The Senate was called to order at 4:36 o’clock p.m., the President in the Chair.

THE CHAIR:

Good Evening, will the Senate please come to order. Members and guests would you please rise and I would like to invite Pastor Bonita Grubbs of New Haven to come forward for the prayer.

DEPUTY CHAPLAIN GRUBBS:

Let us pray. God of all creation, You have allowed us to observe, over and over again, that a rainbow can appear after rainfall. It reminds us that darkness does turn to light, the sun still shines and a new day still dawns. These are shining examples of Your power.

Help us, as Maya Angelo once said, not simply to see the rainbow in our midst but be the one in someone else’s cloud. By your grace, manifest the hope that is within and all around us on this day after the rainfall.

Today, in these Hallowed Halls, shine and reflect the beauty all around us the ones whom You have made. Amen.
THE CHAIR:

Thank you very much Pastor Grubbs and it is my pleasure to invite, I lost her, Senator Kushner up to lead us in the Pledge please.

SENATOR KUSHNER (24TH):

(All)  I pledge Allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible with liberty and justice for all.

THE CHAIR:

Thank you so much, Senator and at this time the Chair will entertain any point of personal privilege before we get going with our work. Senator Duff, good evening.

SENATOR DUFF (25TH):

Good evening, Madam President. Does the Clerk have Agenda Number 1 on his desk?

CLERK:

The Clerk is in possession of Senate Agenda Number 1, dated Tuesday, May 14, 2019.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):
Thank you, Madam President. I move all items on Senate Agenda Number 1 dated Tuesday, May 14, 2019 be acted upon as indicated and that the Agenda be incorporated by reference into the Senate Journal and Senate Transcript.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

Madam President, I have some Bills for the Go List please.

THE CHAIR:

Please proceed.

SENATOR DUFF (25TH):

Madam President on Calendar Page 6, Calendar 109, Senate Bill 190, Go.
On Calendar Page 9, Calendar 153, Senate Bill 1017, Go.
On Calendar Page 30, Calendar 387, Senate Bill 792, Go.
On Calendar Page 46, Calendar 250, Senate Bill 359, Go.
And on Calendar Page 17, Calendar 244, Senate Bill 992, go. Thank you, Madam President.

THE CHAIR:

Thank you, sir. Mr. Clerk.

CLERK:
Page 6, Calendar Number 109, Senate Bill 190, AN ACT REQUIRING FINANCIAL INSTITUTIONS TO ACCEPT PROPERLY EXECUTED POWERS OF ATTORNEY.

THE CHAIR:

Senator Bergstein.

SENATOR BERGSTEIN (36TH):

Thank you, Madam President. And at this time I would like to yield to my good colleague Ranking Member of the Banking Committee, Senator Berthel.

THE CHAIR:

Thank you, Senator Berthel do you accept the yield?

SENATOR BERTHEL (32ND):

Yes, Madam President I accept the yield and good afternoon. Madam President I move acceptance of the Joint Committee’s Favorable Report and passage of the Bill.

THE CHAIR:

Thank you, Senator. The question is on passage, will you remark?

SENATOR BERTHEL (32ND):

Yes, thank you, Madam President. This Bill essentially requires financial institutions to accept and acknowledge Power of Attorney, a POA, if it is prepared in the state statutory form for
financial counsel or pursuant to the Connecticut Uniform Power of Attorney Act. POA is a document giving authority to an agent to act on behalf of the person who grants the authority also known as the principle. The Bill came to us essentially because we had learned that there were financial institutions that were not willingly and easily accepting Powers of Attorney which creates a delay when someone has for example an estate that has come before the court and looking to settle matters for a family with respect to financial, their business with the financial institution. At this point in time though I would like to yield to Senator. Kelly who is the author of this Bill. If I may, Madam President?

THE CHAIR:

Yes, Thank you, Senator Berthel. Senator Kelly do you accept the yield?

SENATOR KELLY (21ST):

Thank you, Madam President, yes I do.

THE CHAIR:

Please proceed.

SENATOR KELLY (21ST):

You know, as Senator Berthel indicated that this is a Bill that will require financial institutions to accept the duly executed Power of Attorney in accordance with the statutory form. As you will recall many of these changes occurred over the past couple of sessions where we went from a State Based
Power of Attorney to a uniform form that the purpose of that was so that many of the new banks that you see coming into Connecticut that are multistate banks, larger national bank institutions would be more familiar with the uniform statutory Power of Attorney. Unfortunately in practice what was transpiring is that many of these national banks were no accepting the Powers of Attorney that were created and executed by individuals making it difficult for them to transact business. Where it became particularly acute was in the area when an individual who is known as the principle in the Power of Attorney transaction made have lost their capacity and are now depending on a child to move forward and to handle their affairs. That is where you would see a bank come in and say, Oh we don’t want the Power of Attorney, you’re gonna need to execute something new. Well the problem is that if you’re suffering from dementia you might not be able to execute that Power of Attorney and in effect render the document moot.

Now just as a backdrop here, the whole reason many people execute Powers of Attorney is to avoid the necessity of going to the Probate Court System and so people execute a Power of Attorney so that they don’t have go through the rigors and expense of conservatorship. So when the banks come forward and say we’re not gonna honor this statutory form that was done by the way in the presence of a lawyer and two witnesses. So the people that are there executing this recognize that the person at the time the document was executed was duly capable of that now would have to turn to the court system and go through what’s called a conservatorship. Under conservator rules if you do make that application to the court and ask for the court’s assistance, what
happens there is the court because liberty interests are at stake are gonna require the appointment of an attorney to represent the person and you’re gonna end up paying two attorneys. This can get into the thousands, five thousand if it is adversarial and can take quite a longtime both from both just physical time as well as money to get the conservatorship imposed so that you can then transact business with this bank. So what this Bill came out of was a practical, very common sense approach to enabling people to do what they want and that is to keep their private affairs private to rely on trusted and loving family members or people that they want to handle their affairs and this will require the financial institution to see to it that if it is duly executed and acknowledged in accordance with Connecticut law that the financial institution would need to accept that. So for those reasons I would urge my colleagues to support this because I think it is a good practical common sense solution to an issue that’s out there, so I would urge adoption. Thank you.

THE CHAIR:

Thank you, Senator Kelly. Will you remark further? Senator Looney.

SENATOR LOONEY (11TH):

Thank you, Madam President. Madam President a question through you if I might to Senator Kelly?

THE CHAIR:

Yes, please proceed.
SENATOR LOONEY (11TH):

Thank you, Madam President.

Through you to Senator Kelly.

Senator Kelly I noticed that in reviewing this Bill that there was testimony in the Committee in opposition to the Bill from the Connecticut Bar Association. I was wondering if you were aware what the basis for that opposition was?

THE CHAIR:

Senator Kelly.

SENATOR KELLY (21ST):

Thank you, Madam President and I was waiting for the light to come on. Not specifically know what the opposition would be. I do know that when you work through the CBA that it is a long process and that the Power of Attorney form was created in collaboration with the CBA. Certainly we would want them on board but this is something that was done, you know, for the purpose of making these types of transactions easier and so I think this is in accordance with common sense and practicality in that area. I would still urge adoption.

THE CHAIR:

Thank you, Senator Kelly. Will you remark further? Senator Kissel.

SENATOR KISSEL (7TH):
Thank you, Madam President. Great to see you up there this afternoon. I apologize to Senator Looney, he was just way too fast jumping up for me this afternoon and apologize if I am breaking protocol. But one of the Bills we had before us in the Judiciary Committee that I don’t believe we voted on thus far would expand the powers of Marshalls to effectuate service because apparently many, no many, but a growing number of financial institutions don’t even have a presence in our State and so let’s say you wanted to execute a garnishment or garnish a savings account or something, you know, these marshals are having a hard time. If there is no brick and mortar’s present how do I effectuate service? So I am just wondering, and I don’t know if I should direct my questions to Senator Bertel or Senator Kelly, I’ll start with Senator Bertel as the Ranking Member on Banks. During the Public Hearing was there testimony or evidence indicating what Senator Kelly has said that some financial institutions simply aren’t recognizing Powers of Attorney executed here in the State of Connecticut.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Kissel. Senator Berthel.

SENATOR BERTHEL (32ND):

Thank you, Madam President. I believe I can answer the question. There was testimony to the effect that some Power of Attorneys were being held in financial institutions and they were looking to see if they could validate them in someway if there was a concern with respect to whether or not it was a
real Power of Attorney, if there could be fraud, fraud that was coming with that. So there was testimony with regard to some delay and processing, not necessarily good or bad, just that some institutions would hold the Power of Attorney and maybe bring it to a higher ranking office within the financial institution for them to review it and kind of give it an okay if you will which may or may not have met any legal requirement because that person may or may not have been an attorney who was reviewing it.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Berthel. Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much Madam President.

Through you to Senator Berthel.

We’re these instate financial institutions, out-of-state financial institutions or didn’t really have any geographical distinction?

THE CHAIR:

Senator Berthel.

SENATOR BERTHEL (32ND):

Through you, Madam President.
I am not sure the geography mattered but most of the testimony we heard was from instate institutions.

Through you.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much.

Through you, Madam President.

I know at least the folks in the Judiciary Committee and we have voted on a model Power of Attorney form actually I think we did it three or four years ago and then we modified in the last legislative session so we’ve been sort of trying to polish our Power of Attorney that should be accepted by everyone and I don’t understand because that was supported by the Connecticut Bar Association as well. Were these Powers of Attorney that were being held, were these the ones based on the statutory model do you know?

Through you, Madam President.

THE CHAIR:

Senator Berthel.

SENATOR BERTHEL (32ND):

Thank you, Madam President.

Through you.
I do not know if they were necessarily outside of the scope of the legal document. Again I think what the issue became for those that testified in favor of this Bill was whether or not the actual document itself was valid and there was a question being raised as to whether or not a family member or someone might be committing fraud against the account for which the Power of Attorney was being issued. So I think we would go to testimony that spoke to where someone may have an estate that had been, I’m sorry, someone may have a loved one was is infirmed and they now had to do in and make decisions for care, for paying for things, and there may be spouse that was involved or a sibling that was involved who had different interests and that maybe they could have been presenting a Power of Attorney that was not actually valid that was something that was fraudulent.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much.

And through you, Madam President.

What exceptional knowledge or understanding of Powers of Attorney would someone at a different level in the financial institution have such that he or she could make such a determination? I just can’t even imagine what that would be if I’m like a
general manager and I have to bump it up to a vice-president, did they conduct independent investigations or something of that sort?

Through you, Madam President.

THE CHAIR:

Thank you, Senator Kissel. Senator Bertel.

SENATOR BERTHEL (32ND):

Thank you, Madam President. So the issue actually came up, that actual discussion came up in Committee with respect to how do we verify a Power of Attorney if it is presented and I think that goes to the legislative intent of this Bill is to say that we are saying that banks have to accept a Power of Attorney as it is presented because there aren’t necessarily individuals within a financial institution that have some higher level of knowledge or some better understanding of a Power of Attorney.

Through you, Madam President.

THE CHAIR:

Thank you. Senator Kissel.

SENATOR KISSEL (7TH):

Thank you, Madam President.

And through you.

Assuming this Bill gets through this Chamber, gets through the House and is signed into law, then these
financial institutions would be required to accept these Powers of Attorney. Let’s say there was something on its face that would cause that financial institution to have concern. Let’s say it’s the signature of a spouse and on every other document presented to the financial institution it is clear that signature does not match any of the other dozen signatures that they have. So they have their good faith reason for concern, is there any mechanism where they could at least somehow challenge the Power of Attorney or do they have to accept it no matter what?

Through you, Madam President.

THE CHAIR:

Thank you, Senator Kisser. Senator Berthel.

SENATOR BERTHEL (32ND):

Thank you, Madam President. Senator I actually don’t know the answer to that question. I don’t know if Senator Kelly would like to take a shot at providing you with an answer.

Through you, Madam President.

THE CHAIR:

Thank you. Senator Kelly.

SENATOR KELLY (21ST):

Thank you, Madam President. I am looking though the Bill right now. I believe the financial institutions still retains the requisite authority
in that instance if they have evidence of untoward activity that they could then withhold, you know, handling the transaction, so they would be able to do that.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President that answers my questions and I appreciate the answers from my colleagues. Thank you.

THE CHAIR:

Thank you. Senator Looney.

SENATOR LOONEY (11TH):

Thank you, Madam President and just to clarify my earlier question to Senator Kelly on further review I believe it was the Connecticut Banks Association and not the Connecticut Bar Association that had opposed this Bill for reasons that I think might be clear in terms of who would have discretion and authority. So on ballot I think this is a good common sense solution to a problem that can occur especially since the fact that the form for the Power of Attorney will still be required to comply with Connecticut law and in some situations I think it may avoid problems where objections might be raised to the Power of Attorney that might trigger the complex process that Senator Kelly outlined for the need for court involvement, Probate involvement and appointment of a conservator which is in some
cases more of a procedure than is actually necessary in many of these cases. So I would support the Bill. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Looney. Will you remark further on the Bill? Will you remark further on the Bill? Senator Fasano.

SENATOR FASANO (34TH):

Thank you, Madam President. Just to be quick about it. I think that the Bill has absolute merit given the fact that we are getting more and more of these institutions who are rejecting this Power of Attorney with respect to matters and what happens is and I might just pick a most recent example where my office had a client had been involuntarily conservatorship but had a Durable Power of Attorney to cover such matters. The banking institution refused to accept the Durable Power of Attorney requiring the client to go ahead and open up a conservatorship costing more money to the estate depleting the assets for the kids when the actual Power of Attorney was legally binding to sell property, to exchange realty and other such nature but all of a sudden this bank decided it was not going to recognize it. So the difficulty is self-apparent, I think this will save people money. I think it could lead to very unjust results if we don’t. Actually what this Bill does is to say we mean what we say when we give the power of authority in Power of Attorney we mean what we say. It is sad we have to do this Bill with our institutions who are ignoring what the intent and legislative intent
of Power of Attorneys have been in the past. So, Madam President I look forward to passage.

THE CHAIR:

Thank you, Senator Fasano. Will you remark further on the Bill? Senator Hwang.

SENATOR HWANG (28TH):

Thank you, Madam President.

Through you.

To the proponent of the Bill, Senator Kelly if I can pose some questions?

THE CHAIR:

Please proceed.

SENATOR HWANG (28TH):

Thank you, Madam President. Could the good Senator give me some liability exceptions on this Power of Attorney issue?

Through you, Madam President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY (21ST):

Well currently under the current law, financial institutions that accept POAs in good faith are
exempt from liability without actual knowledge of any wrongdoing or, I’m gonna say untoward behavior. What we are aiming to do here is that many of the banks would require an attorney to acknowledge that the Power of Attorney is in force and anything that happens would be the attorney’s responsibility, in other words trying to shift the liability for the bank to an attorney and so what we want to do is make sure that the individuals who have any evidence of this activity would be the bank seeing that this type of transaction, and they’d know whether or not somebody’s, I’m gonna say pilfering mom’s account. So in this case what the Bill would do, it would keep the liability in the law where it is and so I think in that sense everything would be the way it is now.

SENATOR HWANG (28TH):

Thank you.

Through you, Madam President.

I want to thank the proponent for this Bill and the legislative intent explanation. I urge support of this Bill. Thank you very much, Ma’am.

THE CHAIR:

Thank you, Senator Hwang. Will you remark further on the Bill? Will you remark further on the Bill? If not, I will open the machine and Mr. Clerk would you please announce the vote.

CLERK:
An immediate roll call vote has been ordered in the Senate. An immediate roll call vote has been ordered in the Senate on Senate Bill 190. Immediate roll call vote has been ordered in the Senate on Senate Bill 190.

THE CHAIR:

Have all the Senators voted, have all the Senators voted. Seeing that all the Senators present have, the machines will be closed and the Clerk will announce the tally.

CLERK:

On Senate Bill No. 190

<table>
<thead>
<tr>
<th>Description</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number voting</td>
<td>35</td>
</tr>
<tr>
<td>Necessary for Adoption</td>
<td>18</td>
</tr>
<tr>
<td>Total number voting Yea</td>
<td>31</td>
</tr>
<tr>
<td>Those voting Nay</td>
<td>4</td>
</tr>
<tr>
<td>Absent not voting</td>
<td>1</td>
</tr>
</tbody>
</table>

THE CHAIR:

[Gavel] The Legislation is adopted. Mr. Clerk.

CLERK:

Page 9, Calendar No. 153, Substitute Bill No. 1017, AN ACT CONCERNING THE OPEN CHOICE PROGRAM. There is an Amendment.

THE CHAIR:

Senator McCrory.
SENATOR MCCORY (2ND):

Good evening, Madam President.

THE CHAIR:

Good evening.

SENATOR MCCORY (2ND):

Madam President, I move Acceptance of the Joint Committee's Favorable Report and Passage of the Bill.

THE CHAIR:

The Questions is on Passage. Will you remark?

SENATOR MCCORY (2ND):

Absolutely. Thank you, Madam President. Madam President this Bill is entitled Act Concerning Open Choice and let me start by explaining to everyone what is the Open Choice Program. The Open Choice Program is a voluntary inter-district program under the existing law that allows students from large urban districts to attend suburban schools and vice versa on a space available basis in order to reduce racial, ethnic and economic isolation and pool active achievement and provide public school choice.

Madam President, the Clerk is in possession of Amendment LCO No. 8491, I will ask that Clerk please call the Amendment.

THE CHAIR:
Thank you. Mr. Clerk if you would please call the Amendment.

CLERK:  LCO No. 8491, Senate Schedule A.

THE CHAIR:

Senator would you like to summarize.

SENATOR MCCRORY (2ND):

Absolutely. So what this Amendment will do, and it will actually become the Bill, it will actually. Or let me give you a little background on Open Choice Program again. Recently I was called into a meeting with some parents, grandparents of children who are attending Open Choice Schools in the Greater Hartford area and because of a number of unfortunate situations we had recently and in some of our school district with some of our children, behaving in a manner that is not appropriate, i.e. some examples of children wearing blackface, children making inappropriate comments on social media, being disregarding and not being accepting of any individuals, these parents and grands came to be very disturbed and upset about what was going on. I could relate to the children and the parents because I myself was a parent of a child who was in the Open Choice Program and I understand the difficulties children might encounter when they are going from one school district to another, maybe school districts that are not very welcoming in some cases. So understanding that when we first started this program back in 1968 after the death of Dr. Martin Luther King, Jr. this was Connecticut’s response to the 1954 Brown versus Board of Education’s Act. There was a number of supports in place for the
children, the families, from the receiving school districts and the sending school districts to make sure that transaction, that moving from one place to another everything would be smooth. Unfortunately over the years we removed many of the supports in place. So what this Bill which actually will be Amended to become the Bill, actually puts those supports back in place so when our children are traveling from one school district into another school district they will be supported. What the rest will hire, what I call educational advocates, not necessarily social workers but people who can work with the adult in the receiving school district, provide them all the supports they need to when our kids come into these new school districts they won’t feel as through they’re strangers, they’re hostage, just to make things a little more fair and clear for everyone. So that is the intent of this piece of legislation to put those supports back in place so that all our children can feel comfortable when they are being educated in different environments. And by the way, Madam President, this goes vice versa so when children are coming into large urban school districts they will have that support system also. So with that Madam President I urge my colleagues to support.

THE CHAIR:

Thank you so much. Will you remark further on the Amendment? Senator Berthel.

SENATOR BERTHEL (32ND):

Thank you, Madam President.

Through you.
I have a few questions for my esteemed colleague on the Education Committee.

THE CHAIR:

Please proceed.

SENATOR BERTHEL (32ND):

Thank you, Madam President.

Madam President, through you.

If the Senator could explain just in a little greater detail what the actual role of the education advocate is, I know he just summarized what the overall role would be, what are some of the actual things the education advocate would be doing on a day-to-day basis?

Through you, Madam President.

THE CHAIR:

Thank you. Senator McCrory.

SENATOR MCCRARY (2ND):

Well one of the things and thank you an excellent question. So what this advocate can do is provide professional development for our teachers, our administrators, our boards of education of the school districts. That’s one of the opportunities that education advocates, they will also be a support for the parents and the grandparents of the children to make sure that their needs are met if
there is an issue that has taken place in a school district they can go out there and meet with the parents and with the school district at the same time. They can also provide a support system where children can have a place to express themselves if something is not going appropriately, maybe just be an advocate for them while they are in that learning community.

Through you, Madam President.

THE CHAIR:

Thank you, Senator McCrory. Senator Berthel.

SENATOR BERTHEL (32ND):

Thank you, Madam President. I thank the good Senator for his answer.

Madam President, through you.

To the good Senator, do the education advocates have any specific educational requirements themselves? Do they have to have a college degree, any kind of certificate or training?

Through you, Madam President.

THE CHAIR:

Thank you, Senator Berthel. Senator McCrory.

SENATOR MCCRORY (2ND):

Thank you. Absolutely. Currently the program do have some education advocates and from my
understanding, all of them have to have a bachelor’s degree to perform these measures.

Through you, Madam President.

THE CHAIR:

Thank you, Senator McCrory. Senator Berthel.

SENATOR BERTHEL (32ND):

Thank you, Madam President

Through you.

If the Senator could speak to what the anticipated cost is per year, the annual cost per advocate for, if I understand the Bill correctly, there will be 17 of these? What is the annual cost per year for each advocate?

Through you, Madam President.

THE CHAIR:

Senator McCrory.

SENATOR MCCRORY (2ND):

Well that is a very good question, Madam President.

Through you, Madam President.

Actually we change in the Amendment, the number of advocates, we actually we removed to reduce the cost, from my understanding, when we did the numbers there are actually about five advocates that will be
hired through this program and the cost, there is no extra cost to the State because the resources are already available to the Open Choice Program and how it will be funding over the years this program was funded by selecting a number of seats so therefore a school district will declare that they have a certain number of seats available, let’s say its 100 of ’em and if they don’t fill those 100 seats, those dollars will usually go back into the general budget. Because the cost of doing this program, no longer those dollars back to the general budget and no longer those dollars will be given as a bonus to the receiving districts, those are the dollars that will be used to pay for the advocates.

Through you, Madam President.

THE CHAIR:

Thank you Senator McCrory. Senator Berthel.

SENATOR BERTHEL (32ND):

Thank you, Madam President. One additional question to the Senator.

Through you.

Lines 184 - 188 of the Amendment allow for a carryover of the funds, no lapse for the grants and I am curious if we are reducing the expense I am just trying to understand why we would want to, why we need to have a nonlapsing dollar amount if the amount of money that is being spent and the amount of grants ultimately that would need to be used for this process is going down because of the total
number of advocates being reduced, what do we need a nonlapsing provision in the Amendment?

Through you, Madam President.

THE CHAIR:

Senator McCrory.

SENATOR MCCRORY (2ND):

Thank you, Madam President. The idea is for us to utilize all the resources that the Open Choice Program have and we if have some available leftover we want to utilize those dollars and do some extracurricular activities for the young people who are in the Program. So those unused dollars will be taken over to the next year. I do not expect any large amounts of dollars to be in the recurring account but if there are some dollars available we will utilize those dollars so our children will have an opportunity to enjoy some of the things that the children in the other receiving districts have.

Through you, Madam President.

THE CHAIR:

Thank you, Senator McCrory. Senator Berthel.

SENATOR BERTHEL (32ND):

Thank you, Madam President and through you.

I thank the Education Chair for his answers and I do urge support of the Bill today. Thank you very much, Madam President.
THE CHAIR:

Thank you, Senator Berthel. Will you remark further on the Amendment? Will you remark further on the Amendment? Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much.

Through you, Madam President.

Just some questions to the proponent of the Amendment.

THE CHAIR:

Senator McCrory.

SENATOR KISSEL (7TH):

Thank you. So my first question is how does a young person get into the Open Choice Program, would their parents make an application, is it automatic, is at a lottery, I just don’t know how it works?

Through you, Madam President.

THE CHAIR:

Thank you, Senator Kissel. Senator McCrory.

SENATOR MCCRORY (2ND):

So yes, the Open Choice Program, like I said, back in 1968, it was a voluntary program and at that time
parents would have to sign up to put their children in the program. At that time there was about 1,000 seats. Because of the Sheff v. O’Neill case, the State of Connecticut chose to use this program as one of the programs they gonna use to help reduce racial isolation and integrate some our school systems. So therefore the number of students rose from 1,000 to approximately 2,300 students. The new students have to apply to a lottery mechanism for them to be eligible for the Choice Program.

Through you, Madam President.

THE CHAIR:

Thank you, Senator McCrory. Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much.

And through you, Madam President.

Is every town part of this Program or is it just certain towns around certain urban areas or areas that might be determined to be racially or ethnically less diverse than other communities?

Through you, Madam President.

THE CHAIR:

Thank you, Senator Kissel. Senator McCrory.

SENATOR MCCRORY (2ND):
Yes, Madam President. So initially this program was started in the Greater Hartford Area as a voluntary program again back in 1968. However since then I’d say in the last five to ten year smaller programs like this have opened up in the Greater New Haven Area and a small program in the Bridgeport Area has opened up and again it is voluntary, the receiving school district have to sign up and declare slots in the district who want to participate in this program.

Through you, Madam President.

THE CHAIR:

Thank you, Senator McCrory. Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much and I represent all or part of seven communities in Northcentral Connecticut and I was just wondering if the good Senator knows if all of my communities are part of the Open Choice Program.

Through you, Madam President.

THE CHAIR:

Senator McCrory.

SENATOR MCCRARY (2ND):

So off hand, thank you, Madam President, I believe there is about 27 school districts that participate in the Open Choice Program in the Hartford Area and I know Enfield was one of the school districts that
participated, East Windsor was another school district that participated in the program, Suffield School District and Somers is another school district that participates in the program. Those districts I believe are your districts.

Through you, Madam President.

THE CHAIR:

Thank you, Senator McCrory. Senator Kissel.

SENATOR KISSEL (7TH):

Thank you, that is the extent of the questions I have and I thank the good Senator for answering them. He hit my probably the wings of my districts so I’ve got to believe that Windsor, Windsor Locks are also part of East Granby and Granby are part of the Open Choice as Well. I want to just commend whoever is running this program I know that pretty much on an annualized basis, if not more, for example myself, Representative Simanski and Senator Witkos go and we visit with Superintendent of Schools and Board of Education in Granby and a little shout out to Superintendent Alan Addley who was named Superintendent of the Year here in the State of Connecticut but he has often extoled the virtues of the Open Choice Program as actually being really good for the receiving towns. We have other programs Magnet Schools, Charter Schools and the like that I get complaints from my towns because they feel that the financial compensation is inadequate to the transfer of students but Open Choice has never been the subject of that criticism so not only is it fulfilling a need that is required under Sheff v. O’Neill under that Supreme Court
decision but is done on a voluntary basis and in fact is so successful that apparently now it is a lottery so every young person that wants to avail themselves of the program can’t get in and that is an unfortunate situation and perhaps down the road we could look to maybe trying to address that so that every young man or woman or boy or girl who wants to participate in this would have a chance. And so it’s nice to have receiving school districts that are happy with the state program and anything that has been moving along since 1968, that’s an incredible track record for any governmental program. So again, happy to support the Amendment and the underlying Bill and again would commend the folks on the Education Committee for their hard work regarding this. Thank you, Madam President.

THE CHAIR:

Thank you Senator Kissel. Will you remark further on the Amendment? Senator Martin.

SENATOR MARTIN (31ST):

Thank you, Madam President. I have just a few questions for the proponent of the [Cross-talking].

THE CHAIR:

Please proceed.

SENATOR MARTIN (31ST):

Just some clarity regarding the lottery. How does that work, how does, do parents put their kids on a numbering system, how are they selected through the lottery?
THE CHAIR:

Senator McCrory.

SENATOR MCCRORY (2ND):

I believe the lottery process is setup so that beginning at a certain point in the school year, applications go out, information go out around Open Choice Program but not just Open Choice Program, but the Magnet School Program also. And parents actually, yes, they sign their kids up. They identify what grade they are in, whether it is kindergarten, sixth grade, ninth grade. Entry points are normally at kindergarten, seventh grade when kids are transitioning from middle school to high school and at ninth grade in high school. So yes, the parents will sign up, put their name in the lottery and they identify which particular program they would like their child to be whether it is the Choice Program or Magnet School Program and from there, I believe, I’ve never been there but names of children are chosen randomly for each particular program.

Through you, Madam Speaker.

THE CHAIR:

Thank you, Senator McCrory. Senator Martin.

SENATOR MARTIN (31ST):

Thank you. So the lottery is, sounds like the program is doing extremely well and it was a volunteer program in the past and because it is
doing so well we now have a lottery system because we have a high demand for parents wanting their children to go to Open Choice Schools which is very good. So regarding the, each of the grades, are there certain number of slots in each of the grades?

Through you, Madam President.

THE CHAIR:

Thank you, Senator Martin. Senator McCrory.

SENATOR MCCRORY (2ND):

Yes, Madam President. So the receiving school districts will, because so, a little background on where we are, a lot of our suburban school districts are losing student populations so therefore there a number of seats that are available in our suburban school districts. Each school district will declare how many seats they have available, if there’s ten in the second grade, 20 in the third grade, 40 in sixth grade, seventh grade they will determine how many seats they have available for this particular program. They give that information to the Choice Office and from there seats will be filled through the lottery process.

Through you, Madam President.

THE CHAIR:

Thank you, Senator McCrory. Senator Martin.

SENATOR MARTIN (31ST):

Through you, Madam Chair.
So are each of the school districts given a certain number of slots?

THE CHAIR:

Senator McCrory.

SENATOR MCCRARY (2ND):

Through you, Madam President.

No one is given a certain number of slots. Again the receiving school district will inform the office how many slots they have available, how many open seats they have available. How many open seats they are willing to take, no one is giving a certain number of slots. Some districts have a large number of school districts I’d say for example West Hartford, I think they declare about maybe about 100 slots where some of the smaller school districts might only have about 20-25 slots.

Through you, Madam President.

THE CHAIR:

Thank you, Senator McCrory. Senator Martin.

SENATOR MARTIN (31ST):

So my understanding then is that it is up to the districts to decide the number of slots that they would like to have in their districts. Correct?

THE CHAIR:
Senator McCrory.

SENATOR MCCORY (2ND):

Absolutely.

Through you, Madam President.

THE CHAIR:

Senator Martin.

SENATOR MARTIN (31ST):

And regarding the cost of the students going from, if whether it’s from Hartford or from West Hartford going to Hartford, etc. how much money does it cost for each of those kids? Is it based on the cost per the, cost of let’s say Hartford educating that child or is it the cost of where that child is going to?

Through you, Madam Chair.

THE CHAIR:

Thank you. Senator McCrory.

SENATOR MCCORY (2ND):

Through you, Madam President.

Well the State Department of Education has an approved grant, they provide for each receiving school districts up to $2,500 dollars and depending on the number of children they take that grant can increase. If they take in more students, lets say like up to one percent of their population that
grant can increase up to about $5,000 of $6,000 dollars.

Through you, Madam President.

THE CHAIR:

Thank you, Senator McCrory. Senator Martin.

SENATOR MARTIN (31ST):

Thank you. Just one additional question regarding the advocate. If I remember here, you said that there would be five advocates that would be hired. Can you just explain one more time, what the purpose of the advocate would be?

THE CHAIR:

Senator McCrory.

SENATOR MCCRORY (2ND):

Through you, Madam President.

Thank you. So the purpose of the advocate again is to support families, children who are leaving a large urban school districts and attending school districts outside of their home district. It is to provide professional development for the receiving school districts, maybe their teachers and their principals or maybe even their boards of education is to provide an opportunity for adults they can confide in and bounce ideas and concerns they might be having with students in another school district or adults they are having in school districts, is to provide support, psychological and they do social
support for parents who might be having issue, I can’t get to the receiving school district to have a meeting about concern their child may be havin, a number of things they can probably do. They can be viewed a social workers. Sometimes these advocates can be ex-educators who understand the education components, provide academic support that the children may need. All those things can be identified as a function of the educational advocate.

Through you, Madam President.

THE CHAIR:
Thank you, Senator McCrory. Senator Martin.

SENATOR MARTIN (31ST):
Sorry, Madam President I do have one additional question. So who, the advocate, who would they be responsible to, the district where the child is going to or would it be the home district?

Through you, Madam Chair.

THE CHAIR:

Senator McCrory.

SENATOR MCCRORY (2ND):

Thank you.

Through you, Madam President.

The advocate actually works in the office, they will be working in the office of Open Choice so they
wouldn’t be specifically assigned to one particular district whether it’s the receiving district or they work within the program itself.

Through you, Madam President.

THE CHAIR:

Thank you, Senator McCrory. Senator Martin.

SENATOR MARTIN (31ST):

I have no further questions. Thank you so much.

THE CHAIR:

Thank you. Will you remark further on the Amendment? Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President.

Through you.

I would like to ask a question of Senator McCrory.

THE CHAIR:

Please proceed.

SENATOR CHAMPAGNE (35TH):

Senator, one of the questions I had was how do they advertise for this program?

THE CHAIR:
Senator McCrory.

SENATOR MCCRORY (2ND):

Through you, Madam President.

I guess the question is about advertising? I do believe it will be on the State website, on the Open Choice Website like all the other positions.

Through you, Madam President.

THE CHAIR:

Yes, thank you Senator McCrory. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

I'm sorry, for the children. How do the advertise to the children and their parents?

Thank you, Madam President.

THE CHAIR:

Senator McCrory.

SENATOR MCCRORY (2ND):

Thank you, Madam President.

Oh, so, so there is a marketing campaign that is done at specific times through the year to advertise the programs that are available whether it be this program or a Magnet School Program so there is
advertising that is put on by this office at particular points during the school year.

Through you, Madam President.

