities all over Connecticut are experiencing. This is not just a border issue. It's happening in our state, and we need to do better.

REP. BLUMENTHAL (147TH): Thank you for your testimony. Thanks, Mr. Chair.

REP. STAFSTROM (129TH): Thank you. Further questions from the committee? Senator Bradley.

SENATOR BRADLEY (23RD): Thank you very much, Mr. Chair. We've talked a lot about the human expense, and I know that there might be people in the committee or people in our legislative body that aren't quite moved by that, right -- that have a
different perspective as to your cause. So, let me be so bold to maybe ask a question that might be lingering in there for some, right. What is the financial expense to the state of Connecticut by violating people's rights and denying bond and having people in custody? Does the Federal Government pay the state of Connecticut for keeping people incarcerated?

ANA MARIA RIVERA FORASTIERI: No, it does not. So, it is -- although I don't -- I wish I had the numbers, and maybe somebody else here today has them. It is a cost for the state of Connecticut to hold people solely for the basis of an immigration detainer. We are not getting reimbursed for that money. So, we're doing the work essentially for free for ICE agents. And the cost -- the Trust Act, when it was first passed, it didn't cost a single cent for the state of Connecticut to do the right thing. So, there's not even a concern about an appropriation on the bill. It's really more of a moral judgment, right, and also that it's -- it's costing the state of Connecticut dollars to hold people and continue to expend state resources to deport folks.

SENATOR BRADLEY (23RD): And that's -- is that true across the board? In other words, marshals in the courtrooms, they're not getting paid for detaining people and holding people, calling ICE to kind of be their clerical staff? Police officers aren't getting paid to investigate, to arrest, to detain people who have immigration bonds or warrants out for immigration? There's no, whether municipal or state level, federal funds being allocated to us for doing their job, is that correct?
ANA MARIA RIVERA FORASTIERI: That's correct.

SENATOR BRADLEY (23RD): Okay. Thank you.

REP. STAFSTROM (129TH): Further questions? Seeing none. Thanks so much for being with us.

ANA MARIA RIVERA FORASTIERI: Thank you very much.

REP. STAFSTROM (129TH): Next up is Patricia Marealle, followed by Iva Velickovic. And I -- if I'm massacring names, please correct me. Welcome, Patricia.

PATRICIA MAREALLE: Thank you. Senator Winfield, Representative Strong -- sorry -- Stafstrom, members of the Judiciary Committee.

REP. STAFSTROM (129TH): Yeah, I butchered yours, so it's okay. [Laughing]

PATRICIA MAREALLE: I know he's not here, so that works out for me. [Laughing]

REP. STAFSTROM (129TH): No, that's me.

PATRICIA MAREALLE: Oh, no, you are here, Stafstrom. Hi, how are you?

REP. STAFSTROM (129TH): Good, how are you?

PATRICIA MAREALLE: Good.

REP. STAFSTROM (129TH): Let's start this again.

PATRICIA MAREALLE: Senator Bergstein is not here.
REP. STAFSTROM (129TH): Why don't we start -- why don't you pronounce your name for me.

PATRICIA MAREALLE: My name's actually Patricia Marealle.


PATRICIA MAREALLE: Yeah, there we go.

REP. STAFSTROM (129TH): It's a mouthful. Go ahead.

PATRICIA MAREALLE: All right. My name's Patricia Marealle, and I am the staff attorney for the Center for Children's Advocacy. I work with their Immigrant Children's Justice Project, and I'm here today in support of Senate Bill 991.

CCA is the largest nonprofit legal organization in New England, and we devote our time exclusively to protecting and advocating on behalf of the legal rights of Connecticut's most vulnerable children, including immigrant children. And as the staff attorney for CCA's Immigrant Children's Justice Project, I represent immigrant children who have fled to the United States to escape persecution, abuse, poverty, and extreme violence and sometimes even death threats. And many of these children will go through a traumatic and treacherous journey alone, and this is because they have been either separated from their parents or abandoned by their parents. And so, without exception, the child clients that we serve are poor and unable to afford private counsel. And under immigration and federal law, there is no right to government-appointed counsel, even if you are a child. So, I'm talking
about situations where you have 5-year olds representing themselves, you know, in front of a Department of Justice -- Department of Homeland Security attorney. How is that right, and how is that justice?

And just -- just to give you an idea of the type of numbers that are out there. A recent -- a recent national data collection study showed that one-fourth of all unaccompanied children face deportation, unrepresented, and just here in the state of Connecticut in the fiscal year of 2018, we had 1,040 juvenile deportation proceedings. And of those 1,040, over 70 percent of them are still unrepresented to this day. And these are children, and how do we expect for them to [background noise] advocate for themselves?

And this becomes significant because deportation is a very formal and complex proceeding. You know, it's confusing. It's baffling to even skilled attorneys, immigration judges, and federal courts alike, and you know, if you have well-educated English-speaking adults getting confused over the law and the process, how do we expect [bell] children who are traumatized and may not even read or speak English to advocate for themselves. And just in summation then, SB 991 would therefore promote justice for these refugee and undocumented children by making it necessary for them to have counsel when they appear before these proceedings. Connecticut has the opportunity to set a precedent for the nation and to be a leader in protecting the due process rights of children. And we're thrilled about this bill, and we urge the committees of this -- members of this committee to support it. Thank you for your time.
REP. STAFSTROM (129TH): Thank you. Questions from the committee? Representative Porter.

REP. PORTER (94TH): Thank you, Mr. Chair. Can you tell me where these children are being held?

PATRICIA MAREALLE: A lot of the children aren't actually -- some of them get held in detention centers run by the Office of Refugee and Resettlement. Some of them get released to sponsors. So, I don't have exact numbers of how many of those are actually in a detention facility versus at home with sponsors, but they are required to show up to immigration court. And they do not have a right to counsel, and so a lot of them cannot afford an immigration attorney and so do show up on their own.

REP. PORTER (94TH): And can you tell me where the detention center is located?

PATRICIA MAREALLE: The detention centers are usually located wherever -- they're all over the country. It depends on where they entered the -- the country, like what state, and sometimes they're held at the local -- the one that they entered in and sometimes -- but they get --

REP. PORTER (94TH): Okay, I guess I should be more direct. Are any of those detention centers here in the state of Connecticut?

PATRICIA MAREALLE: We do have one. There is a juvenile like detention center down in the New London area, and then there's one up in Mass.
REP. PORTER (94TH): And the one that you're talking about in Connecticut, do we have children currently bein' held there?

PATRICIA MAREALLE: I know we -- there was some children there, like -- was it last year? No, 2017. I don't know what the current numbers are now. But, I'm talking about these 1,040 -- these are filings in Connecticut Federal Court for deportation proceedings. So, this is happening in the court downtown in Hartford.

REP. PORTER (94TH): Okay. Thank you. And I do have some other questions, but we can talk off-line.

PATRICIA MAREALLE: Okay.

REP. PORTER (94TH): Thank you, Mr. Chair.

REP. STAFSTROM (129TH): Representative Walker.

REP. WALKER (93RD): Thank you, and good afternoon. Thank you for your testimony.

PATRICIA MAREALLE: You're welcome.

REP. WALKER (93RD): So, these proceedings that you're talking about, first of all, is there any state in this country that is doing this in a humane way that --?

PATRICIA MAREALLE: So, currently, there hasn't officially been a state that's currently implemented something. The state of Florida tried ["whoa" in background] and they passed something, but it's been watered down so much that it's not as it is. There is current litigation in the Ninth Circuit for this
exact situation, where a child is -- they've filed -- a child has filed a lawsuit just for -- for representation -- for the mandatory right for representation in front of immigration and deportation proceedings.

REP. WALKER (93RD): So, you're saying that in Florida they're looking at providing legal support for the kids that have been -- that are up for deportation in Florida.

PATRICIA MAREALLE: They did, yeah.

REP. WALKER (93RD): They did.

PATRICIA MAREALLE: They did, yeah, but it got -- it was eventually -- they tried to pass something very similar, but it got watered down during the process. And what ended up passing, it's very weak. And I don't know what other states as of currently are doing this, but those are the only two examples I know of.

REP. WALKER (93RD): And, you probably wouldn't know this, but do you know of any countries that are doing this in a better way than we are?

PATRICIA MAREALLE: Not off the top of my head.

REP. WALKER (93RD): I'm looking for a model -- I'm looking for a model for us to follow anywhere. Do you have any?

PATRICIA MAREALLE: No.

REP. WALKER (93RD): You have no models anywhere in this circumstance?
PATRICIA MAREALLE: Not of a state mandate.

REP. WALKER (93RD): Or country? No -- nothing?

PATRICIA MAREALLE: No. I'm sorry, not at this moment, but I could get that information for you.

REP. WALKER (93RD): Okay, and as -- are the 1,040 kids that we have on book with cases right now -- how many of them have been deported already? Do you know?

PATRICIA MAREALLE: I do not know that information, no, yeah.

REP. WALKER (93RD): Okay. Thank you. Thank you for your answers.

PATRICIA MAREALLE: You're welcome.

REP. STAFSTROM (129TH): Thank you, Representative. Further questions from the committee? Seeing none. Thanks so much for being with us.

PATRICIA MAREALLE: Thank you.

REP. STAFSTROM (129TH): Next up is Iva Velickovic, followed by David Zemelsky.

IVA VELICKOVIC: Senator Winfield, Representative Stafstrom, and esteemed members of the Judiciary Committee, thank you so much for the time today. My name is Iva Velickovic, and I'm a law student intern at the Worker and Immigrant Rights Advocacy Clinic at Yale Law School, which represents the Connecticut Immigrant Rights Alliance, known as CIRA.
I'm here today to testify in support of SB 992, AN ACT CONCERNING THE TRUST ACT, which will restore trust and cooperation between Connecticut law enforcement and Connecticut immigrant communities. I'm also here in support of SB 948, which would implement just a minor change to sentencing structure that would protect immigrants from the disproportionate federal immigration consequences that currently accompany minor state misdemeanors.

I'm gonna focus most of my testimony on the update to the Trust Act, and I wanna begin by saying that when Connecticut first passed the Trust Act in 2013, it was at the forefront of protecting immigrants' rights. The Trust Act currently limits local and state law enforcement's ability to enforce ICE detainers to seven circumstances, and complying with these detainer requests is not only completely voluntary, but some state and federal courts have actually held that it's unlawful. The Trust Act limits state and local cooperation to seven categories, but as you've heard today, we've seen in practice that those seven categories are far too broad.

As just one example, those seven categories leave a great deal of discretion to individual officers, and in the context of judicial marshals, about which CIRA released a report earlier today, we've seen that individual judicial marshals exercise a great deal of discretion to hold folks for no other reason than that that person has a civil ICE immigration detainer. So, in those cases, there's no judicial warrant, and maybe this person hasn't committed a serious crime. There's no reason to be holding them other than the immigration detainer, and the
judicial marshals are complying. They're also proactively reaching out to ICE, and that's something that we need to put a stop to. It's something that would be handled by SB 992.