THE CHAIR:

Thank you, Senator McCrory. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. Another question, when the children do get accepted into the program are they allowed to stay in the district they go to or do they have to go through a lottery every year?

THE CHAIR:

Senator McCrory.

SENATOR MCCRORY (2ND):

I’m sorry, I couldn’t quite hear.

THE CHAIR:

Do you want to repeat the question?

SENATOR CHAMPAGNE (35TH):

Sorry, when the child is accepted into the Open Choice, do they continue to go to the school that they are accepted at or do they have to go through the lottery every year?

THE CHAIR:
Senator McCrory.

SENATOR MCCRARY (2ND):

No, good question though.

Through you, Madam President.

No, so the child, once the child is accepted into the program they are a citizen and a student in that program do not have to go back into the lottery every year. They will continue on as if they live in that community.

Through you, Madam President.

THE CHAIR:

Thank you, Senator McCrory. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President.

And through you.

So they can go all the way from kindergarten to graduation?

THE CHAIR:

Senator McCrory.

SENATOR MCCRARY (2ND):

Yes, through you, Madam President.
Absolutely. The idea in many of these cases, the idea for the receiving they like to get the students at a very early age, preferably kindergarten and keep them in their school districts all the up through twelfth grade. But like I said earlier there are entry points in this program when kids are transitioning from elementary schools up to middle school and also middle school to high school there is an opportunities for students to become a part of this program during those transition areas, I mean transition points.

Through you, Madam President.

THE CHAIR:

Thank you, Senator McCrory. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. One more question.

Through you, Madam President.

You said that they can enter into at seventh grade or as they are transitioning into high school, I guess my last question is does the receiving school determine that where the students will enter into their system?

THE CHAIR:

Senator McCrory.

SENATOR MCCORRY (2ND):
Well again, the receiving school district will determine how many slots they have so therefore there are slots available in kindergarten they would determine we will have eight, twelve, fifteen seats available, it they’re available in high school they will determine we have six, seven, eight slots available in high school, so the school district will determine how many slots are open. Like I said very rarely do many of these kids, they do not normally leave the program once they get in the program so it’s kind a difficult. You won’t see too many slots available in first grade, second grade, third grade. You might see slots available when a kid transition from elementary school they might want to come back to their own district. So again it depends on the school district how many slots they have available and what grade they have slots available.

Through you, Madam President.

THE CHAIR:

Thank you, Senator McCrory. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President and thank you to the good Senator. This sounds like a great program. It’s not gonna cost anymore to add the advocates into the program, I like that, and I hope it works and I’m gonna support this Amendment. Thank you.

THE CHAIR:

Thank you Senator. Will you remark further on the Amendment? Senator Miner.
SENATOR MINER (30TH):

Thank you, Madam President. I would like just a little clarification on the slots issue if it could. Through you.

THE CHAIR:

Please proceed Senator.

SENATOR MINER (30TH):

So I have to go back a number of years ago when I served on the Sheff O’Neill Panel and I remember looking at this issue thinking that it was at least an early on attempt to try and provide opportunity to students that maybe were having difficulty in their home district, maybe it didn’t provide the kind of education that parents wanted and so I am excited that the program continues today and what I am wondering is has there been any time when available appropriations from the State has limited the number of available slots or is it always been that there are just not enough open seats?

Through you, Madam President.

THE CHAIR:

Thank you Senator Miner. Senator McCrory.

SENATOR MCCRORY (2ND):

That’s a very good question. So after the Sheff case, like I said earlier, that the State of
Connecticut decided to use this program as one of programs to reduce racial isolation and improve integration. From that time that’s when more resources were put into the program but there is never enough. There is always more requests for this program than slots that are available. So yes, this is a great opportunity like we said, from someone else earlier, for children who normally don’t get opportunity to experience and socialize with people from other communities unfortunately there is a large, there is always more of a demand for these slots than seats that are available.

Through you, Madam President.

THE CHAIR:

Thank you, Senator McCrory. Senator Miner.

SENATOR MINER (30TH):

Thank you, Madam President and so what I am trying to get to is whether the slots that are available are somehow limited by our ability to pay or our perhaps desire to allocate the funds somewhere else. So is it really that the Town of Morris or the Town of Litchfield don’t have available seats or whether we haven’t appropriated enough money to the Open Choice Program to make that list that the good Senator speaks about actually be fulfilled rather than students not being able to attend.

Through you.

THE CHAIR:

Thank you, Senator Miner. Senator McCrory.
SENATOR MCCRORY (2ND):

So I’m answer this question in this way, so yes the receiving districts declare the slot. But somehow I have this distinct idea belief that if we was to incentivize by increasing the amount of resources that we provide the receiving districts, somehow I think that those number of slots might open up.

Through you, Madam President.

THE CHAIR:

Thank you, Senator McCrory. Senator Miner.

SENATOR MINER (30TH):

I saw the twinkle in the gentleman’s eyes. I could see that got to a place. So Madam President the Town of Litchfield has a rather small district and Region 6 is a rather small district, but that has a VoAg School and I hear from especially VoAg VoTech that more often than not if we sent more money they would be able to make the argument to their boards of education that there are more seats available.

It is only the disparity between what they get because of what we send them and the cost to educate a child that we have this route. We have boards of education saying, look I can defend some number of seats but I can’t defend twice that many seats and in fact I think the Woodbury School System Nonnewaug when they come up here with the students they are always talking about students that come from Danbury and Waterbury and it is almost an open choice program of sorts and, you know, when I think about the stipend that we pay them it is probably not even equal to this but yet, you know, I just wanted to
get kind of a sense of where we are in terms of the dollars and so when I think about reallocating these funds and I think the gentleman made a good point that quite often students from urban communities might need some assistance whether it is assistance in terms of curriculum, assistance in terms of some of the issues that I found to be rather eye opening as a member of the Sheff O’Neill Panel that just simply getting lunch and breakfast and dinner and simply having someone at home to help you with homework or simply any number of other things are challenges in some school districts that almost seem foreign to others and so I get what the gentleman is talking about in terms of the reallocation of dollars. Do I have, should I be concerned however that once we’ve allocated those dollars to those positions whether it is five or seventeen that those become State employees that we’re not gonna get rid of? And perhaps we’re probably gonna need ‘em. But somehow if this number keeps changing we’re gonna further diminish the amount of funds available for the Open Choice Program and that’s my concern in the Bill. So I don’t know if the gentleman could help me with that concern.

Through you, Madam President.

THE CHAIR:

Thank you Senator Miner for that question. Senator McCrory.

SENATOR MCCRARY (2ND):

Through you, Madam President.
And that is a very good concern and a very good question. At no point do we want to reduce the supports for the particular program but the reality is we want to make sure we have a very successful program so I think the ideal quality at this point is more so important than quantity. I’ll say that because me personally, I’ll tell my own personal experience, like I said, I was a parent of a child who was in this program, who went to a school district outside his neighborhood for first seven years. After his seventh year in the program the issues start come up, issues started to happen. I myself was an educator, his mother was a judge, we were able to go out and advocate for our child because we understood educational issues, we understood the law, we knew how to speak the language of educators so therefor his issues were resolved. Every parent don’t have an advocate like myself or his mom. So therefor they need an advocate for them so help that program so I am more concerned about quality of the program as opposed to quantity of students although I think that every child could benefit from a program like this and knowin myself and knowin the history of the people who I went to school with, all of them did very well in his particular program cause they got opportunity to learn, work and live with and go to school with people that didn’t look like them. But one thing I would say about a number of people even my daughter included many of those students who are going out to these suburban school districts sometimes they are out there by themselves, they feel isolated and after a number of years in this program when it is time for them to decided to go to a college, maybe decided to go to HBCU. For those who don’t know what HBCU is that is a Historically Black College and University cause they are tired of being the
only one, they are tired of being the only person that can speak for their race, they go through a program, they go to a school where there is more inviting and welcoming and they graduate from the program. So actually the program works full circle for everyone. It works very well for the students that never see or ever have the opportunity to go with somebody familiar but also it drives that person to understand that you are in a situation. You go out and you have to represent yourself, you have to do very well, you leave that program you can go to a historic HBCU and bring back that wisdom and understanding to a program like that. So it has a great deal of, again and I’m more concerned with quality because what I have found recently is because of circumstances that happened, this particular year with some of the receiving school districts like I said earlier with the black-face, with the commentary, the lack of support and lack of affinity for these students that I found for the first time that some kids are opting to leave the program and come back to their neighborhood school and that is surprising. So that has not happened over the years and therefore that is why it is important to have advocates in the program to provide those wrap-around services that traditionally not provided in other school districts.

Through you, Madam President.

THE CHAIR:

Thank you, Senator McCrory. Senator Miner.

SENATOR MINER (30TH):
Thank you, Madam President and I thank the gentleman for his description of some of the complications, some of the things that are transpiring now that may not even have occurred back when the panel met and said let’s give this a whirl. Madam President as I said I remain concerned about eroding slots and I am in support of the Amendment and I am in support of the Bill and I do hope that as the years go forward that we don’t find that there are 17 individuals doing this job and fewer people available for an opportunity in Open Choice and so I am trusting that the gentleman will be the advocate that I know he is for the Open Choice Program and I am trusting that he will come back and say these five advocates have helped us keep students in school and that we do need more positions like that but I would rather not take it out of the tuition program and that we deal with it through the appropriations process in the future.

Madam President I refer to my time on the Sheff O’Neill panel and I remember going into a high school in Hartford and I remember going from one floor to the next and I remembered seeing students with coats on during the middle of the day and thinking “where they goin”, “what are they doin” and one of the vice-principals said to me they are not even sure they are staying. These are the problems that we have. When you go back to your school system, you know, they got dropped off by a parent, they went in on a school bus, somebody helped them with homework, this is a very different place, a very different community. Not because we want to be but it’s the way it is and so if these individuals help us continue to provide the kind of resources for the individuals that are in the Open Choice Program I’m for it. I am for the Bill today, I am
for the Amendment and I trust that in the future that if we do need more resources in this area that we will have that conversation as opposed to trying to backfill them as we are doing here through what I think would be unused Open Choice slot money and that is my only reservation. But I certainly get the gentleman’s passion. I understand where he is coming from and I am here to say yes. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Miner. Senator Hwang.

SENATOR HWANG (28TH):

Thank you, Madam President. And when I look at this Bill in the Open Choice I want to applaud the proponent of the Bill and raising the awareness of it but it also reminds me of the history of Sheff v. O’Neill that began in 1989.

And through you.

A couple of clarifications to the proponent of the Bill.

THE CHAIR:

Thank you, Senator Hwang. Please proceed.

SENATOR HWANG (28TH):

Thank you Madam President. On Section 1(c) beginning on Line 24, is that a phase in language that resulted in the agreement that was reached in 1998 initially and then updated with legislative
negotiations in 2002? This is existing language that has been phased in would that be correct.

Through you, Madam President.

THE CHAIR:

Senator McCrory.

SENATOR MCCRARY (2ND):

Yes.

Through you, Madam President.

SENATOR HWANG (28TH):

Now could you just share with me for clarification why the specific cities that we cited, they are Hartford, New Haven, Bridgeport and then later sections in Line 42 including New London. Could you clarify some background in regard to those cities and why not other cities?

Through you, Madam President.

THE CHAIR:

Thank you, Senator Hwang. Senator McCrory.

SENATOR MCCRARY (2ND):

Yes, Through you, Madam President.

Because this is existing language I will do my best to get a clarification. I think it is kinda obvious that in cities like Hartford, Bridgeport, New Haven
that is where you have the large urban population, a large black and brown population so therefore those cities were chosen for again, this program started originally back in 1968 in Hartford only. So because of the Sheff O’Neill other communities like New Haven, Bridgeport was kinda obvious that you gonna find the black and brown people so that’s where you should have the program.

Through you, Madam President.

THE CHAIR:

Thank you, Senator McCrory. Senator Hwang.

SENATOR HWANG (28TH):

Through you, Madam President.

Maybe a perfunctory question but does this Open Choice Program now encompass multiple other urban centers like Waterbury, Danbury, Stamford, Norwalk?

Through you, Madam President.

THE CHAIR:

Thank you Senator Hwang. Senator McCrory.

SENATOR MCCRORY (2ND):

Currently no, but there has been conversation open recently that other communities would like to open up a program like that such as Waterbury and Danbury are looking to start a pilot program like this but again that costs money and to go back to what my colleague said if we want to expand this program its
gonna cost dollars and again I am all for expansion but I’m all for quality as opposed to quantity and there is a delicate balance when you want to expand some but you want to have the right components and the right mechanism in place to make sure those kids have the best experience possible.

Through you, Madam President.

THE CHAIR:

Thank you, Senator McCrory. Senator Hwang.

SENATOR HWANG (28TH):

Thank you, Madam President and I appreciate the proponents dancing moves, they liven the debate.

Through you, Madam President.

Just back to Section 1 in the definition of receiving districts. Now in the clarification of receiving districts does those receiving districts encompass Charter Schools as well as parochial private schools?

Through you, Madam President.

THE CHAIR:

Thank you, Senator. Senator McCrory.

SENATOR MCCRARY (2ND):

So, through you, Madam President.
First of all these ain’t dance moves [Laughter], one thing you would not see me do, I don’t sing and I don’t dance, and I don’t laugh at things that ain’t funny. So let’s be clear about that but let me answer the question.

The question is does it include Charter Schools and parochial schools? Honestly initially when this program was started, okay, it did include parochial schools. You were able actually to go, back in the early 70s, you were able actually to chose a parochial school as a Choice School but that is not the case anymore and a Charter School that is a whole different conversation in regards to this particular Bill, so Charter Schools is not even an issue and we don’t provide opportunities for parochial schools and quite frankly the odd thing about that I remember myself being in elementary school in the north end of Hartford actually going to school on the south end of Hartford was a choice. So we had this program available on the south end of Hartford as opposed to the north end of Hartford.

Through you, Madam President.

THE CHAIR:

Thank you, Senator McCrory. Senator Hwang.

SENATOR HWANG (28TH):

Through you, Madam President.

And I think you dance beautifully.

Through you, Madam President.
Do you remember why the parochial schools were removed if they were indeed originally part of the educational opportunity as a receiving district?

Through you, Madam President.

THE CHAIR:

Senator McCrory.

Yeah, so through you, Madam President.

I absolutely do not know why and like I said that was done a long time, way before my time here and I am able to answer these questions because again, like I was one of those kids who had the opportunity to go. That’s the only way I’m able to answer these questions, is personal knowledge. But no, I don’t know why parochial schools were taken out of the option.

Through you, Madam President.

THE CHAIR:

Thank you, Senator McCrory. Senator Hwang.

SENATOR HWANG (28TH):

Thank you. I want to thank the proponent for his answers.

Through you, Madam President.

Could the good proponent explain what a Regional Educational Service Center is and what it’s role is because obviously by this Statute it has a critical
role in the administration and the dissemination of funds through the various programs of Open Choice.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Hwang. Senator McCrory.

SENATOR MCCORY (2ND):

I’ll try to answer that question. So I use the term “RESC” so often I forget what the acronym stands for, it’s called the Regional Education, these are organizations that have been around for a number of years, they provide supports services to school districts in a number of geographical location areas throughout the State of Connecticut. I believe there’s six of ‘em, the largest one is CREC the other one is ACES and there’s a few other ones out there and they provide initially the idea was to provide education supports for school districts in their particular area.

Through you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Hwang.

SENATOR HWANG (28TH):

Through you, Madam President.

I wanted to make sure because this is a language change that part of the Amendment that is really appreciate and support and I want to get it
validated is the fact that in Line 184 the Amendment clarifies that the funds, the additional funds should “fiscal year and should be carried forward” and used for specific education programs. Would that be the intent of this Amendment language to indeed not have these funds that have not been utilized expire and retreat back to the general funds but then remain to be applicable to programs and funding relative to the Open Choice and if so, I appreciate that.

Through you, Madam President.

THE CHAIR:

Thank you Senator Hwang. Senator McCrory.

SENATOR MCCORRY (2ND):

Absolutely yes, that is the intent of the legislation to make sure that these lapsing funds are not given back to the general population but actually used for educational purposes for the students in the program.

Through you, Madam President.

THE CHAIR:

Thank you Senator McCrory. Senator Hwang.

SENATOR HWANG (28TH):

Through you.

And I applaud that initiative to be able to allocate that money and put that to proper use and
additionally I just wanted clarification in some of the language following up I believe specifically to Line 214, where the Education Commissioner “may provide grants for children in the Hartford program.” Was there an opportunity to be able to have these available funds provided to Bridgeport as well as to what are the other various towns within the district, within the original New London, Bridgeport as well as what is the forth town, bear with me. New Haven. Would those funds be applicable not only to Hartford but through you to Bridgeport, to New Haven and to New London.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Hwang. Senator McCrory.

SENATOR MCCRORY (2ND):

Yes, through you, Madam President.

Yes the Commissioner of Education will have the opportunity to have the authority to provide those supports for other school districts outside of Hartford. Again Hartford is the largest and has the biggest program. I don’t think, like I said, Hartford, I would say Hartford has about 2300 students. I believe the other districts probably had most total might have 400 or 500 students.

Through you, Madam President.

THE CHAIR:

Thank you, Senator McCrory. Senator Hwang.
SENATOR HWANG (28TH):

Thank you for that clarification.

But through you, Madam President.

Could the good proponent share where that is on the Statute that the other towns are getting the possibility of that access funds even if proportional to Hartford’s large size?

Through you, Madam President.

THE CHAIR:

Senator McCrory.

SENATOR MCCRORY (2ND):

Oh, I’m sorry.

Through you, Madam President.

I don’t think it’s spelled out specifically but all these programs are Open Choice Programs so discretion can be utilized by the Commissioner to determine what programs deem appropriate for funding.

Through you, Madam President.

THE CHAIR:

Thank you, Senator McCrory. Senator Hwang.

SENATOR HWANG (28TH):
Through you, Madam President.

Just for this Circle and legislative intent I appreciate the good Chairman of Education’s clarification on that even though it is not in the language which I would love for it to be in the records to know that the available towns of New Haven, Bridgeport and New London would also be able to access the proportional surplus funds to meet their Open Choice education.

Through you, Madam President.

If that could be clarified by the proponent of the Bill.

THE CHAIR:

Thank you. Senator McCrory.

SENATOR MCCRORY (2ND):

Through you, Madam President.

Absolutely.

THE CHAIR:

Senator Hwang.

SENATOR HWANG (28TH):

I appreciate the proponent’s absolute answer and with that in encourage support of this Bill. Thank you, Madam President.

THE CHAIR:
Thank you. Will you remark further on the Amendment? Will you remark further on the Amendment? If not let me try your minds. All in favor of the Amendment as discussed please signify by saying Aye.

SENATORS:

Aye.

THE CHAIR:

Opposed. [Gavel] Amendment is adopted. Will you remark on the Bill as Amended? Will you remark further on the Bill as Amended? Senator McCrory.

SENATOR MCCORORY (2ND):

Well, Madam President after that great conversation we had, I accept this Bill [Laughter] which is the Amendment will become the Bill be placed on the Consent Calendar, if not. [Cross-talking]

THE CHAIR:

If not, seeing no objection to placing this on the Consent Calendar so ordered. Mr. Clerk.

CLERK:

Page 30, Calendar Number 387, Senate Bill No. 792 AN ACT CREATING AN ADVISORY COMMITTEE TO STUDY DISCRIMINATION ON THE BASIS OF GENDER IDENTITY OR EXPRESSION THAT OCCURS IN WORKPLACES AND SCHOOLS IN THE STATE.
THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Good evening, Madam President. I move for Acceptance of the Joint Committee's Favorable Report and Passage of the Bill.

THE CHAIR:

Thank you, Senator. The question is on Passage will you remark?

SENATOR WINFIELD (10TH):

Yes, thank you Madam President. This is a Bill that comes to us through the Judiciary Committee. It establishes an advisory committee that is going to examine the State’s laws and determine how we could enhance or strengthen protections for protection against discrimination on the basis of gender identity, expression and as the title suggests that would be occurring in the workplace or schools. It is a good Bill, I would urge passage.

THE CHAIR:

Thank you, Senator Winfield. Will you remark further? Will you remark further? Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much Madam President. I do intent to ask some questions on the underlying Bill at this
point in time if the Clerk could please call LCO 8635.

THE CHAIR:

Mr. Clerk.

CLERK:

LCO Number 8635 Senate Schedule “A”.

THE CHAIR:

Thank you. Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much Madam President. I would ask Adoption of the Amendment, waive the reading and ask leave to summarize?

THE CHAIR:

Senator, please proceed.

SENATOR KISSEL (7TH):

Thank you, Madam President. Essentially this Bill just adds one specific area to be further studied by this working group and it is something that is sort of a new issue. It does not give any direction as to how to proceed but clearly there is an issue out there and what it would do is the impact of transgender athletes on sports programs administered by the Connecticut Interscholastic Athletic Conference and such other matters as maybe agreed to by the members of such committee. And let me
explain why. This is certainly not a criticism or anything negative against transgender individuals but I feel that it is extremely germane as the underlying Bill wants to study discrimination on the basis of gender identity or expression in the workplace or schools and so these athletic events are part and parcel of going to school and I want to thank one of my, our Senate Republican staffers Rob Pudrea [Phonetic] for actually informing me of some of the nuances about what’s going on out there. Right now the most dramatic impact that transgender individuals are having on interscholastic sports on the high school level is individuals transgendersing from male to female and they are bringing with them far more muscle capacity in many instances than the individuals that are females and so especially in track and field it’s having a disparate impact on the young women that are striving so mightily to do well in sports, especially foot racing but there is others and what has been brought to my attention is that it is not just the fact that in many instances if an individual is a transgender competing in a girl’s footrace, that they tend to be winning those by much more than a hundredth of a second. And so we are seeing more and more of this but not only is this having a negative impact on those young women and girls who might otherwise be winning those races but the way it works is on the State level it is just as important to be sixth, seventh or eighth because what I have been informed is that the way it works is that if these large regional meets here in Connecticut that even if you are at the tail end you still will be allowed then or win a place to go to the New England Regionals. And it is my understanding that it is the New England Regionals where you have representatives of various universities that will go and they are not
necessarily looking for the top runners or athletes but they are also looking for those that are very strong so that they can fill out their team. And so it is really important to get on that roster in the State of Connecticut so that you have a chance to go to the New England Regional cause quite often if you are on these teams that is a chance at a scholarship to higher education. And so there is a group of individuals out there that more and more are getting knocked out of having a chance to appear before these interscholastic coaches and managers from different universities and college and I don’t know, I personally do not know that the right answer to this issue is. Certainly we want to respect individuals who are transgender but this is like a new area. I think all of us would want to make sure young women and girls that are competing in sports want to have a fair chance. I don’t know if there is any kind of disproportionate impact female to male in someway but it is certainly something that if we are going to study the impact of gender bias in the workplace and in schools it seems to be that clarifying that we want this to be part of the discussion is not a bad thing. So I am hoping this Amendment will be taken in the light of a friendly Amendment. I don’t know if that will or won’t be the case but this is an issue that I think we are going to have to address as a State sooner rather than later and I hope my colleagues would support this Amendment. Thank you, Madam President

THE CHAIR:

Thank you, Senator. Will you remark? Senator Winfield.

SENATOR WINFIELD (10TH):
Thank you again Madam President. And unfortunately I will not be taking this as a friendly Amendment. What the Bill is seeking to do is to look at a group of people who in our society for a very long time have been discriminated against. In 2011 I came to the General Assembly recognizing that we had been doing that and recognizing that the State of Connecticut not dissimilar from other states allowed for discrimination in public accommodations and in other ways and endeavor to deal with that. The issue therefore under this Bill is to look at the problem which is discrimination against the population. The issue being presented to us whether meaning to or not, is to look at this population as potentially be an issue itself and while I think we are talking about this population we are talking about this population in a way that is not in accord and so I would ask one that when this Amendment is voted on it is voted on by role and I would ask my colleagues to join me in voting against this Amendment.

THE CHAIR:

Thank you Senator Winfield. Will you remark further on the Amendment? Will you remark further on the Amendment? Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President and good evening. I stand in support of the Amendment before us. I’ve heard from constituents that this stand, the equality issue and making sure that there is no discrimination however the way our sports are organized there is built-in discrimination, that
there are only several spots available for athletes to be considered. And it is scientifically proven that the, a member I will say of the male gender, in some cases is stronger and faster than that of someone of the woman gender and our colleges have recognized that and have put into place regulations that allow recognizing the fact that there are biological differences between the sexes and trying to make it as fair as possible. However at the high school level we don’t have those in place. We actually ask the CIAC to look into this measure because some student athletes were denied access to participate in regional venues because they didn’t place high enough yet they would have been had the spots been open to more applicants or those student athletes who are running as transgender athletes didn’t take the top spots away from them. And that is the difficulty here. How do we make sure that all individuals are protected, all individuals have the same rights afforded to them and I know that CIAC has been asked to revisit their policies but they’re afraid to. Athletic directors afraid to, school superintendents, school principals afraid to, coaches afraid to. So it befalls on the parents and often times their arguments fall upon deaf ears. But I think this amendment speaks to that, that there has to be a fairness issue. I say to you how is it fair that two student athletes that participated in male events that are recognized on their birth certificates as males participate in one week and then ran in a female sport the following week and took first place and that first place denied other young ladies who have spent their whole lives trying to excel in a particular sport to be recognized in the New England Collegiate level by coaches who may be looking to attract people onto their sports team at colleges to make scholarships
available to maybe some of those athletes who may not afford to be able to go to colleges unless they were there on a student athletic scholarship. All of those factors should come into play and that is what we are specifically asking for in this Amendment I believe is to make sure that there’s allowances and study the implementation of a transgender policy in our State so no student is excluded making sure it is clear for all and I would urge the Chamber’s adoption of the Amendment. Thank you, Madam President.

THE CHAIR:

Thank you Senator Witkos. Will you remark further? Senator Miner.

SENATOR MINER (30TH):

Thank you, Madam President. Madam President my read of the Amendment is that it strikes Lines 30 to 38 which seem to suggest that the Bill would allow for this type of study if you will, if they chose to do it. So I think the Amendment frankly isn’t in conflict in anyway with the Bill itself. I think what it does it makes clear in Line 30 which the Amendment would strike “such other matters as maybe agreed to by the members of such Committee.” And so the question for me is why wouldn’t the Committee want to look at this situation and I think we want to try and be as a society as accommodating as we can be and still recognize the realities of what may actually take place as people transition. If it wasn’t for the competition I would say, well what the heck, there shouldn’t be any difference but in some cases it matters split seconds or fractions of an inch or a distance. In some cases when I think
to myself about wrestling or any of the other scholastic athletic activities where there may be some nuances that we should be considering to be providing people as much opportunity as we can. So I guess my read of the Amendment is that it isn’t in conflict in way. I think it provides perhaps some specificity in those other matters that the underlying Bill spoke about so that we don’t go another period of time here without actually looking at the issue. I think there is a way to get ahead of it. I’ve been a participant in Boy Scouts for quite some time, not as active currently as I have been in the past but the thought that girls would somehow become a part of the Boy Scouts of America I think would have been hard to imagine some years back. But I think at this day and age so many people recognize the value of sharing in those outdoor activities, people that think the same way, feel the same way, want to experience the same things to exclude girls out of Boy Scouts is the minds of some was just an artificial statement and so to the extent that the transitioning young people that are trying to grapple with all the other issues in their life as they go through that process, if there are ways for us to be more accommodating then by all means I think we should. But I think having some evaluation as is recommended in the Amendment at this time is time well spent, it is on an issue that is important and I think we shouldn’t be adopting arbitrary barriers if we don’t need a barrier and in the case where we can be accommodating we should but certainly this issue is becoming more important to more people primarily because of the circumstances that Senator Kissel spoke about which is there are only so many slots and so many opportunities. So I appreciate the opportunity Madam President and I would advocate on
the part of supporting the Amendment not because it is something different because I think it tries to get to the same challenges that the underlying Bill do. Thank you.

THE CHAIR:

Thank you Senator Miner. Will you remark further on the Amendment? If not a roll call has been requested on the Amendment. Mr. Clerk would you kindly call it and the machine will be opened.

CLERK:

An immediate roll call has been ordered in the Senate. An immediate roll call has been ordered in the Senate on Senate Amendment “A” LCO No. 8635. Immediate roll call vote has been ordered in the Senate on Senate Amendment “A” LCO No. 8635, immediate roll vote has been ordered in the Senate.

THE CHAIR:

Have all the Senators voted on the Amendment. Have all the Senators voted. Seeing that they have the vote will be closed and the Clerk will announce the tally.

CLERK:

Senate Bill 792, Senate Amendment “A” LCO No. 8635.

<table>
<thead>
<tr>
<th>Total number voting</th>
<th>34</th>
</tr>
</thead>
<tbody>
<tr>
<td>Necessary for Adoption</td>
<td>18</td>
</tr>
<tr>
<td>Those voting Yea</td>
<td>14</td>
</tr>
<tr>
<td>Those voting Nay</td>
<td>20</td>
</tr>
<tr>
<td>Absent not voting</td>
<td>2</td>
</tr>
</tbody>
</table>
THE CHAIR:


SENATOR KISSEL (7TH):

Thank you very much Madam President.

Just some questions through you to the proponent of the Bill.

THE CHAIR:

Please proceed.

SENATOR KISSEL (7TH):

Okay, thank you.

Thank you, Madam President.

The first thing I notice in the title is that we are creating an Advisory Committee. What is that advisory comprised of?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. I am not sure I understand exactly what the good Senator is looking for when he asks what the advisory is looking. Is
he asking for the composition of the Committee itself?

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much Madam President. Correct.

Through you.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Yes, thank you, Madam President. In the Bill in Line 6 it begins to talk about what the composition of the Committee is. Line 6 reads as follows: “(b) The advisory committee shall consist of the executive director of the Human Rights and Opportunities, or the executive director's designee, the Commissioner of Education, or the commissioner's designee, and five members appointed to the advisory committee by the executive director, who have experience” and it goes on to talk about what those people’s experience is.

THE CHAIR:

Thank you, Senator Winfield. Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much and.
Through you, Madam President.

Why did we limit this Advisory Committee to just those two areas as opposed to quite often what we have is the leadership of the House and Senate would have designees to the study group as well?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President and while I am the Chair of the Committee I wasn’t involved in the drafting of the members of the Advisory Committee so I am not sure that I can actually answer that. I imagine that given that the Bill is about what it is about is the Committee on Human Rights and Opportunities seem to make a lot of sense and the Commissioner of Education of their designee seem to make a lot of sense and then when you read into what the requirements are for the members of the Committee itself, things such as drafting statutes, employment law, employment as a teacher they all relate directly to what we are talking about.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):
Thank you very much Madam President.

And through you.

The title says, “A STUDY OF BIAS” regarding gender identity and what if there is a conclusion that there is no bias? I mean is there a possibility?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President, yes.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much and I would also inquire.

Thank you, Madam President.

This is a very broad charge, bias can take many forms. Sometimes very subtle, sometimes very broad and I was wondering if I was for example, “God bless you”, the CHRO disagree what guidance is there to sort of create parameters as to how far this investigation should go regarding these topics?

Through you, Madam President.
THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. The Bill itself does not have a parameter listed in that section. I would say that is perhaps as I tried to indicate why the Commission on Human Rights and Opportunities or the Executive Director designee was chosen because they live in the space if you will. How far should they go in trying to assess our bias there might exist in the State of Connecticut I would suggest as far as they possibly could.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much.

And through you Madam President.

So when it says the workplace is there any limitation regarding workplace? Would it be a small business, large corporation other institutions, the State of Connecticut itself?

Through you, Madam President.

THE CHAIR:
Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

I guess in a work I could answer that with yes. But I think the intention of the Bill is to look at the workplace as it exists in the State of Connecticut so that would be everything from small businesses up to the State of Connecticut.

Through you, Madam President.

THE CHAIR:

Thank you Senator Winfield. Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much Madam President. So it is my understanding just to underline this is that any and all places where individuals work in the State of Connecticut would be fair to be investigated regarding this particular topic?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.
Yes.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much.

And through you, Madam President.

Regarding the aspects regarding school, we have private, we have parochial, we have public for grades all the way up through 12 and then we have private and public institutions of higher education as well as higher education that affords not only bachelor’s or associates degrees but specialized degrees such as dentistry, medicine, law and things of that nature. Would the concept of schools embrace all of those institutions?

Through you, Madam President.

Tx

Thank you, Senator Kissel. Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. A search to understand bias in the State of Connecticut when we talk about schools I would imagine that we mean schools at large so that would include any schools that we can think of.

Through you, Madam President.
THE CHAIR:

Thank you, Senator Winfield. Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. And why was the Judiciary Committee selected, if the proponent knows, to have the report sent back to, maybe I’m wrong but I didn’t see that the Education Committee was included as well, but if I missed that I apologize?

Through you, Madam President.

THE CHAIR:

Thank you Senator Kissel. Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. I do not know the answer to that. I suspect that, I don’t know the exact origins of the Bill. Many of these Bills that became Committee Bills originated as Bills from individuals who had a particular way of seeing things. I suspect that that may be the case with this Bill and that is why Judiciary was the Committee that it landed in and the Committee that it would report back to in December 2020.

THE CHAIR:

Thank you, Senator Winfield. Senator Kissel.

SENATOR KISSEL (7TH):
Thank you very much.

And through you, Madam President.

In light of the Amendment that was offered and failed that wanted to address that specific issue and I think Senator Miner eloquently pointed out that the Mission Statement seems broad enough to encompass that in any event. Would it be untoward in anyway if a legislator such as myself, felt strongly enough about that issue to write to whoever eventually is either the Commissioner or the designee of this Advisory Group to say, your charge is quite large, and despite the fact that an offered Amendment did not pass the Senate I would urge you to include this issue to be studied and reported on?