In addition to limiting the judicial marshals' and other state actors' discretion to enforce civil immigration detainers, SB 992 would require ICE to get a warrant when it wants to detain someone, which means that it would hold ICE to the same standard that other federal agencies, including the FBI or the DEA, are held to when they want to detain someone. In addition, SB 992 brings Connecticut up to the standard that other states, including Illinois and California, have set in their Trust Act by eliminating the loopholes, and it would increase transparency and accountability.

Finally, just to echo the remarks of Attorney McGuire, SB 992 is compliant with federal law and with the Tenth Amendment, which protects the states from commandeering by the Federal Government. Anytime that [bell] state and local law enforcement continue to hold someone on the basis of an ICE detainer alone, they open us -- they open Connecticut up to liability, and we wanna be able to close that by passing SB 992 to increase trust between the immigrant community in Connecticut and local law enforcement. Thank you.

REP. STAFSTROM (129TH): Thank you. Questions from the committee? Vice-Chairman Blumenthal.

REP. BLUMENTHAL (147TH): Thank you, Mr. Chairman. And thanks for your testimony, Ms. Velickovic, it's nice to see that they let you out of the LSO sometimes. [Laughing] So, I just wanted -- I was
wondering if you could expand a bit on how -- on why the current misdemeanor sentencing regime interferes with plea bargaining in the state context and how passing this law might help our state prosecutors and state defense lawyers figure out better solutions and quicker solutions and state -- state resources?

IVA VELICKOVIC:  Sure. Thank you so much for the question. It's a great question. As you've all seen today, immigration law is very, very complicated. And so, when defense attorneys are trying to figure out if their client should take a plea, right now, they spend a lot of time trying to figure out what the immigration consequence of a minor misdemeanor could be. This means they are going back and forth with the prosecutors and trying to coordinate in a way that helps their client. SB 948 would just simplify that process by making it very clear that if you have a Class A misdemeanor, like larceny in the fourth degree, as Representative Stafstrom mentioned, there are not federal immigration consequences that are disproportionate to your misdemeanor sentence.

REP. BLUMENTHAL (147TH):  Thank you very much. Thanks, Mr. Chair.

REP. STAFSTROM (129TH):  Representative O'Dea.

REP. O'DEA (125TH):  Thank you, Mr. Chairman. Thank you for your testimony, and I -- I am in favor of 991. I think it makes a whole lot of sense from everything I've heard today. My concern with 992 is I have yet to hear an explanation that I believe is a good one as to why we're eliminating in lines -- actually we're eliminating 98 through 111. As I
understand in your testimony, the loophole, you believe, is in existence because of too much discretion for law enforcement. Well, if you're a convicted felon, there's no discretion there, correct?

IVA VELICKOVIC: That's right, under the current statute.

REP. O'DEA (125TH): So, why are we removing -- why do you think we should remove convicted felons from being able to be held longer than the 48 hours without a warrant?

IVA VELICKOVIC: Personally, I think that it's important that we hold ICE to the same standards that we hold the FBI and DEA to and require them to get a warrant, like those agencies do. It's also been held by state and federal courts that if ICE holds -- or rather if state and local agencies hold someone without a warrant, they open Connecticut up to liability 'cause that person can then sue Connecticut for unlawful detention.

REP. O'DEA (125TH): I have yet to see a -- a ward in that scenario, and I've represented municipalities throughout the state. But I can't understand, if you're a convicted felon, how not -- it just doesn't make sense -- obviously, at some point in time, when this was first enacted in 2013, they thought it was a good idea to allow convicted felons to be held, correct?

IVA VELICKOVIC: That's right.
REP. O'DEA (125TH): And what has changed from 2013 to now with respect to handling of convicted felons, do you think?

IVA VELICKOVIC: I think in terms of changes between 2013 and now, as Ana Maria and others have testified, we've seen that in practice that the seven categories that are currently in the Trust Act are just too broad. And so, I know --

REP. O'DEA (125TH): I'm not -- I'm just talking about just the -- just the convicted felons, not the seven, just the one -- convicted felons.

IVA VELICKOVIC: Right.

REP. O'DEA (125TH): What's changed from 2013 to now with regard to now with regard to convicted felons?

IVA VELICKOVIC: Again, that's a great question. I really appreciate it. I think it's hard to say what's changed between now and 2013 on one category because the whole act has kind of been viewed as one issue, right. And so, people have been enforcing various pieces of the act, so it's hard to say, you know, which parts are over broad and versus which parts isn't -- aren't. I think this Legislature has the opportunity to consider the Trust Act and consider what is in the -- what is in SB 992 as well as what's in the books, as it stands. And I think that, again, the judicial warrant requirement is an important protection for people's rights while still allowing state and local enforcement, in cases like a convicted felon, to detain that person. All we're asking for is just that ICE get a warrant.
REP. O'DEA (125TH): There's no discretion on if they've got an outstanding arrest warrant in the state, correct?
IVA VELICKOVIC: That's right.

REP. O'DEA (125TH): Is your answer the same with regard to the felony issue? Look, my concern is if they've got an arrest -- an outstanding arrest warrant in this state, I don't understand why -- you know, what problems have been in existence with the enforcement of this since 2013.

IVA VELICKOVIC: Right. So, I can't -- I don't have a great deal of data. The data that maybe I can site to you would be from the judicial marshals and the report we've seen in that context. Most of the people that we have seen detained by the judicial marshals actually aren't detained on that basis at all. They are just detained because there is a civil immigration detainer from ICE, and that -- so they've -- you know, they have an immigration violation and the judicial marshals continue to hold them without a warrant in custody so ICE can pick them up. I don't know how often that happens, and I would like to see more data if others have it.

REP. O'DEA (125TH): So, if we extend -- look, my purpose in asking these questions ["yeah" in background] is to try to find compromise on some points, where we can -- we can address your concerns and the concerns that have been articulated here today, that I completely believe are valid, with the other concerns about -- like if you're a convicted felon, and you committed murder, and you're caught by some -- I don't have a whole lot of sympathy for you. I gotta be honest. If you're -- if you've got an outstanding arrest warrant in this state, I'm not
having a whole lot of sympathy for you, and I haven't heard any reason to have any sympathy. If you're subject to a pending criminal charge in this state, where bond has not been posted, I'm not having a lot of sympathy.
So, I guess my question is the 48 hours issue. If you're arrested on a -- if you're apprehended on a Friday night, knowing friends of mine in law enforcement, sometimes it actually is hard to get a judge within 24 hours. Usually, you can get a judge within 48, as we've heard, but there have been occasions where you can't get a judge within 48 hours from a Friday night to a Monday morning.
Would you have a problem extended it in some of these categories -- I guess like where there's no discretion?

IVA VELICKOVIC: So, I guess I can't speak for the bill as it stands. I can only speak for myself personally, and I think it's hard for me to see a scenario in which it would be impossible to get a judicial warrant. And I think I don't fully understand the question 'cause if someone is apprehended for committing a crime on a Friday night, the police will have probable cause or have a reason to hold that person. So, I think I'm maybe missing the scenario.

REP. O'DEA (125TH): So, suppose it's a traditional traffic stop on a Friday night, and they're -- it's found out they're a convicted felon and there's a detainer. I guess, so it's your position that if we can't get -- if the police can't get a warrant within 48 hours, that convicted felon should be let go.
IVA VELICKOVIC: If that person is out driving, I would assume that they've already served their time, so yes.

REP. O'DEA (125TH): Okay. And you -- if they've got an outstanding arrest warrant, if you can't get a warrant within 48 hours, the police should let that person go?
IVA VELICKOVIC: I believe that if someone has an outstanding arrest warrant the police have probable cause to continue to hold them under their own authority. Just to put it out there, I also know that there's several reasons why folks have outstanding arrest warrants for, you know, for example, nonviolent crimes they're paying court fees, kind of more minor things like that.

REP. O'DEA (125TH): Okay.

IVA VELICKOVIC: Thank you.

REP. O'DEA (125TH): All right. Thank you very much for your testimony.

IVA VELICKOVIC: Thank you.

REP. O'DEA (125TH): Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Thank you. Further questions from the committee. Representative Porter.

REP. PORTER (94TH): Thank you, Mr. Chair. Just for a point of clarification because the convicted felon piece keeps comin' up, the -- it's a past felony, like they are not -- they've served their time?
IVA VELICKOVIC: That's right. So, by the time that ICE is seeking to take someone into custody, they would've already served their time under whatever it was that Connecticut decided that they were supposed to serve their time for. And then all we would be asking for ICE to do is to get a warrant for their continued detention so that ICE can pick that person up.

REP. PORTER (94TH): Okay because it's my understandin' that you're innocent until proven guilty, right?

IVA VELICKOVIC: That's right.

REP. PORTER (94TH): Okay, and that if you've been convicted of a felony and you've served your time, then you've served your time?

IVA VELICKOVIC: That's right.

REP. PORTER (94TH): So, I'm tryin' to make the correlation between the weight of a past conviction that you served your time for and how that should be used against you if you've served your time.

IVA VELICKOVIC: Right.

REP. PORTER (94TH): Okay. And I just needed a point of clarification because it kept comin' up. I wasn't really understandin' if it was somethin' that was currently against them or if it was something -- and I was assuming that it was past, but I just needed to confirm that. So, thank you for that answer.

IVA VELICKOVIC: And thank you for the question.
REP. PORTER (94TH): Thank you, Mr. Chair. And thank you, both representatives, for teasing that out. I think, you know, back to the analogy we used earlier, the larceny situation -- what we're really talkin' about here is maybe somebody who was convicted previously for larceny four, which is a felony -- sorry, larceny three, which is a felony offense under Connecticut law, and maybe they served a period of probation or a short period of incarceration or whatever. As a result of that, they've served their time, a few years have since passed, and they've now been arrested for -- not convicted -- but they've been arrested and charged with a subsequent crime and are awaiting trial on -- or not even trial, they're awaiting basically presentment on that additional charge. Is that correct?

IVA VELICKOVIC: That's right. Thank you.

REP. STAFSTROM (129TH): Further questions on this? Representative Dubitsky.

REP. DUBITSKY (47TH): Thank you, Mr. Chairman. Thank you for coming in. Under this bill, if federal immigration authorities know of somebody that has been deported multiple times, perhaps has been in and out of custody a number of times for felonies, and believes that the state of Connecticut has that person in custody but is not sure because they have the same name, under this bill will immigration authorities be given access to that person to question them about their identity?

IVA VELICKOVIC: So, under this bill, immigration authorities do have access to anyone for which they
can get a judicial warrant to speak to. So, I do believe that in cases like that, if ICE could go to a judge and seek a warrant, the answer would be yes.

REP. DUBITSKY (47TH): How are they gonna get a warrant if they don't know they have the right person?

IVA VELICKOVIC: I trust that the FBI and the DEA have been able to do it in the past, and so I would hope that ICE can as well.

REP. DUBITSKY (47TH): But to -- to confirm the identity, they just wanna come in and ask 'em -- who are you, are you the same person. Why would we not give access to -- to immigration to come in and ask those questions?

IVA VELICKOVIC: Well, if they're not sure who the person is, that person retains rights, and it's just as possible that the person is not the person that they're looking for and we need to respect everyone's Fourth Amendment right to be free of unconstitutional detention.

REP. DUBITSKY (47TH): I'm not talking about detention. They're already -- they're already in prison.

IVA VELICKOVIC: Right.

REP. DUBITSKY (47TH): They're already -- they're already being held in custody in Connecticut, and immigration just wants to come talk to them. They're not going anywhere, but immigration wants to know if they're the same person. Why would we prevent that?
IVA VELICKOVIC: If immigration isn't sure that they are the person they're looking for; immigration really has no reason to question them. I believe immigration should be sure that they know who they're looking for and sure enough to get a judicial warrant. Because before -- I mean, to Representative Porter's point, you're innocent until proven guilty, and -- well, I guess this is a civil context, so it's completely different -- but if you're not sure who it is that you're looking for, I think you should have to do a little bit more.

REP. DUBITSKY (47TH): Okay, we would allow the FBI to come in and ask them about their identity, wouldn't we?

IVA VELICKOVIC: I'm actually not sure of the answer to that question, I'm sorry.

REP. DUBITSKY (47TH): Okay. It would just seem to me that -- that that takes it one step too far, that even though this person's already in custody and we're not talking about detainer, we're not talking about custody, we're just talking about investigation to see if this is the same person who has committed other crimes. It doesn't sound like it makes any sense to prevent that.

IVA VELICKOVIC: Well, nothing prevents ICE from reaching out to local law enforcement or from running someone's name in a database, and if they can get enough information from that, I think they should be able to seek a judicial warrant to interrogate that person.
REP. DUBITSKY (47TH): Okay. So, you're saying nothing prevents ICE from reaching out to local law enforcement to obtain information. I'm seeing lines 112 through 116, which appear to prevent local law enforcement from responding to any such inquiries.

IVA VELICKOVIC: If there's no judicial warrant, I think that's correct.

REP. DUBITSKY (47TH): But we've got a chicken and egg situation, where you can't get a warrant unless you know you've got the right person.

IVA VELICKOVIC: That's right.

REP. DUBITSKY (47TH): Okay. So, that doesn't solve the problem, does it?

IVA VELICKOVIC: Again, I think we're -- I very much appreciate your effort to try and have -- come to a solution on this. I think for me, for my personal -- for my, I guess, personal opinion, it's just that if ICE isn't sure who someone is, that person doesn't have a reason to be interrogated by ICE. That person has rights still, and so ICE should be required to do more than just say, oh, I'm not sure if this is the right Iva Velickovic in custody.

REP. DUBITSKY (47TH): Okay. All right. Thank you. Thank you, Mr. Chair.

REP. STAFSTROM (129TH): Thank you. On that point, I think isn't the concern that it's not the right Iva Velickovic who's being held in Connecticut. So, if there's an Iva Velickovic who ICE is looking for, and there's an Iva Velickovic who's being held in Connecticut, and that Iva Velickovic is -- should be
released from detention. They've posted bail, they've been deemed by a judge not to need bail, they're issued a promise to appear that, if that Iva Velickovic is not the person ICE is looking for, to keep them in detention for an extra two, three, four, five days, when it's not the right Iva Velickovic is in and of itself the problem because now you've deprived somebody of their liberty for a period of time when they're not the person ICE is looking for.

IVA VELICKOVIC: That's exactly right.


SENATOR BRADLEY (23RD): Thank you, Mr. Chair. And just kinda logistically maybe you can help -- help me understand what your experience it and maybe it's similar to mine. When someone is -- so, to the representative's earlier question about someone being in custody, well, here in this case, the state of Connecticut is not, per se, having an expense. We have this person in our custody, they've committed a crime, they're serving their sentence. Logistically speaking, if we're looking for a particular respondent, we already have what's called biometrics. Is that correct? Do you know what the biometric process is?

IVA VELICKOVIC: I don't. I'm not familiar with it, sorry.

SENATOR BRADLEY (23RD): So -- so, let me see if I can maybe flesh it out a little bit further in saying this. When someone is -- has a detainer, this person has been processed -- there's a reason why this detainer is on the person. It's not just
that haphazardly this person has an ethnic name. Is that correct?

IVA VELICKOVIC: Um-hmm.

SENATOR BRADLEY (23RD): So, they've been processed at some point, and there's a reason why ICE or immigration has a detainer on that person. Is that correct?

IVA VELICKOVIC: I would assume so.

SENATOR BRADLEY (23RD): Okay. So, in the detaining of that person and the processing of that person, that person has been fingerprinted, photographed, etc. Is that correct?

IVA VELICKOVIC: I would assume so.

SENATOR BRADLEY (23RD): Okay. So, immigration already would have that information, which would then also be available through the Department of Correction of the fingerprinting, photographing of that person. Is that not correct?

IVA VELICKOVIC: I think it would be, and I think all of that information, if this is where you're going, would help in the process to obtain a warrant.

SENATOR BRADLEY (23RD): Exactly. So, when the FBI or the DEA or whomever is investigating somebody and they get warrant on somebody, it's very -- usually the crux isn't, well, who is this person, right. Is this Mister, for example, X, Y, Z with an ethnic name here legally or illegally, right?
IVA VELICKOVIC: Right.

SENATOR BRADLEY (23RD): That information's already been established. The question now becomes are we gonna hold these people at our expense as opposed to immigration expense. Is that accurate?

IVA VELICKOVIC: That's right.

REP. STAFSTROM (129TH): Thank you, Counselor. Senator Winfield.

SENATOR WINFIELD (10TH): So, I don't know if I'm gonna ask a question or not, but I just wanna talk about some of the discussion we've been having. So, I think what this bill's trying to do is what we originally intended to do, and then we found out there were loopholes. So, in the section that we've been talking about, it does not allow the usage of resources, time, all of that stuff, but I think it also understands the reality that -- that exists, and so it has an exemption in Section E. And Section E says then that if this does happen what's required of that law enforcement agency, and that's to make sure that the individual who's subject of the detainer and/or their attorney gets the information about what's happening. And so, I think you can read part of this, but I think you have to follow to Section E to know exactly what's happening here. And I think that's important if we're gonna continue to have this discussion. So, I just wanted to put that out there.


IVA VELICKOVIC: Thank you.
REP. STAFSTROM (129TH): David Zemelowski -- Zemelsky.

UNKNOWN: David's one of our observers. He had to leave for work. He filed his remarks online.

REP. STAFSTROM (129TH): We've got written testimony. Great. Thank you. Meghann LaFountain.

MEGHANN LAFOUNTAIN: Good afternoon, Mr. Chairman. I'm Meghann LaFountain. I'm an immigration attorney. I have a firm in Middletown. I'm also vice-chair of the Connecticut Chapter of the American Immigration Lawyers Association, otherwise known as Connecticut AILA. AILA is actually a national organization that has chapters throughout the country, and we provided written testimony on all four of the bills that are before you today. I'd like to focus specifically on 991, but I'm happy to answer questions on the others as well. I understand there's a lot of questions about everything.

In terms of representation in immigration court, I am in immigration court here in Hartford almost on average once a week, sometimes more than that, sometimes less. And when you go to court proceedings, you see very many people -- adults and children -- who don't have representation, and a lot of that's because of the cost. I've represented many children. I am in private practice, but I take a lot of cases pro bono because there's a lot of people who simply can't afford legal representation.

One of the children who I represented was kidnapped by her paternal grandmother as a child and did not know that this was her grandmother. She thought it
was her biological mom. She did not -- was not made aware of the fact that she had been kidnapped by this woman, and then eventually sexually abused by other members of the family back in Guatemala, until she was about 14-year-old when she realized this is a grandmother and not a mother. She decided to flee to the United States, eventually got here, and as you can understand, someone who is at the age of -- at that point she was about 16 or 17 -- she has no money to hire a lawyer. She doesn't know how to navigate the process. She doesn't know what to do in court. She doesn't know what to tell the judge. Even getting her to talk about all of this -- the fact that she'd been raped by an uncle, the fact that she'd been kidnapped by her grandmother -- is something that took months for her to be comfortable talking to me about in the privacy and security of my office.

What would she have done if she didn't have a lawyer and had to go in front of a judge who's a man -- who a lot of women who are victims of sexual assault and domestic violence are uncomfortable speaking in front of men -- but what would she have done at 17 years old had she not had a lawyer and been able to prepare for this case? She was ultimately granted asylum, but without a lawyer, I don't even know that she would've known to fill out the application, that this is something she could've even qualified for, or that Special Immigrant Juvenile Status is something she could've qualified for.

I know that 991 also addresses representing indigent individuals over the age of 18. And as you've heard throughout the day, there are -- there are no immigration detention centers here in Connecticut. If you're arrested in Connecticut and you're going
to be detained by immigration, you are likely to be in -- somewhere in Massachusetts. You may be in Rhode Island. You may be in New Hampshire. There are detention facilities around the country. There is an individual from Togo who I represented who was detained in Pennsylvania, and without having a lawyer on his case, it would have been very likely that his -- that his case would've been denied. [Bell] He had been greatly persecuted by his family because of his religion and fled to the United States in order to seek protection. We're talking about people who are qualified for defenses and the ability to stay here in the U.S. that if they don’t have lawyers it's very unlikely that they can actually proceed with the case.

REP. STAFSTROM (129TH): Thank you, Attorney LaFountain. I'm sure there'll be questions. Questions from the committee? Representative O'Dea.

REP. O'DEA (125TH): Thank you, Mr. Chairman. Thank you. I'm just gonna ask a few, but I'm gonna hopefully get your card and ask you a lot of questions 'cause, unlike some members of this committee, I think it's been pretty obvious I'm not very familiar with the immigration laws and so I was trying to figure out early on. My concern is with 992. I’m hopeful that maybe you can help me, and I appreciate the Chair's kind of explained to read through to Section E. I made a hypothetical question about a MS-13 -- we'll call him Tom O'Dea. He gets arrested for murder, he's convicted, does his time, is deported, and comes back into the country and is caught camping in New Canaan, as I believe the Chair had illustrated earlier. So, Tom O'Dea, MS-13 member, is camping in Kiwanis Park, which is right by my house in New Canaan. And the
New Canaan Police pick me up on a Friday night for illegally camping overnight in Kiwanis Park, and they realize that I am an MS-13 convicted murderer here illegally. Under current law, they contact ICE, and ICE says, you know, we can't get to you till Tuesday -- can you hold him till Tuesday. Under current law, they can do so without a warrant, as I understand it. Correct?

MEGHANN LAFOUNTAIN: That's correct.