Through you, Madam President.

THE CHAIR:

Thank you Senator Kissel. Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you again, Madam President. I would answer that question is this way. I would never intervene in a legislator who believed in his or her heart and mind that a letter of this sort described by Senator Kissel was important to the larger debate that we are having in the State on this issue from interacting with the Advisory Committee. I think the reason that we picked the people who we picked to lead this Advisory Committee or at least we designated the Commissioner of Human Rights and Opportunities or the Commissioner of Education is because of their expertise and I think we should
trust in those expertise that they would know how to handle it and incorporate it into what is being done.

Through you, Madam President.

THE CHAIR:

Thank you Senator Winfield. Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much Madam President.

And through you.

To the proponent of the Bill is there anything that would, I understand when Chairman Winfield says that’s why we picked these two areas because they have the expertise but is there anything that would limit them if they, for example did want to look into the issue of high school athletics from reaching out to other entities for their input and it wouldn’t even have to be that issue, it could be something else. I don’t want to characterize it as subcontracting but, you know, let’s say I am the designee from the Department of Education and I want to get some information about higher education and I might reach out, I might think of reaching out to now Commissioner Larson or, I don’t know if that is his title or Executive Director Larson whatever he is doing with higher education he might have access to data that I don’t have. Is there anything limiting this group’s ability to reach out to others to help gather up as much information as possible?

Through you, Madam President.
THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

The answer to that would be no. As a matter of fact I think in attempting to do the task put forward to the Advisory Committee they would be best served to reach out to as many agencies and entities that could help them as possible.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much.

And through you, Madam President.

Again to Senator Winfield is it contemplated, is it contemplated that as part and parcel of this report back to us that there would be recommendations for legislation or would be simply a report and it would be up to the leadership of the Judiciary Committee perhaps to come up with legislative proposals?

Through you, Madam President.

THE CHAIR:
Thank you Senator Kisser. Senator Duff.

SENATOR DUFF (25TH): Thank you, Madam President. I would like to put this item and if we could move on to Calendar Page 17, Calendar 244, Senate Bill 992.

THE CHAIR:

Thank you, Senator Duff. Mr. Clerk.

CLERK:

Page 17, Calendar No. 244, Substitute for Senate Bill No. 992, AN ACT CONCERNING THE TRUST ACT. There are Amendments.

THE CHAIR:

Thank you, Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. I move for Acceptance of the Joint Committee's Favorable Report and Passage of the Bill.

THE CHAIR:

Thank you, Senator. The Question is on passage. Will you remark?

SENATOR WINFIELD (10TH):

Yes, thank you Madam President. This is an update to the Trust Act passed in 2013. What this Bill would do is prohibit law enforcement in the State
from complying with ICE Civil Immigration detainer unless that was accompanied by a judicial warrant. It would also require that when complying with the Civil Immigration detainer that the individual in custody is made aware that is happened. It would limit the disclosure of information to ICE and it also tells us that bail commissioner’s probation officers are considered law enforcement personnel. Under the original Bill they were not and that allowed for them to have the type of communication that we had imagined that they would not be having. Some people describe that as a loophole.

Madam President that is a LCO, it is No. 7531. I’d ask that it be called and I be granted leave of the Chamber to summarize.

THE CHAIR:

Mr. Clerk.

CLERK:

LCO No. 7531, Senate Schedule “A”.

THE CHAIR:

Please proceed to summarize.

SENATOR WINFIELD (10TH):

Yes, Madam President. So what this Amendment does is it mostly attempts to clarify somethings that were found in the drafting of the Bill subsequent to the time that it passed out of the Committee and so it strikes in Line 34 a “comma” and after the comma inserts “or”. It strikes in Line 35 “immigration
status”, in Line 97 instead of the word “detain” it inserts “arrest or detain”. This is a clarifying Amendment and I would urge adoption.

THE CHAIR:

Thank you, Senator Winfield. Will you remark? Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. I did have an opportunity to look at this Amendment. I just have a couple of quick questions on this aspect of what we are discussing now. It does not appear to me Senator Winfield that this Amendment changes the substantive nature of the underlying Bill. Would that be an appropriate appraisal?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. That would be correct.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):
Thank you and so while I have serious concerns regarding the underlying Bill that I will get to, at this point in time because the Amendment itself merely dots the I’s and crosses the T’s and makes some clarifications I will reserve my remarks until after act on the Amendment. Thank you, Madam President.

THE CHAIR:

Will you remark further on the Amendment that is before us? Will you remark further on the Amendment? If not, let me try your minds. All in favor of the Amendment please signify by saying Aye.

SENATORS:

Aye.

THE CHAIR:

Opposed? The Amendment is adopted. Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. Okay so now we have the Bill as amended just housekeeping.

Through you, Madam President.

Is the proponent of the Bill going to be offering any other Amendments?

Through you, Madam President.

THE CHAIR:
Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

No.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. All right so, my concern is that passage of the Bill will essentially create, make Connecticut a sanctuary state which I strongly have concerns with and would oppose and believe the majority of my constituents would oppose as well. With that being said, I also have some strong reservations regarding the mechanics of this Bill and whether it could actually be workable even if it purported, even if it does what it purports to do.

So through you, Madam President.

A series of questions.

THE CHAIR:

Thank you, Senator Kissel please proceed.

SENATOR KISSEL (7TH):

Thank you, Madam President. First of all this is a complicated area and I just want to make clear that
when we’re talking about immigration issues whether we call individuals illegal immigrants or undocumented aliens these individuals are here in the Nation without appropriate documentation. But.

Through you, Madam President.

To make it clear for those who may be watching on CTN and just to make sure that I am on the same page in matters regarding immigration are we talking about civil matters or criminal matters or could a criminal matter trigger somethings that are ultimately civil?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

That is a complicated question similar how I answered earlier. I think the answer could be yes. I think it really depends on what we are talking about given the specific circumstance but any and all of those things could be part of the conversation where we are talking about issues of immigration.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Kissel.
SENATOR KISSEL (7TH):

Thank you very much, Madam President. Okay, so I understand, it is extremely complicated. So, I’m gonna start with the basics.

Through you, Madam President.

What is a civil detainer?

Through you.

THE CHAIR:

Thank you, Senator Kissel. Senator Winfield.

SENATOR WINFIELD (10TH):

The civil detainer that we’re talkin about under the Bill is actually defined at I will point the Senator to Line 10 through Line 24. And so just in the larger sense it is a request to the State to do something. In this Bill it is a request for detaining an individual suspected of violating a federal immigration law, facilitating an arrest of an individual by federal immigration authority, providing notification of the release date and time for that individual and notify the law enforcement officer through a form that would go to the Department of Homeland Security.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Kissel.
SENATOR KISSEL (7TH):

Thank you very much, Madam President.

So that I’m on the same page, so are civil detainers in light of what this Bill proposes those that are issued by Immigrations and Customs Enforcement?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

That would be the Agency issuing the detainer.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you. And so currently in the State of Connecticut if an individual is arrested for any crime is that arrest information given to Immigrations and Customs Enforcement?

Through you, Madam President.

THE CHAIR:
Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

I guess the answer would have to be yes because if it weren’t yes we wouldn’t be here doing this Bill. I think that in 2013 when we did the original Bill we believed that we had prevented that from happening but it does happen currently, so yes.

THE CHAIR:

Thank you, Senator Winfield. Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President.

And through you.

Is the proponent of the Bill aware of something that is called AFIS or the Automated Fingerprint Identification System?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.
I would answer that by saying that I am aware of, that I am not an expert on how AFIS works though.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. It is my understanding having conducted research and I want to thank our crack team of researchers and attorneys that AFIS is used by police departments. I used to think that, you know, when you’re arrested that they would take a mugshot and then they would put your hands, force your hands into that little inkpad and then put your fingerprints on a piece of paper and send it off to where it had to go. I think that technology has moved way beyond sort of my Mayberry look at law enforcement and it is my understanding that with the AFIS system the Automatic Fingerprint Identification System that upon arrest and individual’s fingerprints are automatically sent electronically to a database and that information is shared amongst different law enforcement data bases. Would it be fair, would the proponent of the Bill agree that is a fair description of the AFIS System?

Through you, Madam President.

THE CHAIR:

Thank you, Senator Kissel. Senator Winfield.

SENATOR WINFIELD (10TH):
Through you, Madam President.

Given my level of knowledge of how AFIS works, I believe that would be correct but again I am not someone who would put themselves forward as the person to speak to on that issue.

Through you, Madam President.

THE CHAIR:

Thank you. Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much.

So through you Madam President.

It is my understanding before we get to the carveouts as I will call them that was part of the negotiated agreement from 2013 I just want to get, like I said, to some of the mechanical issues. If every police department that has access to the AFIS System inputs these fingerprints and it goes to a centralized database and that information is shared with federal authorities automatically how is it that well first of all, does this Bill attempt to prohibit communication with federal authorities when individuals are arrested?

Through you, Madam President, Mr. President.

Nice to see you there Mr. President.

THE CHAIR:
Thank you, Senator Kissel. You have a question.

SENATOR WINFIELD (10TH):

Yes, thank you, Mr. President. I suppose in answering the question I would look to the Bill in Lines 49 through Line 78 particularly given the kind of setup that happened here, Line 57 through 59 which talks about providing notification to federal immigration authorities that “such individual is being or will be released” so that would potentially deal with it. Also it could potentially be part of Lines 60 through 63, so yes in some ways it does limit the, it does attempt to limit the communications that we have with federal immigration.

Through you, Mr. President.

THE CHAIR:

Thanks, Senator Winfield. Senator Kissel you have the floor.

SENATOR KISSEL (7TH):

Thank you very much, Mr. President.

And through you, Mr. President.

It is my understanding that this Bill as proposed would directly prohibit communication between local law enforcement and ICE and it states that prohibition in various sections of the Bill. Would that be a fair characterization?
Through you, Mr. President.

THE CHAIR:

Senator Winfield would you care to respond?

SENATOR WINFIELD (10TH):

Through you, Mr. President.

I think the Bill attempts to do that and I wish is was as strong as I would like it to be, but the Bill has a section of it that allows for, if you read the Bill this way and I don, it allows for a response to a civil immigration detainer and it would be in Line 159 through Line 169. And what happens if there is a response to the civil immigration detainer which will require communication that what would happen is that the law enforcement agency would have to let the individual who was subject to the detainer and their attorney know which is something that doesn’t currently happen. So, yes to what Senator Kissel is saying but there is an exception to it.

THE CHAIR:

Thanks, Senator Winfield. Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much. So the underlying Bill would it be fair to characterize as it’s being brought out by the proponent does not prohibit the local police authorities from communicating to Immigrations and Customs Enforcement that they have made an arrest of an individual thereby alerting Immigrations and Customs Enforcement should this individual be on a
list of individuals that they have an interest in that initial communication can take place?

Through you, Mr. President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Mr. President.

So give the way that the Automated Fingerprint System works, they, federal immigration would likely know and what I was respond to is whether the Bill does limit communication and Line 159 through 169 in order to respond to the detainer there would have to be communication so it is possible under this Bill to have communication. What the Bill attempts to do is put forward the notion that is not what we want done but if it does happen in the State of Connecticut at the very least what we’d want done is for that individual who still has some rights as a human being to know that they are subject to the civil immigration detainer and has been responded to.

Through you, Mr. President.

THE CHAIR:

Thank you, Senator Winfield. Senator Kissel you have the floor.

SENATOR KISSEL (7TH):
Thank you very much, Mr. President.

Through you, Mr. President.

There was a term in there in Senator Winfield’s response that intrigues me. He stated that it is not what “we would want to have done.” So by point of clarification what does the good Senator mean by that? Is there something in the Bill that says, police departments of the State of Connecticut please don’t do this?

Through you, Mr. President.

THE CHAIR:

Senator Winfield, would you care to reply?

SENATOR WINFIELD (10TH):

Of course, Mr. President and if you give me a second, I will get myself to the correct line. So given the question that is before me I think when we look at Lines like 115 through 119 they talk about expending and this is forbidden, right or we hope it’s forbidden. But there is that loophole. When you look at Line 115 through 119 it talks about attempting to forbid the expending of “time, money, facilities, property, equipment, personnel or other resources communicating with a federal” authorities. Yes that is what we are trying to do. It also says that we are not gonna arrest pursuant to that, yes that is what we are trying to do. But the Bill is written in what I would say a very complicated way that it has in Line 159 through 169 the ability for law enforcement to go ahead and respond to the detainer and so the Bill imagines, I think, in
trying to do what we were trying to do in 2013 that we are trying to make sure that the population that is here in the State of Connecticut, and this is really the purpose of the 2013 and the update Bill that the population that is here and is undocumented is not afraid to have interactions with law enforcement, not afraid that those interactions will lead them to potentially being deported and the reason for that is because if makes communities less safe.

So I’ve told this story before of my own experience in this world actually, in the state I grew up in and I’ve told the story that as an individual I don’t leave my house without my identification. I actually had this happen to me not too very long ago. I’m 45, my face is well known and I was on my way here. And I realized that I was doing somethings with my kids and I had my identification outside of my wallet and I got in the car that morning and I was driving here and I was about to get on the highway and a sense of dread came over me. Nothing is likely to happen to me, but a sense of dread came over me because I didn’t have my identification. And the reason why that sense of dread comes over me is because when I was a child growing up in the neighborhood I grew up in, we didn’t have a good relationship to the police, similar to many communities that are, not communities that have a lot of advantage, they have a lot of people who are black who live in, who have unfortunately a set of experiences with law enforcement where we would like to be able to have the experiences that we hear other people talk about but we don’t. So I’m in my car and I’m about to get on the highway and I freeze up because, I’m like I cannot get on that highway and drive to Hartford
without that identification. Similarly I can’t take out my trash without that identification. Imagine a community where people are not just worried about maybe having a negative interaction or maybe going to jail or coming back out of jail for whatever reason. Imagine a community where people are afraid to contact law enforcement because they are afraid that they might windup being deported and that their kid who is here won’t see them again or that their mother who is here won’t see them again, or that they won’t see that person. Imagine what that does to a community. Well I’ll tell you part of what it does to a community, it makes that community reticent to interact with law enforcement. And so when we did the Bill originally what we were trying to do was to make sure that we understood that story and we responded to it and we responded to it with a Bill that did not want us to be having these communications and many of the people who stand around here today, I’m thankful to say joined us for voting for that. Thank you and what we are saying today is help us fix the hole that was in that Bill so that these communities feel safe. So yes, we are saying we do not want to be having these communications. But we understand reality and if we have those communications at the very least treat these people as human beings and let them know we’ve contacted ICE, we responded to the immigration detainer and that you are subject to.

Through you, Mr. President.

THE CHAIR:

Thank you, Senator Winfield. Senator Kissel you have the floor.
SENATOR KISSEL (7TH):

Thank you very much, Mr. President and I very much appreciate the passion with which Senator Winfield feels about this issue. He has evidenced this throughout our entire session and I know he has personal experiences regarding interactions with law enforcement in his community. What intrigues me though is that at the beginning of his statement he characterized something as a “loophole.” I try to stay away from terms like that because I think it undermines public confidence in our laws and our law enforcement and so.

Through you, Mr. President.

What exactly is the “loophole?” Is the loophole what I had talked about earlier that initial communication with Immigration and Customs Enforcement Immigration and Customs Enforcement upon the arrest of an individual.

Through you, Mr. President.

THE CHAIR:

Thank you, Senator Kissel. Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Mr. President. I wish I had the line in front of me, but I can describe the loophole as those who we are now classifying as law enforcement who we don’t traditionally see as law enforcement in our courts being able to operate outside of the original Bill which was not what we had imagined what we were doing and we later learned that the way
that the Bill was drafted did not incorporate those individuals and so even though we had directed law enforcement not to make the contact that we’ve been talking about now, those individuals have been making that contact and so that was a loophole. And so that was the genesis of coming back to look at the Trust Act, much of the other stuff that is part of this Bill comes about as you open up the conversation and you start to begin to understand that there are other things that need to be looked at.

Through you, Mr. President.

THE CHAIR:

Thank you, Senator Winfield. Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Mr. President.

So I am goin to take a step back in the process to try to clarify some issues that I’m still confused regarding. There’s an individual driving erratically on the road, putting other drivers in danger in the lovely town in Enfield, Connecticut and they are arrested for reckless driving, brought into the station to be processed. Depending on the nature, let’s say there’s no accident so they may not get a promise to appear, maybe a surety bond certainly they wouldn’t have to come up with a ton of cash. Let’s say that is the scenario. But they are processed so photographed, fingerprinted. So at that time, that information about that individual and let’s say that individual is an undocumented alien, the fingerprint information goes to this
federal database where law enforcement is justifiably looking for other information. Perhaps this individual’s wanted in another state for other crimes, we don’t know. That is why we utilize technology in law enforcement and now the Enfield Police get a call from Immigration and Customs Enforcement and say we are sending out civil detainer. This person actually has committed several felonies and we would like to apprehend this individual. At that point in time if this Bill becomes law is the Enfield Police Department forbidden from doing anything further upon ICE’s request because you did cite that line that said no resources, no help, a sort of litany of things that would now be forbidden to be done and so if for no other reason to illuminate the law enforcement personnel that will have to comply with this, how does the next step in the process proceed?

Through you, Mr. President.

THE CHAIR:

Thank you, Senator Kissel. Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Mr. President.

If there is no other law enforcement purpose for the individuals in Enfield to maintain that person, to detain that person, to arrest that person, to act anyway with that person then their business is finished and they would not be, they would not be responding to the civil immigration detainer.

THE CHAIR:
Thank you, Senator Winfield. Senator Kissel you have the floor.

SENATOR KISSEL (7TH):

Thank you very much, Mr. President. And so again, expanding on that hypothetical in Enfield, Connecticut in the compromise that was reached in 2013 there were what I characterized as several carved out areas. And let’s just take one for example. The antiterror, the terrorism watchlist and as a subset of the terrorism watchlist I also believe there is the no-fly list and this is information that is available to Immigrations and Customs Enforcement. So let’s say right now without this Bill and individual’s name pops up at ICE that is on the terrorism watchlist would local law enforcement be able to detain that individual so that ICE could send the civil detainer because the concern is, hey this person could be a terrorist?

Through you, Mr. President.

THE CHAIR:

Senator Winfield, would you care to respond?

SENATOR WINFIELD (10TH):

Absolutely.

Through you, Mr. President.

Given the carveouts in the original Law the answer to that would be yes.
Thank you, Senator Winfield. Senator Kissel.

Thank you very much, Mr. President. And if this Bill passed and Immigration and Customs Enforcement had this individual's name pop up because this individual is on the terrorism watchlist and the no-fly list or one or both, and they communicated that to the local law enforcement would this Bill forbid local law enforcement from detaining that individual if they were able to sign a promise to appear or post a bond or whatever the local issue was regarding their arrest in Enfield once they finish all that paperwork. It doesn’t make a difference if they are on the terrorism watchlist if this Bill passes, they could not be detained.

Through you, Mr. President.

Senator Winfield.

Thank you, Mr. President.

And through you, Mr. President. Should the civil immigration detainer be presented and not accompanied with the warrant that would make it effect in the State of Connecticut, yes.
Senator Kissel you have the floor.

SENATOR KISSEL (7TH):

Thank you very much. So just, I know it’s all in the Bill and I am hoping that you don’t have to read it line by line but I think there’s about seven carveouts that were the result of the 2013 discussions and the passage of the underlying Trust Act Bill and I’m just wondering, first of all, as a prefatory question are we changing all those carveouts that there will, if this Bill passes, be no carveouts under any circumstances?

Through you, Mr. President.

THE CHAIR:

Thank you, Senator Kissel. Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Mr. President.

The carveouts would disappear under the construction of this Bill and anytime that a civil immigration were presented in the State of Connecticut if it was to be effective, it would have to be accompanied by the warrant that I described in my last answer.

Through you, Mr. President.

THE CHAIR:

Thank you, Senator Winfield. Senator Kissel you have the floor.
SENATOR KISSEL (7TH):

Thank you very much, Mr. President.

And through you, Mr. President.

To the proponent of the Bill, I have to believe and I probably was there because I’ve been here way before 2013 that there were reasons why these carveouts were negotiated in the original discussions and conversations regarding the state of the law today. And what has changed in the last six years such that we have less of a concern about folks on the terrorism watchlist today than we had in 2013?

Through you, Mr. President.

THE CHAIR:

Thank you, Senator Kissel. Senator Winfield.

THE CHAIR:

Thank you, Mr. President.

Through you, Mr. President.

I don’t see it that way. I am very concerned about people who might be on the terrorist watchlist. But people can get on that watchlist for all kinds of reasons, sometimes mistakes and so I think it is a protection. If Immigration and Customs is concerned with that individual they would go get the warrant and make their civil immigration detainer effective in the State of Connecticut which is what I would do if I were in their position.
Through you, Mr. President.

THE CHAIR:

Thank you, Senator Winfield. Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Mr. President.

Through you, Mr. President.

It is my understanding that the underlying Bill forbids representatives of the Immigrations and Customs Enforcement Agency to discuss anything with one of these individuals while they are in the custody of the local police. Is that correct?

Through you, Mr. President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

If you hold a second, Mr. President. I would just ask this question, cause I’m tryin to respond to the questions as the questioner asked. If he as line to point me to, I would be glad to respond to the line or I it would take me longer to get to the line.

Through you, Mr. President.

THE CHAIR:
Thank you, Senator Winfield. Senator Kissel could you help the Senator in focusing in on the response particular line number?

SENATOR KISSEL (7TH):

I can’t really help out in that instance. I know that we, I have discussed it with my staff, I believe there was a determination by us that in the Bill federal officials are not allowed and this is even assuming the individual is not “detained” they are just in the station that Feds, federal officials can’t go and speak with that individual. There is a question ask to when they are finally released and they walked outside that front door of the police department, whether federal officials could come in, that’s. I don’t know the answer to that. I’m thinking maybe they can but while they are actually in the station. Let’s say it’s within 24 hours, let’s just say the station happens to be near an ICE official and they just come on over. It is my understanding that the underlying Bill says that there can’t be any discussions at that time.

Through you, Mr. President.

One twenty-two.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Mr. President.
None of these things that are laid out in this Bill can be done unless there is a civil immigration detainer that is effective in the State of Connecticut which I’ve already described how that would happen.

Through you, Mr. President.

THE CHAIR:

Thank you, Senator Winfield. Senator Kissel you have the floor.

SENATOR KISSEL (7TH):

Thank you very much. I know a lot of my colleagues want to jump in here and so I want to give them an opportunity before we start offering Amendments. But let me just say this, and I may have further questions down the road. I view this as a step backwards. I understand exactly where the proponent’s of the Bill are coming from or perhaps maybe I don’t because maybe only an individual who is undocumented or an alien feels the risk of being deported or being taken away from a loved one and I understand the arguments that detaining someone is relationship to an arrest while a civil matter is being pursued by Immigrations and Customs Enforcement may not seem fair or just. I understand that argument but the underlying state of the law that we have now in the State of Connecticut that was hammered out in 2013 that is still the law of the land I think strikes a fair balance. What we wanted to do six years ago was to afford an opportunity for law abiding undocumented aliens to go to law enforcement without fear of reprisal and so the carveouts were for those groups of
individuals that we felt on balance, and this is, you know, justice, blind justice, once side tipping towards not being held for essentially a civil immigration matter although it could be pursued in criminal court, but that is cumbersome and fraught with peril and is expensive, and there’s appeals. This seems to be the more expeditious methodology but when you balance that what is on the other side. What’s on the other side is public safety. The notion was that we didn’t want undocumented aliens to be fearful of going to law enforcement if they knew something was amiss. Because unfortunately while I would pause it that the vast majority of illegal aliens or undocumented aliens, or illegal immigrants or however you want to characterize these individuals, are law abiding because of their undocumented status, they can be prey for those who would do harm to them.

Quite often we will see a story or read a story about individuals that are being abused in human trafficking but they are afraid that if they report this, either themselves or a loved one will end up getting deported. So they’re the victims of crime being manipulated by people that could care less for their health and safety. Also if for some reason local law enforcement arrests someone and Immigrations and Customs Enforcement say, hey this person is a murderer, this person is a gang member, this person is a terrorist on balance in 2013 we felt that better to err on the side of public safety. My research indicates that civil detainers are not give out willy-nilly. Immigrations and Customs Enforcement have as many budgetary constraints as any other state or federal agency. They have to use their resources wisely. Occasionally you get the story of someone who has
done something fairly innocuous, been arrested and then is facing deportation and perhaps the underlying crime that they committed was not something that we would feel was, rose to the level of great concern. Didn’t have the requisite turpitude, didn’t show that malice of for through, the mens rea, that individual’s original crime didn’t have the scienter, wasn’t trying to do evil. Okay, so we have a complex world where sometimes individuals experience this and we say, that’s not fair and I would say in our entire criminal justice system there are instances where things that are unfair occur. It doesn’t make it right, it doesn’t mean that we should let down our guard, it certainly does not mean that we should turn away from it and say, that’s okay. That’s way there’s some other Bills that we will get to, those individuals that are incarcerated and end up testifying that I strongly support because we don’t want innocent people convicted. On the other hand, if we turn away from those individuals that are here in our society, whether we like it or not that mean to do evil things to innocent people, be they legal citizens from generations or illegal immigrants, undocumented aliens, I mean the reality is there are some bad people in our society and it doesn’t matter whether they are here legally or illegally. If we have an opportunity to deport bad people from this country, if that is the will of Congress, then that is what we should do. And shame on Congress for not changing the immigration laws, no matter which party has been in power. And thus you have the states acting on their own. To my mind no states have gone as far as what this Bill purports to do other than California and Washington. I may be wrong. Later on as this conversation continues, as this debate continues I have questions. I know several police
chiefs and they said they feel it is their duty to cooperate with federal authorities, that it helps in protecting the public safety. They are honor bound to cooperate, they have a good relationship. So what if they do expend resources and time and initiative which would be in contravention of the underlying Bill, do they get sued, do they lose state funding. What happens to them? When they have made an independent professional judgement, the cooperation with federal authorities is the way to go. I’ve asked the question about sanctuary state with constituents for many, many months now and they have spoken, nearly unanimously, John please vote no against anything like that. They don’t like sanctuary universities, they don’t want sanctuary cities, and they certainly don’t want Connecticut to be a sanctuary state. Not because there is an inherent dislike of illegal immigrants or undocumented aliens that is not it at all. Come to my neck of the woods, it’s probably like your neck of the woods where you can go back a few generations and people are coming here from all sorts of different countries. They get that part of it. They feel that if you want to come here, come here legally but some people don’t want to wait in line, some people don’t want to go through the hoops, some people don’t want to deal with the hassle. I understand that. But they also see that there is a lot of folks in these caravans of people crossing the border that aren’t looking to do well by us. That they’re safety threats to the health and welfare and peace of our country. Forget about the economic arguments. We can go there any maybe people will this evening but just on balance, when I look at this issue, I have to err on the side of public safety. I think it is wrong to forbid local police departments to cooperate and work with
federal authorities in enforcing federal laws and so I will continue to follow this conversation and debate here in the Chamber this evening but I know others what to speak on the underlying Bill and there will be Amendments forthcoming later on. Thank you very much, Mr. President.

THE CHAIR:

Thank you, Senator Kissel. Will you remark further on the Bill as Amended. Senator Anwar.

SENATOR ANWAR (3RD):

Thank you, Mr. President.

Through you.

I would like to ask a few questions of the proponent of the Bill.

THE CHAIR:

Thank you Senator. Will you proceed with your questions.

SENATOR ANWAR (3RD):

Senator I wanted to ask you is there word sanctuary anywhere in this Bill?

THE CHAIR:

Senator Winfield would you care to reply?

SENATOR WINFIELD (10TH):
Absolutely. Thank you, Mr. President. The word sanctuary does not appear I think one time in the Bill.

Through you, Mr. President.

THE CHAIR:

Thank you, Senator Winfield. Senator Anwar you have the floor.

SENATOR ANWAR (3RD):

Thank you, Mr. President.

So and I guess in our society right now it is being used as a buzz word by some people to, I don’t know what the right word is, the dog whistle or whatever but do you, is there any suggestion of our State becoming a sanctuary State in the Bill?

Through you, Mr. President.

THE CHAIR:

Thank you, Senator Anwar. Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Mr. President.

Those words are not used in the Bill. That term is not suggested in the Bill.

Through you, Mr. President.

THE CHAIR:
Thank you, Senator Winfield. Senator Anwar you have the floor.

SENATOR ANWAR (3RD):

Thank you. I think it is worth us looking at a broader situation that is happening and I am going to ask a few questions in a second. What happened in our State and our Country in 2013 is different than what is happening in our State and our Country in 2019. Now the question is from a federal ICE role is there an understanding.

Through you, Mr. President.

That ICE role has changed in the last couple of years?

Through you, Mr. President.

THE CHAIR:

Thank you, Senator Anwar. Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Mr. President.

I would suggest that the answer to that question would depend on who you ask that question to. There are people who suggest that ICE’s role has changed. The letter of what ICE is supposed to do in the last few years hasn’t changed although several years back what that Agency was and what it became when it became ICE did change.
Through you, Madam President.

THE CHAIR:

Thank you. Senator Anwar.

SENATOR ANWAR (3RD):

Thank you, Madam President. Here’s the other thing that I just heard from one of our honorable Senators was that the public safety is under direct threat from immigrants and undocumented immigrants is maybe the word that was used. Is there data to support that statement?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

To my knowledge the data that we’ve looked at in the past has been data on crimes related to those in the immigrant population and we have seen crime amongst that population is lower than crime amongst those who are here with legal status. There has been some suggesting that that is disingenuous and we need to look only at those who are of undocumented status and from what I have seen the crime rates there aren’t higher either but I am not a data expert but that is what I can present to you.
Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Anwar.

SENATOR ANWAR (3RD):

Thank you, Madam President. And thank you Senator Winfield. I think that is my understanding of the data that has been looked at by independent sources that there is no data to prove that people who look different in their appearance or are from a different part of the world and where the immigration status is, whether they are undocumented that their risk of criminal activity is more than the people who are born and raised in this Country. And so that data is there so somebody using the argument of the public safety, the data is not supporting that, so that is something to be clarified and I am glad Senator Winfield with his perspective and understanding feels that way as well.

Now another issue is that when we are.

Through you, Madam President.

THE CHAIR:

Yes.

SENATOR ANWAR (3RD):

If we are applying laws are there laws that should apply on the law enforcement as well or are they always above the law?
Thank you, Madam President. I believe that, common belief in this Nation is that no one is able the law.

Through you, Madam President.

Thank you. Senator Anwar.

Thank you. And this Bill is asking that the ICE agents should go through a federal judge or a judge to get the warrant and is that my understanding is accurate.

Through you, Madam President.

Thank you. Senator Winfield.

Yes, the effective change in this Bill is that the detainer has to be accompanied by a warrant in order to be effective.

Through you, Madam President.
Thank you, Senator Winfield. Senator Anwar.

SENATOR ANWAR (3RD):

Thank you, Madam President. So it is difficult for me to understand that why are there so much emotions and concerns and labeling of our State when somebody is just asking that anyone who has a responsibility to follow a federal law should get a warrant, should just get a warrant to do their job. It is very interesting for me because I though that was pretty straightforward but I guess in the recent past some agencies are above the law it appears because they are not required to have a warrant and I think that is what this Bill, in my reading, is trying to do is to make sure that there is a warrant that the federal agencies go through if they are going to be enacting and addressing a federal law. My understanding about the local police has been that the local police is not an expert on the federal law. It’s a general statement so I guess you won’t be able to answer that clearly but the federal laws are part of the training for the federal law enforcement agencies but the local law enforcement agencies have responsibilities to address and manage local safety of the community. What’s happening in my conversation with the police chiefs and again maybe we’re talking to different police chiefs from different towns that their ability to do local policing is impacted when the immigrant communities or perceived immigrant communities would actually look at them as federal ICE agents or extension of those and that restricts their abilities to be able to take care of the local issues whether they are
criminal activities in the community, whether there are actually abuse issues, domestic abuse or human trafficking. Is that a fair assessment of your interactions?

Through you Madam President.

THE CHAIR:

Thank you, Senator Anwar. Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President.

Through you, Madam President.

That would be accurate assessment of what I have seen and been told and actually would be the genesis of the reason that I picked up the Bill ins 2013 and endeavored to pass the original Trust Act through this building. You know, we talk about public safety and I guess I don’t see boundaries that are fictive as real boundaries so while we might say that this particular community feels afraid to interact with the police the crimes that happen in those communities will not always be limited to those communities. Allowing for individuals to operate with impunity inside of a community is not going to make any safer and will in fact ultimately make you less safe. So if we’re concerned about public safety I recognize the things that we’ve been talking about and will be talking about I’m sure for quite a while tonight but we should take that into account because when people who are part of our community that we don’t necessarily feel connected
to us aren’t safe ultimately we aren’t safe and that is not good for public safety.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Anwar.

SENATOR ANWAR (3RD):

Through you, Madam President. It is my understanding.

Through you, Madam President.

That there are already laws in palace for individuals whether they are legal, indigenous, documented, undocumented which would in fact if they were involved in any activities whether it was sexual assault in the first degree, second degree, third degree, forth degree and also if individuals had committed a felony or if there were in any situation of involvement of any terrorist activity there are existing laws in place for those individuals if they are involved in any such activity. Is that fair understanding that I have?

Through you, Madam President.

THE CHAIR:

Thank you, Senator Anwar. Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.
That would be correct.

THE CHAIR:

Senator Anwar.

SENATOR ANWAR (3RD):

And through you Madam President.