REP. O'DEA (125TH): 992 would require them to get a warrant, as I understand it, in order to comply with that request. Correct?

MEGHANN LAFOUNTAIN: Yes, that's correct.

REP. O'DEA (125TH): And as I -- you know, I'm pretty sure, 99 percent certain that they'd be able to get a hold of a judge over the weekend to comply with that. I guess my question is in that one percent chance. If this passes, and we can't get a warrant for whatever reason, do they have to let Tom O'Dea go?

MEGHANN LAFOUNTAIN: Yes, that would be correct. Because it doesn't -- it doesn't appear based on the facts that you presented that there's any reason for the police to hold Tom O'Dea, suspected MS-13 member, for any other reason that -- I mean, assuming that you're not going to be jailed for your illegal camping in New Canaan's park. You, as a convicted murderer, you've already served your time -- I mean, I'm assuming in the fact pattern -- you've served your time, you've been released --
REP. O'DEA (125TH): Well, I've been -- when I'm released, I'm deported.

MEGHANN LAFOUNTAIN: Deported, yes. So, typically what happens when someone has a criminal conviction and is then transferred to ICE custody, they're transferred at the end of the sentence of their criminal conviction. So, if you were sentenced to 15 years for murder, you don't get deported on day one, you get deported on day one after you've served the 15 years.

REP. O'DEA (125TH): Correct, okay.

MEGHANN LAFOUNTAIN: So, it ensures that the -- that the criminal sentence --

REP. O'DEA (125TH): Time is served.

MEGHANN LAFOUNTAIN: --is actually complete. So you've served your state time for the conviction. You have been arrested for camping in the park, which we're assuming you'll probably just get a ticket and be let go and have to go to jail -- or go to the judge in the next week or whatever. So, they have no reason to hold you on that ground. Yes, you've been deported, and ICE is totally entitled to re-deport you. They'll act on the previous removal order, if they have you. And that's where the issue comes up. Because now, New Canaan Police realizes this is someone who's been deported. ICE wants this person because they're not allowed to be in the U.S. How do we transfer this person to ICE custody? And that's where the warrant comes out, and it's the same as if the FBI were investigated someone or any other agency, you know, whether it's another police department in another state, another country. It
works the same way -- that the warrant is required. So, that's what we're looking to do here with 992, to make sure that that warrant is there.

If they had grounds to hold you for the camping in the park, obviously that's a different story. If there was an outstanding warrant from another police station, obviously that's a different story. But in the facts that you presented, there's no reason for them to hold you specifically. ICE has to go in front of the judge in order to get the warrant and then pick you up.

REP. O'DEA (125TH): And therein lies my -- I'm tryin' to find a compromise where Tom O'Dea should not be set free. I'm here illegally again after I've already killed somebody here, and there's no -- I don't understand why we can't -- Tom O'Dea shouldn't be set free under those -- that fact scenario.

MEGHANN LAFOUNTAIN: Now, if Tom O'Dea was a U.S. citizen and served his 15 years and then got picked up the next month for illegal camping in the park, he would not be questioned again about the murder charge. The fact that he served his time, and as a U.S. citizen, he'd be free to go about his business. So, this is where we're treating someone who's an immigrant very differently from someone who's -- who's born here.

REP. O'DEA (125TH): But he's not an immigrant. He's illegally there after committing a crime here. For example, I don't understand [clicking in background] -- that's not fair, don't do that. Mr. Chairman, people should not be clicking their fingers.
REP. STAFSTROM (129TH): Yeah, the representative is correct. If we could refrain from public displays while the representative is asking questions. Thanks.

REP. O'DEA (125TH): I go into Mexico and commit a crime, serve my time, and deported back. If I go back in, I shouldn't be going back illegally. I should go through the process. I don't have any sympathy for a convicted felon, I'm sorry, but -- even if you served your time, if you're not here legally, I just -- and so --

MEGHANN LAFOUNTAIN: Just, if I may -- just to be clear, it doesn't stop ICE from then going after Tom O'Dea. As was previously discussed, the fingerprint records can show that this is who it is. We see the match. And it's my understanding that there's a strong likelihood that ICE will be aware that this person has been picked up because of the requirement to run ["notify" in background] someone's fingerprints across all of these databases, FBI, ICE, and so on. Presumably, when the New Canaan Police get to you in the park, they have some sort of contact information for you because you do have to appear in front of a judge -- an address, whatever, that information. You will be going back to court. So even, theoretically, if the New Canaan Police can't hold you until Tuesday for ICE to pick you up, you will have a court date for your illegal camping. Your information is on file. There are ways that ICE -- this -- this doesn't completely prevent ICE from ever getting you should that happen. It simply closes off the loophole where someone who has done their time is not able to be transferred so easily and requires a warrant, just
as though a warrant from any other law enforcement agency would be required -- for similar crimes.

REP. O'DEA (125TH): But they're not here -- they're here for a second time illegally after being deported for committing a serious felony. That's my -- that's my problem. But thank you very much, and I would very appreciate ["yes, absolutely, I'll give you --" in background] an opportunity to talk to you. I think Congress for the last two to three decades has completely failed us, and we need a quicker, better path to legal citizenship for those that want it, and I'd love to talk to you about it.

MEGHANN LAFOUNTAIN: Yes, and I'd be happy if anyone has questions, I'm always happy to give information.

REP. O'DEA (125TH): Thank you very much. Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Thank you. Senator Blumenthal -- yes, Representative Blumenthal. [Laughing]

REP. BLUMENTHAL (147TH): Thank you, Mr. Chair, for your indulgence and the promotion. [Laughing]

REP. STAFSTROM (129TH): It's called a demotion in this building.

REP. BLUMENTHAL (147TH): Well, I won't get into that. [Laughing] So, I have a question that may be responsive to Representative O'Dea's line of questioning. So, if you've been deported or removed for a conviction, a felony, or an aggravated felony, reentry into the United States is -- that's an independent crime, right?
MEGHANN LAFOUNTAIN: Unless you have permission. Typically, if you've been removed for an aggravated felony, you need permission from the attorney general to reenter. In practice, I've never seen that actually be granted. I think it's very unrealistic to assume that someone could legally reenter the U.S. after -- after removal for those reasons.

REP. BLUMENTHAL (147TH): Right, but in Representative O'Dea's fact pattern, the person who was here did not have permission to come to the United States.

MEGHANN LAFOUNTAIN: That's correct. Yes, he entered -- entered illegally.

REP. BLUMENTHAL (147TH): So, do you know of any reason why our state or local law enforcement couldn't hold that person for committing the independent crime of illegal reentry due to being removed for a felony or an aggravated felony?

MEGHANN LAFOUNTAIN: Because the local police don't have the authority to make that arrest. They're not arresting for the federal offense, and it's -- it's my understanding that it's just out of their -- their purview.

REP. BLUMENTHAL (147TH): Okay. So, but if federal law allowed them to make that arrest, would they be allowed to make that arrest, I guess is what I'm saying?

MEGHANN LAFOUNTAIN: I can't say with any certainty. It sounds confusing. [Laughing]
REP. BLUMENTHAL (147TH): Fair enough. Yeah, I don't think I've phrased the question in a very clear way, but conceivably, if they are allowed to — I believe federal law determines whether they're allowed to make -- to detain or arrest for a potential federal offense. You don't know of any state restriction that would prevent them from doing that in Representative O'Dea's fact pattern.

MEGHANN LAFOUNTAIN: That's correct. If the police have an independent reason to arrest the person, obviously they're completely entitled regardless of the Trust Act to make that arrest and detain the individual until whatever time.

REP. BLUMENTHAL (147TH): Thank you. Thanks, Mr. Chair.

REP. STAFSTROM (129TH): Further questions? Seeing none. Thank you so much for being with us. Next up is Ken Speyer, followed by Robert Farr.

KENNETH SPEYER: Thank you, Mr. Chairman and members of the committee. My name is Kenneth Speyer. I sent in written testimony, which I hope that the committee members will have time to read. It's a little less than two pages, but I can't speed-read through it in two minutes, so I'll only be able to touch on a couple of points.

With regard to the Trust Act, there are many, many reasons to support the Bill 992, but one of them should especially resonate with this committee and that is the fact that rogue employees of the judicial department are undermining the operations of the judicial department by creating an atmosphere
where people are afraid to come to Connecticut courts. Whether they are coming under legal process or they're coming in as a crime victim seeking justice, or they're being called as a witness, if they fear that they will be arrested and detained by ICE, they're not gonna show up. The Chief Justice of the Connecticut Supreme Court has objected to his practice but without avail, and now we find that it's rogue employees of the judicial department themselves who are bringing this about. And presently there is nothing to prevent them, but Bill 992 would prevent them from violating the policies of their own department. There's nothing in 992 that prevents the courts from releasing any information to ICE which the courts deem to be appropriate. All they have to do is give a notice under Subsection E, but an individual acting as a rogue is presently the ones doing it and they're presently undermining the court system.

And I would also like to speak very strongly in favor of Senate Bill 991, providing legal counsel. I have been among those who have been observing in the immigration court on several occasions. Virtually everyone who has been an observer for us on a regular basis has either sent in testimony or come here today to testify, but unfortunately some of those who had come here to testify had to leave because of the passage of time. And I understand the committee is very busy. I don't fault you for that. But those who have actually seen what's going on in the court all feel that there's a crying, crying need for representation.

I've seen people who simply don't understand the system that, you know, they're trapped in. They testify to things that are legally irrelevant to
their case because they don't know they're legally irrelevant to their case. There may be errors in the old -- decades-old criminal records that ICE routinely brings up, which they cannot address because they didn't even understand the legal categories of those charges back then, let alone remember them now. And without an attorney to represent them, there is no way that they can receive justice. I gave some specific examples of that in the testimony that I sent in, but I don't have time for that. I'd like, if I could, to address a few of the questions that recently have been raised to other witnesses. [Bell]

Several other states and jurisdictions are, in fact, providing funding for detainees facing ICE. I know that New Jersey, California, and Washington State are doing so, and there are probably others that I'm not aware of, as well as New York City, Denver, and other municipalities that either have adopted or are in the process of adopting similar programs. I would also --


SENATOR WINFIELD (10TH): Without actually answering the questions, what are the other questions that you're going to answer? [Laughing]

KENNETH SPEYER: Okay, a statement was made concerning the effect of a felony record, and I just wanted to say that there are defenses to an old felony record under federal law, but without an attorney, the chances of making them are pretty remote. I would say they do not apply to someone who's been convicted of murder. They do not apply
to someone who's previously been deported. But someone who was convicted of a Class C or D felony, yes, there are defenses, which a good lawyer would be able to bring up.

SENATOR WINFIELD (10TH): Okay. Thank you.

REP. STAFSTROM (129TH): Further questions? Seeing none. Thank you so much for being with us today, sir.

KENNETH SPEYER: Thank you.


UNKNOWN: She's another one of our people who had to leave. I think she submitted online last night.