It is my understanding that this law that we are looking at is not related to that Bill it is related specifically to make sure that there is a process in place that would actually make sure that if there is somebody from the federal government or the ICE agents they would actually go to a warrant process. This law is not about the exiting laws on various other aspects. Is that a fair?

THE CHAIR:

Thank you, Senator Anwar. Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. I believe that the Senator’s question is answered best with a yes. The laws that we have in Connecticut are the reason why that individual would have been interacted with out local police because they were in violation of those laws and the punishment is that Connecticut sees fit under the laws as we all around this Circle have something to do with are the punishments that individuals should be subject to.

Through you, Madam President.
THE CHAIR:

Thank you Senator Winfield. Senator Anwar.

SENATOR ANWAR (3RD):

Through you, Madam President.

Here’s in reality what’s going on and I’ll just make a statement so I will probably be seeking more opportunity for talking to my colleagues. We have changed as a society. We have changed as a country. That is part of our challenge. We’re individuals who look different, who have appear to be different or perceived to be different at times are actually being committed or treated in a manner which is unfair. This has happened in the last two years and that is what you’re seeing as a symptom of what we’re trying to address is and I would ask each and everyone who is going to put Amendments or have conversations if they have not met a child who has lost their parents because of the law, if they have actually not taken and hugged a child who is crying, who actually has parents who have been put in jail or have been sent away, it’s probably not fair to have this conversation because you have not touched the human aspect of what is happening. When somebody has gone out and have actually gone out to get grocery and they will never come back because they actually were over speeding or were held by the police and they look differently, they were put into the, checked in the immigration status was asked and if they were waiting because of the broken immigration federal immigration system they were legal but they were undocumented because of the process or they had made a mistake they would not be
able to come back home. That is a reality for people. That is what’s happening to a number of people in our society. If you interact with them come and step-out your comfort zones, interact with the people because we have a problem. What is being asked is for this problem to be addressed, we need to have all law enforcements work within their lines, interact when it is necessary but do it through a proper channel and get a warrant. If people think by getting a warrant to do their job makes the State of Connecticut a sanctuary city then your definitions are messed up. We have a lot of work to do, we have a responsibility but we also have to be the voice for the voiceless. And think about everybody who is around this Circle, think about two, three, four generations ago if this was a conversation that was happening maybe you wouldn’t be here either. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Anwar. Senator Bizzarro.

SENATOR BIZZARRO (6TH):

Thank you and good evening, Madam President. Madam President I have said in this Building many times before that I consider myself even though I was born in this Country to be a member of the immigrant community. My parents are immigrants. When I was a child I grew up in a very, very ethnic area and I don’t think I had any friends whose parents were born in this country. I have had very close friends and relatives deported so is understand the plight of the immigrant community in this Country and in this State and whether I agree or disagree with our current status as a sanctuary state and make no
mistake about it, Madam President we are a sanctuary state I can at least understand the rationale behind the advocates desire to implement that status.

But this Bill, Madam President, this Bill goes way too far and I think the dialogue, Madam President between my colleagues from the Third and the Tenth underscores the problem that we have here. There seems to be an awful lot of confusion about what this Bill permits, what this Bill allows local law enforcement officials to do, what it might prohibit law enforcement officials in this State from doing.

And so with your indulgence, Madam President I am going to, if I may ask some questions of the proponent of the Bill.

THE CHAIR:

Please proceed.

SENATOR BIZZARRO (6TH):

Thank you, Madam President.

And I am going to try very hard to be methodical about this so as to not jump around too much because it’s difficult enough as it is. I think there’s some sections that may have some inherent conflicts but I do want to start off with a question and following up on some of the anecdotes presented by Senator Kissel.

So Madam President, if I am to understand this correctly, if local law enforcement officials in New Britain, the New Britain Police Department pulls somebody over for a routine traffic stop and it
turns out that the driver of that vehicle happens to be a captain in the MS-13 gang who is suspected of conspiring with some rogue terrorist cell and has an immigration detainer on him.

Through you, Madam President.

Would the New Britain Police Officers be compelled to let that individual go?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President.

I guess that the answer to that question would have to do with what they were pulled over for and the disposition of that stop and as far as the detainer itself is those as in the conversation with Senator Kissel the question about effectiveness of detainer here, has to do with whether or not a warrant is in place and if you hold a second I just want to reference the Bill. And the part Lines 115 through 119 where we talked about using our time, money, facilities the end of that on Line 119 gives an exception and this is what I was talking about with Senator Kissel that an exception is in subsection (e). When you go to subsection (e) it is upon receiving that civil immigration detainer and this is the part where I was talking about there is an intent to comply with it. And so that was the portion of the Bill where I was saying that in a sense there was a loophole in the Bill because it
allows for compliance with the civil immigration detainer should certain things happen.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Bizzarro.

SENATOR BIZZARRO (6TH):

Thank you, Madam President. I thank my colleague from the Tenth. I don’t think that answers my questions though. I’m gonna get to that section in a moment because I think it is kind of circular and I think it presupposes the question that is purportedly answered by another section of this Bill. But assuming again in my hypothetical that there is no outstanding warrant and that individual that MS-13 captain who is conspiring with a local terrorist cell, money laundering, gun smuggling what have you has already done federal time, has a federal immigration detainer on him but has no pending warrant. Would the New Britain Police Officers be compelled to let that individual go?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.
It there is no warrant they are not completed to hold that individual.

THE CHAIR:

Senator Bizzarro.

Thank you. Thank you, Madam President. Madam President if I may ask the good Senator to bear with me here as I try to go through this seriatim. Beginning with Lines 85 through 89 or so, 90, we appear to be expanding the definition of local law enforcement officials. Is that what the proponent suggested was the loophole in his Bill?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENIOR WINFIELD (10TH):

Through you, Madam President. Yes and the discussion about taking us back a step about what happened subsequent to the passage of the original Trust Act is was discovered that a bail commissioner and probation officers weren’t actually caught up in the Bill in a way that had been thought and so they still were able to communicate in ways that we had not intended for law enforcement to include them was supposed to happen under the Bill.

Through you, Madam President.

THE CHAIR:
Senator Bizzarro.

SENATOR BIZZARRO (6TH):

Thank you, Madam President. All right and then further down Lines 97 through 100. I think this is the crux of the problem with this Bill as I see it. If we take that sentence, “Detain an individual pursuant to [such] a civil immigration detainer unless the [law enforcement official determines that the individual:] detainer is accompanied by a warrant issued or signed by a judicial officer.” Madam President, I think that was the section that the good Senator from the Third was referring to. So if I may, I would like to have the proponent walk me through exactly how that section would play out in real life. We seem to have three separate requirements mandated by that subsection. One is that there be a civil detainer, the second is that civil detainer be accompanied by something else and the third is that that something else is a warrant which was the subject of the dialogue between the two senators moments ago. Is that correct?

Through you, Madam President.

THE CHAIR:

Thank you, Senator Bizzarro. Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

I think the [Laughter] answer is yes.
SENATOR BIZZARRO (6TH):

I think so too, I just want it to be clear.

Through you, Madam President.

So the civil detainer is by very definition and by nature a civil matter. Is that correct?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

Yes.

THE CHAIR:

Senator Bizzarro.

SENATOR BIZZARRO (6TH):

All right. Thank you, Madam President and rather than dragging this out any further I’ll make my point as opposed to asking questions of the proponent.

The warrant however, the warrant requirement would contemplate some level, some threshold level of underlying criminal conduct. So what I am having a hard time understanding here is how exactly would a federal immigration official go about obtaining a
warrant which could then be used to accompany a civil immigration detainer.

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

I’ll preface my comments by saying I am not a law enforcement official and in particular I am not a person who works for ICE but I would suppose that law enforcement official who is working for ICE would have to demonstrate that they had objective circumstances to show that this individual had committed a crime because much of this conversation while we’re talking about civil matters when it relates to the civil immigration detainer much of this conversation has been about making sure that people who have committed crimes are people that we export and what we are trying to, we expel from this country and what we are trying to say is that if that is the case, then what we hope happens is not that someone in ICE just says we have a request and we take them out of here that some, that there is some level at which we have to operate to demonstrate that what is being suggested is actually happening.

Through you, Madam President.

THE CHAIR:
Thank you, Senator Winfield. Senator Bizzarro.

SENATOR BIZZARRO (6TH):

Thank you, Madam President. Okay so I guess my issue with this is it was suggested a few moments ago that a law enforcement official could obtain a warrant and I understood the dialogue and the proponent’s response is to suggest that the law enforcement official could obtain a warrant for a detained individual solely on the basis of that individual’s illegal immigration status. Is that what the proponent believes that is the status of the law currently?

Through you, Madam President.

THE CHAIR:

Thank you, Senator Bizzarro. Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

I do not believe I said anything about a warrant in connection with the status whether legal or not legal of the individual. I simply answered Senator Kissel’s question and Senator Anwar’s question about what was necessary to make the warrant effective, to make the civil immigration detainer effective and that was that it be accompanied by a warrant. My assumption and my answer to you is that what they would be getting a warrant for is to meet, to demonstrate there are, there is an objective, a set of circumstance in which there is proof that this individual has violated the law and it would
probably be criminal law because that is what we are talking about to accompany the request to hold that person.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Bizzarro.

SENATOR BIZZARRO (6TH):

Okay, thank you Madam President. I am very encouraged by that response because I think my colleague the good Senator from the Tenth agrees with my interpretation in that you can’t, local law enforcement official would not be able to obtain a warrant state or federal solely on the basis of a person’s immigration status since that is civil in nature. So a law enforcement official who is detaining, who has detained someone. I’m sorry, I said law enforcement official, I meant of course to say a federal immigration official would need to present to a judge or magistrate some evidence of a crime that has occurred in order to obtain a criminal warrant which can then be used in conjunction with that civil immigration detainer and present that to the local law enforcement officer who would then be required to hold the detainee. So I think that is an important point and I think it needs to be clarified here because I think some people are under the mistaken impression that a federal immigration official who wants a local law enforcement official to hold a detainee can simply sprint down to the courthouse and ask a judge to issue a warrant. That is not the case. Unless there is some underlying criminal conduct that has
transpired, a federal immigration official cannot obtain a warrant and cannot thereby compel the local law enforcement official to continue to detain somebody.

Madam President if I may just take the proponent back a little bit and ask a couple of more questions please?

THE CHAIR:

Senator Bizzarro.

SENATOR BIZZARRO (6TH):

Thank you, Madam President.

Madam President in Lines 57 through 57.

Through you, Madam President.

The word “otherwise” is used so that a federal immigration authority, a law enforcement official may not provide notification to an immigration authority through data sharing or otherwise. Does the proponent have an understanding of what is contemplated by the word “otherwise?”

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.
Anything other than data sharing I suppose it could be a phone call of any other way that you might provide notification.

Through you, Madam President.

THE CHAIR:

Senator Bizzarro.

SENATOR BIZZARRO (6TH):

Thank you, Madam President. So what if the, what if a federal immigration agent shows up without being notified by the local law enforcement official but shows up and asks whether a detainee is being held. Would the local law enforcement official be prohibited from disclosing that information under this Bill?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

I guess I would ask the question before I answer the question to make sure I’m answering your question and I don’t even know if that made sense.

Through you, Madam President.
Is there a detainer involved in this scenario.

THE CHAIR:

Senator Bizzarro.

SENATOR BIZZARRO (6TH):

Through you, Madam President.

Yes.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

And through you Madam President.

I am assuming that that detainer given your scenario is not accompanied by the warrant that we’ve been discussing.

Through you, Madam President.

Senator Bizzarro.

SENATOR BIZZARRO (6TH):

That is correct.

Through you, Madam President.

THE CHAIR:

Senator Winfield.
Through you, Madam President.

Well I think potentially puts us back into Lines 159 through 169, section (e) where there is the ability to interact by responding to that detainer but, yep.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Bizzarro.

SENATOR BIZZARRO (6TH):

Thank you, Madam President and I will get to those lines as well, I promise. Madam President on Line 60, if I may as the proponent, there is also prohibition against providing a federal immigration official with non-publicly available information. So my question,

Through you, Madam President.

Does that mean that a local law enforcement official may disclose publicly available information? So for instance, lets say there was somebody published something online regarding the detainees arrest.

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):
Through you, Madam President.

I would read that to mean, and I think when we write these Bills we try to be very specific about what we mean and since we were very intentional about that information being nonpublic I think it would mean that the public information is fine to be shared and since it is public I think ICE would have the ability to get that information anyway.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Bizzarro.

SENATOR BIZZARRO (6TH):

All right, thank you, Madam President. Madam President and then moving on and again trying to just be methodical in going through this Bill I do want to just understand exactly what law enforcement official are permitted to do and what they are prohibited from doing under this proposed legislation so I appreciate my colleagues in the Circle indulgence here. But it appears to be that in Line 64 through 65 this Bill would prohibit local law enforcement officials from allowing any federal agent, I stand corrected, it would prohibit a scenario where a federal immigration official might be working with another federal agent. So for instance Madam President if we have a scenario where ICE has information that somebody who is being detained is conspiring in connection say with a human trafficking ring and the FBI is alerted and the FBI wants to speak with the detainee but the FBI
needs the federal immigration official’s information. I would imagine,

Through you, Madam President.

And this is just a hypothetical if the proponent cares to weigh in I’d be happy to hear his answer but I would imagine in that scenario that the federal official, the FBI agent, would have to conduct and interview and not allow the immigration official to participate even though the immigration official might be the one with all the relevant knowledge regarding the human trafficking ring. So I have issues with that section of the Bill as well.

If I may, Madam President take us back to Lines 97 through 100.

THE CHAIR:

Senator Bizzarro.

SENATOR BIZZARRO (6TH):

Thank you, Madam President. Madam President the Senator from the Seventh mentioned that in the current status of the Law, we as a legislature have carved out seven, what I think are very carefully well thought out delineated exceptions to the rule that would prohibit collaboration between an immigration official and a local law enforcement official. And what this Bill proports to do is eliminate all of those exceptions, so going back to my example of the New Britain police office who pulls over the MS-13 captain who is conspiring with a local terror cell, which my the way may seem to some people in this room like a very far-fetched
scenario but I assure you it is not as far-fetched as you might think, because both of those independently have happened but I digress. Getting back to this, Madam President, it would seem to me that if we proceed in the assumption that a detainer is invalid unless it is accompanied by a warrant and as I’ve already laid-out I think for the Members of the Circle here, an immigration official is not going to be able to obtain a warrant unless there is some other corresponding criminal conduct that is transpired. Then we are essentially prohibiting all collaboration between local law enforcement officials and federal immigration officials.

And through you, Madam President.

I’d like to ask the proponent if he can layout for me a scenario where an immigration official would be able to obtain a warrant and go down to the local police station and execute that federal detainer and take a detainee into custody, because I am having a hard time understanding how that can ever occur?

Madam President, through you.

THE CHAIR:

Thank you, Senator Bizzarro. Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President.

I would assume that people get on the terrorist watchlist or the terrorist screening database as we might call if for a reason and I would assume that this Immigration and Customs Enforcement agent has
objective reasons why that happened and could make the case for getting the warrant we are asking for to accompany this civil immigration retainer and if they can’t they should not be simply because they have a request able to interact with this person. I would assume that if this person, the gang member that we talk about, the captain of MS-13 which people like to talk about I would assume that if they were that, that objective standard could be met and if it can’t be met, there is no case really there, but if it cannot be met, then that agent should not be able to have the kind of access we’re talking about. And so when you look at these seven things that are carved out all we’re saying is that you actually have to have a reason that is objective that can be put forward. But since the question was asked of me, I will say that simply a determination if someone presents an unreasonable risk without qualification around it, actually to me is not a very good reason and when we passed this Bill in 2013 I objected to that but this Building works in a certain way and sometimes you don’t win a fight.

So, through you, Madam President.

That is how I would answer that.

THE CHAIR:

Thank you, Senator Winfield. Senator Bizzarro.

SENATOR BIZZARRO (6TH):

Thank you, Madam President and so that is one instance presents an unacceptable risk to public safety but the good Senator didn’t talk about any of
the other enumerated exceptions and again I am having a hard time understanding, Madam President, if a criminal warrant is required how would a federal immigration official ever be able to obtain a criminal warrant if in fact they are prohibited from learning of the detainment in the first instance? So this takes us back to Senator Kissel’s points about the AFIS System. If we pass this Bill we’re gonna potentially set up a scenario where local law enforcement officials is going to be prohibited from participating in the AFIS System. They will be prohibited from alerting federal immigration officials in anyway, shape or form that they have detained somebody who is subject to removal to pursuant to a civil immigration detainer. So basically, again I reiterate my point, it would be virtually impossible, Madam President, virtually impossible for a federal immigration official to ever produce a civil detainer accompanied by a criminal warrant within the requisite time period to present to local law enforcement so that they can execute on that detainer. It would just simply never happen under this Bill.

And Madam President, when this item came up for discussion at the Committee level I had the good fortune of being able to query the Executive Director of the ACLU who was a proponent of this Bill and testified in support of this Bill and also testified that he was involved very intimately with the drafting of the language in the existing Trust Act and during our exchange I asked him whether he would support this Bill and specifically with regard to this section, whether he would support this Bill and removing these exceptions, if we removed the requirement regarding the accompanying warrant. So recognizing my point the response from the Executive
Director was essentially that in the absence of the language permitting collaboration between local law enforcement officials and federal immigration officials in the limited circumstances where the detainer is accompanied by warrant, he said on the record that the default would then be that local law enforcement official, local law enforcement officials would be prohibited always from collaborating with federal immigration officials and if that were the case and he did say that, you know, he hadn’t thought about it but he did say on the record that if that were the case he does not think that would be a viable solution to what he deems to be problematic with this Bill. And those aren’t my words, Madam President those are the words of one of the biggest proponents of the Trust Act in its original form and in this Amended form.

Madam President if we can turn our attention now to the Sections 159 through 169 that the Senator from the Tenth has mentioned several times and if I may inquire of my colleague from the Tenth please.

Through you, Madam President.

THE CHAIR:

Please proceed. Senator Winfield prepare yourself. [Laughter]

SENATOR BIZZARRO (6TH):

Thank you, Madam President. Madam President, my question is under what circumstances, so I’ve read the language that Senator Winfield has referenced several times during this debate and I’m just having a hard time understanding under what circumstances
in that section local law enforcement agent would be permitted to comply with an immigration detainer.

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

I am not sure I am going to answer the questions, so I am willing to go back and forth but I believe that the section says that, “If a law enforcement agency provides ICE with notification that an individual is being, or will be released on a certain date, the law enforcement agency shall promptly provide to the individual and to his or her attorney or one other person who the individual may designate a copy of such notification as well as the reason” for that compliance is going to go to the head of the law enforcement agency as well, so I guess in answer to the question, how that. Maybe I forgot how it is.

But through you, Madam President.

I’ll ask the asker of the question to ask the question again.

THE CHAIR:

Senator Bizzarro.

SENATOR BIZZARRO (6TH):
Thank you, Madam President.

THE CHAIR:

Sorry, I just had to process the Senator’s asker.

SENATOR BIZZARRO (6TH):

Thank you, Madam President. I can’t blame the good Senator for being confused because I think it is very confusing and I think the reason for that is as the Senator just laid out for us, this section provides a mechanism or provides the procedure that a local law enforcement official needs to follow in the instances when he or she is going to comply with the federal immigration detainer but it doesn’t say how or when a local law enforcement agent can do so. So I ask again.

Madam President, through you.

Under what circumstances can a local law enforcement agent comply with a detainer?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

A couple of things, one Senator Bizzarro represented that in the prior exchange I did not relate to anything but the individual law enforcement agents
perception that there was a threat presented. I talked about the individual being a member of MS-13, and I also talked about the person being on a terrorist watchlist which were two of the other parts of the seven so that’s three of the seven. But in direct answer to the question here I would say that it does not need to actually need to layout the process. By not laying out the process and saying it is allowed, it is allowed when it is determined by the agency that they want to do it and what it does it puts in requirements once that is determined on how you have, on what you have to do at that point.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Bizzarro.

SENATOR BIZZARRO (6TH):

Thank you, Madam President. I am sorry I hope I’m not, I know that some people might feel I am belaboring the point but I am really, truly not understanding it. And in order to vote on this I need to understand and have clarity. The balance of the Bill proports to prohibit local law enforcement officials from collaborating with federal immigration officials in connection with federal detainers. This section say, however if they intend to do so these are the steps that must be followed in order to do so.

Now through you, Madam President.
I need somebody to please explain to me what that means because I can’t figure it out.

Through you, Madam President.

To the proponent of the Bill.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

This is what you are not supposed to do, but if you decide to go ahead and do it, what you have to do are these requirements, that’s what it means.

Through you, Madam President.

THE CHAIR:

Senator Bizzarro.

SENATOR BIZZARRO (6TH):

Thank you, Madam President.

Through you, Madam President.

To the proponent are we going to offer some sort of immunity to law enforcement officials under this section?

THE CHAIR:

Thank you, Senator Bizzarro. Senator Winfield.
SENATOR WINFIELD (10TH):

Through you, Madam President.

I would ask a question before I answer that question so I understand why would the law enforcement agents need immunity?

THE CHAIR:

Senator Bizzarro.

SENATOR BIZZARRO (6TH):

Thank you.

Through you, Madam President.

Well if we are saying that you can’t do this, but if you do it these are steps you have to take. I would think that is an implicit ratification on one section, under one section of this law while the balance of this Bill prohibits that very conduct and it doesn’t take much imagination to imagine a scenario where this then gives rise to some sort of civil action under our Constitution or under our State Statutes or Federal Statutes.

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.
Then in answer to the question asked prior the answer would be no given that the law enforcement agency could comply with this section and be fully in adherence with the law.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Bizzarro.

SENATOR BIZZARRO (6TH):

Thank you, Madam President. Okay, so now I am thoroughly confused. I am going to sit down and listen to the rest of the debate. I think from what I’ve heard that we are by enacting this legislation what we would be doing is we would be prohibiting local law enforcement officials from detaining individuals pursuant to immigration detainers except that we recognize that they might still be able to do it and if they do it then they have to follow certain process. I’m confused but I’ll listen to the rest of the debate. Thank you, Madam President and I thank my colleague for his answers.

THE CHAIR:

Thank you, Senator Bizzarro. Senator Sampson.

SENATOR SAMPSON (16TH):

Good evening, Madam President.

THE CHAIR:
Good evening.

SENATOR SAMPSON (16TH):

I’ve enjoyed listening to the debate thus far and I do have a lot to say about the proposed Bill that is before us but I am going to start with a couple of questions to the proponent of the Bill and the purpose of my questions really is to kind of get us back grounded in what exactly the public policy debate that we are having is and what the current law is regarding our reaction to federal immigration authorities as a State and what this proposed Bill would change in that Law.

So I guess I’ll start by asking what the current Trust Act Law is for lack of a better term?

Through you, Madam President.

THE CHAIR:

Thank you, Senator Sampson. Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

So I guess I’ll start with anything that in here that is not underlined is basically the current Trust Act but specifically the Trust Act currently provides for a lack of response in a way that we would imagine it under the new Bill except that there are exceptions to that and those are the seven exceptions that have been discussed throughout the debate.
Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. And thank you very much to the distinguished Chair of the Judiciary Committee. So would it be safe to say that the current law, the current Trust Act is designed to prohibit federal ICE authorities from having access to those individuals who may be apprehended by local or state police in this State by creating a state law that asks that those local law enforcement officials do not cooperate in certain circumstances and with the exceptions that we’ll talk about? Is that a fair statement?

Through you, Madam President.

THE CHAIR:

Thank you. Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

Yes.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):
Thank you, Madam President. I appreciate that answer also. My goal here really is, I’m not trying to play gotcha, I just want to make sure that we are on the same page about what we’re talking about so we have a complete agreement and understanding about what we’re debating and whether or not this is a good policy for the State of Connecticut. So my followup question is about this particular Bill. In the original Trust Act that was passed in 2013 which I did support with a lot of my colleagues, I think it passed unanimously actually out of the House Chamber, I don’t know what happened in the Senate but I was in the House at the time. We were told that the Trust Act was a Bill that was designed to create trust between undocumented aliens that live in our State and law enforcement officials so that they would be more willing to come forward if they were aware of criminal activity, something like that and that’s a concept that I supported and I was happy to vote for the Bill at the time.

I have a little difference of opinion about it now and I will get to that later. But at the time that Bill was passed there was an agreement and that agreement basically said that certain individuals we feel might pose a risk to public safety, which I know if something that was mentioned earlier, and those items we put as exceptions to the current law and those exceptions are being removed in the Bill before us. Is that correct?

Through you, Madam President.

THE CHAIR:

Senator Winfield.
SENATOR WINFIELD (10TH):

Through you, Madam President.

I believe Senator Sampson is referring to the seven items that have been in discussion and if that is the case the answer is yes.

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. And I thank you for that answer. So let’s just list what those seven items are and then I will let the gentleman sit down so I can talk about the Bill. The very first item that we said as a State when we passed the original Trust Act we said we are going to do our best to shield undocumented aliens living in Connecticut from federal law enforcement authorities ICE except in these seven cases and the very first one is individuals that have already been convicted of a felony and in this particular proposal that exception would be removed.

Number two, someone who is subject to pending criminal charges in the state where bond has not been posted.

Number three, has an outstanding arrest warrant in this State, I assume that means that if someone is picked up by the Bridgeport Police and there is a warrant from the New Britain Police Department they can contact the New Britain Police Department but
they could not let ICE officials know about it. In this Bill that is before us, if it becomes law ICE would not be able to be notified.

Number four as identified as a known gang member in the database that is held by the federal government.

Number five is identified as a possible match to someone who is on the Federal Terrorist Screening Database.

Number six is someone who is subject to a final Order of Deportation which my understanding comes after they have already been through the whole civil detainer process and have been prosecuted criminally by the Federal Government and are ready to be deported.

And then finally is someone that local law enforcement says proposes an unacceptable risk to public safety.

So through you, Madam President.

I just want to confirm that what we are changing in this Law, we are taking out those seven items that we used to say pose too much of a public safety risk and we are essentially going to protect undocumented aliens that actually fall in these categories, the same as the other people that we currently protect under the Trust Act. Is that correct?

Through you, Madam President.

THE CHAIR:

Thank you, Senator Sampson. Senator Winfield.
SENATOR WINFIELD (10TH):

Through you, Madam President.

I think what is occurring here is we are reading the same thing but seeing it different. So I think what I am seeing we are, yes, removing the seven exemptions and removing them as exemptions that standout under the law and saying what we are doing instead is saying you must be able to get a warrant and accompany that detainer which would allow for you to have the very same exemptions in effect as long as you have the warrant.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President and I appreciate the gentleman sharing that information with me. It is really not what I asked, it’s honestly relevant to my line of questioning but I will take it up at this point although I hadn’t planned to because I think it was flushed out pretty fairly by the previous speaker. The items that we’re talking about, the seven items are not necessarily having to do with anything that someone would get a judicial warrant for today because these are items that have happened in the past or already exist. I mean the fact that someone is on a terrorist watchlist is not the reason to get a judicial warrant it is just a matter of fact, the fact that someone is on a list of...
potential gang members or the fact that someone has already been convicted of a felony is not something that would determine that you need a new judicial warrant for. But nonetheless I do believe that in 2013 when this passed the people who served in the House and Senate at that time agreed that those seven items did make a difference and that not excluding them and adding these sanctuary protections that exist in this Law do those seven items was just going to far. So I just want to confirm.

Through you, Madam President.

Not withstanding the notice of the additional requirement and now that you would have to get a judicial warrant these seven items are being excluded when they were once included.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Sampson. Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

They are being excluded and yes I do believe that if you can’t get a warrant I am not even sure what we are talking about. If the fact that you were convicted in the past doesn’t matter now then it shouldn’t matter. If the fact that you’re on the Terrorist Watchlist doesn’t matter than it shouldn’t matter. If you can’t make the warrant it should not matter. I mean I don’t know how we are talking
about people being so dangerous that they are not
dangerous, either you’re dangerous or you’re not. I
just don’t fundamentally understand that. I think
that is why we have the warrant because the warrant
itself said there are objective set of facts that
suggest that this individual is actually dangerous.
It incorporates all kinds of dangers whether they
are listed as exemptions or not.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Sampson.

SENATOR SAMPSON (16TH):

Again, Thank you, Madam President. I appreciate the
distinguished Chairman of the Judiciary Committee
comments, I genuinely do and I understand your point
very, very clearly. Nonetheless what we’re talking
about is the exceptions made about someone’s current
status not whether they are subject to a new
judicial warrant and that is adding a further
impediment. Again my intention was not to get into
this part of the Bill at this point, but since we’ve
taken liberty with this discussion I think we’ve got
to touch it right this minute.

The thing is that it is already illegal to enter the
Country without documentation and under our Federal
Laws, which are supreme, the Federal Government has
the right to issue a civil detainer to take that
person into custody and they will go through a
process, a hearing process and in some cases a
criminal process and then they will be ultimately
deported. There is no debate about that, that is
what the Federal Law is and the Federal Law is supreme. And I understand the existence of the Trust Act from 2013 was designed to day that we, as a State, we are going to choose even though we recognize that to be the supreme law of our State and Federal Government we are going to choose in the interest of public safety to shield these individuals, undocumented aliens, from the Federal Law Enforcement authorities in the interest of public safety so that they come forward to help us fight other crime and the point was back in 2013, we said it doesn’t make a lot of sense if we’re trying to get the people that are honest decent people other than being undocumented to come forward that we should not be including people that have a criminal past or might be in some cases people that are potentially dangerous because of these other factors. That is what we agreed to back then and I thought that was a very good compromise at the time since no matter how you felt about the public policy of creating a sanctuary state at least we were providing some protections by making sure that this subset of undocumented aliens who the vast majority of are amazingly good people who are here only because they want a better life for themselves.

Madam President, I’ll just let the gentleman know that I am not going to ask him anymore questions.

I’m just gonna go on with my comments I think is the best thing to do. I want to just say from the outset that there are very few things that we talk about in the legislature that really get under my skin. This is one of those issues and the reason why is because it is so misunderstood and consumed with politics, identity politics, accusations of bigotry it is frustrating. I know why I’m here, Madam President. I am here to do my job and my job
is to defend the Constitution. It is to represent my constituents and it is to make good public policy. That’s why I’m here, no other reason and yes, I am a politician and during election season when I’m out there, I play politics and I try and make sure I paint my side of the story in the best possible light so people see it my way. But when I come into this room, Madam President, I don’t do that ever. I don’t do that ever, ever, ever, ever. If I am upset about something it is because I’m upset about it. It is not because I’m trying to put on a show for anyone. And what I want to see here is have a real conversation about what the best public policy is for our State.

The word sanctuary state is not a buzzword or a dog whistle. It is an actual thing. It is a law or policy that prohibits local officials from cooperating with Federal Immigration Authorities, period. So we can debate whether or not that is a good public policy or not. I do not want to be accused of using a buzzword when it is something the people on the street understand. I know a lot of people who are in this Country illegally personally, I genuinely do. I have my friend Natalia who lives in Boston, she is a nanny, she’s got a young daughter and I understand her situation what she goes through. I have another friend who lives in Bridgeport who is also a nanny. I know a very wealthy person who owns a restaurant in a nearby town and I understand where they come from. I also understand in speaking with them and being close friends with these people why they came here. I don’t blame ‘em. I love this Country. America is the greatest country on earth. It is the land of opportunity. These are not just buzzwords either. People understand what those words mean and that is
why people risk everything to come here. And I
don’t blame them. But I also don’t condone it
either. You know part of what makes our Country
great is the Rule of Law. If we start writing
policy day after day to ignore our system of laws
and justice what do we have and I’ve been watching
it happen day-in and day-out. We got Bills about
marijuana that is illegal on a federal level. Our
immigration policy is made by the Federal
Government. Now I don’t like with the Federal
Government has done on this subject, I don’t think
anybody in this room does but that is the Rule of
Law and I don’t believe that we have a right to
decide what the Federal Law is because none of us
were elected to federal office. And I would suggest
that anyone who thinks they can do a better job than
our seven federal Representatives, our five
Congressmen and two U.S. Senators run for those
offices and fix it because they have failed to do
so. The bottom line and I am going to say a bunch
more about this policy in some detail but the
question here before this Chamber on this subject
matter is not whether we think that undocumented
aliens are good people or bad people, or that they
are all criminals or they are not all criminals. No
one believes that. The question is do you believe
the State of Connecticut should be shielding a small
subset of undocumented aliens who are indeed
criminals from Federal prosecution? That is not all
undocumented aliens and it’s certainly not just
immigrants as I keep hearing.

I want to start by saying that this Bill is not
about protecting immigrants. I’ve heard that said
several times referring to the Trust Act, “This Bill
protects immigrants.” Well it is not about
immigrants and in fact it is not about illegal
immigrants or undocumented aliens it is about a tiny, tiny portion of people that happen to be undocumented aliens and also happen to be criminals and not just because of their status but because of their actions. And this Bill actually aims to put that small subset of people, the criminals, that are among the undocumented population ahead of United States citizens, ahead of legal immigrants and in fact ahead of other undocumented aliens that are not criminals. The Trust Act is based on a false premise. I mention that the reason why the Trust Act exists is for people to feel that they can trust local law enforcement because they are not going to be reported to the Federal Authorities and be deported because of the potential of that happening if they contact them to report that their neighbor is a drug dealer or involved in trafficking or something. But that is a fallacy because in our system of laws and justice anyone can report a crime. You can report a crime anonymously and I actually called several police departments and I asked them do you ever ask, you know, if someone calls up and says the guy who lives next door is in a gang or he’s dealing drugs, do they ever say by the way what’s your status, and the answer is no. They don’t care. That is not the point. There was a study done on actually about why people in the undocumented community do or do not contact local law enforcement authorities and you know what was number one on the list of reasons why they don’t, they don’t speak the language. That is the number one reason. It wasn’t, “Oh, my God if I call I’m gonna get deported.” The second reason is they don’t understand what the laws are necessarily. So there is no proof and there is no documented evidence. In the Judiciary Committee I asked recently when we had the debate on this Bill and I
also asked in a previous year if anyone could point to me a person who somehow was deported because they reported a crime to law enforcement. And I will listen to the rest of this debate but I doubt anyone is going to be able to point to that person for me because I don’t think they exist.