REP. STAFSTROM (129TH): All right. Camila Bortoletto -- Bartoletto.

CAMILA BORTOLETTO: Hello -- and you're close -- Bortoletto. So, thank you members of the committee for hearing my testimony today. My name is Camila Bortoletto. I'm a leader and founder with Connecticut Students for a Dream. We're an organization that works for the rights of undocumented immigrant youth and their families. So, you heard Jonathan from our team speak earlier today about the Trust Act. I'm here to support the Trust Act and also to more specifically speak about SB 948, which is AN ACT CONCERNING RECOMMENDATIONS OF THE SENTENCING COMMISSION WITH RESPECT TO THE MISDEMEANOR SENTENCING. This bill, as you have been hearing about today, will decrease the maximum length of a misdemeanor in Connecticut to 365 to 364
days in order to limit some bad consequences for immigrant communities.

I'm testifying on behalf of my organization, and we believe that in order to live unafraid, our immigrant community needs to not be unfairly targeted and punished by the criminal justice system just because we are immigrants. We believe that our immigrant community needs to be free from fear of deportation, of family separation, and of being targeted by ICE and the deportation machine.

As we've been hearing today, we know why this bill is important, because just that one extra day in a misdemeanor conviction has the potential to get someone deported and destroy their and their family's lives. Our state's current law of having misdemeanors carry a sentence of 365 days means that people who have been convicted of a misdemeanor will be targeted for deportation even if the actual sentence they served was only a few months, or even if they served no sentence at all. This is because, as you've been hearing today, what matters for immigration purposes is the actual charge and not actually the time served, which means that under our system, individuals who served, you know, very little time, can be ripped away from their families and their communities. This is unacceptably cruel.

Deportation should not and cannot be an appropriate punishment for a misdemeanor charge. It's cruel to break apart a family and destroy lives due to a misdemeanor charge. This is what our state of Connecticut is allowing and endorsing. We are disproportionately punishing immigrants, our community members and their families, who are convicted.
Deportations, as we heard today, destroy lives. Deportation breaks up family. Deportation fractures communities. The consequences faced by a family that has a mother or a father deported due to a small misdemeanor charge are extreme. Children lose their parents and are traumatized. A family loses its primary source of income, plunging those into poverty many times. The consequences carry far beyond the original charge. In our work, as we heard today, we've seen time and time again what deportation does to families and communities. If our state has an opportunity to fix an unfair consequence of Connecticut law, then we have a moral obligation to do so. This technical fix of reducing misdemeanor sentences by one day will make a huge difference in the lives of our communities and immigrants.

C4D, Connecticut Students for a Dream, and our members believe that our state cannot be complicit in separating families and targeting immigrant communities, and we cannot feed our community members into a system that criminalizes them. We must stop the cycle of mass incarceration and deportation that impacts communities of color [bell] and immigrants in Connecticut. And I will wrap up by saying, we are here to support SB 948. Thank you.

REP. STAFSTROM (129TH): Thank you very much. Questions from the committee? Senator Winfield.

SENATOR WINFIELD (10TH): I don't have a question. I just couldn't thank the other people that I thanked for their work that continues without
thanking you. So, thank you for continuing to be in the struggle to help people.

CAMILA BORTOLLETO: Thank you.

REP. STAFSTROM (129TH): Thank you. Next up is Marianne Fichtel, followed by Carolyn Shaw.

MARIANNE FICHTEL: This is why I don't play the lottery. I've been here since ten [laughing], so.

REP. STAFSTROM (129TH): Come back on Monday.

MARIANNE FICHTEL: [Laughing] I'll park -- you know, I'll park in New Canaan. My name is Marianne Fichtel. I live in New Canaan, as I just learned not far from Representative O'Dea. So, I wholeheartedly endorse SB 948, 991, 992, but I came here today to express my shock and dismay that a bill like SB 993 would even be deemed worthy of a hearing. Weirdly though, as I've been listening to some of the questions that Representative O'Dea has about 992, I feel like scorchingly looking at 993 and sort of, kind of -- or if you do the research I did -- I'm not an attorney, but I feel like I earned a little mini-JD last night going through all this stuff. It -- 993 offers nothing but contempt for the most vulnerable among us. It sends no -- it serves no credible public benefit, would collapse in the face of basic legal scrutiny, and should be sent back to the depths from which it came. [Laughing]

So, anyways, I'll just start with the rule of law issues. It actually -- I believe the first testimony this morning said that it would improve our compliance with the rule of law federally. I actually -- I mean, just two days ago you had the
tenth consecutive ruling against the Federal Government in trying to force states and municipalities to try to comply with detainer requests. So, I would argue, you don't even get four out five dentists to agree about a brand of gum, so ten out of ten circuit courts or appeals courts is a pretty strong recommendation against 993 and the allowance of detainers.

One of the items that I kind of came across -- that I came across and looked up was the actual detainer legislation that is in 287. The -- the reason why it's problematic and the reason why not only are we housing suspected undocumented immigrants for free or at our own cost for ICE's benefit, but we are doing so on a warrant that has not been signed by an independent magistrate. So, it violates the obligation put in the Fourth Amendment for probable cause. The actual regulation, the problem isn't -- okay, let me back up, I am a student of language, and the name detainer is really what's getting everybody fired up because the definition of it is just a request to notify that you have -- or their request to say, hey, we want this person, FYI. I don't know why the word detainment's in there because that's not a requirement of that piece of paper. In their own definition they say that the agency they request the detainer of is not to hold the person for a period -- they can only hold the period -- the person for a period not to exceed 48 hours.

So, if 993 were to go into effect with unlimited detention, that would actually be more in compliant with federal law than we currently have. [Bell] So, I had a lot of other points, but I also had a lot of time to sit back there and rewrite just the
first part because it also is bad for public safety and is horrible for our budget because immigrants are a net income generator, not the other way around, so.

REP. STAFSTROM (129TH): Okay. Thank you for comin' up. Thanks for spending the day with us. Thanks for makin' the drive all the way from New Canaan. Representative O'Dea.

REP. O'DEA (125TH): Thank you very much for coming up today. ["Yes" in background] So, you heard my -- my hypothetical.

MARIANNE FICHTEL: Right, yes. You're living right near me in Kiwanis Park. I'd probably call the cops on you.

REP. O'DEA (125TH): I'm sorry?

MARIANNE FICHTEL: I said I'd probably call the cops on you if I saw you lurking in Kiwanis [laughing] -- in the hypothetical. I had time to figure it out.

REP. O'DEA (125TH): I guess I wanna ask you to get your understanding as a constituent and a fellow resident of New Canaan, you know, my concern is, as I think we've just found out, under the current law, if ICE said they couldn't get to Tom O'Dea to pick him up until -- I'm arrested on a Friday night.

MARIANNE FICHTEL: Right.

REP. O'DEA (125TH): They couldn't get to me until Wednesday. Under current law, the New Canaan Police can hold me until Wednesday when ICE can get there.

MARIANNE FICHTEL: If they agree to honor it at all.
REP. O'DEA (125TH): Correct. It's up to the -- it gives discretion to the police department. My understanding is you oppose that discretion.

MARIANNE FICHTEL: Well, actually, and it says here, 48 hours excluding Saturdays, Sundays, and holidays, so your weekend problem isn't a problem.

REP. O'DEA (125TH): Correct, right.

MARIANNE FICHTEL: So, they would need to like really not be able to get there for five days, which feels unreasonable.

REP. O'DEA (125TH): Correct. So, you're okay though with the 48 hours?

MARIANNE FICHTEL: No, I'm definitely not because part of the reason is -- so, this has been going on for a long time. This isn't just a Trump administration problem, as you know. There were lots of iterations of this in DHS under Obama. One of the first of which was the secure communications program, which encouraged the sharing of DHS databases, FBI, all that fingerprinting stuff, because DHS though keeps horrendous records. So, basically you had many, many, many instances -- and really any is too many -- of American citizens being held, being detained under this order. And it is immigration -- the body of immigration does not have the legal authority to hold American citizens. So, anytime they're held at all, even briefly, that's a huge contravention of the law.

REP. O'DEA (125TH): Okay.
MARIANNE FICHTEL: So, I don't think we wanna say -- and the problem is this is such a complicated issue. Part of the reason why local law enforcement is so vulnerable to risks and, you know, punitive damages that they might have to pay out, which would further cost us, is because this is just so complicated to suss out that it's a matter they're not empowered to enforce or equipped to enforce.

REP. O'DEA (125TH): Are you aware of any municipality having to obtain any money damages?

MARIANNE FICHTEL: You know what, I don't wanna spend a lot of time just like surfing through these notes, but in the footnotes of this one really excellent document I had, it referred to a ton of cases actually of people suing. You had, you know, people who -- this one guy who was a U.S. citizen and DHS had erroneously deported him in '96, thinking he was Mexican and had just not corrected that, so he got picked up again. So, they're really not great at that job. [Background laughing]

REP. O'DEA (125TH): So -- so, you would prefer that there not be any --

MARIANNE FICHTEL: No, I would prefer that due -- or that due process be followed, that probable cause be followed, and that, as I've heard other actual lawyers say up here today, that they get the same judicial warrant that is -- which I believe is in the text of 992.

REP. O'DEA (125TH): Okay.

MARIANNE FICHTEL: So, I mean, there's nothing impeding a warrant from doing its job.
REP. O'DEA (125TH): Well, thank you for driving up. Now you know what my drive is like three times a week, four times a week.

MARIANNE FICHTEL: Yeah, we should've carpooled. [Laughing]

REP. STAFSTROM (129TH): I was just gonna suggest that.

REP. O'DEA (125TH): Thank you very much, Mr. Chairman. [Laughing] Thank you.

MARIANNE FICHTEL: Monday.


CAROLYN SHAW: Good afternoon, members of the Judiciary Committee. My name is Carolyn Shaw. I've lived in Middletown for about 40 years. I'm a member of both the Connecticut Shoreline Indivisible and MIRA, the Middlesex Alliance for Immigrant Rights. Both of those are committed to the support of individuals noted and detained by Immigration and Customs Enforcement. We work with people of differing circumstances, some productive members of society with families and business -- businesses have lived here for many years. Others arrived more recently, having fled violence and trauma. All now ask for lives of safety and peace for their families.
I would like for a moment, if you'll indulge me, just to invoke the spirit of a former president, President Franklin Delano Roosevelt. In 1941, President Roosevelt listed four freedoms in a speech, the rights of those living in the United States: freedom of speech, freedom of worship, freedom from want, and freedom from fear. The Connecticut Trust Act of 2013 was written and passed with language that carried the sense of those freedoms; however, I believe that it should be strengthened in 2019, and updating should clearly bar communications among local police, judicial marshals, and immigration agencies. With even the appearance of such collusion, the people with whom we work and others are unlikely to assist their friends and families when needed, fearing that they themselves will be under scrutiny. All residents of the state of Connecticut, whether they were born here or fled here, deserve the support, protection, and respect afforded by the Four Freedoms. Thank you for your time.

REP. STAFSTROM (129TH): Thank you. Questions from the committee? Seeing none. Thank you so much for being here and spendin' the day with us. Stephen Varga, followed by Carlos Moreno.

STEPHEN VARGA: Good afternoon. My name is Stephen Varga from New Britain, and I'm here to speak in favor of SB 991, AN ACT CONCERNING ACCESS TO LEGAL COUNSEL FOR INDIGENT INDIVIDUALS IN IMMIGRATION REMOVAL PROCEEDINGS. I practiced law for over 35 years, and unfortunately none of those years were in immigration law, but I have had some experience with observing individuals who are not represented by attorneys, by counsel.
My first experience with indigent litigants was while I was still in law school, and when I started working as a temporary assistant clerk in New Britain Superior Clerk, and observed many pro se litigants attempting to navigate family and civil court cases. I next worked in the Department of Public Health in the division that licensed health professionals, where I observed pro se licensed health professionals defending their licenses. In all of those cases, it was a difficult course for them to travel.

I have since worked in private practice with experience including housing and family, criminal, and juvenile child protection courts. In the latter two courts, indigent parties have provided -- are provided counsel. In the criminal court, indigent defendants who are at risk of incarceration are appointed counsel. In the juvenile court, all children and indigent parents are provided attorneys. Counsel are provided because of the recognition of the significant stakes that are at issue and the difficulty of an individual to adequately represent themselves.

Over the past two months, I have observed the plight of respondents in the Hartford Immigration Court. Most of the respondents I observed are not represented. Although they are present only via video, their desperation and confusion was palpable and with good cause. They face removal from Connecticut, where they have made home -- made their home, in some cases where they have lived for many years and are subjected to the separation from family and friends.
In 2017, my understanding is that 61 percent of the children facing deportation did not have an attorney. Even a greater number of adults were unrepresented. Between 2007 and 2013, I believe that only five percent of the people facing deportation were successful without an attorney. The fact that someone facing deportation is represented by a counsel does not guarantee that they will prevail and be allowed to remain in the United States. Just as providing an attorney to a defendant in a criminal court case does not mean that he or she will be spared incarceration. Rather, representation in immigration court [bell] will give the respondents an opportunity to effectively present a case that under the law -- under our laws, they should be able to continue to live in Connecticut. Thank you.


ERIC CRUZ-LOPEZ: Hello, members of the Judiciary Committee. My name is Eric Cruz-Lopez. I'm an undocumented immigrant here in the state of Connecticut, and I work for Connecticut Students for a Dream, an organization that does work with undocumented immigrants all across the state of Connecticut. And I'm here in support of SB 992, the Trust Act, and SB 948, which is the 364 bill that I'm sure you've heard about plenty throughout this evening.
So, just to ensure what you all have heard again, right, the Trust Act would limit communication between local police and federal immigration agencies to prohibit certain actions by certain law enforcement officers in response to a civil immigration detainer, to clarify that probation officers are law enforcement officers, and to provide for greater transparency concerning the communications between state and local agencies and ICE. Because, as you may have heard also, today we listed -- the Connecticut Immigrants Rights Alliance released a report, the information for which they had to submit a Freedom of Information Act request. And the 364 bill, of course, would also reduce the maximum length of a misdemeanor conviction from 365 to 364, which limit a lot of consequences that are disproportionate to the actual crime.

So, anyways, I'm testifying here today because Connecticut and immigrants like myself want to live here unafraid. We're living under difficult and challenging times for immigrant youth and immigrant families because of a lot of the changing policies and things happening both on a statewide level but also on a national level, and also especially now because the deportation machine is eating up our families -- one-by-one but many times really swallowing them whole, tearing apart families and tearing apart communities. The Trust Act would work to slow down the deportation machine and its effects here in Connecticut. It would make our communities safer and help them live full lives free from fear of their constitutional rights being violated.

And yes, we already have a Trust Act on the books, but it has failed us time and time again, exemplified by arrests at courthouses of witnesses
as well as other people and the continuous communication between ICE and judicial marshals, communication of which we do have evidence and we did release a report today. So, you can read that if you wanna know more about kinda how buddy-buddy they are. And this consistent and constant communication allows ICE to continue abusing its powers over immigrants and undocumented people here in Connecticut and, because of that, makes our communities fearful to interact with not only police but courts and probation officers because of fear of deportation. We need Connecticut residents to be able to feel safe in their communities, and even though Connecticut has not had a public raid in recent years, the steady stream of ICE detainers has been the silent kidnappers of our friends, families, and neighbors. And I’m sure each and every one of you on the committee knows somebody or know of somebody who has been deported in an unjust way, and everybody, I think, in the audience also does too. [Bell] So, yeah, and I also support 364, but you heard about that enough today, so I'll end my testimony there.

REP. STAFSTROM (129TH): Thank you very much. Questions from the committee? Seeing none. Thank you so much for being with us.

ERIC CRUZ-LOPEZ: Thank you.

REP. STAFSTROM (129TH): Miguel Castro, followed by Ashley Purdy.

MIGUEL CASTRO: Thank you, Chairman Stafstrom, Vice-Chair Blumenthal, Senator Winfield, Ranking Members, and members of the Judiciary Committee. My name is Miguel Castro. I am a member of the Meriden City
Council, and as an elected official I've been on the forefront and a participant of most of the initiatives that have embraced protecting members of our community. I am here to support SB 992, AN ACT CONCERNING THE TRUST ACT, and SB 948, the 364-day misdemeanor sentencing reform bill, which will reduce the maximum length of all misdemeanor convictions in Connecticut from 365 days to 364 days in order to limit harmful immigration consequences for Connecticut's immigrants.

The current discretion power of ICE has not only extended to every community across the country, it has made it to our hospitals, school grounds, particularly to courthouses, where judicial marshals are closing off rights to which every person in our community is entitled to -- even if they came here illegally. These policies are inhumane. The public safety officers have been empowered to embrace a discriminatory culture into the court system. This inhumane behavior has made our courthouses a hunting ground by using court proceedings to share information with ICE, hold people in their custody to help extradite immigrants into the custody of ICE, violating the Fourth Amendment rights in the process.

SB 992 would prohibit judicial marshals, law enforcement officers, state and local, from overreach of power, from making up policies and rules that are an assault to our freedom, our democracy. Our court system is not a backchannel to discriminate against immigrants or any member of our community. SB 992, AN ACT CONCERNING THE TRUST ACT, will limit communications between local police and federal immigration agencies, will update Connecticut's Trust Act to further protect
Connecticut residents from the rogue actions of Immigration and Custom Enforcement (ICE) that has created a state and local partnership on a continued effort to disregard public safety and due process.

State and local entities should not be turned to operate against the people they have been established to serve. All people in the state of Connecticut deserve to remain in their communities, together with their families, regardless of their immigration status. An updated Trust Act will transform the current policies to good public policy, creating a safer and healthier Connecticut. Thank you.

REP. STAFSTROM (129TH): Thank you. Questions from the committee? Representative O'Dea.

REP. O'DEA (125TH): Mr. Castro, thank you very much for your testimony. I hope to have -- when the Sentencing Commission was up before us, I hoped to have this information, but I just got it. And again, looking for compromise language on -- particularly with regard to 948, the misdemeanor sentences, I'm wondering, for example, criminally negligent homicide, 53a-58, is a Class A misdemeanor up to a year. Assault of an elderly, blind, disabled, or pregnant person, or person with intellectual disability third degree, 53a-61a, that's a Class A misdemeanor up to a year. Reckless endangerment, threatening, sexual assault fourth degree, age of victim 16 or older, 53a-73a -- are some of those -- would you be okay leaving as is and leaving the more minor ones like criminal mischief second degree or damage to railroad property -- so, the more minor misdemeanors, pushing them back a day, but the more serious ones, for example, the
assault of an elderly, blind, or disabled, leaving that at the full year, up to one year?

MIGUEL CASTRO: I appreciate your question, and I believe that the process has enough content to perhaps look at some of the issues concerning what you just stated. The problem that we are having in our community based on what is presented and being proposed is that the process is utilizing a number of -- of things and resources to demonize and criminalize members of our community at the expense of those who might not have a voice to perhaps enforce a number of things that will be directly connected to deport members of our community.

REP. O'DEA (125TH): Okay, I'm tryin' to piece it -- so, is that a yes that you're willing to talk about some of those things? In other words, I agree with you. I don't think some of the -- particularly damage to railroad property second degree -- I mean moving that down a day makes absolute sense to me and some of the more minor ones, but I'm more concerned with the assault, criminally negligent homicide, the assault of an elderly, blind, disabled, or pregnant person, or person with intellectual disability third. Those I'm less amenable or --

MIGUEL CASTRO: And I'm sure that they're going to be part of the discussion that the committee and other members of this process will have to perhaps look at some of the possibilities. What I am actually referring to based on what you have just stated is the fact that some of the current laws have been there with the only purpose to discriminate against members of our immigration community based on their immigration status, not
based on something that they have committed, or a violation or a misdemeanor.

REP. O'DEA (125TH): Okay. Thank you very much for your response. Thank you, Mr. Chairman.


MIGUEL CASTRO: Thank you.

REP. STAFSTROM (129TH): Next up is Ashley Purdy followed by Christian Krog. Ashley?

ASHLEY PURDY: Hi, good afternoon. Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee, my name is Ashley Purdy. I'm from Simsbury, and I am here before you to speak in favor of an amendment to the Trust Act.

As a mother, a member of the PTO, a room parent, an attorney, and most recently an advocate for immigrants in the Greater Hartford area primarily through Forward Connecticut, I spend -- I've seen through my legal career working with indigent families who are most often immigrants, first or second generation, the great need for protections for the children especially. As a juvenile attorney for the state of Connecticut actually, although it was many years ago, I have to say that I did not know the status of most of my clients who were non-English speakers, who spoke little English, or who I knew were from -- recently from another country. And I have to say, at that time, I believe it was because the judicial community, at least in my experience, understood that their job was to help families reunite, to prevent family separation, or alternatively to find a safe and stable environment
for the children that wasn't just an altruistic gesture, but it was, in fact, a mandate.

The predatory and intimidating tactics being used by ICE right now are not business as usual, and I can tell you, for children, the scariest part, the worst part is the uncertainty. The uncertainty of knowing -- not knowing when or if they're gonna see their parents, when they may get a visit with their parents, and especially not knowing if they will have any say. I have seen victims of domestic violence further terrorized by their abusers who try to use the victim's status to manipulate the system and to overlook their crimes and bad acts, as if to say forget what I did, she's illegal, so give me the kids. I can state that it didn't work years ago, but right now the implications could be quite dire.

In my work with immigrant families over the past year in Connecticut, I have seen children left traumatized after ICE has waited outside of homes only to arrest and detain their father as he returns home from work late at night from his second job. In this case, I have to say that he was taken. He has been deported, and they did not see him after that. I have had [throat clearing] conversations with mothers who have lost the only source of income with the father being the primary breadwinner, [bell] and the seven-year-old child that she has serving as a translator in an attempt to understand the immigration system in hope that it will work in their favor and he won't lose the one parent that he has left.