Sanctuary policies diminish the trust that you would have in your local police department. Many people that come to this Country come from places where the law enforcement is suspect, period. Where you have to bribe the guy, the cop that pulls you over for something. What does it say to people that come to this Country thinking that we are the Land of the Free and the Home of the Brave and the land of opportunity that we actually write laws that ignore certain folks criminal behavior in exchange for others. I don’t think it paints a really good picture. It also creates a back environment because you are essentially giving a place for those who are criminals to hide amongst the population of people that are not criminals because they have the additional protection of that sanctuary policy. And I am sad to say, and I’ve heard stories that it is those criminals that prey on those other undocumented aliens. The problem is that these policies put our citizens at risk. We need to know who is living amongst us. What I would like to see on a federal level by the way since we’re talking about it, is an immigration policy that recognizes that we are not going to deport the millions of people that are here in this country illegally. But we should also be ashamed for trying to keep the status quo because the status quo is terrible. The status quo is that there is a huge portion of our society living in our State, in our cities as our neighbors who do not have the same rights as
everybody else. That is not a good thing. It is essentially a second class society of noncitizens. I would much rather see a situation, I don’t believe in amnesty, I don’t think we should be putting people that came to this Country without going through the proper process ahead of people that have but I also know that we are not going to deport everyone and that many of these folks add to our society and some have been here for decades. Some have been here probably, I can’t say generations because I guess that wouldn’t make them undocumented anymore. But they are our neighbors and there is several other ways we can handle that process, a work permit process to allow people to come out of the shadows and actually work without fear of prosecution.

So, I’m a little out of order because of the way we started this so I’m just gonna make my points as I have them. I already mentioned that sanctuary state policies conflict with Federal law and everyone understands that but what I just want to point out that the Federal Government was fully in recognition all the way back in 1996 that there were certainly municipalities around the country that were going to attempt to start creating sanctuary policies on their own to ignore federal law so they actually passed a law prohibiting it. It is called the Illegal Immigration Reform and Immigrant Responsibility Act and it was passed back in 1996 by Congress and it prohibits state and local governments from restricting their employees from sharing and receiving information regarding illegal aliens with the Federal Government. So that is exactly what the Bill before us does by the way. So I just want to make everyone aware that if you vote in favor of his law you are essentially creating a
law that is in direct defiance of the Federal Law, not just the fact that the Federal Government has supremacy on immigration but a Federal Law that was passed in 1996.

I also want to point out that many people that are undocumented they do work but as I just pointed out they are not working under the same conditions and with the same opportunities that the rest of us have and they indeed pay taxes. But the cost of illegal immigration on our society is enormous and that is preciously because they do not have the same opportunities that the rest of us have and I have taken the liberty of printing out a very lengthy report that was produced back in 2017 and it shows the cost of illegal immigration across the country and it takes everything into consideration, everything social services, the cost of education. It also accounts for the taxes that illegal aliens do indeed pay but the net result is that the State of Connecticut pay $1.14 billion dollars every year in the cost of illegal immigration. Now most of that is borne in the form of federal taxes but it is worth noting. And it is an argument that I would use to convince my Federal Representatives that they need to fix this. That they need to draft an immigration policy that is workable that allows people to come out of the shadows and actually have opportunities in America like everyone else.

I’ve already mentioned that sanctuary cities are unfair to legal immigrants, people that actually took the time and effort to go through the process and I know many of them also and how long they have waited to be reunited with their families and so forth. And I certainly don’t want to diminish them in the process of dealing with this conversation.
So the Bill before us, the purpose of it is to prohibit ICE authorities from being aware of someone that is apprehended in Connecticut that is under a civil detainer and I will just point out by the way that not every undocumented alien has got a civil detainer for them. And I think that is a misnomer that has been spread by the proponents of this Bill. If you came into this country as an undocumented person no one knows you’re here. The Federal Government doesn’t magically issue you a detainer because you’re in the Country. They don’t know who you are and they don’t know you’re in the country. In order to have a civil detainer that means you have come in contact with law enforcement in the past and generally speaking a civil detainer is issued after something has happened. You’ve come in contact with police, you’ve had criminal activity, you’ve been convicted of a crime in the past. That is where the civil detainer comes from and we are going to debate another Bill I understand in this Chamber that determines whether or not we are actually going to count certain crimes that would make you eligible in the Federal Government’s eyes as defined being a criminal to be counted as someone eligible for a civil detainer. So that is the first thing. We are not talking about people who are just in the country as undocumented aliens. We are talking about people that have had contact with law enforcement already. And this expansion of that Trust Act now makes it crystal clear that what’s happening is we are going to say that even those that fall into those seven categories which I won’t repeat right now, but bear worth repeating, if you were an undocumented alien right now living in Connecticut how does it make you feel if the goal of the Trust Act was to say, you know what, if you know
that the guy next door to you is a bad guy, he is that MS-13 captain you should have no fear to call law enforcement and tell them about it because we have the Trust Act to protect you. How would it make you feel to know that this Bill says that guy gets the same protection as you? How is that making anyone trust anyone? It is absurd on its face and that’s what this Bill does. This Bill protects people who are criminals, not undocumented aliens, undocumented aliens who are criminals. I can’t say it more clearly. I had this debate in the House a year ago and afterwards I got beat up horribly on social media, “Oh that Sampson he is a horrible bigot, he doesn’t like immigrants, he’s probably a racist” that is nonsense. It is complete and utter nonsense. My family came here from other countries, everybody in this room probably is descendant from immigrants. The idea that anyone somehow is concerned about of not liking immigrants is nuts. What I don’t like is bad public policy that puts me or my family or my neighbors at risk. And this policy doesn’t just put me and my neighbors at risk it puts the people who live in the undocumented community at risk too. This Bill not just says that we are going to ignore people that fit in those categories it also says that law enforcement, your local police officer, when he becomes aware of someone who is really a bad guy, he cannot, he cannot, cannot under this law notify ICE. He can’t even tell ‘em. The Bill, I wish I had the language in front of me handy, I would just like to read it to the Chamber so that they understand just how explicit it is about how you are not going to cooperate and you are not gonna let anyone know that there is this bad guy living in this neighborhood. This Bill would make Connecticut even more of a sanctuary state than California and I bring that up
because I am going to go through a list of crimes that have been committed in a moment and I just wanted to put that out there.

There’s also a few other things that were mentioned in the previous debate I just want to talk about very, very briefly. There was the argument made that if you were apprehended committing a crime in Connecticut you would be prosecuted by Connecticut and that is indeed true and I think that is a relevant situation. But that is not the point here. The point is that we’re only, if you’re referring to that, you’re only referring to our local laws. This Proposed Bill would ignore the fact that you are wanted by the Federal Government or by another state for some criminal activity. That is a higher burden than it would be for me. That doesn’t make any sense.

Senator Anwar asked if there was any data to support the claims that this is a risk to public safety and it just made me think to myself that we don’t need data what we have is countless newspaper articles that anyone can Google anytime they want about victims of crimes committed by those who were subject to civil ICE detainers. And again for anyone who is undocumented listening, that is probably not you. It is someone that has already committed a crime and is subject to that detainer because of it. And when the Federal Government, look there are millions of undocumented people in this country, as I said not everyone ends up on that civil detainer list, there is something like three million people that they are aware of in the country, they put 1.9 million people on a list and they only issue detainers for 11,000 last year. It is the crème de la crème that they are after. They
are looking for the real bad actors, the ones that we should get, the ones that end up in these newspaper articles.

I was going to go through these one-by-one but I don’t think everybody wants to listen to that. But I will just mention a couple of them. August 2018 undocumented immigrant changed with murder in the killing of Iowa student Molly Tibbetts; Christian Rivera, 24, Mexican national who lives in Iowa for four years murdered Molly Tibbetts while she was out jogging on July 18, 2017. Forgive me, reading some of these things reminds me that we are talking about real people. I’ll just go back to my opening comments which is that I am here for a purpose, Madam President and that is to make public policy that makes sense and preserves the safety of my friends and neighbors across this State. And I’m not here to play politics, I am not bringing up this articles to play politics. I am doing it to show that there are actual consequences that affect real people when we make decisions in here. Here’s another one, July 18, mother grieves loss of son killed in hit-and-run crash. The teen was killed just days before he was to finish his freshman year of high school. Here’s one from Bridgeport, Connecticut, December 18, 2018 ICE detainer placed on 18-year-old accused of killing 12-year-old Clinton Howell. “An 18-year-old accused of shooting and killing a 12-year-old boy last week in Bridgeport was arraigned on multiple charges including murder Thursday.” Do we want to see more articles like this? You know people are going to have different opinions about what the current law is and whether or not that Trust Act should remain or not but that is not what this debate is about tonight. This debate is about whether we want to
expand that Trust Act to include that list of folks that clearly we excluded for a purpose back in 2013 when we passed that law. I got plenty more, I can go on. There are few more from Connecticut. There are hundreds more across the country. Many of these if you read ‘em you will find out there’s things in here that says, that they had known gang affiliations. This guy had several names, he has several known gang affiliations. Many of them also say that this person had several ICE detainers placed over several years. There are instances of people who were actually deported and came back and had additional detainers but were not allowed to be reported to the Federal authorities when they came back because those states had sanctuary policies.

Madam President, I know I’ve gone on a longtime, and I don’t want to go on any longer. I really think I’ve made all the points I want to. I just hope it’s clear to the people listening that this is not the kind of debate that should be about bigotry or what people look like, that’s not what it’s about. It is about what is right and I’m concerned about only one thing and that is making sure that when I go home at night that my neighborhood is a safe place to go to and thankfully I live in a safe neighborhood in Connecticut and I know other people don’t have the luxury of living in as safe a neighborhood as I do, not that I live in an amazing place, trust me, but we should be working towards making Connecticut a safer place, everywhere and that’s New Haven, that’s Bridgeport, that’s Wolcott where I live. This policy does not do that and I will remind everyone that there is only one question on the table when you vote on this Bill and that question is do you believe the State of Connecticut should shield criminal undocumented aliens from
Federal Prosecution. If you believe the answer is yes, by all means vote yes but I don’t think any of our constituents from any of our districts want us to. Through you, Madam President.

THE CHAIR:

Thank you, Senator Sampson. Senator Bradley.

SENATOR BRADLEY (23RD):

Thank you very much Madam President and I appreciate you recognizing me. I, [clears throat] excuse me, I stand in support of his Bill wholeheartedly. The Senators who were here and indulged me during our opening statements of kind of presenting ourselves and our platforms and our reasons to be here might have remembered that I stated that my mother was an undocumented immigrant who came from Mexico without the proper documentation across the border, who worked on cherry farms, and orange fields and apple fields throughout the western part of the United States and was a great honor to recognize her as she stood-up there at the top of the balcony and in one generation saw how wonderful this Nation is that it would allow me to born in this country, to become a U.S. Citizen and my father as I remarked when I was sworn in, is a U.S. Army soldier, retired, proud Airborne soldier and always taught me that I only have one country and that is the United States of America. I pledge allegiance to it and I know all the Senators here pledge allegiance to this great Country that we have. I think that, I think Senator Sampson is 100 percent right in his remarks in saying that we have such a wonderful country, the best country in the world and it is because of our juris prudentes. It is because of the people like
the Blackstone’s ratio which states that, it is better for ten guilty people to get away than one innocent person to suffer. That is the juris prudentes that is the Anglo-Saxon juris prudentes that influenced our founding fathers like Thomas Jefferson, George Washington, Benjamin Franklin to make these great laws. It is better for ten guilty people to get away than one innocent person to suffer. I think that, I was listening to Dr. Anwar, Senator Anwar’s remarks earlier about how our Country has changed and it breaks my heart when I hear these debates because it makes me think that maybe we really haven’t changed all that much. Benjamin Franklin, who my brother named my godson after, Benjamin Clark Bradley today said this about immigrants back in the early 1700s through mid-1800’s he said, why should Pennsylvania, founded by the English, become a Colony of Aliens who will surly become so numerous to the Germanics that instead of us Anflifying them they will Germaf us, said that about German Americans. Today, I don’t know, a little factoid for all of those who don’t know, the largest immigrant group ever to come to the United States aren’t the Mexicans, or Dominicans, or Cubans, or Italians or Greeks, or Irish the largest immigrant group ever to come to the United States were the Germans. And as you can see there is probably no greater group who assimilated better to the Anglo-Saxon histories of America that very rarely do we see Octoberfest, very rarely do we see communities that speak German, very rarely do we see those type of influences in the United States of American today. I’m sure it’s probably cause of the World Wars that we fought against Germany but how wrong he was in his attitude towards the Germans.
This is exactly, this policy that Senator Winfield has presented and has fought through the Judiciary and I really commend him for his laborious efforts of getting it up to this point does exactly what Senator Sampson wants it to do and that is to pass clear policy to insure that every American is protected. This is history repeating itself. We’ve seen all this before. What happened to the Italian community when they came here and they were marginalized and they weren’t given access to court systems and access to the police department? Things like the Cosa Nostra came about. What happened to the Irish Community when they came here and they were marginalized and not given access to the court system and the police system. Things like the Irish Mafia came about, the Greeks and the Jewish you can go on and on, and on with every single ethnic group that has immigrated to this group that when you don’t give them access to proper policing, you don’t give them access to the court system people become the new enforces, become the new regulators, become the new people who they look for to protection and look for, for guidance and a lot of those people often time become nefarious. What we are saying here is the Federal Government will do it’s job. IF they want to go apprehend people who enter the country illegally then let them go forth and exercise their ability to do so and we as a State will do our job and that is if somebody has an encounter with the police or enters our court system they don’t have to fear what ICE is going to do, they don’t have to fear what the Federal Government is going to do that those two purviews will remain separate that we are two separate entities with two different distinct callings and purposes. That is what this legislation intends to do. This is not about protecting criminals in our society. This is
insuring that every single person feels protected by the monopoly of violence that we hold as a sovereign state, that they understand that no one here is greater than the State of Connecticut and our law enforcement. That is what this piece of legislation intends to do and as a person who practices immigration law I can tell you wholeheartedly it happens far too often, people for small infraction, ticket, people for small domestic violence issues, or assaults or whatever have you come to the court system, have ICE agents waiting inside the court system who profile them, or ask them questions and detain them. This happens far too often. It’s already happening, this legislation is not going to change that unfortunately. That has been the attitude of our President and that’s the attitude of the Federal Government and like a lot of Senators have said here, it is outside of our purview as to what we can do about that. But what we can do is insure that we uphold the very best of what it is to be American. That we uphold the very best of our juris prudentes that we insure that the life of every single individual, the justice of every single individual is more important that ten guilty people going free. That is why this country is the greatest country in the world. That is why our Founding Father’s said there is a presumption of innocence. That is why our Founding Father’s said the state has to prove their case beyond a reasonable doubt. Why is there so much burden on the Government? Because we believe as a nation that individual rights, individual freedoms are the most important thing a person can possess. That the government should fear the people and not the people fear the government. When we pass laws like this that we give carte blanche authorization to police departments, law enforcement, courts to do as they
wish to not hold the law, the letter of the law, then we say we are not truly the greatest country in the world. And I for one, will not stand for that. I for one as a son of a soldier, as a Proud American, want to make sure that red, white and blue will always wave proud and I support this legislation and again I commend our great Senator for bringing it forth to us. Thank you.

THE CHAIR:

Thank you, Senator Bradley. Will you remark? Senator Miner.

SENATOR MINER (30TH):

Thank you, Madam President and good evening.

THE CHAIR:

Good evening.

SENATOR MINER (30TH):

Madam President, I’ve been here long enough to have participated in the discussion during the last term about providing education resources to people who were born in this country of immigrants. And up until that point-in-time, they were prohibited from the same status that U.S. children in Connecticut could avail themselves of and it was pointed out to me that every tuition payment had a surcharge and when I began to think about it, I thought well maybe they shouldn’t be required to pay the surcharge if they can’t partake in the grants. And I though it was a pretty simple conversation until I went back home to the district and was reminded by a couple
who lost an individual on September 11th in the Trade Center and they had received a phone call from their child, their child was up in one of the upper floors and they were assured that they were going to find a way out and they did not. And they took that Bill pretty seriously. They took it seriously because in their eyes anyone here illegally shouldn’t be here. So that is the base that they start with. And I said to them that they had a right in my eyes to feel the way they felt, their pain, their suffering had qualified them and whatever ill will they felt about me for having supported that Bill I accepted and I understood.

But now we are here today and I think to myself so what is the separation. What is the distinguishing act, it’s certainly not entry into this country, it’s probably been going on for 20 years or more. So it’s not entrance, that is not a distinguishing fact, nobody is tracking people down. We live amongst many of the people that are here. They’ve overstayed work visas, they’ve overstayed education visas, they may have come here to visit a loved one and they never went home. I would agree with Senator Sampson, I think we, I think they, I think they have been dealt a tremendous disservice by elected officials in the Federal Government. You don’t hear a word about this anymore, nobody is clamoring to make a deal. No one is trying to find a pathway for some portion of the individuals that are here not because they came here legally or maybe they were legal in the beginning and they overstayed their paperwork. No one is trying to fix this at the federal level and we can’t fix it and so until they fix it, we are going to tinker around the edges. I think I just heard the phrase “small domestic violence issue” in a Chamber where we have heard
nothing but trying to protect people from the least significant domestic violence issue, almost as a matter of, well, it’s okay. People make mistakes. I couldn’t believe the list that Senator Sampson read except that when I looked for it, it’s true. So I guess it doesn’t matter. It’s not bad enough that you overstayed your legal documentation, it’s not bad enough that you visited somebody and just chose never to go home. By the way in many countries in this world that would never happen. In many countries in this world you can’t even get a work visa, yet we are a welcoming nation.

I don’t know what the limits are. I read the articles that Senator Sampson spoke about, the one in Bridgeport. I read that article. Does that make all immigrants bad? No. Does that make everyone who overstayed their visa a criminal? No, I learned today that you can’t get a judicial warrant for a civil matter. I’d be walking around the 30th District with this document thinking, well you can go get a warrant. You can’t get a warrant. Can you imagine, you can’t get a warrant. I didn’t go to law school. I wouldn’t know the difference. My constituents wouldn’t know the difference but they are gonna know the difference now. They are gonna know that in nine pages, there is a lot of stuff in here that says you can do this, you can do that, and you gotta notify this person and you gotta notify that person but at the end of the day, at the end of the day you can’t do anything.

Madam President I heard also that somehow I’m not qualified, I guess because I didn’t actually hold a child or look at a child that lost a parent that may have gotten deported or was put in prison. Well you’re lookin at a guy who hired a person that was
here illegally, didn’t know it at the time, didn’t speak English, no one would give him a chance. I gave him a chance and I hired him. And he actually became a citizen and his kids actually got educated here. Somehow I’m not qualified I guess because I don’t recognize color or race. People should take a look at our backgrounds before they make those statements blanketly because I’ll tell ya, color never meant anything to me, if you could do the job you were hired. That was at my business, that was in the community that I got elected to and reelected to and reelected to and I took great pride in hiring individuals when they were qualified whether they were black, Hispanic, white it did not matter. For me this is an issue of where is the line. Where do we draw the line? I just don’t understand. We get criticized because we use the phrase sanctuary state, but that is what my constituents think it is. If they do something wrong, there’s a problem. If you’re here without proper documentation and you do something wrong, somehow it is less of a problem. I head the no-fly list being talked about. I remember when the governor, Governor Malloy signed an Executive Order saying you could not get a credential to buy a firearm in this State if you were on the no-fly list, couldn’t do it. You could be a U.S. Citizen, you could be 75 years old and if your number and your name matched that list, you were out. But being on the no-fly list or on some other credential list apparently the way this is drafted wouldn’t even qualify someone to make a phone call, couldn’t even make a phone call to detain you.

So, Madam President I’m lost. I’ve got to be completely honest with ya. I came in here today thinking that this was going to be a pretty easy
conversation. I thought it was going to be straight up but it doesn’t seem so for me. I just can’t imagine that we’re having a conversation about a scenario that can’t be accomplished. It just can’t but I guess that’s where we are tonight. So I am going to listen to the rest of the debate. I am troubled that we are no longer gonna consider those seven circumstances as justifiable reasons to have that conversation with our Federal counterparts. I don’t remember how I voted, I suspect if it was almost unanimous out of the House then I was a supporter but I can’t swear to it. But Madam President, this really is troubling. Not troubling for those that are here legally. Not troubling for those that are here and work everyday in businesses that are all around us that do not break the law and do pay taxes and have that violation, civil violation of not having the proper documentation this actually clouds that issue and I think that is the most troubling part about that, that it does cloud it. And once again I remain extraordinarily frustrated at the Federal level that they have not figured out a way to fix this. I don’t have to be made happy in that solution, not everybody that’s here without proper documentation has to be happy but until that gets fixed this is just gonna become more and more of a problem. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Miner. Will you remark further? Senator Kelly.

SENATOR KELLY (21ST):
Thank you, Madam President. Madam President, I have a few questions I would like to ask, through you.

To the proponent of the Bill.

THE CHAIR:

Thank you, Senator. Please proceed.

SENATOR KELLY (21ST):

Thank you very much. In Lines 10 through 13 it defines civil immigration detainer. How does one get into a situation where a civil immigration detainer would be transmitted?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

And I will say, I probably don’t know every possibility but usually to my understanding in one way or the other, law enforcement, Federal law enforcement comes to know that the individual is present in the country and a lot of the time it has to do with an interaction between that individual and law enforcement.

Through you, Madam President.

THE CHAIR:
Thank you, Senator Winfield. Senator Kelly.

SENATOR KELLY (21ST):

Thank you, Madam President and that interface, what type of situation would that be?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

It could be a myriad of things including some of the things that were suggested earlier about violations that come to be known to those law enforcement agencies.

Through you, Madam President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY (21ST):

Thank you, Madam President. So when a municipality would come into contact with such an individual they would fingerprint the person and then the civil immigration detainer would be issued by the Federal Government. What we’re doing here now is then saying that that, I don’t want to say prohibit,
local authorities from detaining somebody who was suspected of violating Federal Immigration Laws, is that correct?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

I will attempt to answer that by saying that what this does is it prohibits that detention based solely on the civil immigration detainer if it is not accompanied by the warrant that has been part of the discussion that we’ve been having the conversation about.

THE CHAIR:

Senator Kelly.

SENATOR KELLY (21ST):

Now as part of this there is going to be a prohibition placed upon our municipal officers from communicating with the Federal Government. Is that correct?

Through you, Madam President.

THE CHAIR:

Senator Winfield.
SENATOR WINFIELD (10TH):

Through you, Madam President.

I would answer yes and qualify that answer with the conversation that I was having earlier with several individuals about Lines 149 through 169 which talks about should there be a decision to respond to the civil immigration detainer what would happen in those cases.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Kelly.

SENATOR KELLY (21ST):

Thank you, Madam President. And I thank the Senator for that. I’m driving in a little bit of a different direction. So if we’re, the municipal agents aren’t allowed to speak with the Federal Government with regards to this Immigration Act violation but could if they got a warrant, but if it is a federal charge, treason, you would have to go to Federal Court but they are prohibited from dealing with the Federal Government would they be prevented from going to Federal Court to seek that warrant in that instance?

Through you, Madam President.

THE CHAIR:

Senator Winfield.
SENATOR WINFIELD (10TH):

Through you, Madam President.

I’m not sure I understand the question. Is the poser of the question asking me if the federal agent is prohibited from going to Federal Court?

THE CHAIR:

Senator Kelly.

SENATOR KELLY (21ST):

No, it would be the municipal agents going to Court.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

Would the individual getting the warrant aren’t the municipal agents, they are the respondent to the request. The individual making the request would be getting the warrant.

THE CHAIR:

Senator Kelly.

SENATOR KELLY (21ST):

Could the good Senator repeat that answer please?
THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Yes, thank you, Madam President. The civil immigration detainer would be accompanied by a warrant making it effective. The individuals making the request, the federal agents, would be the ones seeing the warrant not the individuals responding to the request the municipal agents.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Kelly.

SENATOR KELLY (21ST):

Thank you, Madam President. But if the municipal agents don’t tell the Federal Government anything how do the Federal agents know where that individual is?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President. I would assume that if they issues the civil immigration detainer to the
local officials they knew that the local officials or suspected that the local officials had the individual in order to issue the civil immigration detainer.

THE CHAIR:

Senator Kelly.

SENATOR KELLY (21ST):

Thank you, Madam President. So then what you are saying is that if an individual had an infraction, got fingerprinted, got sent down, Federal Government responds with the civil immigration detainer then it’s, you envision a situation where if they had other outstanding warrants those would accompany the civil immigration detainer?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

I don’t want to answer the question incorrectly. I don’t think this is the case where there is some outstanding warrant already in place so I think this is a case where the individual is subject to the civil immigration detainer. In order to make that effective, the federal agents would have to make the case that there is object set of standards that suggests that there is reason that this individual should be subject to a warrant. Upon issuance of the warrant the detainer itself in combination with
the warrant becomes effective and then many of the things we’re debating about cannot happen, could happen under the Bill.

Through you, Madam President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY (21ST):

So, if there is an outstanding warrant, then that would accompany the civil immigration detainer at the same time but if there wasn’t a warrant then that is a different situation, correct?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

I don’t think all warrants are the same. I think this Bill imagines that in order to have this civil immigration detainer be effective that the agent or agency I would suggest better issuing the civil immigration detainer would pursue a warrant to make the immigration detainer itself effective.

Through you, Madam President.

THE CHAIR:

Senator Kelly.
SENATOR KELLY (21ST):

Thank you, Madam President. And understanding that it is limited to certain violations but if there was one of those violations that would be applicable but what if it is a state based claim, then what?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. I am going to ask the poser of the question for clarity. Could you repose the question?

THE CHAIR:

Senator Kelly.

SENATOR KELLY (21ST):
Thank you, Madam President and I apologize for the question as I said it, it did beg for clarity. Who, if it is a state based claim, who is the individual that is going to go seek the warrant.

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):
Through you, Madam President.

I’m not sure how a state based claim comes into play here. If the good Senator could give me a scenario I would be happy to try to respond to it.

Through you, Madam President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY (21ST):

Well I know there is a proposal to eliminate or to change the sentencing on elder abuse and exploitation. Let’s say there is a claim that that individual had engaged in the assault of an elderly individual. It is now incumbent on the municipality or who to go get the warrant in that instance?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

I think I am going to try to speak to what the good Senator is asking. If there is a violation of our laws then I don’t think a warrant is necessary. I think under our State laws we would operate as we would with anyone. I think the arrest of that
individual potentially could trigger notification as has been suggested earlier which might trigger a civil immigration detainer and then everything that we are talking about comes into effect. I don’t think this is a case where we’re seeking the warrant as municipal agents because they are not the federal agents that we’re talking about under the Bill.

Through you, Madam President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY (21ST):

Thank you, Madam President. Okay moving to Lines 170 through 179. It deals with the disclosure of public information and it talks about all records relating to ICE access, maintained by the law enforcement agencies. Is that all records in all instances?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

I read that as to say that all records are considered public for the purposes of this section. I will say that public agency records are already public and they are subject to some exemptions on that by law, but all public agency records which the
police that we are talking about are public agency already public.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Kelly.

SENATOR KELLY (21ST):

Thank you, Madam President. Are pending investigations public records?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

I would ask if, under the current FOI laws much of that is not and I believe that section refers back to the FOI laws that we have on the book.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Kelly.

SENATOR KELLY (21ST):
But the Bill says “All records relating to ICE access maintained by law enforcement agencies” which could include, cause it’s all records, somebody that’s not only has a civil immigration detainer but might also be the subject of a pending investigation. Are you telling me that those records would not be public?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President and I am pointing the good Senator to Line 172 which is, I guess 170 through 172 which talks about the very section that he is talking about the Freedom of Information Act as defined in section 1-200. In the Bill we have pointed out what we are talking about giving a section of the law and I would say that if we pass this law and we point out a section of the law we’re supposed to be operating under that is the section of the law that we operate under.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Kelly.

SENATOR KELLY (21ST):

Thank you, Madam President and that is my concern is that when you look at statutory construction mindful
of what the current Freedom of Information Act requires today, that now you’re saying mindful of that exemption all records related to ICE access maintained by law enforcement agencies are now going to become public records which would be inclusive of pending investigations which currently are not available under the Freedom of Information Act so this I believe would open that up and afford individuals in this situation greater rights than people who are not in this situation, people who are here documented. Next question is dealing with Lines 180 through 190. Why would we want to capture this information and report it to OPM?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

I believe that we are trying to find out what is happening in the State and OPM would be a centralized place to keep that information and it is where the sake of transparency on this issue.

Through you, Madam President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY (21ST):
So it is to capture information to see where this type of activity is occurring.

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

I would say that it is to see where, how and with whom it is happening.

Through you, Madam President.

THE CHAIR:

Senator Kelly.

SENATOR KELLY (21ST):

Thank you, Madam President. Thank you very much Senator Winfield for your answers with regards to this. Obviously, you know, the United States, America, is a land of immigrants. We are all here for the most part because our ancestors left somewhere else to come here. My left Ireland. My grandmother left as a teenager, the family was primarily dairy farmers and there wasn’t enough land to feed the entire family so she got pushed off, actually had tickets for the Titanic but they were gonna meet the boat in the shipping lanes and they missed the boat, thank God. But she was just regarded as steerage by the, I’m gonna say the
shipping line, and yes, I think every immigrant family that comes to America comes to a place where they aren’t treated very favorably. But they endure because of what America hold out to everyone. It is the opportunity, the ability to be who and what you want to be and how you want to live your life, that is what America holds and that is what my ancestors saw when then left Ireland and came here. They sought it as a land of opportunity, a place where they could get ahead and raise their family and they did. And I always knew that what I was taught was to always, you know, follow the law.

Here we are in Hartford which is the birthplace of Constitutional Government. It is where we came up with, where Connecticut came up with the notion, the idea that our rights do not come from government, they come from God. And it was God who gave individuals their rights and their liberties that no government without due process can take away. That is a tradition that Connecticut is proud of. It is a tradition that I believe America is proud of and I believe free people around the world are proud of. It is what sets America apart. We are the land of the people, by the people, for the people. But as Immanuel Kant once said, obedience to law is liberty. If everybody follows the law then we are all free. That’s what I think is missing here is that everybody is not following the law and we’re gonna provide due process to individuals who, maybe due process is the wrong word to say, but we are going to go down a road where we aren’t going to cooperate with our Federal Government. Connecticut wants to be a sanctuary state, an outlier, an island unto itself and not cooperate with our national body I am goin to say where we have interstate commerce and we are part of the American family. Abraham
Lincoln once said, “A house divided cannot stand.” Why would we want to not be part of a federal system? I’m not sure I get that and why would we want, it this civil immigration detainer comes down then it’s obviously someone who’s had an interface and I think that is being very kind because you just don’t get into the Federal System unless you’ve done something and so you’re in the Federal System and now we are going to not want to cooperate with the Federal System and treat these individuals as if they are like our parents and our ancestors that came over that did everything right and did not interface with government and get into a situation where you would have law enforcement officials knowing who you are. I was always taught to stay away from the line between right and wrong and so I’ve always endeavored to do that. I don’t want to get on the radar screen but I think that is what we have here, people who have gotten on that radar screen. And because they’ve gotten on that radar screen now there is a civil immigration detainer and we are gonna say to the rest of the country that we’re not gonna cooperate with the Federal Government. We’re not gonna share this information so that individuals who are in that circumstance can find sanctuary in our neighborhoods. Believe me, when you see the issues with people who are here, we’ve had an immigration problem for years and it’s a federal problem, it’s a Washington problem and for decades Congress and the Presidents have not dealt with this issue. So there are individuals who are here but for the most part when we passed the Trust Act a few years ago, that is who we were looking at. Those individuals who were here, have gotten here and have basically been law abiding citizens and whenever you see a neighbor like that get between a rock and a hard place, yes I think most American’s
hearts would go out to those individuals. But that is not what we’re talking about here. This is somebody who has already had a dustup with the Federal Government and so I think that is distinctively different. I am very troubled by this Bill. I am very troubled by the fact that we’re looking to make Connecticut a sanctuary state. When I talk to my constituents, my neighbors this is not what they want, it is not what they envision, it is not the Connecticut that I think they want Connecticut to be. Thank you very much, Madam President.

THE CHAIR:

Thank you, Senator Kelly. Senator Hwang.

SENATOR HWANG (28TH):

Thank you, Madam President. I rise to speak because for me this issue is deeply personal and I’m so grateful to be able to debate this issue as a State Senator representing the 28th District because for me, I’m a first generation immigrant. I am an naturalized U.S. Citizen. I’m incredibly proud to be an American. As I say this I am reminded of the stories that we’ve heard from advocates of this Bill and these stories are real, these lives are impacted by what we do here and what happens throughout the world. We really realize that this world truly is far, far smaller than it has ever been. But I want to be able to share with you the experience I have and the stories have been shared earlier is this country was built by immigrants. My dad made the incredible sacrifice initially escaping from Communism and socialism in China to be able to go over to the Island of Formosa, Taiwan and build a
life for his family. But upon realizing the limitations within his limited access to education and opportunity he took a sacrifice to come to the United States. And he faced incredible hardship. The hardships he endured were beyond the unconsumable working conditions, abusive employers but he persevered. He never complained, he recognized it was worthwhile to pursue the American Dream, to make a better life for his family.

Fast forward seven years later. He brings the family to the United States. For the first time we were together and we celebrated that by being a family together and we didn’t even mind the fact that we grew up in a federal housing project because to us we were pursuing the American Dream. We never complained. We never complained. And so the key is and I wholeheartedly believe that as we mentioned before, our immigration policy have failed the American people and the undocumented residents in this country. The fact that our Federal Government has failed to address policies and the most inhumane policy that has existed is the separation of families at our borders, a policy that existed from the Obama Administration to the current administration. For me that is particularly inhumane because for me the immigrant experience was complete because we were together as a family.

This Bill does nothing to resolve that. Saying that what this Bill does is raise an alarming concern is the issue of public safety, it is not a debate in my mind and in my heart about the issue of our undocumented residents and the plight that they struggle to pursue the American Dream. For me this Bill is fundamentally based on the issue of public safety. And I will go to the lines specifically of
Line 101 where we have raised to a criminal standard to obtaining a warrant to detain someone and if the indulgence of the Madam President, I would like to read the seven factors that have been removed to be able to detain someone in this Bill and that is why I am particularly alarmed.

I think number (1) we are going to remove that we can no longer detain someone without a warrant of having been convicted of a felony.

Number (2), an individual that is subject to pending criminal charges in this state where bond has not been posted;

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

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

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

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

Number (7) Presents an unacceptable risk to public safety, as determined by the law enforcement officials.
This Statute removes those seven standards from an opportunity to detain someone without a warrant.

So Through you, Madam President.

I have a question for the proponent of this Bill.

THE CHAIR:

Senator Winfield. Senator Hwang.

SENATOR HWANG (28TH):

Thank you. As mentioned earlier by Senator Bizzarro, the fact of not being able to obtain a warrant until a incident of a crime would that be the effective of this Bill.

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

I believe that what this Bill does is there is the civil immigration detainer and then the warrant as you are discussing and the agent or the agency making the request would have to provide to the judge who could sign the warrant objective reasons why this individual should be subject to the warrant.

Through you, Madam President.
SENATOR HWANG (28TH):

Through you, Madam President.

To the good Chair of Judiciary, I am not a lawyer but are those standards higher than what is previously set by this Statute to be able to possibly detain someone without a warrant because what I see in the standard is we have significantly increased the standards and potentially hamper our law enforcement officials or federal officials to insure as a note of caution to detain someone that fit these seven criteria. What this Bill could possibly do.

Through you, Madam President.

Would that raise the risk?

SENATOR WINFIELD (10TH):

Through you, Madam President.

Well I would say that if the individual has an outstanding arrest warrant you can probably make that standard. I would say if the individual is on the risk group database or is a threat you could probably make that standard, if they’re on the
Federal Terrorist Watchlist you can probably make that standard but I am suggesting to you is I think you can make the standard. I think you’d have a problem if it was the opinion of law enforcement agent that they may or may not be an unacceptable risk, that might be a little difficulty to do.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Hwang.

SENATOR HWANG (28TH):

Thank you, Madam President. I appreciate the good Chairman’s answers but then why remove?

Through you, Madam President.

All seven of them, could we not have been more selective in defining some of the potential risk?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

To be completely transparent here there was conversation as with many bills about the potential for some of these being left in the Bill should it make a difference to how this discussion through
this Building happened and that pretty much fell apart and so we remained with the Bill that we started with.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Hwang.

SENATOR HWANG (28TH):

Thank you, Madam President. And I appreciate the good Chair’s answer on that but it raises serious concerns and doubts from me because as an immigrant I absolutely respect immigration rights, I respect people’s pursuit of the American Dream but being said it should not come at the risk the greater public safety. What this Bill does is it raises the tolerance of risk for our citizens, citizens and undocumented residents. So if you will indulge me Ma’am, I’ll share a quick story.

Forty-five years ago when I was able and privileged to come into this Country, my dad was in New York City. It was in the early 70’s, I am a rambunctious 9-year-old who had not seen his dad for seven years. He takes one look at me and he surveys the fact that this person is full of energy and opinion. I’m glad to say that it hasn’t changed. But saying that, my dad also evaluated the environment that he was in, in New York City full of crime, full of danger, full of gangs, undocumented or not. He made a conscious decision to move his family to an area unknown all the way up to Watertown, New York. Believe me if you knew Watertown, New York you would realize it was a bad decision to move on a location basis. But
he made the move because ultimately for him as a new immigrant, as an individual that was pursuing the American Dream for his family and this goes for everyone in this State, in this Country pursuing the American Dream what is equally important to them was the public safety, the individual safety of their loved ones because the opportunity to succeed in this country isn’t worth a hill of beans if your loved ones are hurt, if your loved ones are killed, if your loved ones are forever ruined by crimes perpetrated by individuals that we could have prevented. So in moving up there my dad took the risk of moving to an unknown because one thing was certain he provided the safest setting for us to pursue the American Dream. My hope is that we reevaluate this Bill, that we craft some of the tolerances to insure that we give individuals undocumented residents the rights and privilege but at the same time it should not come at the cost of every individual in our communities possible public safety. So with that said, I will not be able to support this Bill because I believe the cost is far too great for an idea that may be well intentioned and noble but ultimately reality sets in and as Senator Bradley mentioned earlier for one criminal indictment, no I think he phrased it for ten criminals to go free to insure one innocence that may be a price too big because if anyone’s ever hurt by those individuals that were guilty of criminal action that is price far too big to have. Thank you, Madam President

THE CHAIR:

Thank you, Senator Hwang. Senator Berthel.

SENATOR BERTHEL (32ND):
Good evening, Madam President. I do not have any questions, I would just like to make a statement. Madam President I am deeply concerned as has been spoken to already quite a bit this evening about this Bill before us. I’m deeply concerned because we live in a land where we have seen generations of Americans, Americans who were born here and those who came to our shores and legally immigrated into our Country who have fought and continue to fight for our freedom. I’m deeply concerned because while our freedom is precious it is not free. Our freedom requires rules, laws and rights something our Founding Fathers realized was critical to the success of our freedom and our Nation. And while many have immigrated legally into our Country, the greatest nation in the world, and who live in our great State, we find ourselves at this very moment considering significant changes to our State laws changes that protect those who have not immigrated legal, people who are in our Country, our great Nation, our great State illegally. To me some of the most egregious parts of this Bill affords more protection to people who are here illegally and to the crimes they commit and their breaking of the law than to that of a legal citizen. And I have to ask why, why we are so compelled to protect people who are in our country illegally. I would wager a guess that the overwhelming majority of the Senators around this Circle have ancestors who immigrated legally into this Country. My ancestors came to the United States from Italy and Germany nearly 100 years ago in search of the American Dream. They came through Ellis Island like millions of others. They followed the rules, they followed the laws. They were proud to become legal American citizens. I recall my late grandmother telling me many years
ago with tears in her eyes about her brother who was turned away at Ellis Island and sent back to Italy because he did not meet the requirements for immigration to the United States and she never saw him again. But these immigrants from 100 years ago and right through today they followed the process, they followed the law, they followed the rules to become a legal citizen of the United States of America.

Recently I celebrated the legal immigration of a colleague as he became a legal U.S. citizen. He and millions of others before him proudly became citizens and took the Oath of Allegiance which, Madam President in part reads, “I hereby, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies foreign and domestic; that I will bear true faith and allegiance to the same.” Madam President, the Oath of Allegiance is not optional. In order to become a citizen one of the requirements for naturalization is to show attachment to the principles of the United States Constitution and to be favorable “to the good order and happiness of the United States.” Again this is shown by taking the Oath of Allegiance to the United States. If a person is unwilling to take the oath in whole or part they are not eligible to become a citizen. Yet here we are in this moment looking to protect those people in our great Nation who have never taken this oath, who are knowingly here illegally. Why would we do this? I’m dumbfounded. I a further aberration of the laws that protect our freedom this
Bill removes as has been spoken to many times already some of the authority of our sworn law enforcement officers to uphold the immigration laws of the United States. More specifically this Bill actually restricts the ability of a sworn law enforcement officer to notify the U.S. Immigration and Customs Enforcement Agency of the arrest and the detention of a person who is in our country illegally and who has committed a crime.

Madam President I believe this Bill is more about criminals, by definition the person who is here illegally is a criminal living in the United States illegally breaking the immigration laws of our Country. But this Bill goes much further than that. This Bill again as has been spoken to many times already defines, expands the definition of a civil immigration detainer and prohibits law enforcement officers from detaining someone pursuant to such detainer unless it is accompanied by a judicial warrant which I understand is one signed by any state or federal judge other than an immigration judge and under current law this person can be detained, under current law this person can be detained without a judicial warrant. Let’s remember this is a person who has been arrested for committing a crime. This Bill establishes new procedures that law enforcement officers must follow when responding to these detainers placing additional restriction on how the actions they may take and eliminating current laws requirement that they consider specific public safety and risk factors. Why would we remove consideration of public safety and risk factors from the use of immigration detainers? Isn’t the protection of public safety paramount to the freedoms we enjoy in our great nation? This Bill limits the
circumstances under which law enforcement officers may disclose and individual’s confidential information to a Federal Immigration Authority. Why? Why? The freedoms we enjoy, the security of our neighborhoods, the protections provided by the Constitution of the United States all rely on the interfacing of local, state and federal law enforcement agencies to work together. It does not work when we try to limit that interaction to lose the authority of these agencies that we entrust to uphold the laws of our land. But then in extreme contrast this Bill deems law enforcement agency records relating to U.S. Immigration and Customs Enforcement access as public under the Freedom of Information Act. So let’s just make sure we are clear. We are going to protect the public information about what law enforcements can disclose about an individual to a federal immigration authority but we are going to make all of the records of the Immigration and Customs Enforcement Office completely accessible under the Freedom of Information Act. Bewildering to me. And I ask again why would we do this?

Just a moment ago Senator Hwang spoke to Lines 101 through 114, but I think it is important that we, that I restate those again. We are talking about the removal of the details of conditions by which a person here illegally may be detained. Again convicted of a felony, removed cannot be detained; subject to pending criminal charges in this State where bond has not been posted removed, cannot be detained; has an outstanding warrant for arrest in this State, removed cannot be detained; is identified as a known gang member in the database of the National Crime Information Center or any similar database, removed cannot be detained; is designated
as a security risk group member or security risk group safety threat member by the Department of Corrections removed, cannot be detained; is identified as a possible match in the federal Terrorist Screening Database or similar database, removed cannot be detained; is subject to a final order of deportation or removal issued by a federal immigration authority, removed cannot be detained and presents an unacceptable risk to public safety as defined and determined by the law enforcement officer, removed cannot be detained.

Madam President I remain deeply concerned. I remain deeply concerned because we live in a land again where we have seen generations of Americans, Americans who were born here and those who have immigrated here and came to our shores legally, who fought and continue to fight for our freedom and are having their freedom challenged tonight by the dilution of laws that are intended to protect their freedom. Our freedom is not free and yet while many have immigrated legally to our country the greatest Nation in the world we find ourselves at this moment considering significant changes to our laws that protect those who have not immigrated legally. Madam President, people who are in our Country, our great Nation legally, people who with passage of this Bill are exempted from the lawful application of immigration laws, that are exempted from the laws for crimes they commit which are in reality the very protections provided to all of us so that we can be a free Nation. Madam President, I ask each Senator around this Circle why are we so compelled to protect people who are in our Country illegally. Why are we so compelled to restrict law enforcement agencies and officers in the performance of their duties. This is a dangerous and slippery slope we
stand upon tonight. I cannot support this legislation and I urge my colleagues to reject this legislation to truly understand how dangerous this legislation is to every legal citizen of the United States and to the great State of Connecticut. Thank you.

THE CHAIR:

Thank you, Senator Berthel. Senator Anwar.

SENATOR ANWAR (3RD):

Thank you, Madam Chair, I mean Madam President. I wanted to clarify a few things and I think we have been using terminologies is worth while to understand some basic concepts. The good news is that we agree on something. I have heard from various Senators today is that we agree with our Federal Programs have failed with the respect to the immigration and I think that is very clear. But people when they are saying that individuals have broken laws, if you look at the data of the undocumented immigrants in the United States 40 percent of them came legally because of the failure of our system they were out of status and that is what has happened because of that situation and it’s important because this becomes relevant when you have family, you’re in the midst of actually taking care of your family, your children, and you’re out of status because of the failed Federal System that is not allowing your paperwork to go through and you’re sitting there forever, and ever and ever and then the current Federal Government has made an official statement that we are going to slow it down to make it completely stop, the legal path. So if the legal path is stopped what happens to the 11
million people, they become illegal if you will, undocumented is probably a better way to approach this. That is one concept that I think that it is worth understanding that people did not have a choice in many situations at this time when this was going on.

The second thing is that about $11.4 billion dollars of tax is paid by the undocumented immigrants and they are the recipients of the least tax benefits from our country because they are not getting Medicaid, they are not getting Medicare, they are not on Social Security but they are actually able to pay their sales tax, their income tax and other taxes they’re being able to pay those so they are paying into the society that is part of the economy. If you look at the data they are two times more likely to start a business and create a small business and create jobs. That data is pretty straightforward and is available as well.

Now this whole idea and an argument that is being presented about the safety issue these documents on safety issues started to come, I probably mentioned, since the beginning of the 1900s, everybody that was taking about the safety issue from the 10, 15, 20 studies every few years that are done, none of the studies have shown that an undocumented immigrant is a threat more than any other part of our society. That has been well documented in 2018 which is going to be relevant in January, there was publication that more people died, and you have to hear this one, more people died from food poisoning from lettuce than from undocumented immigrants, by eating lettuce. That killed more people in the United States than by undocumented immigrants so the concept of probability and anecdotes is worthwhile.
so somebody does a Google search and prints a document of two or three or four or 20 cases or 40 cases for that matter of undocumented immigrants causing death of individuals, fair one death is too many, I agree with that and I respect that but what is the probability. If we are going to make policies on anecdotes then I will bring more anecdotes and let's go into that path and start to make policies on anecdotes and I think that is where the challenges are. It is all about the probability and the likelihood of some decisions that we are going to make. And I think that it is important to look at those aspects. So I think that we are looking at this whole issue from a different prism and the lack of understanding of the prism of security, safety and the legal parameters individuals who are addressing it are not recognizing the experiences that the undocumented communities have been facing and the existing laws have not actually been working well. If you look at another aspect is look how far we have come, 2013 it was a unanimous vote, 2013 it was a unanimous vote in the House and in the Senate that is my understanding, I wasn't there in this House or the other at that point but look where we are right now. Yes, the Bill has changed but we have also changed. It is worth looking at that and I think it's important to look at some of the data and go into depth before we make some decisions. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Anwar. Senator Champagne.

SENATOR CHAMPAGNE (35TH):
Thank you, Madam President.

And through you to the proponent of the Bill.

Senator Winfield can you describe any incidents that occurred since the original Bill was put in place that would necessitate a change today?

Through you.

THE CHAIR:

Senator Winfield.

SENIOR WINFIELD (10TH):

Through you, Madam President.

I guess, yes. There’s several instances that I know of and I will remind the good Senator that the genesis of having this conversation was about the loopholes that I described in the court system and there are several instances of the individuals who we are talking about in those positions communicating to the federal agents that we had intended for them not to communicate with. And so this is not the first time that we have come here, not on the floor, the Bill hasn’t made it to the floor but in the last several years have come to this Building with an attempt to make what we see as corrections to the underlying Trust Act.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Champagne.
Thank you. Thank you Senator Winfield. In the past two weeks we dealt with an incident where youths were stealing cars and in fact it came up here and we voted strongly for this change in the law that basically we are going to deal with a very small group of these youths stealing cars that are putting people in danger, a small group. Then I just heard from another Senator that there is no undocumented person that is more dangerous than U. S. Citizens. I’m gonna talk about one group that is. And that group is called the MS-13. Let me describe them a little bit for ‘ya. The gang’s motto is “Rape, Control, Kill.” What are they known for? Drug trafficking, illegal immigration, robbery, larceny, human trafficking, extortion, murder and it is not just a simple murder they torture people to death, prostitution and racketeering, kidnapping, arms trafficking, arson. I think I can go on and on with the list. I’d say they are more dangerous than most American citizens.

You know, the changes we’re talkin about today, that I’m talking about today are the carveouts which is a very small group of the undocumented individuals that we’re talking about just like we talked about the other day. I heard another Senator talk about protecting the police. So lets talk about an incident. I stop an individual, let’s go into Britain again, and he’s wearing a tank top, I can clearly see he is MD-13, he threw a wrapper on the ground, I stop him, he’s littering, I talk to him. I know who he is. I can’t see if he has a retainer under this new law, so I write him his infraction and send him on his way. But in the process I
notice he is angry, I don’t know why he’s so angry. So I ask him, he doesn’t want to talk to me. I send him on his way. He’s angry because somebody just ticked him off. The typical MS-13, he goes and does something about it. The next question that is going to come is, officer how could you let him go and let him go and kill somebody and my response would be, well I didn’t know because we passed a law protecting MS-13 gang members.

Let’s talk about detainers. Detainer is when the immigration knows somebody is here, they know where they live and they’re gonna go get ‘em. You know immigration doesn’t say, you know what, there is an illegal here I’m gonna go get him. The fact when officers contact prior to his law being passed, when we contact immigration because we pulled somebody over and they’re illegal, they said let him go. Rarely did they come and get ‘em. You know, this isn’t a cowboy situation where every time you called somebody in they would ride down and grab ‘em immediately. In fact, we were dealing with problems in our downtown area where I was a policeman and I had to call ICE every single day for a month. They finally came down to see what the problem was and what it was we had a group of immigrants living and working but they were committing crimes every single day and they started taking away from our police department because we had to deal with them. When we arrested them they would simply disappear and wouldn’t come back and somebody would come and replace them. So when they finally came we rounded up 37 illegal immigrants, we also rounded up the person who brought them here who was taking advantage of them, they paid to come here by this gentleman and he also took a monthly, or weekly money from them. This isn’t something we would have
done but we did it because they committed crimes over and over again. When somebody comes to America, if they are illegal and they are working, and they don’t commit crimes we don’t even know they’re there. We don’t go knocking on the door and say, “Are you illegal” and even if we did ICE wouldn’t come get ‘em. If they are working hard and they are not in trouble well they’re here. The problem I have is when we start talking about the criminals. We start talking about people who are putting American citizens in danger. That small group, just like we talked about with the juveniles stealing cars.

This carveouts, this was unanimous I think in big part because of this carveout. You know all of us took an oath to defend the Constitution of the United States and the laws here and I took it ten times, my tenth time when I came here. There are attorneys in this room, you know, you took an oath to uphold the laws yet when we look at federal laws, we say, ah maybe I’ll uphold those. Now we talk about warrants first of all if you pull somebody over and you call ICE most of the time they say let ‘em go but if they say, yeah, we’re gonna get a detainer that is not an easy thing. You are waiting hours just for a detainer. To get a warrant you’re gonna wait a lot longer. So if I pull a car over with somebody who has already been deported, let’s take anyone on the list, let’s start with the felony. Somebody gets arrested for felony, goes does their jail time and gets deported. They illegally come back here again. For some reason it pops up, I find out about it. I call ICE and wait. I can’t under this law. But if I could call ICE it would be quite a longtime before they could get a warrant together. You know they have to go find a
federal judge, if they could even get one together, I’m gonna say that. Most likely we would end up releasing ‘em and now we have a convicted murderer back out in our society instead of sending him back home. These changes today in my mind, and what I read, they put us in danger. They put American citizens in danger. It doesn’t mean every single immigrant we’re gonna go out and turn over a rock and find and send home. These are the carveouts that we all agreed on many years ago. There’s no changes since then when it comes to those who break the law. If somebody from MS-13 moved into your neighborhood you would know it because they would make it well-known and trust me you would do everything you can to move them along. I’m not gonna read the list again because somebody has already read it and I’m sure I’m gonna go through all this material again as we hit every single one of the Amendments throughout the night. So, I am going to leave it as we should really start thinking about those carveouts and leaving them in this, that is my concern with this whole problem. And we should keep them there and we should be able to do it with a retainer not a warrant. Through you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark further? Senator Logan.

SENATOR LOGAN (17TH):

Thank you, Madam President. I rise in opposition to Senate Bill 992.

Through you, Madam President.
I have just a couple of questions for our good Senator.

THE CHAIR:

Please proceed.

SENATOR LOGAN (17TH):

Through you, Madam President.

Under this Bill I get the sense that this creates a unfunded mandate one that requires town legislative bodies to report all local law enforcement interactions with ICE to OPM each month. It appears to me that will be a burden to already stressed towns. I was wondering if there is any thought or consideration in terms of the impact to our local communities in terms of the cost of this unfunded mandate?

Through you, Madam President.

Thank you, Senator Logan. Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

I am not quite sure how the Senator imagines that cost, I assume that the local law enforcement agencies have that information. All that this suggests is that information should be turned over. The Senator wants to tell me why he thinks it’s the burden that he suggests I would be happy to respond to that.
THE CHAIR:

Senator Logan.

SENATOR LOGAN (17TH):

Through you, Madam President.

Well the requirement now that this information is provided each month, I would imagine that it would require a certain new standards for that information and for the reporting requirements that do not exist now.

Through you, Madam President.

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

I suppose anything that we do is a burden but I am not sure we have information as required to be turned over if communicating in any form that we normally communicate is a burden that I would suggest was overly burdensome for the local law enforcement agency and I think we should be in a position where information is transparent in the State.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Logan.
SENATOR LOGAN (17TH):

Thank you, Madam President.

Through you.

I have another question. In terms of training for law enforcement, this Bill as I read it, as I understand it, we will be looking for our local law enforcement now to be trained not how to work with the Federal Government or Federal law enforcement but we will need to train our local law enforcement on ways to not work with the Federal Government. That training, my question is will that come from the Office of Policy and Management, is that something that we envision having to perhaps hire some professionals that are versed in how to do this type of training, what is envisioned for this retraining of our local law enforcement who have build their careers, their own careers, for decades in terms of the history of local law enforcement. I’ll speak for Connecticut here, working in conjunction with our Federal Government?

THE CHAIR:

Thank you, Senator Logan. Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

I don’t see the Bill apparently that the Senator sees the Bill. This Bill would not require that our law enforcement agents not, be trained not to work with the Federal Government. Should the law enforcement agents from the Federal Government get a
warrant they would still be working with them. Should they choose to go under subsection (e) that we talked about on Lines 159 through 169, they would be working with them and it doesn’t cost a lot not to do somethin.

Through you, Madam President.

THE CHAIR:

Senator Logan.

SENATOR LOGAN (17TH):

Thank you, Madam President. I have just a few statements to make now. You know, this legislative body has a history of, as most legislative bodies do, coming up with laws that some are good, some are bad, some have good intentions but sometimes result in unintended consequences. When you take a look at the Trust Act that we are now revising, it was originally created to address and to deal with an issue that we had. That issue is immigration. Here in the United States of America currently we have an immigration problem. That issue needs to be corrected and fixed at the Federal level. As a country we’ve been unsuccessful in fixing our immigration policies here in the United States of America and as a result we are where we are now as a State trying to figure out a way to make this work in the meantime until the Federal Government gets its act together. So what are we doing there? We have tens of thousands of undocumented persons if not hundreds of thousands of undocumented persons here is our State and it is our responsibility to make sure that every person whose feet are in our State and on our soil are safe and protected. It is
important that we understand that what we’re doing with the Trust Act and now these proposed revisions to the Trust Act is to address the inability of our Federal Government to deal with immigration issues here in the United States of America.

Now when I look at the immigration and our situation there now, millions upon millions of undocumented persons here in the United States certainly I do not believe that we can just deport by the tens of millions people out of the United States of America. That is not what I’m interested in doing. I believe that we should have a real modern immigration policy at the Federal level that provides for a path, an achievable path for people to gain either their residency here in the United States, work permits or citizenship if they are willing to go through the long and arduous process as I think it should be. I think as a country there are many jobs that I believe that immigrants can and should provide. Folks should be able to obtain work visas here and then go back to their country. But they can’t do that right now so as a result we have a number of folks, some are fleeing persecution, some are fleeing because of the safety issue in their home countries wanting to come somewhere where it is safe, somewhere where there’s more opportunities than where they come from. But make no bones about it we are talking about persons that are here illegally, undocumented and we must be humane in terms of how we treat every human being in our State. It is important though that we respect the laws of the United States of America. It is important that we understand that undocumented persons are not U.S. residents, they are not United States citizens. They are not afforded the same rights as U.S. citizens or U.S. residents. That is
just the fact. That is not something that is based on, it’s not subjective, it is a fact. But again because of our issue at the Federal level we need to make adjustments here to deal with this crisis here in Connecticut.

Now, when I take a look from my own experience and I look at my own family this really comes home for me in a very, very real way. For me I can go way back to 1893 that is when my grandfather on my mother’s side was born, a long time ago, but that is when he was born. He was born in Bluefields, Nicaragua and his plan, even back then when he was in his 20s, his plan was to come to the United States. He traveled from Nicaragua through Honduras, made it to Guatemala, same kind of patterns you’re hearing now from a lot of folks. When he got to Guatemala he ran into my grandmother and they fell in love and they got married, had nine children. In the 1960s the United States of America was doing a lot of international country fixing if you will and the U.S. Army had a presence in Guatemala whose, now my uncle he happened to live in New Haven, Connecticut and he fixed helicopters, he didn’t fly the helicopter he fixed the helicopters for the Army and he was stationed in Guatemala, Central America. He met my aunt, they fell in love, got married. My aunt moved to Connecticut. When my aunt moved to Connecticut, my grandmother decided she wanted to move to Connecticut because she spoke English all her life, because my grandmother’s parents one was from Jamaica and one was from Guatemala. And when she came, she was the matriarch of the family, my mother came, other aunts and uncles came to Connecticut. My father and my uncle tell me the story that when my mother came in the mid-60s to Connecticut she was able to obtain her visa and came
here, my father said he was just about 30 that is the love of my life and if she is in the United States of America, I’ve got to be where she is. So he obtained his visa, travel visa, and he hopped on a plane. Now in Guatemala you can travel from one end of Guatemala to the other on a bus in about 16 hours, a small country. My father flew, cheapest flight he could find, flew to Miami, called my uncle and said, “I’m in the United States of America come pick me up.” My uncle thought he was at JFK naturally but he was in Miami. So my uncle had to jump, rent a van and jump in a van and drive down to Florida to pick him up. Brought him up here. My parents spent the 70s going back and forth, eventually getting work visas, having folks vouch for them as good people. My parents obtained their U.S. residency. My father who graduated from sixth grade, a sixth grade education, worked multiple jobs in New Haven, worked his way eventually, worked in a factory in North Haven, American Crucible, who no longer exists. My mother worked her way up, went to school for a while and ended up working as a secretary, they called them secretaries back then the work she was doing, and they worked hard and they went through the process. It took a while but as time has gone on, it has become harder and harder for folks particularly from the Latin American countries to find that path for U.S. Citizenship. That needs to be fixed.

So when we look here at the State of Connecticut and what to do as a State to this issue, we have to be careful that we do not make a knee-jerk reaction, we don’t come up with this terrible Bill language that goes too far. It’s one thing to come up with policies and procedures and ways to help those individuals that are here undocumented, peacefully,
perhaps fleeing persecution, many wanted to just find a better life for themselves and their family, their children. We need to make sure that we don’t sacrifice the rights and the safety of U.S. residents, U.S. citizens, folks that are living, and working and paying taxes here in Connecticut. To have a Bill the title of this Bill is a misnomer. I don’t believe this is a Trust Act anymore with the revisions that we are proposing here. This Bill should be titled Connecticut Sanctuary State. That is what this Bill does in my opinion. When I talk to folks in my district, I say hey what do 'ya feel about sanctuary cities, I don’t really know what that is so many will so, they say but I hear New Haven considers themselves a sanctuary city because you’re not gonna find a definition or a legal document or a law somewhere that defines what a sanctuary city is, but it’s a state of mind. It’s a matter of leadership in that particular city, telling their population, telling the world, that we welcome undocumented persons and we will do all that we can, even if it means being working in contrary to the Federal Government and they say, Oh, okay. And I say well how do you feel about a sanctuary city? Hey what do you think about the idea of Hamden becoming a sanctuary city? Oh my gosh, Hamden, sanctuary city, are you kidding me. Our mil rate is through the roof, we are having a hard time paying our own bills now how are we going to make Hamden a sanctuary city, Oh my good, no way. I same the same thing in Ansonia, oh my goodness no way. Derby, imagine Woodbridge as a sanctuary city, Bethany, Connecticut sanctuary city, Beacon Falls sanctuary city, Naugatuck sanctuary city. Preposterous but this Bill in my opinion will make the entire State of Connecticut a sanctuary state.
When we tell our local law enforcement not to work with the Federal Government we are goin the wrong way. Now what does that mean. Remember we here are legislators, leaders of this State. We are coming up with policies, making up laws that have a lasting effect and we have to look at all of the details of the language of these Bills that are coming. We have to think about what may be some of the unintended consequences of the laws that we draw. So some of you may find this farfetched but I do not believe this is farfetched and I believe it is a fact that you could look at other countries who have similarly gone down this route. What do I mean by that? Well you start with creating laws on the books, telling our law enforcement, I don’t want you to share information with the Federal Government. We’re state legislators, we know what you should be doing and we don’t think you should be working with the Federal Government. Let them figure it our for themselves. Well you know what happens there, you do something like that the Federal Government is gonna sit by here just not execute federal laws. Have you ever heard of a Federal Police, that is a foreign concept to us here. We have local police. Other countries have local police, federal police and they have their local army. And when you get into that kind of mix, look at Mexico, look at Guatemala, look at Venezuela that is the problem you have. I’d much rather work with our local police, have our local police continue to work with the Federal Government. I’d much rather have us as a State, voters demand from our congressional delegation that they do their job in Washington and fix the immigration problem we have here in the United States instead of us coming up with bad Bills, perhaps with good intentions but the actual language of this Bill in my opinion is horrible and
have a lasting effect. I think it is important that we as a body really consider what we’re doing here. Keep in mind that this is a State that currently has many problems that we need to address. This issue, this Bill is misguided. This Bill will send us further down a path beyond what I believe is good for our State. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator. Will you remark further on the Bill as Amended? Senator Formica.

SENATOR FORMICA (20TH):

Good evening, Mr. President. I rise for some discussion on the Bill. I have no questions.

THE CHAIR:

Please proceed, sir.

SENATOR FORMICA (20TH):

Thank you, Mr. President. Tonight we’ve heard a lot of similar stories. We’ve heard a lot of stories about our backgrounds, our histories, our own personal lives and how we think this Bill is not the best path forward to honor that. My grandfather was a little bit younger than Senator Logan’s. He was born in 1900. He was born in Canicattini, Sicily and with my grandmother he came over to this country around 1915 through Ellis Island where they were married. They settled in New Britain and eventually landed here in Hartford, right down the street here, on Mountford Street which I believe is Senator Fonfara’s district. He worked hard, started at the
bottom as they all do, as we all did, restaurants, developed into a small hotel, got some apartments. I remember, in fact in my office in my restaurant I have one of his menus from the Elm’s Restaurant. I wish I could use it in my restaurant, you could get a T-bone steak 20 ounce for $2.75. You could get a drink for a buck, tuna salad for 50 cents. He always said if you watched the pennies the dollars will follow. And he worked hard, he bought a three family on Mountford Street. They lived on the first floor, my father, his sister, and a younger brother who didn’t quite make it past the age of one and then they rented the second floor and Aunt Polly lived on the third floor and so it was always family and I revealed and remember all the dinners we used to go to every Sunday afternoon at family and embrace and celebrate each other. But it was about work, it was about family, it was about love, it was about American values. And when he went around to collect his rents from apartments that he rented, all the kids would come to him and he would give out nickels, pennies and they would love to see him come.

Connecticut was good to him. This Country was good to him and he was good to that. He was good to our State. He raised our family and as Senator Hwang indicated about this dad, he lived the American Dream and he gave us the opportunity, my dad and myself, my brothers to live the American Dream. He did that on his way through Ellis Island. He is not unique. He’s not unique. Last year I had the opportunity to go visit his hometown, the town where he was born in Canicattini Bagni in Sicily and I was able to tour the museum there. The museum that talked about the immigrants and the emigrants from Canicattini Bagni and how they traveled and why they
traveled the places around the world and the effects that they had, Brazil, Argentina, Europe, United States, Hartford and in fact right down the street you’ll see Uccello Drive and Ann Uccello was elected Mayor of Hartford in 1967. She was the first female mayor in Connecticut, the first female mayor of a United States capital born in Canicattini Bagni, Sicily in 1912. Just as a point of order, a point of note she was Hartford’s last Republican Mayor. But she went on to work for President’s Nixon, Ford and Carter and is in the Connecticut Women’s Hall of Fame and you see the street named after her. And that is just a bit of history of my immigrant history.

And it would seem to me that this Bill does not respect the legacy of the Ellis Island immigrants. It does not respect their sacrifice, their commitment to their families, their commitment to their adopted hometowns, to their work, to their careers. It does not respect the pride they had in this Country, the joy that they had to come here and live in this great land of wonder. Let’s not pass this Bill. Let’s find a better way that recognizes and honor the legacy of those Ellis Island immigrants. Senator Logan said the onus on that is perhaps above us in the Federal level but there are things that we can do. We don’t need to pass Bills like this that look the other way and encourage behavior that is not in the best interest of our State and our cities. It is not in the best interest of the people they proport to protect. Let’s find a way to pass bills here that recognize and embrace our American values, American pride and the American Dream. And I don’t believe, Mr. President that this Bill does that. We’ve heard talk
about the details of this Bill and why we think it is a bad idea.