I just can't overstate, I think, the trauma that it is causing these children, and we have to remember most of them are citizens. They are entitled to
certain benefits. They are going to be here. They are gonna be separated, and I think that they have rights. And additionally -- it goes without saying, and I'll finish after that -- anybody who is in this state has a right to be treated fairly and humanely.

REP. STAFSTROM (129TH): Thank you.

ASHLEY PURDY: Thank you.

REP. STAFSTROM (129TH): Questions from the committee? Seeing none. Thank you very much for being with us.

ASHLEY PURDY: Okay. Thank you.


CHRISTIAN KROG: Hello, committee. My name is Christian Krog, and I am grateful for the time to submit my testimony in support of House Bill 948, AN ACT CONCERNING CONNECTICUT MISDEMEANOR SENTENCES. A little about myself before I begin to discuss my support. I am a lifelong resident of Connecticut living in Norwalk, a soldier in the Army Reserve, and a pre-law student at the University of Connecticut.

For the past year-and-a-half, I've worked in immigration law, the highlight of which is when I worked as a legal intern at the Connecticut Institute of Refugees and Immigrants. I worked alongside a great attorney, as he specialized in low-cost or pro bono humanitarian-based immigration services for especially vulnerable persons. These include victims of violent crimes, human trafficking, sexual assault, or abused, neglected,
and abandoned minors. In processing their petitions for benefits and changing of their legal status, our clients often found themselves denied or subject to extensive and lengthy appeals processes because of their convictions of minor crimes. Because of their minor convictions, their opportunities to get legal relief because of their humanitarian statuses were extremely limited. It doesn't take a law student to understand that the legal system isn't always just, and this could not be farther from just.

Taking House Bill 948 would reduce the maximum length of all misdemeanor convictions in Connecticut to 300 -- would reduce the maximum length of misdemeanor class -- reduce the class convictions to 364 days, which when dealing with federal immigration statuses would allow these victims of these crimes to get their legal relief. This small adjustment could sever a segment of the prison to deportation pipeline, which funnels community members from the state criminal justice system directly into deportation proceedings. This extremely small change will allow many of Connecticut's families to stay intact and avoid federal agents from intervening and tearing apart our families.

It is extremely unethical for us to feed members of our community who are convicted of small petty crimes into the unjust deportation system. We must ensure that all community members, regardless of immigration status, can live freely once they're out of state custody. Our country needs criminal justice reform. Our country needs immigration reform. And we cannot fix the entire system and right all the wrongs in one day, but we can do something today to make sure we prioritize
Connecticut's focus on justice and fairness, keeping communities intact and preventing the mindless mass incarceration [bell] of undocumented immigrants. Thank you for your time, and happy Friday.

REP. STAFSTROM (129TH): Thank you. Happy Friday afternoon. Vice-Chairman Blumenthal.

REP. BLUMENTHAL (147TH): Nice to meet you, Christian, and thanks for coming up. You're a student at UConn Stamford, is that right?

CHRISTIAN KROG: Yes, I am.

REP. BLUMENTHAL (147TH): Yeah, so, it was very nice to meet you previously, and I'm glad you continued your civic engagement and are bringing your testimony up here to Hartford today. So, thank you so much, and all the future success.

CHRISTIAN KROG: Thank you very much.

REP. STAFSTROM (129TH): Further questions? Seeing none. Christian, thanks so much for spending the day with us.

CHRISTIAN KROG: Thank you very much.


MARY ELIZABETH SMITH: [Background talking] Good afternoon, everybody, and thank you for being here still with us. Happy International Women's Day to all the amazing women who are here today fightin'. ["Woohoo" in background] My name is Mary Elizabeth
Smith, and I am the development and program organizer at Make the Road Connecticut.

Make the Road Connecticut fully supports both SB 992, CONCERNING THE TRUST ACT, and SB 948, also known as the 364 Day Bill. And as a resident of New Haven and someone who's been working alongside undocumented immigrant communities for many years now, I would like to also talk about why I personally support these bills. In my role at Make the Road and through my activist work in the New Haven community, I have been lucky enough to work alongside many strong and powerful immigrant men and women. And today being International Women's Day, I particularly like to lift up the women from the undocumented immigrant community, several of whom you already heard from today, and many of them are not here because they are afraid to speak at something like this.

They can tell and have told their stories way better than I could, so I won't even try, but I would like to say this. They are not as strong and powerful as they are today because they were born that way, although some of them perhaps were, but because they have been forced to fight back against the very system whose injustices are forcing them to constantly make very difficult, impossible choices about their families. Seeking a better opportunity for their families here in this country at the risk of possibly being deported and not being able to see their children for years, or choosing between showing up to court to comply with the law and possibly having to face an immigration attorney there -- immigration agent there, sorry, or staying home and risking having an arrest warrant issued in their names. I have accompanied many of these women
to court in Bridgeport, and I have seen immigration agents in the courts in Bridgeport, and I can only begin to imagine what that feels like for people who are showing up to court to comply with the law.

I am a single mother, raising my child with his other parent thousands of miles away, and I know how hard that is. And I was raised by a single mother, who was very strong and raised us working three jobs, and I know the struggles that she faced. But neither of us has been forced to make the choices we made or suffer undue consequences for our mistakes or the mistakes of our family members based on the color of our skin or our documentation status, and that is a privilege that I recognize and one that I believe needs to be corrected.

My brother, as a young white male, was caught breaking into cars when he was younger. My father has been arrested several times for things way more serious than some of the things we've heard about today. And they were both given a second chance, and they were never considered criminals. You might say that they had that right because they're citizens, but I would argue that everyone deserves that right. [Bell] And in many cases, not even black and brown citizens are being allotted the right to survive alongside their families in this country. Our country continues to criminalize and disproportionately punish black and brown bodies, and this is just one more way that this is being done, by forcing the general American population to believe that immigrants don't deserve to be here, don't deserve to be together with their families if they have made one mistake --

REP. STAFSTROM (129TH): Mary --
MARY ELIZABETH SMITH: -- sometimes as little as running a red light. And I am done, thank you.

REP. STAFSTROM (129TH): Thank you. Mary, thank you for your advocacy. Thanks for bein' with us all day today. Are there questions from the committee? Seeing none. I think we had skipped Josh Pawelek.

MARY ELIZABETH SMITH: Thank you.

REP. STAFSTROM (129TH): Is Josh back there?

JOSH PAWELEK: Good afternoon, members of the Judiciary Committee, Chair Stafstrom. Thank you for the opportunity to express support for Senate Bill 992 and improve the Connecticut Trust Act and Senate Bill 948, AN ACT CONCERNING MAXIMUM TERMS OF IMPRISONMENT FOR MISDEMEANOR OFFENSES. My name is Josh Pawelek. I'm the minister at the Unitarian Universalist Society East in Manchester, Connecticut. I live in Glastonbury, and I'm sorry I missed my slot earlier, I was called away on a pastoral matter, which was actually in Mystic, so I've been across the state and back today.

I support these bills because I care about the quality of life, health, and well-being in Connecticut's immigrant communities. Both these bills, if they become law, will improve the quality of life, health, and well-being in Connecticut's immigrant communities. I support these bill because immigrants are being deported or threatened with deportation for frivolous reasons in situations where deportation as a punishment simply does not fit the crime. I support these bills because both would clarify and reduce the circumstances under
which immigrants living in Connecticut can be deported.

SB 992 draws an appropriate and reasonable line between Connecticut law enforcement officers and Federal Immigration and Customs Enforcement or ICE. The provisions in this bill do not prevent ICE officers from doing their jobs. They do not prevent Connecticut officers from assisting ICE officers when legally appropriate. They simply clarify the circumstances under which Connecticut officers can work with ICE officers. This clarity, I think, will greatly, greatly reduce the fear and anxiety that so many immigrants in Connecticut live with these days. I think it will also -- the clarity will also be a great benefit to Connecticut law enforcement officers, and I think it will help create a foundation for better, stronger relationships between Connecticut officers and immigrant communities, and it will certainly reduce the number of unnecessary deportations that are currently tearing families in Connecticut apart.

SB 948 will likewise reduce the number of unnecessary deportations by subtracting one day from the maximum sentence for Class A misdemeanors. I think a 364-day maximum sentence is eminently fair. Non-citizens who commit minor crimes would still be held accountable for those crimes, like any citizen, but they would not face detention and deportation, which is an extraordinary, unreasonable, and frankly cruel punishment.

As a state, we need to stop instilling fear and anxiety into our immigrant communities. We need to treat immigrants with the dignity they serve. We need to treat immigrants as our neighbors and not as
easily disposable people. SB 992 and SB 948 offer commonsense changes to our criminal justice statutes that will appropriately curtail unnecessary and unfair deportations and thereby enhance the quality of life, health, and well-being in Connecticut's immigrant communities. Those are my thoughts. Thank you.

REP. STAFSTROM (129TH): Thank you. Questions from the committee? Representative O'Dea.

REP. O'DEA (125TH): Good afternoon. Thank you for your testimony, and thank you for doin' what you do throughout the state --

JOSHUA PAWLEK: You're welcome.

REP. O'DEA (125TH): -- and driving back. One of the things in looking at 99 -- I'm sorry, 948, the misdemeanor sentences, there's a couple on that list that aren't just minor though, like, for example, the assault of an elderly, blind, disabled, or a pregnant person, or a person with intellectual disability, pursuant to 53a-61a. Would you be okay if we left some of the sentences up to a year for some of the more serious misdemeanors and reduced it for the minor ones? Like damage to railroad property, I agree with you that shouldn't subject someone to that, but if someone intentionally punches an intellectually disabled person because they don't like them for whatever reason or intentionally assaults a pregnant woman, assaults them and punches them in the face -- that kind of a person, I don't feel any sympathy towards. Would you be okay if we left that type of an assault at a year, up to a year, and reduced the more minor ones that you're talking about?
JOSHUA PAWELEK: So, not being an attorney and not understanding the evolution of the statutes, I'd wanna think about it some more, but my gut reaction is no, I wouldn't be okay with that. I think we're still, at that point, you're talkin' about treating one class of people differently than another class of people because, again, they'd be exposed to deportation. And I think that -- that's why I'm here. I'd like to see the number of deportations vastly curtailed. I think it's been way overdone. And I'm mindful of, you know, the families of a person who may commit the kind of crime you're talking about, I think it's gonna be traumatic to them to be a family member, but they still are a family member, and they still love that person, and they still wanna be with that person. So, when they've done their time and they're out, they have a chance for redemption at that point just like any citizen would. So, no, I think the -- again, not being an attorney, let the Class A misdemeanor be a Class A misdemeanor, and if down the road people wanna change that, you know --

REP. O'DEA (125TH): All right. Thank you for your response. Thank you, Mr. Chairman.