A few centuries ago King Arthur, whether he is a myth or a real person, he sat around a round table, similar to the roundtable that we sit around and the reason that he sat at the round table was because he said our voices are equal and diversity is our strength and that’s how he governed from the round table and that’s how we should govern here. But he did that through honoring his word, honoring the rule of law and respect for his fellowman. Mr. President, I don’t believe this Bill has this intent. It may have been born of good intentions but I think the way it is written it’s gonna cause us some problems. So I would suggest that perhaps we get together and we talk about a better way, a way that honors all those values that I talked about, that honors all those legacies that we all have around this table. It honors all those Ellis Island immigrants as they came and helped build our Country. So Thank you, Madam President, ah, Mr. President, excuse me.

THE CHAIR:

Thank you, Senator. Will you remark further on the Bill as Amended by Senate “A”? Senator Lesser.

SENATOR LESSER (9TH):

Thank you, Mr. President and good evening. I had not planned to speak on this Bill but I do feel compelled to rise in support. We’ve heard from a number of Senators discussing, you know, the traditions of this Country but also discussing our own stories and how we got here and our own
families. We talked about parents and grandparents and I recall that this year, 2019, is the 77th Anniversary of the date my grandmother who thankfully is still very much alive, chose along with her family to violate immigration laws and in 1942 they paid a human trafficker to carry them across a border. They did so at great risk at a time when other members of their family decided to obey immigration laws. They stayed behind in what was occupied France and with I think one exception they were killed in the Holocaust. My grandmother was not able to come to this country because in 1942 it was not possible to immigrate to the United States but she was able to immigrate to South America to a country that was accepting immigrants at the time. Now I am not trying to claim that there is an exact parallel between the situation of people from anyone country and the people who were victims and survivors of the Holocaust. Their situations are very different, the times are different and certainly there are no parallels to that particularly horrific incident in history. But I do know that families who have going through great strife and countries in Central America, Yemen, Syria and trouble spots around the world are faced with difficult decisions and while it is very easy for us around this Circle, sitting in these chairs to judge the actions of families far away it may feel very differently for those families. All I can say is that I am very grateful that the local authorities in Barcelona did not separate my grandmother from her parents. I’m grateful that they did not detain and return my grandmother and her family to occupied France. I’m grateful that they allowed them to travel on their way and find a homeland in South America. This Bill does not fix immigration in this Country. This Bill does not fix
immigration in the State of Connecticut but I think it is a sign of compassion and it is a message the Federal Government that it’s their job to enforce immigration laws and not our State to clean up their mess. I urge members to support it.

THE CHAIR:

Thank you, Senator Lesser. Will you remark further on the Bill? Senator Somers.

SENATOR SOMERS (18TH):

Yes, good evening. Thank you Mr. President. I’m standing today, I wasn’t going to speak on this Bill but I have heard some of the remarks and I wanted to really talk about this State, the founders of our great Country and a little bit of the heritage that I am proud to have. My family members go back 11 generations. I’m a descendent of Roger Sherman, he is one of the founders of the State of Connecticut and one of the only people that signed the four incorporating documents for the United States. His brother Philip and him came to this Country, Philip was part of the Massachusetts Bay Colony and him and 11 other families within that colony felt that they came to this Country to avoid religious persecution in England and they felt even though at that time, you were supposed to go to the preacher to talk to God that they could have a direct relationship with Him. So they met secretly in the basement with a lady known as Ann Hutchinson and eventually they were found out. And in this small colony 11 families were given five days to collect their things and to get out. If they didn’t leave in five days they were hung along with their children. But before they left and it was November, so right
before winter, they had to turn in their arms and any ammunition that they had and they were set out, and they left. But before they left the 11 of them, the families got together in a room and they say this was the first vote of democracy and it was one vote for one family and they decided that wherever they ended up they were going to call it Portsmouth because that’s where they had left from, Portsmouth, England. They traveled and they ended up settling in Portsmouth, Rhode Island and the only reason that they survived is because they had a rule of order and law within their group and they made friends with the Native American Indians who showed them how to stay alive.

That to me shows what people are willing to do to do the right thing to come to this Country and to set the tone. Roger went on to be a very important part of the State of Connecticut. My dad’s name is actually Roger Sherman. And when we incorporated the State of Connecticut and the laws that we have, and our citizenship here in Connecticut it had great meaning and people risked their lives at that time just to have a direct relationship with God but to come to this Country. The other members of our family came through Ellis Island, not speaking the language, going through the process, scrubbing floors in New York City until they could make their way here. Everybody sacrifices to come to this Country and I think we need to think about that when we are thinking about laws that could lessen that value of what it is to be a citizen of the Country and be a part of the State of Connecticut. When I look at this law, I’m not a lawyer and I have a lot of questions.

So through you, Mr. President.
I’d like to know why are we thinking about taking off the seven serious potential crimes out of the list that we can hold somebody. Why would we let someone go if they could be a convicted felon, if they are on the Terrorist Watchlist, if they are a know gang member, if there is pending charges against them and they haven’t made bond, if there is an outstanding warrant, if they’re subject to the order of deportation or if there is an unacceptable risk to public safety? And as I said, I’m not an attorney so this is hard for me to digest but as a woman, as a mother of daughters it concerns me that we are interfering between Federal law and our law enforcement. These are not people that are having their children taken away, these are people that have done something wrong, these is a big distinction there and that is what I’m struggling with and if you could answer that it would probably help alleviate some of my fears.

THE CHAIR:

Thank you, Senator Somers. Senator Winfield, you care to respond?

SENATOR WINFIELD (10TH):

Absolutely. Thank you, Mr. President.

And through you, Mr. President.

So the seven items that we’re talking about one just to be clear they are not all laws particularly number seven which is the subjective notion of whether or not someone is an unacceptable risk to public safety. I would also say that in the
conversation back in 2013 there were a whole list of things that were thrown up. These were the seven that survived so in a sense these are the seven that were able to make it over the hump if you will. Directly to your question about why they’re being removed I think that when we took a look at doing the Trust Act again particularly given that we were having the warrant associated with the civil immigration detainer it was felt that we didn’t need to make any exceptions because the hurdle was that you met the standard that would allow for the warrant to be in place.

Through you, Mr. President.

THE CHAIR:

Thank you, Senator Winfield. Senator Somers you have the floor.

SENATOR SOMERS (18TH):

Yes, thank you Mr. President. So it is my understanding from listening to the debate tonight and please correct me if I am wrong, that from what we’ve heard from obviously people that have a lot of experience and are lawyers that to obtain this warrant is nearly impossible or extremely difficult. So in that respect if it is that difficult to get this warrant and we are taking away these seven surviving criteria that were leftover from 2013 that happen to make it across the line, are we in essence just getting rid of the ability to have a conversation with ICE about someone who could be here illegally in the Country that has a potential to have committed one of these crimes?
THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. I recognize that it is more difficult than not having a standard that is absolutely true as Senator Champagne told us earlier it would take more time. I think it would also require that a case be made in order for the warrant to actually attach, so in that sense, yes absolutely it is more difficult. I also think it is exactly what we are thinking that we should be doing not that we should not have any conversation whatsoever but that we shouldn’t just be responding to detainers and we should have an objective set of criteria for moving forward with those detainers and making them effective in the State of Connecticut.

Through you, Madam President, sorry about that.

THE CHAIR:

Thank you, Senator Winfield. Senator Somers.

SENATOR SOMERS (18TH):

Yes, thank you Madam President. In speaking to my law enforcement chief of police, on this Bill today before I rose to speak, one of their concerns and I am not sure that if it has been touched on because I have been in and out of listening to everything, was it puts their law officers in a difficult position because they had suggested to me if they brought somebody in on a DUI and they noticed that there was this detainer after they fingerprinted them, if they
let them go, by this law because they could not obtain a warrant and that person went out and committed an egregious crime they feel that they could be held personally liable for letting them go, not upholding federal law and it would put themselves personally and the town in which they reside at risk unless they had indemnification from the State and they asked who is going to pay for that? Is the State of Connecticut is that going to come out of the State of Connecticut’s General Fund to defend that or how is that going to be handled?

Thank you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President.

And through you, Madam President.

I would remind all of the Members of the Circle again that what we are talking about are civil immigration detainers, civil immigration detainers per ICE, on ICE’s website in the documents that you would read from ICE is a request. So we are not violating Federal law. ICE has issued a request. We can respond to that request or not respond to the request. What we’re doing here is saying the manner in which we will respond to the request is as it is laid out in this Bill.

Through you, Madam President.
THE CHAIR:

Senator Somers.

SENATOR SOMERS (18TH):

Thank you, Madam President. So again I apologize because I am not a law enforcement person. But if ICE were to request that we hold this person even though they haven’t met this criteria but we did not do that because the State law does not allow it, then what would happen as far as liability? Is it, are we not liable because it is just a request?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

I would suggest that if it is a request than it is not the law, you are not in violation of the law. I would also suggest that the law of the State would be that we respond on to civil immigration detainers in the manner prescribed under this Bill should it be passed through the House and the Senate and get signed by the Governor. And so I think that concern while I understand the concern, as you know, Senator much of what we pass here people are concerned about because they are not sure what it would mean when it is passed but I think that concern is not founded on what this Bill actually does if passed into law.

Through you, Madam President.

THE CHAIR:
Thank you, Senator Winfield. Senator Somers.

SENATOR SOMERS (18TH):

Yes, you know as a mother I would be concerned if there was someone who was picked up for DUI, there was a civil detainer on them, they were a known convicted felon and the law enforcement agency could not obtain a warrant in the appropriate time and that person was let go. That concerns me. That would concern me if the person was here legally and that is why I am struggling with this Bill. I am still struggling if it was valid in 2013 where we had these seven pretty egregious charges or descriptions as part of an exclusion and why now are we taking them off? I’m still struggling with that and then I did have one other question. I believe it was Senator Bradley who I know is an attorney referred to something as a “small domestic” he said these are equivalent to “small domestic violence” instances and I was wondering if somebody could define what that means please?

THE CHAIR:

Senator Winfield. Is that directed to Senator Winfield?

SENATOR SOMERS (18TH):

Yes.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):


Through you, Madam President.

I’m happy to answer everyone’s questions but I cannot tell you what another individual thinks.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Somers.

SENATOR SOMERS (18TH):

Thank you, I wasn’t sure if that was considered a legal description a “small domestic violent incident” versus a domestic violence incident versus a large domestic violence incident.

THE CHAIR:

For the record, I will say that I don’t know what is small domestic violence incident.

SENATOR SOMERS (18TH):

Thank you. It was described as this is what these fellows are being brought in for, women are being brought in for so I didn’t know what that meant so I would like to have clarification on that going forward and so because ICE is a request it is not a law per se. Does the State have no requirement to speak with ICE is that correct? I just want to make sure I understand that.

THE CHAIR:
Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

ICE has issued a request. It has not used one of the laws of the Federal Government to compel us to do anything. It has asked us if we would respond to ICE. If you went to ICE’s website they have a conversation about this request and they suggest that when states don’t respond to the request which in and of itself does suggest that states are not required to respond to the requests but they suggest that when states don’t respond to the request from their perspective it makes it more difficult but sussing out what I have said to you then the State is not required to respond to the request in a way that ICE might like them to.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Somers.

SENATOR SOMERS (18TH):

Thank you.

So through you, Madam President.

What I am hearing is that the proponent of the Bill has said, yes we do want to make it more difficult. We want it to be more difficult for law enforcement to hold these individuals by requiring they go get a warrant which we all understand takes time and we
will not necessarily honor the request of ICE. And I would just like to share with the Circle a story about ICE that just happened in the City of Groton not too long ago, maybe about three weeks ago, maybe three or four weeks ago. And it had to do with what was then classified as a terrorist threat against a defense contractor by an employee who worked there who was actually originally from Scotland and they made the threat which was extremely violent and credible and they were taking a flight from Edenborough back to the United States and the only reason that we were able to, this is according to the police chief to stop this person from getting back to the City of Groton, is because the City of Groton was able to cooperate and have a very positive relationship with ICE. They contacted ICE, the New York Port Authority and the person was detained when they got off of the plane which they believe averted a very difficult situation at one of our largest defense contractors in Groton.

So I would just like to put it out in the Circle here that this Bill seems to be taking a very negative, in my opinion, view of ICE and I like to think of ICE as an organization that is trying to protect the United States and its citizens and I think that we should take into consideration that, you know, that there is a positive or can be a positive view of ICE that maybe is not being portrayed here in this Bill and that is alarming to me because in that particular case we have seen that person was charged with Acts of Terrorism. That is something that has a great value and so I think it is difficult for us as a State organization to tell law enforcement how they are supposed to have a conversation, whether they should be honoring what ICE requests or not honoring what ICE requests and,
you know, I know there will be more debate and I know I am not an expert but those are the things that are concerning to me in this Bill. Thank you very much.

THE CHAIR:

Thank you, Senator Somers. Will you remark further? Senator Martin.

SENATOR MARTIN (31ST):

Good evening, Madam Chair.

THE CHAIR:

Good evening.

SENATOR MARTIN (31ST):

Madam President, sorry. I was not planning on speaking but I did listen early on then a little bit in our caucus room and its interesting. I’ve learned a lot and I am sure I am going to learn more by the end of this evening or early morning. But it is my understanding that ICE is really, ICE is really to help the local enforcement agencies to ensure that individuals, aliens who may pose a threat to our communities here in the State are not released on to the streets to potentially reoffend and harm individuals in our towns. However what I’ve read from the Bill and heard the Bill wants to change some of the things that are some of our policies that we currently have and restrict or prohibit the cooperation with ICE. I don’t think that is really a good idea but I guess the way that I’m also, in other words I guess, what I see coming
out of this is we are willfully declining to cooperate with ICE, you know, whether it is to notify them that we have someone in our possession or to release a removable individual from our State. So I guess what really concerns me is the removal of the seven exceptions and I just would like to ask the proponent of the Bill a few questions here.

THE CHAIR:

Thank you. Senator Winfield prepare yourself. Please proceed.

SENATOR MARTIN (31ST):

So the first exemption that we had and is going to be removed has been, why would not want to let ICE know that we have a convicted felon, an alien here who has been a convicted felon?

Through you, Madam Chair.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you.

I am going to answer every single one of those the same way so I am just going to put that out there and I will repeat it if you would like me to but I think that what we understood as I suggested earlier to the individuals who asked that same question is that when we combine the civil immigration detainer with the warrant that we would incorporate the types
of things that people had imagined under this but we would make sure that there was actually a standard in place for doing so. The exact reason why all of the individuals who are advocates to this Bill might want to do that, I can’t answer that question.

Through you, Madam President.

THE CHAIR:

Senator Martin.

SENATOR MARTIN (31ST):

Another exemption is the someone who is subject to a pending criminal charges in the State where the bond has been not posted. Why would again, let this individual go?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

I would answer in the same way I answered the last question.

Through you, Madam President.

THE CHAIR:

Senator Martin.

SENATOR MARTIN (31ST):
Well I guess I’m gonna get the answer similar reply to each of the exceptions that are going to be removed so I’ll just maybe just ask one more. Why would we want to let a known gang member that is on a national Crime Information Center Data list be let go? I just don’t get that.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Similar answer, as you already knew and.

Through you, Madam President.

And I think that if that person is on that list is a known gang member of the ability to make the objective case that a warrant should attach in that case would be very much possible.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Martin.

SENATOR MARTIN (31ST):

I’m just gonna close with this Madam Chair. It just seems to me then passing this Bill that we are just undermining ICE’s ability and the State’s ability to protect the people of Connecticut. Thank you, Madam Chair.
THE CHAIR:

Thank you, Senator Martin. Will you remark further? Will you remark further? Senator Fasano.

SENATOR FASANO (34TH):

Thank you, Madam President. Madam President I rise not to end the debate which is sort of our side but in tradition for our side, I just felt in terms of orderly discussion of this Bill before the Amendments come out I just wanted to talk a little bit about the framework to help set up the Amendments.

So Madam President, in my view I think there is a merit part of this Bill that deserves significant attention. In doing research and looking at the caselaw it is clear that, and I concur with the Bill that talks about once someone is arrested, you cannot continue to detain that person in local custody without another arrest if you would. In other words you can’t unlawfully hold this person hoping that the Federal Government will issue something to hold this person further. That is to me a constitutional issues, the Fourth Amendment and I don’t think we can do that and that is a change in this Bill that I do support. The second change in this Bill that I do support is the notion that if you do go to ICE and present information you need to tell the person you are detaining that you are going that other step to the Federal Government, I think that is due process, I think it is constitutional, it might be the Fifth Amendment but nevertheless I believe very strongly in those two issue that are embedded in this Bill is something that I and a few others around this Circle on my side could support.
I think the law is clear on those issues and perhaps as a lawyer I would say I find it unbelievably clear that you cannot hold somebody against their will for a civil matter. In particular hold them against their will in hopes of getting some criminal unverifiable paper from someone who makes broad allegations without I would argue probable cause. And what we have in our State and the Country I would argue is a warrant which is an affidavit filled out, reviewed by an independent person, a judge who signs the affidavit that gives them the right to take you and put you into custody. That is the part of this Bill to me that I find very comfortable with, those two portions.

Unfortunately as I’ve told some of the advocates who want this Bill is it just goes too far. It’s just too far reaching. It is saying not only do we want that but there are other provisions of this Bill that we also want. We want FOI, we want that if there is a detention if you would, we want the right of freedom of information of that investigation including but not limited to conversations, email, etc. Current law, the exception FOI is an investigation. If someone is investigating me for criminal conduct I cannot FOI the file to find out what they are investigating me, on me because that is all part of the investigation. But this Bill would say yes, you could open up everything to be examined. That to me is very dangerous because it could be that it is not necessarily about the person they are investigating but there could be other witnesses in there and we saw what happened in Bridgeport about ten years ago when that poor child that was a witness was killed, that is why we protect investigations for as long as we can and
protect them. So that I find I just can’t come to terms with the Bill because of that issue.

I would also say, if I may, that the confusion in this Bill supersedes the intent of the Bill. I’m gonna get to that in a moment. In 2013 when this Bill was original Trust Act was brought in, my good friend Senator Winfield was a Rep until he saw the light and became a Senator and he said when he brought this Bill out, I believe the concerns we were about forcing the law enforcement agencies to, actually forcing them not to communicate with ICE which was a major concern and this Amendment does not require that. And then there is some back-and-forth with Representative Rebimbas about that same issue that there is not a forcing of law enforcement officers not to talk to ICE. Rebimbas, I should say, sorry. Not to talk to ICE and that was a main reason why that Bill was held up in the House and couldn’t get passage. That very reason is what is before us here today. The very reason, so we thought it was not a good idea in 2013 to stop local enforcement agencies from talking to ICE and we said it in the transcript, Republicans and Democrats, as it went through in the House. If you look at the Senate transcripts, it just happened to be one of those days, it came up late, we were moving a lot of business and we didn’t have a lot of dialogue but the dialogue was set, the legislative purpose of this Bill in 2013 is abundantly clear in the House transcript that that is a bad policy we should not be doing in passing this Bill. But yet here we are. Nothing has changed. Now people can argue back-and-forth what’s the real problem. The real problem is Washington, Republicans, Democrats, it doesn’t matter who is in charge, never got serious and fixed the problems with immigration. And it’s left in our
laps because they can’t do anything. Whether it’s Democrats controlling for the President and Congress or the Republicans controlling for President and Congress it doesn’t matter. When it comes to this issue they can’t move it. I don’t know why. I have suspicions but it doesn’t matter. The bottom line is it’s not moving. So we’re left with what we have here. So the question before us is not the Constitutional issues cause I think in my mind at least, those are pretty clear this is a good Bill. The question before us, do we want to tell law enforcement agencies not to deal with the Federal Government. Is that a policy that we want and I suppose some folks are gonna say yes. I disagree with that policy. I don’t agree we are two separate nations. We are not, we are one nation and our State is part of that Federal Government. The Federal Government gave us birth. Just like we give towns. We are one nation and we need to work together. And if the system is broken which undoubtedly it is from time to time, they’ve got to fix those holes down in Washington, not us up here determining what the public policy should be in the Federal Government in Washington and how they are enacting it. I have some confusions with the Bill that have been kind of talked about and I know that Senator Winfield has been enormously patient in answering multiple questions but unfortunately I have to ask a few more if you don’t mind, Senator.

And Senator I will try to relate to the sentences, you know, by numbers if I may. So as I understand in Line 115 through 119.

Through you, Madam President.
It talks about the fact that you can’t expend money to communicate with the Feds and so leaving the exception which is (e) out for a moment, Line 115 through 118 says you can’t expend any time, money, facilities, property, equipment, personnel or other things federal immigration regarding the custody status, limited if I may to the custody status or release with the exception of (e). Is that correct?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

To Senator Fasano, happy to answer the questions. That would be correct.

SENATOR FASANO (34TH):

And in (e) which starts on Line 159, the exception begins with Upon receiving any civil immigration detainer, so once you receive that you as a law enforcement officer in long line 163, the law enforcement officer can provide ICE with notification that an individual is being, or will be released on a certain day, bap, bap, bap as long as you inform that individual that you intend to comply with the detainer in writing and the reasons for the compliance that would work towards that exception?

Through you, Madam President.
THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

That would be correct.

SENATOR FASANO (34TH):

And if we go to Line 93 through 96 it says no law enforcement officer on 93, I’ll wait for a second, on Line 93 it says no law enforcement officer basically then it goes on, shall, right, basically no law enforcement officer shall communicate or use services of the Federal Government, how do I get this detainer? If I’m a local enforcement officer and the first part of this statute says I can’t communicate with the Feds how do I as law enforcement officer every get a detainer if I never had the chance of telling the Feds I have an ICE person.

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

That was part of the conversation earlier in the evening. There are multiple ways in which ICE finds
out about that the State has someone in its custody or it may have someone in its custody, one of the ways had to do with the, I’ve been up on my feet for a longtime, my mind just went completely blank. Yes, absolutely. And that is one of the ways in which the Federal Government may find out and they can issue a civil immigration detainer to the State without the state contacting them.

THE CHAIR:

Senator Fasano.

SENATOR FASANO (34TH):

I apologize. I didn’t hear the last part if I may, Senator.

SENATOR WINFIELD (10TH):

And so, I’m sorry.

THE CHAIR:

Senator Winfield. Please proceed.

SENATOR WINFIELD (10TH):

Sorry.

Through you, Madam President.

So the civil immigration detainer may be issued by the ICE to the State and that is what we would not be responding to unless it was accompanied by a warrant unless the exemption in (e) were followed.

Through you, Madam President.
THE CHAIR:

Senator Fasano.

SENATOR FASANO (34TH):

So with respect to that, you were saying that if you use AFIS, if that is the correct thing, I believe it is, if you use AFIS, which is the fingerprinting that is not a violation of this Bill. The actual fingerprinting that automatically gets transmitted to the Feds which may in fact result in information that the local enforcement agency has an undocumented person for which ICE has a detainer and then sends the detainer if all that takes place, that is not a violation of this statute, is that correct?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

So we are not using AFIS for the purposes of communicating to ICE it just so happens that in using the system that is in place that may happen. I think that is permissible under the Bill.

Through you, Madam President.

THE CHAIR:
Senators Fasano.

SENATOR FASANO (34TH):

So when I look at the Bill I can’t find that exception, if I may withdraw that portion. The word shall have a particular meaning in statutory language. It’s known interpretation, shall refer to a duty and obligation that you must do, there is no discretion. And if it say shall not tell ICE, there is no exception in this language that say, except if that information comes through AFIS. And without that exception written in the law, in the Bill that is before us, I don’t see how one could argue that that is the exception to the statue if the language doesn’t have that.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Fasano. Senator Winfield.

SENATOR WINFIELD (10TH):

Yes, Thank you, Madam President.

So the Lines that I was quoting 93 through 96 particularly line 96 that has the language about shall and then it goes on to talk about what you, well actually there is no law enforcement official shall that is the construct. Detain pursuant to the immigration detainer which we would not be doing in that case, if we use the system, expend or use time, money, facilities all of the things that we had a conversation about, that is not what we are doing by
using that system, that is what we are already doing so we are not expending the monies to adhere to the civil immigration detainer and as you go through that section I would say the same is true for all of those things.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Fasano.

SENATOR FASANO (34TH):

So would the good Senator accept that a friendly Amendment that clarifies that the use of an AFIS System which would identify the person being detained as someone that has the person in the custody of local enforcement officer, strike that. Would you agree to a friendly Amendment that stated if my AFIS a detainer was issued that would not be in violation of this Statute?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

I think I would probably have to look at that for a while. I would say that similar to how the good Senator pulled out the history from 2013 if there was a need for clarification as I know happens from
time to time particularly if we wind up in the court there will be a transcript of this debate and as I’ve suggested I believe that that would not wind us up in any jeopardy based on the law that may or may not pass.

Through you, Madam President.

THE CHAIR:

Senator Fasano.

SENATOR FASANO (34TH):

So I would say that this, legislative history is obviously important when there is an ambiguity, the courts can look to it. But the courts cannot stray from the language that is in the statute and because the language says, “shall not” do these things, the exception talks about a detainer and if a detainer where to come in I don’t know how a determiner get to that law enforcement officer absent some notification to the Federal Government. So I think and Amendment to clarify that issue would go a long way to draft such an amendment to make sure it’s clear that the use of AFIS which results in a detainer would not be a violation of this statute. So and we may have time to take a look at that Amendment if one ends up being drafted. However for legislative intent if we can go to Line 148, 145 through 148 it talks about prior to the responding of request of an individual’s release date and time from custody a law enforcement agent, agency, “law enforcement officer shall forward the request to the head of” law enforcement for review. Is the review a review for approval, is the review for review just to say it is on the person’s desk, does the law
enforcement officer have to wait until there is a sign-off by the superior just for legislative history we’re developing on this, what does review mean with respect to the department head?

Through you, Madam President.

THE CHAIR:

Thank you, Senator Fasano. Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

And to Senator Fasano we had a brief conversation about this at one point and I read these things relatively strictly. Because the language in that section and no language going further offers clarity to that I read that as for the purposes of review of individual who is the head of the agency for that individual to know how the agency will be responding or not responding to the immigration detainer and nothing more.

Through you, Madam President.

THE CHAIR:

Senator Fasano.

SENATOR FASANO (34TH):

Thank you, Madam President.

Madam President that is all the questions that I have for Senator Winfield and I appreciate his
indulgence in my questions and those of my colleagues as we debate this Bill.

Madam President I am going to sum up at the end but just to set the stage if I may for the perhaps Amendments that are coming, is that the Constitutional parts seems relatively clear. It is the other issues which seems to be an overreach in this Bill and asking us to do things that perhaps law enforcement officers believe will interfere with their duties and interfere with their obligations that they’ve taken when they swear and get a badge to uphold the laws of the Constitution, the Federal Government and the State. So Madam President with that, I will go into detail later and I will end my questioning. Thank you

THE CHAIR:

Thank you, Senator Fasano. Will you remark further? Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much Madam President. For purposes for Amendment I would like to request the Clerk to please call LCO No. 4839.

THE CHAIR:

Mr. Clerk.

CLERK:

LCO 8439 will be designated Senate Amendment Schedule “B”.

THE CHAIR:
Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much Madam President. I move adoption of the Amendment and waive a reading and ask for leave to summarize.

THE CHAIR:

Question is on Adoption. Will you remark.

SENATOR KISSEL (7TH):

Thank you very much, Madam President. Essentially what this Amendment does is it goes to one of the seven carveouts that are being eliminated from the underlying law that we have right now and reinserts specific language regarding as identified as a possible match in the Federal Terrorist Screening Database or the No-Fly List established and maintained by the United States Department of Homeland Security.

Connecticut is a unique State geographically when it comes to what took place not that long ago. I remember when my oldest son was five, my youngest son was not yet born and I had just dropped my son off at pre-K and was driving from part of Enfield to another part of Enfield, I was in a private practice at that time on the radio before I got to my place of employment there was an announcement that a plane had gone into one of the World Trade Towers and what came to my mind on that, as I recollect beautiful Monday morning, was that it must have been a Cessna, must have been a small plane off course beginning of
the week, the doctor says Tuesday, the beginning of the week, and I walked into the office and one of our client’s came in and said that he had received further news and that it wasn’t a small plane it was a very large jet. And so we have a very small black and white television in another part of the building brought it in, and for the next several hours just could not believe our eyes as to what was happening to our Country. And it wasn’t just the World Trade Towers, there was an attack on The Pentagon and there was another plane where we will never know exactly what transpired but it went town in a patch of land in the middle of Pennsylvania. So for the rest of that week we tried to figure out what was going on. Enfield is very close to Windsor Locks, both towns that I represent, all air traffic was shutdown and if you live up in my neck of the woods you get accustomed to hearing planes and I will always recall that period of time where there were no plane sounds because all air traffic was shutdown. My five-year-old clearly too young to understand what was going on but all of a sudden small things seem very important, just taking him around the block on his bike with his training wheels was extremely important. At that period of time there were vigils, there were masses and Connecticut was heavily impacted because we had fairly large numbers of people that were working in those buildings. Senator Miner had stated earlier that some of his constituents had a son that called from one of the upper floors of one of the Towers and they thought they could get out but that was not to be the case. And so we know as a state maybe more than some other folks in other parts of the Country the devastation that can happen in a heartbeat by the act of terrorists. Come 9/11 we will be in our communities and I know that several
of us will go to memorial services as we have had in Enfield for the last 17 going on 18 years, some fire departments maybe in your districts I know I have one in mine, there is some girders from one of the Trade Towers and a memorial area representing each of the sites where people can go and contemplate. We don’t want to ever forget and indeed I believe as part of the Town of Westport, Sherwood Island, I believe has a memorial to those folks in Connecticut that lost their lives. I understand where the proponents of the Bill want to go. This is the one Amendment I am going to offer. I know that others want to offer other Amendments but for the life of me, having had our constituents in various towns throughout our State suffer such a devastating loss, less than 20 years ago, for the life of me why would we want, if someone has gotten themselves on a Federal No-Fly List or Terrorist Watch List not to detain them to see if they are a threat to the health and safety of our citizenry and our Nation and our State. I don’t think anything has changed in the last six years that will change my position on that particular issue specifically. I feel very strongly about the other six carveout areas as well but in this one in particular we lost loved ones as a State. In fact one of my colleagues in my other profession outside this Building, she a few years ago lost her brother and it hurt here and her brother was a first responder in New York City, a police officer, to this day there are first responders whether they are New York City or Port Authority, Emergency Medical Technicians, fire fighters or police officers that breathed in all that bad, bad stuff being on Ground Zero and it was years before it developed into some kind of debilitating disease and they die. And I personally work with someone who lost her brothers. You may
know people that lost their loved ones on that day. So I offer this Amendment because I feel that this Bill does overreach and in this specific situation Connecticut knows all too well the devastation that just terrorist attack can cause to hundreds of individuals throughout a community and a State. And so for that, Madam President I am urging my colleagues to support this Amendment and I offer it with the best of intentions to try to make this Bill a better Bill. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Kissel. Will you remark further on the adoption of the Amendment? Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I would like to comment on that too which didn’t come to mind until after you started talking. But one of the main reasons that terrorist attack happened is it was because of the lack of communication. It was a lack of communication between our local all the way to the Federal and basically it was reported that we had people training to take off but they weren’t learning how to land the aircraft. And that information was passed on but it didn’t get to where it needed to be. We probably could have stopped that if we had communicated and what this law does is it is stopping the communication. There is a lot of people kicking themselves over that incident because they probably could have seen it and you know whenever we start talking about that, you know, most of us probably went down there at some point and visited the memorial but I spent sometime down
there helping as a police officer and it definitely was not, it is something that was burnt into my brain as they were pulling victims out of the rubble. But again we could have stopped that but we shut off the communication just like we are doing here. Keep that in mind. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Champagne. Senator Winfield.

SENATOR WINFIELD (10TH):

Yes, thank you, Madam President. I will begin by saying that I ask that when the vote is taken it be taken by role.

So I appreciate the concerns of the proponent of the Bill and others. As I’ve been saying throughout the evening I think that the approach this Bill takes is the correct approach. I understand that people believe that we are cutting off communication. I don’t see it that way. I think we are regulating how that communication happens. I’ll also say that I am no stranger to having emotion around the day that we are talking about. My ex-wife was supposed to be taking a job up in one of the Towers and it just so happened that they had to cancel her interview and move it a week, so you know, when that happened I was pretty directly connected to it and that being the case I still think that what we’re doing here is the right thing to do. I still think that we need not completely cutoff communication but be very prescriptive about how we do it. And so I would urge when we take that vote by role that people join me in voting no.
THE CHAIR:

Thank you Senator Winfield. Will you remark further on the Adoption of the Amendment? Will you remark further? If not, Mr. Clerk will you please announce the roll call vote and the machines will be open.

CLERK:

An immediate roll call has been ordered in the Senate. An immediate roll call has been ordered in the Senate on LCO No. 8439. Immediate roll call vote has been ordered in the Senate on Senate Bill 992, Senate Amendment “B” LCO No. 8439. Immediate roll call vote has been ordered in the Senate.

THE CHAIR:

Have all the Senators voted? Have all the Senators voted? The machine will be closed and the Clerk would please announce the tally.

CLERK:

Senate Bill 992, Senate Amendment “B” LCO No. 4839.