JOSHUA PAWELEK: Thanks.

REP. STAFSTROM (129TH): Thank you, Representative. Further questions from the committee?
Representative Dubitsky.

REP. DUBITSKY (47TH): Thank you, Mr. Chairman. Thank you for coming in. If somebody is here illegally in the country and commits a violent felony, should they be subject to deportation?
JOSHUA PAWELEK: I don't know what the -- I don't know enough about how federal law works, but I think my -- my answer would be, you know, what does the law say and is that the punishment that we as a society have agreed on?

REP. DUBITSKY (47TH): Well, I'm asking you. If somebody -- if somebody's here illegally and commits a violent rape and then is caught, should they be subject to deportation?

JOSHUA PAWELEK: I think they should be subjected to the legal process in the United States, and I would -- I would hope that they -- they would be in jail for many, many, many years. And whether they should be deported or not, I can't answer that question. I guess my question is what does the law state? Is that -- is that a crime that is punishable by deportation? That's --

REP. DUBITSKY (47TH): Well, we're here making law, right. So, if we were going to make law, should they be subject to deportation?

JOSHUA PAWELEK: No, no.

REP. DUBITSKY (47TH): Thank you. Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Further questions from the committee? Seeing none. Thanks so much for being with us.

JOSHUA PAWELEK: Thank you. Appreciate it.
REP. STAFSTROM (129TH): That is all I have on my public list. Are there other members of the public who are here who would like to testify who have not had a chance to testify? Seeing none. We are gonna actually stand in recess super quickly. We have one public official who's on his way down. So, we are gonna stand at ease just for a moment or two to see if it makes it.

I'd like to reconvene the Judiciary Committee public hearing and invite up Representative Reyes. Representative, welcome.

REP. REYES (75TH): Representative Stafstrom, Senator Winfield, and my esteemed colleagues in both the House and Senate, I come here in strong support of the Trust Act, and it's SB 992, AN ACT CONCERNING THE TRUST ACT, and basically I'm not going to repeat what was already said. I feel that what the law is on the record today is failing some of our constituents, and I represent some of those constituents that live in my district. And I am very grateful and happy that this bill has got a public hearing, number one. And number two, it's very important that we as a legislative body are very transparent and, I repeat, very transparent in who can do what legally and not. And that's not what we're seeing in our communities today. People are afraid, and I don't think that this is the state -- this is the condition and the type of -- the public condition that we like our constituents to live in the state of Connecticut. We can be much better than that. And the temperament on a national level is trickling down to Connecticut and into our communities, and we as legislators, as elected officials, can hide or we can face it front on. So, it is for that reason that I'm in support of SB 992
and will welcome any questions at this time. Thank you.

REP. STAFSTROM (129TH): Thank you, Representative. Questions from the committee? Before I turn it -- just can you push one of the microphones away. We've got a little back feed there. Thanks. Representative O'Dea.

REP. O'DEA (125TH): Good afternoon, Representative.

REP. REYES (75TH): Representative O'Dea.

REP. O'DEA (125TH): I have the utmost respect for you. We have mutual friends. I have concerns with lines 98 through 111. I do agree where there's some discretion that's getting out of control we need to look at. You know, I'm hopeful that we can work together on -- with regard to the convicted felony charges. There's no discretion there. So, I don't see the problem. I understand there's gonna be some honest difference of opinion, but I don't think there's a discretion problem there. I don't think there's a discretion problem with number two on line 99, where subject to a pending criminal charge in the state where bond has not been posted and an outstanding arrest warrant. You know, the identified known gang member -- I can understand the list may be bad. We heard testimony about being on the Federal Terrorist Screening Database. That could be an error. And number seven, which is presents an unreasonable risk to public safety, we heard testimony that there's maybe some overreach with that, but hopefully we can work together on the ones where I don't believe there's a problem with discretion. And I appreciate your testimony and you being here today.
REP. REYES (75TH): Thank you, Representative O'Dea. And if I could just rebuttal. I agree that we can work together, and there's no question that the dialogues and the conversations need to be had. Where we are not seeing the connections is in the case of domestic violence, and you have a spouse who is afraid to go to police because she may be undocumented, or her husband may be undocumented, or their afraid for the their children that are undocumented, and they're living in domestic violent conditions because they're afraid to use the people that are paid to protect and serve. So, it is in that area and that arena that I'm a little concerned.

REP. O'DEA (125TH): That's very fair, and I agree. Thank you very much, Mr. Chairman.

REP. STAFSTROM (129TH): Thank you, Representative. Representative Dubitsky.

REP. DUBITSKY (47TH): Thank you, Mr. Chairman. Thanks for coming in. I appreciate your passion on this issue, and I have one specific area that I think perhaps this goes one step too far. And that's on lines 119 through 121, where we're basically saying that even if a -- even if somebody is in custody and there isn't -- we're not talking about whether they're gonna be held or not, or detained -- it's nothing to do with that. But if they're currently in custody, it appears to me that this would prevent the local law enforcement from allowing immigration authorities to even talk to them. And there's another section, it appears that we would be preventing law enforcement from even providing any information that they're here. So,
you know, I understand your -- I understand the focus to avoid holding people or detaining people when they shouldn't be detained, but I don't see a justifiable purpose for preventing a communication with immigration authorities for somebody who is currently in custody who is not looking -- who we're not planning to release. Can you address that at all?

REP. REYES (75TH): Thank you very much, Representative Dubitsky. That's an interesting point that you're making. I just wanna be perfectly clear. I'm not here advocating for any constituent, legal or not. As a citizen of the state of Connecticut, if you are breaking the law, then you should be dealt with accordingly. I am not here in any way, shape, or form trying to skirt their responsibility. Each person stands on their own merit, and if they break the law, then I believe that they should be held accountable. Where I think that we might be reaching a little bit beyond is when people are trying to get a just and fair hearing in court, and they're at a police station, and the next thing you know where the -- the situation has already escalated out of hand, and before you know it you have ICE officials involved. And that's -- to me, that's a far reach. And again, I absolutely -- if someone breaks the law, by all means, that's not what I'm here for, but I think it's a fair point what you're saying.

REP. DUBITSKY (47TH): Okay. And would you be amenable to working on that specific provision and understanding that there are other provisions of this bill that are -- you know, perhaps you and I don't agree on, but can we at least agree on working on this particular provision?
REP. REYES (75TH): Representative Dubitsky, I believe that we can work together on making the Trust Act for the state of Connecticut a robust and full act, and I think that this body in front of me is more than capable of doing that. And I will do my part, sir.

REP. DUBITSKY (47TH): Okay. Thank you.

REP. REYES (75TH): Thank you.

REP. DUBITSKY (47TH): Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Thank you, Representative. Further questions? Seeing none. Oh --

REP. PALM (36TH): Thank you, Mr. Chair. Good afternoon, Representative. Thank you for being here. One of the things about this bill that I care about that intrigues me is the reporting and the data collection. In your understanding, are we -- well, I won't say are we deficient -- would our understanding be enhanced through this bill, for example, to make sure that police are adequately trained? This is one of the things that I'm -- I'm interested in, in particular. In your -- in your experience, has the lack of adequate training and the lack of data hampered our ability to do justice and build this trust up to this point?

REP. REYES (75TH): Representative Palm, I would agree with you 100 percent. There's no question that training plays a big role in it. But what happens sometimes too is that the departments of the policing may be working with past practices and don't have the -- the latest training. So, I would
agree with you that training is a big issue when it comes to that type of policing.

REP. PALM (36TH): Okay. Thank you. Thank you.

REP. REYES (75TH): Thank you, Representative.

REP. STAFSTROM (129TH): Thank you. Thanks
Representative Reyes for being here. Appreciate it.

I understand that Brenda Liz Lotto has arrived, so we're gonna let her testify and then we will call this public hearing to a close. Brenda.

BRENDA LIZ COTTO: Thank you for the opportunity. My name is Brenda Liz Cotto.

REP. STAFSTROM (129TH): I'm sorry. The handwriting on this paper --

BRENDA LIZ COTTO: It's okay. I serve on the Waterbury Board of Aldermen. I represent the 5th District. I also serve as a liaison for the Environmental Control Commission and the Human Rights Commission. I am the executive director and producer of a TV show -- a local TV show called Latinos En Accion, and our mission is to enhance the positive things that our Latino community are doing in the community and also to discuss the challenges in a constructive way. I founded a nonprofit organization whose mission is to serve, embrace, and empower women and children, especially those victims and survivors of family violence. As a business owner, I offer services of freelance interpreting and translation in legal, medical, and community services, and I state all this so that you can recognize that the different settings that I work
with expose me to one-on-one interactions with individuals that are being affected by the current law.

I come here in support of the SB 992, 991, and 948 because I've seen the struggles of our families. I've seen a woman that was brought here at 13 years old that went to school here, made her career here. She works, pays taxes, but has been ripped off by individuals several times that have taken her money and her paperwork, and she has not been able to legalize her status. I've interpreted for children that are suffering from PTSD and depression because the parent was deported. My own children, who are U.S. citizens have been affected because their friends were taken away by ICE.

When I decide to support a point, I always like to study the opposition point. And I've heard the director of ICE, for example, argue that the reason why they're doing the things that they are doing is because there has been a lot of trafficking, drugs, human trafficking -- [bell] I'm about to wrap up -- and I question what if we use our force and services to protect those tracks so that those people that are coming here can safely cross and be able to ask for asylum. So, I'm asking you to please vote yes to these changes. And one last thing, ask yourself about the repercussions, not only mentally but financially, of not doing so because our state, our nation, my city currently is being affected from that because these individuals contribute financially, and if we cannot support them, how are we gonna be affected.
REP. STAFSTROM (129TH): Thank you. Thank you for your testimony. Questions from the committee? Representative Palm.

REP. PALM (36TH): Thank you for your testimony. I'm interested in what you were saying about the domestic violence aspect of this. I know that, as a state, we've been grappling with the dual arrest situation, which was a deterrent for people going forward for fear of that they would be arrested as well. Can you -- can you cite any examples, or do you know of any cases where there was somebody who was being abused and didn't come forward because of this.

BRENDA LIZ COTTO: Of course. In my organization, I work with women that are ready to leave their relationships and others that are not ready yet and need the counseling and a safe plan. And I have had interviews with women that are currently illegally here -- there status is illegally -- their partners are holding them because of that, and they fear that if they come forward they are gonna be deported. I've seen it. We also had a case in Waterbury where a woman went to the police because her ex-partner was harassing her and had damage -- made damage to her car, and supposedly there was a warrant against her and she was deported. There's no evidence. We don't have any evidence of that but the word of the police.

REP. PALM (36TH): Thank you very much.

BRENDA LIZ COTTO: Thank you.

REP. STAFSTROM (129TH): Thank you. Further questions? Seeing none. Thank you for your
testimony, and I will declare this public hearing closed. Thank you all for being with us today.