<table>
<thead>
<tr>
<th>Total number voting</th>
<th>35</th>
</tr>
</thead>
<tbody>
<tr>
<td>Necessary for Adoption</td>
<td>18</td>
</tr>
<tr>
<td>Those voting Yea</td>
<td>16</td>
</tr>
<tr>
<td>Those voting Nay</td>
<td>19</td>
</tr>
<tr>
<td>Absent not voting</td>
<td>1</td>
</tr>
</tbody>
</table>

THE CHAIR:

And the Amendment fails. Will you remark further? Senator Witkos.
SENATOR WITKOS (8TH):

Thank you and good evening, Madam President. You know, I was listening to the debate earlier and it seemed that it was a long journey on a lot of different paths and I think Senator Fasano was summing up from our caucus’ perspective where we would like to see the Bill end up working with Senator Winfield and his caucus and I am hoping that we can find that same path in joint fashion before the end of the night this evening. But one of the questions I was contemplating as I was listening to the debate and it kind of concerned me was that if you weren’t aware of Members of the Chamber I spent 28 years in law enforcement so it was my first profession and one of my most favorite ones. Sometimes I miss it to this day because it saw people at their best times and it saw people at their worst times. And a lot of the subjects were touched on tonight but one of the topics that I guess I will have to ask for clarification, Madam President to the proponent of the Bill was talked about sharing information and some of the things that law enforcement to keep up with technology cause when I was a rookie cop we never even knew, there was no such thing as cyber crime before. Somebody would steal a check, they wouldn’t steal a credit card. There was almost no such thing as identity theft. Some of these things that are now have been, we’ve all become used to because it is so prevalent in our society, back then we didn’t. And one of these things is the sharing of information and currently police departments and law enforcement agencies are required to share with Federal agencies statistics that fall within the Uniformed Crime Report and they are actually moving away from that
going to the next generation and this is called NIBRS, National Incident Based Reporting System and NIBRS is an aggregating report of different crimes, characteristics. I will give you a quick description. NIBRS is the law enforcement community standard for quantifying crime which will help law enforcement and communities around the country use resources more strategically and effectively. In 2017, this shows us how far we’ve come, only 43 percent of law enforcement agencies participated but the FBI has received thousands of commitments from law enforcement across the nation to be NIBRS compliant by 2021. So in less than two years the entire nation will be NIBRS compliant sharing information across law enforcement agencies and they will be phasing out the ECRs and my question.

Through you, Madam President.

To the proponent of the Bill if the entire nation is moving to this sharing of data will we be prevented from sharing this particular data which has a lot of different information if this Bill becomes law today?

Through you, Madam President.

THE CHAIR:

Thank you. Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President.

I think I would answer that in the way that I was just answering Senator Pasano earlier about what the
Bill says we cannot do and the Bill seems to me to be prescriptive about the individual, the law enforcement individuals or the employees of the school shall not be detaining pursuant to the detainer spending time, money for the purpose of responding to the civil immigration detainer of course with the exception of section (e) and so I would think it would be a question of what is it that we are doing with the system that we would be moving to with NIBRS that would answer that question. I think if this is similar to other systems that we have in place for instance the fingerprint system that we were talking about the answer is likely no. I would also say that depending on how this actually works as you know with anything that we’ve done here, we potentially find ourselves coming back here or at least one of the Committees to talk about it and our response to that.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Witkos.

SENATOR WITKOS (8TH):

Thank you.

And through you, Madam President.

I read, I don’t remember the section of the Bill but, Senator Winfield is so well-versed in the Bill now, it says that you can’t give particular information as to when someone is going to be released to ICE agent or somebody affiliated with
that. But then I thought there was a section that says something that you can’t give out information that is nonpublic and there’s many jurisdictions of small town police departments that give a lot of information about why someone was arrested. They may say their age, their home address, the crime they committed, when they are going into court and all that information would be in the public realm as a normal course of business of a police department. An individual that would fall within this parameter, not detained, but they are being released on the charges that are the reason they are at the PD but there is information put out in the public is that information able to be shared because that is public information.

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam Chair.

I may need to ask a clarifying question just to make sure I am answering what you’re asking. So I guess, I’m gonna ask are you suggesting that there is information that is actually put out in public or is normally put out in public, but is it put out in public.

SENATOR WITKOS (8TH):

I can see where you would be confused from what I said, but what I’m trying to get it’s Lines 60
through 63. So it’s providing information that is non-publicly available. So stuff that is publicly available and that information, say it’s the common course of a police department, the local newspaper it’s the weekly calls up and want your police log for the week and so you have all this information in there but maybe an ICE agent calls you and says, hey I know from whatever my sources are that you had this person in custody, can you tell me anything about it. Are you able to release that information which you would normally release to the public, i.e. a police log to that agency?

Through you.

THE CHAIR:

Thank you. Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

This forbids the dissemination of nonpublic information which is also to say that dissemination of public information is not strictly forbidden under this Bill. So I would say that if the question is, is it possible for the law enforcement agency to allow for that to be disseminated the answer would be that this Bill does not forbid that.

THE CHAIR:

Thank you, Senator Winfield. Senator Witkos.

SENATOR WITKOS (8TH):
Thank you and that is all the questions that I have of Senator Winfield. Often times in the State we do things because we know that we are protected from a liability cause we can’t be sued unless we give the folks permission to be sued. And there has been a lot of conversation amongst Members in the Circle playing what it’s and what happens if the accused is released and they are prevented in some cases as you heard the exemptions that are being removed from the Bill, these are bad actors that they have committed some of seven things and so there may be a preponderance, I don’t as one of the other Senators had mentioned earlier, I don’t know what the statistics are, the recidivism rate is on the, is it a repeat on the same crime or not, but sometimes we say once is enough and once is too many and especially if you were know to, you know a victim or you are the victim of crime once is too many.

So the Clerk has in his possession an Amendment LCO No. 8630, I ask that it be called and I be given leave to summarize.

THE CHAIR:

Mr. Clerk.

CLERK:

LCO No. 8630, Senate Schedule “C”.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS (8TH):
Thank you, Madam President. What this Amendment does is it waives the State’s sovereign immunity in any case in which the cause for action for lawsuit can be brought against them or any of the subdivisions of the state, the towns that refuse to comply requests from Federal agencies on their action that the accused or the defendant does something where they can be sued. I don’t think if we are making this affirmative action at the State to be State policy we should not relieve ourselves from any liability in that respect. I move Adoption and ask for role call vote.

THE CHAIR:

Thank you, Senator Witkos. Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. I would urge that people join me in voting no. We should not be in the business of waiving our sovereign immunity. I would remind people that what we’re talking about here is a request and we should keep that in mind. Waiving sovereign immunity is a very serious thing and I don’t think that a request rises to the level of something that we would ever do that for. Thank you, Madam President.

THE CHAIR:

Thank you Senator Winfield. Will you remark further on the Amendment? Will you remark further on the Amendment? If not a role call vote has been requested. Senator Hwang.

SENATOR HWANG (28TH):
Thank you, Madam President. I’m sorry for the late rise. I do want to rise and support the Amendment and the good Chair of Judiciary did offer the emphases and the importance of our sovereignty waiver and I do put the same weight that we have as a legislative body for the public safety of the citizens that depend on us for law making and as I cited in the legislative debate earlier is the fact that what we’re doing in this Bill is eliminating certain criteria of detention, a precaution against the possible dangers to our community. And so I don’t weigh that lightly either and I had to rise when I heard the importance of our sovereignty waiver. What we are doing right now is waiving the opportunity to be cautious, to protect our citizens in taking an extra measure. It is not to determine guilt. It is a precaution against the seven points that we talk about. So if we are willing to waive those rights as an effort to protect the citizens and the undocumented residents and all citizens in this State we should put ourselves at risk in recognizing that should we make a mistake by this permissive language then we should bear the responsibility of not just simple threat but a potential fiscal cost to this. So I understand the Amendment’s weight and I understand the Amendment’s importance and I think it is only fair to recognize that the underlying Bill takes the same type of risk, the same type of perspective that says it’s okay to do it. So I urge support of the Amendment on the basis that if we are going to make laws that put our communities and our people at risk then the State and the legislative body should bear that risk and not have the sovereignty waiver. Through you, Madam President.
THE CHAIR:

Thank you Senator Hwang. Will you remark further on the Amendment? Will you remark further, if not, a roll call vote has been requested, Mr. Clerk would you kindly call that and the machine will be open.

CLERK:

An immediate roll call has been ordered in the Senate. An immediate roll call has been ordered in the Senate, Senate Bill 992, Senate Amendment “C” LCO No. 8630. An immediate roll call has been ordered in the Senate, Senate Amendment “C” on Senate Bill 992, LCO 8630. Immediate roll call vote in the Senate.

THE CHAIR:

Have all the Senators voted? Have all the Senator voted, seeing that they have we will close the vote and the Clerk would please announce the tally.

CLERK:

Senate Bill 992, Senate Amendment “C” LCO No. 8630.

<table>
<thead>
<tr>
<th>Total number voting</th>
<th>35</th>
</tr>
</thead>
<tbody>
<tr>
<td>Necessary for Adoption</td>
<td>18</td>
</tr>
<tr>
<td>Those voting Yea</td>
<td>14</td>
</tr>
<tr>
<td>Those voting Nay</td>
<td>21</td>
</tr>
<tr>
<td>Absent and not voting</td>
<td>1</td>
</tr>
</tbody>
</table>

THE CHAIR:

SENATOR BERTHEL (32ND):

Good evening, Madam President. You know, what we just discussed in the last Amendment I think actually applies to some other parts of what we’ve been discussing all evening and that is that we, I believe we have an obligation to protect, to protect our law enforcement community with respect to what is going to potentially be the new language in this Bill. You know, earlier tonight I spoke about the oath that citizens take when they become, that people take when they become citizens of our great Nation. In Connecticut it varies a little bit from town to town and agency to agency but our law enforcement officers take, also take an oath and that oath essentially affirms that they swear that they will uphold the Constitution of the United States and the Constitution of the State of Connecticut very similar to the oath that all of us take when we, when we take office. SO I think we have an obligation to protect the law enforcement community as well and Madam President to that end, the Clerk is possession of LCO 8628. I would ask the Clerk to please call the Amendment.

THE CHAIR:

Mr. Clerk.

CLERK:

LCO No. 8628, Senate Schedule “D”.

THE CHAIR:

Senator Berthel.
SENATOR BERTHEL (32ND):

Thank you, Madam President. I move adoption of the Amendment, waive the reading and seek leave to summarize.

THE CHAIR:

The Question is on adoption. Will you remark?

SENATOR BERTHEL (32ND):

Thank you, Madam President. This is a very simple Amendment and essentially is prescribing that there be no disciplinary action brought against any officer paid by or acting as an agent of a municipal police department or the Division of State Police within the Department of Emergency Services and Public Protection for reporting to ICE concerning the stopping, detention or arrest of any individual. Again I think that we rely upon our law enforcement community to uphold the laws and I think we should be taking action here to protect them from disciplinary action for carrying out their sworn duties as a law enforcement officer.

THE CHAIR:

Thank you, Senator. Will you remark further? Senator Winfield.

SENATOR WINFIELD (10TH):

Yes, Madam President. I would ask that the vote be called by role and I would stand in opposition to the Amendment. I agree that the law enforcement
officers should be following the law. Since there is a request on the table here and the law, should this pass would be what is contained in this Bill should be followed. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Will you remark further? Senator Witkos.

SENATOR WITKOS (8TH):

Thank you Madam President. I rise in support of the Amendment that is before us. Many of us around this Circle raised our right hand on January 3rd and we promised to uphold the Constitution. In my particular case when I was a law enforcement officer the Constitution of the United States, State of Connecticut and then the jurisdiction of the small municipality where I worked and I said, that is an oath that people take to heart and I don’t think it is fair to place an office in the middle of a political disagreement, federal law versus state law versus local, we will call them sanctuary city laws, because some towns in our state have identified themselves as sanctuary cities and forbid their law enforcement personnel within their local communities to work with federal law enforcement officers and that is not fair to put a police officer who just comes out every single day to do the best job that they can. They never know what their day is going to be like. They get in the cruiser in the morning and wherever the day takes them that’s what they deal with. They have no idea who they are going to be dealing with or what they are going to be dealing with. So if a situation prevents themselves where they are actually dealing with someone that may fall
within this category they’ve taken an oath of office to defend the Constitution of the United States and the State of Connecticut. This is not the Constitution of the State of Connecticut, these are state statutes, big difference. I urge adoption of the Amendment. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Witkos. Will you remark further on the Amendment? Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I am going to speak in favor of this Bill as well. When you are stopping and arresting people a lot of things happen. Depending on the scope of the arrest, the amount of people involved, there is a chance that when you run NCIC, ICE is notified, when obviously we have the AFIS machine downstairs they are going to be notified. That is an unintentional notification. I am processing this prisoner, I’m still processing him, all of a sudden say ICE was in the neighborhood and shows up at the police department and says, do you have this person, am I to say no? If I say no I am lying to a federal law enforcement officers which is a crime. So if ICE shows up and asks me if I have him I’m not gonna lie to a federal agent, it’s not gonna happen. I would say, yes, we do and at that point if the ICE Officer says we’ll take him, Federal Jurisdiction, I am not going to interfere with his investigation, he outranks me. So there’s circumstances where this is gonna happen. It may not be purposeful situation but if you are not going to hold the office accountable or protected under the last act which in my opinion would be not doing
something and he goes out and hurts somebody then you know you should protect them because we keep saying that this law protects the officers. I don’t see it. You know, what I see is we are not to communicate back and forth. If you look at what just happened in Massachusetts with the judge, you know, Federal ICE Agents were there to pick up the prisoner, they had a detainer on him, the judge walked him out the backdoor. That judge got arrested and already had appearance in court. If they are going to arrest a judge they can arrest a police officer and the last thing I want to see is our police officers going to jail for doing their jobs. So this is really, I think this Amendment is supporting your police or not, one or the other. Thank you.

THE CHAIR:

Thank you Senator Champagne. Will you remark further on the Amendment? Senator Fasano.

SENATOR FASANO (34TH):

Thank you, Madam President. Madam President echoing some of the concerns by Senator Witkos and Senator Champagne particularly with this Mass judge who faced federal charges, let’s be clear this was a situation where Grand Jury in Boston indicted a Newtown District Court Judge as a result of letting allegedly helping an undocumented immigrant evade a Federal Agent who had appeared in the courthouse to detain him. I don’t think you can get any closer to the facts than that. If anybody is looked at differently is judges. They can make discretionally calls and what they said was that this judge following what he believes was the law evaded the
ability of the Federal Government to enforce their laws and they didn’t just say hey that’s not a good idea, this judge can face up to 20 years in prison for conspiracy to obstruct justice and the obstruction of federal proceedings in helping this immigrant flee. That’s what we’re talkin about. These are words in the page to most of us around this Circle. But those folks who are either in law enforcement now, were law enforcement this is a decision that we as a State are saying, in this Chamber right now, listen we know what your obligation is to the Federal Law but we’re putting you in a box and we’re telling you, you have to comply with State law even if that means you violate Federal law. What does that do to the police officer? It says either you run the risk of a 20 year imprisonment under the Federal Grand Jury Indictment or you violate the statute which could get you fired from your job as well. So if you want to do this, and I understand there is a will with the majority in this Chamber to do this, at the very least, at the very least, give the respect to the police officers that we’re putting in a box and let them escape certain ramifications no matter what their action is. If their action is to abide the Federal they will get hurt by the State and if they action is to abide the State they get hurt by the Federal. Why not give them a safe harbor so at least there is a chance they’re not gonna get first, lose a pension or whatever. It is easy for us to sit in this Chamber removed from a situation that both Senator Champagne and Senator Witkos being in law enforcement have said it problematic and let them carry the burden of all the law enforcement officers around the State. Oh, by the way all the ones that are at any event we talk so highly for and praise them and we have an opportunity to protect
them over something that we’re going to put them in a box. So, Madam President if we are going to do this at the very least, at the very least, help these folks out that are going to be put in a very uneasy life altering position. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Fasano. Will you remark further on the Amendment? If not a roll call has been requested. Mr. Clerk would you kindly call the vote and the machine will be open.

CLERK:

An immediate roll call has been ordered in the Senate. An immediate roll call has been ordered in the Senate, Senate Bill 9992 Senate Amendment “D” LCO No. 8628. Immediate roll call vote has been ordered in the Senate, Senate Bill 992 Senate Amendment “D” LCO No. 8628. Immediate roll call vote in the Senate.

THE CHAIR:

Have all the Senators voted? Have all the Senators voted, seeing that they have, the machine will be closed and the Clerk would kindly announce the tally.

CLERK:

Senate Bill 992, Senate Amendment “D” LCO No. 8628.

<table>
<thead>
<tr>
<th>Total number voting</th>
<th>Necessary for Adoption</th>
</tr>
</thead>
<tbody>
<tr>
<td>35</td>
<td>18</td>
</tr>
</tbody>
</table>
Those voting Yea: 14
   Those voting Nay: 21
   Absent and not voting: 1

THE CHAIR:


SENATOR SAMPSON (16TH):

Good evening, Madam President. I rise for the purposes of offering an Amendment.

THE CHAIR:

Please proceed.

SENATOR SAMPSON (16TH):

The Clerk is in possession of an Amendment. It is LCO 7494. I ask that it be called, the reading be waived and that I be allowed to summarize.

THE CHAIR:

Mr. Clerk.

CLERK:

LCO No. 7494, Senate Schedule “E”.

THE CHAIR:

Senator Sampson.
SENATOR SAMPSON (16TH):

Thank you, Madam President. This is a very simple Amendment. It changes line 88 of the underlying Bill and restores back in one of the exceptions and this one is “has been convicted of a felony.” I move adoption and I ask that when the vote is taken it be taken by role.

Thank you, Senator Sampson. Will you remark?

SENATOR SAMPSON (16TH):

Yes, Thank you, Madam President. I said when I spoke earlier tonight that the Bill that is before us has been referred to as something that protects immigrants and I made it very clear that the Bill is not about protecting immigrants. It’s not even about protecting illegal immigrants or undocumented aliens. IT is about protecting criminals who live among that population and nothing could be more explicit than this exception that is in the Bill before us that clearly states that we are referring to people who have already been convicted of a felony and now have run into trouble with law enforcement again and this proposed Bill would prohibit our local law enforcement officers from communication with ICE to let them know they have this person in custody. This has been a tough night for me watching this debate and listening and I haven’t decided if I’m sad or angry that this language is probably going to become law because the presumptions is that there are enough votes to make it pass. I think that is really hard to believe. I’ve been getting texts from people all night who have been watching this debate and they are shocked actually, they’re like I can’t believe people
actually think this is a good idea and I agree. This vote that is about to be taken is a very, very simple vote just like the Bill is. So ask yourself do you believe the State should shield criminal aliens from Federal prosecution? If you believe yes, then vote yes, then vote no to the Amendment rather, I’m sorry - I got that. Thank you, Madam President. I urge adoption.

THE CHAIR:

Thank you, Senator Sampson. Will you remark further? Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. I rise in opposition to the Amendment. It’s already been asked for a role so I won’t do that. I think the question is do you believe that the Bill that we’ve been talking about this evening works as it has been described. If you believe that then any Amendment that would change the Bill and back any of those seven exemptions would be something you would vote against and I would ask people join me in doing so. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Will you remark further on the Amendment? Will you remark further? The request has been made for a vote by role. MR. Clerk would you kindly call that and the machine will be open.

CLERK:
An immediate roll call has been ordered in the Senate. An immediate roll call has been ordered in the Senate, Senate Bill 992, Senate Amendment “E” LCO No. 7494. Senate Bill 992, Senate Amendment “E” LCO No. 7494. An Immediate roll call vote has been ordered in the Senate.

THE CHAIR:

Have all the Senators? Have all the Senators voted, seeing that they have the machine will be closed and the Clerk will announce the tally.

CLERK:

Senate Bill 992, Senate Amendment “E” LCO No. 7494

<table>
<thead>
<tr>
<th>Description</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number voting</td>
<td>35</td>
</tr>
<tr>
<td>Necessary for Adoption</td>
<td>18</td>
</tr>
<tr>
<td>Those voting Yea</td>
<td>15</td>
</tr>
<tr>
<td>Those voting Nay</td>
<td>20</td>
</tr>
<tr>
<td>Absent not voting</td>
<td>1</td>
</tr>
</tbody>
</table>

THE CHAIR:


SENATOR SAMPSON (16TH):

Good morning, Madam President.

THE CHAIR:

Good morning.

SENATOR SAMPSON (16TH):
I rise for the purposes of offering an Amendment once again.

THE CHAIR: Please proceed.

SENATOR SAMPSON (16TH):

The Clerk is in possession of LCO 7403. I ask that it be called and I be allowed to summarize.

THE CHAIR:

Mr. Clerk.

CLERK:

LCO No. 7503, Senate Schedule "F".

THE CHAIR:

Senator Sampson.

SENATOR SAMPSON (16TH):

Thank you, Madam President. The Amendment before us is similar to the previous one. This restore the seventh exception to the existing Trust Act presents an unacceptable risk to public safety as determined by the law enforcement officers. I move adoption. I ask the reading be waived and ask that a role call vote when the time comes. I move adoption.

THE CHAIR:

Thank you, the question is on Adoption. Will you remark further on the Amendment?
SENATOR SAMPSON (16TH):

Thank you, Madam President. So very simple. We’ve been through this a couple of times now. This Amendment essentially draws attention to whether or not we trust our local law enforcement officers to make a determination when they are in contact with someone presumably because they may have violated one of our laws. They discover that this person has a civil detainer and this Amendment would basically reverse what the Bill attempts to do and restores that authority back to our local law enforcement officers who I believe should be entrusted to make this determination. This goes to the point that I made earlier about the Trust Act. The point of the Trust Act was that we’re trying to convince folks that live as undocumented aliens in our State that they can contact law enforcement because they can trust them to do so. I don’t understand how we could put forth legislation that says that we are not only going to protect law abiding undocumented folks in our State but also the criminals who live right next door which is what the Bill does. This at least gives the opportunity for a law enforcement officers to make a determination whether or not there is a legitimate, in the terms of the Bill, unacceptable risk to public safety and act on it. I urge my colleagues to support this Amendment. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Sampson. Will you remark further on the Amendment before us. Senator Winfield.

SENATOR WINFIELD (10TH):
Yes, good morning, Madam President.

THE CHAIR:

Good morning.

SENATOR WINFIELD (10TH):

Yes, I would remark and I stand in objection to the Amendment before us. Of the many things we’ve been talking about this evening, this is probably the most subjective. There is nothing in the law currently or if we pass the Amendment that would tell us what criteria we’re looking at and it’s not a way that I think we should be operating and I would urge the members of the Chamber to join me in voting in opposition. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Will you remark further on the Amendment? Will you remark further? If not a roll call vote has been requested. Mr. Clerk would you kindly call it and the machine will be opened.

CLERK:

An immediate roll call has been ordered in the Senate. An immediate roll call has been ordered in the Senate, Senate Bill 992, Senate Amendment “F” LCO No. 7503. Immediate roll call vote has been ordered in the Senate, Senate Bill 992, Senate Amendment “F” LCO No. 7503. Immediate roll call vote in the Senate.

THE CHAIR:
Have all the Senators voted? Have all the Senators voted, seeing that they have, Mr. Clerk the vote will be closed and would you kindly call the tally.

CLERK:

Senate Bill 992, Senate Amendment “F” LCO No. 7503

<table>
<thead>
<tr>
<th>Total number voting</th>
<th>35</th>
</tr>
</thead>
<tbody>
<tr>
<td>Necessary for Adoption</td>
<td>18</td>
</tr>
<tr>
<td>Those voting Yea</td>
<td>14</td>
</tr>
<tr>
<td>Those voting Nay</td>
<td>21</td>
</tr>
<tr>
<td>Absent not voting</td>
<td>1</td>
</tr>
</tbody>
</table>

THE CHAIR:


SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. The Clerk is in possession of LCO No. 7518. May I ask the Clerk to please call the Amendment.

THE CHAIR:

Mr. Clerk.

CLERK:

LCO No. 7518, Senate Schedule “G”.

THE CHAIR:

Senator Champagne.
SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I move for adoption of the Amendment and waive the reading and seek leave to summarize?

THE CHAIR:

Please proceed.

SENATOR CHAMPAGNE (35TH):

In H of the exceptions I would like to propose that the known gang member in the Database National Crime Information Center or similar database is designated as a security risk group member or a security risk group safety threat member of the Department of Corrections, I would like to add that back in as an Amendment and I would like to speak on it.

THE CHAIR:

Thank you, Senator. Will you remark further?

SENATOR CHAMPAGNE (35TH):

Yes, thank you, Madam President. I am going to talk about exact same thing I did before. One of the most violent street gangs out there right now that I know of is MS-13. There are here in our country, most of them are illegal. There is approximately 10,000 of them in our Country. The gangs motto is Rape, Control and Kill, that’s their motto. This is the type of person that when you do get ‘em you don’t want ‘em here. You don’t what ‘em in your neighborhood. You don’t want ‘em around your
families, you don’t want ‘em around your kids. I could go through the whole list of crimes they’re involved in but I’ll say it’s just about everything and this gang is violent to the point where they don’t just kill you they torture you to death. New York has had a problem down on Long Island which resulted in many deaths and this is, like I said, some of the worse. Again I am going to point out that one of the Senators did state that these groups under the exceptions are no more violent than Americans. I disagree. This group is very violent. One of the most violent groups that I know of and because of that I would like to return that back to one of the original H’s an exception. Thank you.

THE CHAIR:

Thank you, Senator Champagne. Will you remark further on the Amendment. Senator Winfield.

SENATOR WINFIELD (10TH):

Yes, Thank you, Madam President. I rise in objection to the Amendment and would ask that when a vote is called I don’t believe this was said, I may be wrong, when the vote is called it is called by role. I rise in objection for the same reason I raised an objection before I think. If you believe that the Bill is the correct way to operate then any of these Amendments which add back in any of the seven pieces that we’ve talked about much of the evening would change what the Bill does and so I ask people to join me in objection.

THE CHAIR:
Thank you, Senator Winfield. Will you remark further on the Amendment? Senator Fasano.

SENATOR FASANO (34TH):

Thank you, Madam President. Madam President with respect to the Amendment I support the Amendment. I don’t think there is anybody in this room who has not heard about MS-13. I don’t think there is anybody in this room who believes the MS-13 is a benign group of folks who get together. I think that depending on what site you look at, the slogans are exactly as Senator Champagne has said also they say, murder, rape, mayhem and terrorism are the keys to their success. So when you look at those issues you say, what are we gonna do? Are we just gonna close our eyes and ignore these things? Gangs are a big issue, we know they are in our cities. I guess MS-13 are in 40 of our states so far. They are well-organized, they are certainly evil murderous individuals. We have to start taking stands and I think if someone is found to believe to be part of this gang or an integral part of the gang or gang recruitment I do think that should be flagged and I do think that is not behavior which is conducive to those folks who represent undocumented people throughout our State and therefor we should ask that these people be detained and moved out of our Country. So, Madam President I support the Amendment.

THE CHAIR:

Thank you, Senator Fasano. Will you remark further on the Amendment? Senator Champagne.

SENATOR CHAMPAGNE (35TH):
Thank you, Madam President for a second time. I was wondering if I could ask the proponent of the Bill a question actually about this?

Through you, Madam President.

THE CHAIR:

Thank you, Senator Champagne. I would say Senator Champagne is it a little bit unusual since you’re offering the Amendment to be asking a question about the Amendment directed to.

SENATOR CHAMPAGNE (35TH):

I’ll make a statement then. Thank you, Madam President.

THE CHAIR:

Certainly I think that is a better way to proceed.

SENATOR CHAMPAGNE (35TH):

I did not realize this before even after I read it, but I have no idea what the Crime Information Center is and that was going to be my question. Now I do know what the National Crime Index Computer is but I do not know what this is. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Champagne. Senator Hwang.

SENATOR HWANG (28TH):
Thank you, Madam President.

Through you.

To the proponent of the Amendment a couple of questions.

Thank you, Senator Hwang. Please proceed.

SENATOR HWANG (28TH):

Thank you, Madam President. When we talk about MS-13 and the gangs in your experience as a law enforcement official are there other gang potentials within our State that have manifested itself and counts amongst its recruits and potential recruits young immigrants and undocumented residents as well, American and undocumented?

Through you, Madam President.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President.

Through you.

There are other gangs that do contain young immigrants. Basically the reason I pointed out MS-13 is because they are in a different level. They are one of the most violent street gangs and when we talk about sitting around this Circle taking about
not sending these gang members home or finding a way to get them home we are basically saying, nope stay in our neighborhood. So MS-13 is the one I want to talk about, probably the most prevalent one especially for violence.

SENATOR HWANG (28TH):

Through you, Madam President.

I talked earlier in the underling Bill about when I was growing up as a young immigrant and my parents fear of being involved in that. Do you see this as fertile recruiting ground and the impact in our communities and ultimately as a law enforcement officer gangs and its proliferation and growth is very real in our State and all around throughout our communities. Would that be correct?

Through you, Madam President.

THE CHAIR:

Thank you, Senator Hwang. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I just want to point out the gangs mottos again, Rape, Control, Kill. Control is controlling the immigrant populations and they do it through fear, they do it through rape and they do it through killing people and when they have control of them they do take in the young members to make them members as well.

SENATOR HWANG (28TH):
Through you, Madam President.

I want to thank the proponent of the Amendment and I urge support of this and ultimately and I want to also extend my appreciation for his work in law enforcement in protecting our community. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Hwang. Will you remark further on the Amendment? Senator Bradley.

SENATOR BRADLEY (23RD):

Thank you, Madam President.

Through you, Madam President.

I have a few questions for the proponent of this Amendment.

THE CHAIR:

Yes, please proceed.

SENATOR BRADLEY (23RD):

Is it the case that MS-13 is an organized criminal organization?

And through you, Madam President.

Is it the case that being a member of an organized criminal organization could possibly be a violation of Federal Law under the RICO Statute?
THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Yes, but you have to prove that they are actually taking part in those activities.

SENATOR BRADLEY (23RD):

Correct.

So through you, Madam President.

In order for you to convict somebody under RICO the government would have to prove beyond reasonable doubt but in order to get an arrest warrant that is not the same standard, Madam President.

Through you, Madam President.

Isn’t it the case that to get an arrest warrant all the government has to show is probably cause?

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President.

You’re right with probable cause. Again when you detain you have a very limited amount of time, it takes sometimes days to get those warrants at that
time that person is gone and can be moved to another area of the country.

THE CHAIR:

Senator Bradley.

So through you, Madam President.

Just doing a little role playing as my colleagues have done here throughout the night. If somebody were to be put into State custody for being a member of an organization like MS-13 and were convicted for whatever criminal activities they were involved in and the State in that case proved beyond a reasonable doubt that this person is in fact a member of MS-13 and engaged in whatever criminal activity the work has been done. ICE would then have the probable cause necessary to have an arrest warrant issued for that person.

THE CHAIR:

Is that a question Senator Bradley?

SENATOR BRADLEY (23RD):

It’s a question.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):
If they are locked up it would be done by a detainer unless again we pass this law and we have to do it by warrant.

SENATOR BRADLEY (23RD):

So the legislation that is being proposed here is legislation that would in fact have arrest warrants issued for MS-13 gangs and would allow them to be deported, is that correct?

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

If they are still around, yes.

THE CHAIR:

Senator Bradley.

SENATOR BRADLEY (23RD):

No further questions, thank you.

THE CHAIR:

Thank you. Will you remark further on the Amendment? Will you remark further on the Amendment? Senator Bizzarro.

SENATOR BIZZARRO (6TH):

Thank you and good morning, Madam President. Madam President I feel compelled to talk about this
Amendment here. Just bringing us back to my discussion earlier this evening in my example. New Britain police officer pulls over a driver. That driver is suspected of being an MS-13 gang member. Right now if this Bill passes that law enforcement officer would be compelled to let that individual walk. Now I just don’t understand and I get that the proponents of this Bill are advocating for an enlargement of the sanctuary state policy that is already in effect. I get that. But at some point we just have to be reasonable about things, Madam President. As somebody who when to high school in New Britain in the mid-90’s when gangs like the Latin Kings and Los Solidos and 20 Luv and so many others that I am forgetting about right now were at the height of their dominance, the height of their power. As somebody who witnessed classmates getting stabbed, who watched as pockets of the City were paralyzed out of fear who remembers what it was like to have to stay home on Friday nights because there was just nowhere to go that was safe. I just for the life of me don’t understand what we’re doing. I really don’t. If we can’t all understand that somebody who is identified as a known gang member in a data base of national crime information, the National Crime Information Center is somebody who ought to be detained pursuant to a federal detainer then I think we’ve just lost the ability to reason here and I’m sorry but I am trying to be dispassionate about it but it’s just hard. Again as somebody whose lived through these experiences, who knows what it’s like to have a classmate murdered on the steps of a high school which no teenager should ever have to live through, I just don’t understand how one can reasonably advocate in favor of stripping this very well-conceived and very rational exception to the rule. Now I wasn’t part of the
legislature in 2013 when this Trust Act was passed in its initial form and I can’t tell you definitively how I would have voted for it and it’s the law and I understand that. And as I read through this when it first came up in Committee I said to myself well these seven carveouts were probably the product of many, many weeks of negotiations if not months of negotiations between the advocates of the Act, those that were opposing it and any other stakeholders. And I think that people probably spent a lot of time debating all of these carveouts. And fine I get the point that maybe one or two of them might be a little too broad for someone’s liking. We’ve gone through each of them at this point. I understand and the language is looser in some of these carveouts than in others but I can’t understand this one, Madam President. I’m at a loss. I really am. And I think I just don’t know what I am going to say to my constituents. I don’t know what I’m going to say to the people of Connecticut when they ask me what were you guys thinking, what’s going on in this state, what’s happening up there at the Capital. So please, implore all of my colleagues around this Circle if this is going to pass tonight this Amendment here to me seems to me to be everyone’s opportunity to show the State that we have not lost the ability to think rationally here in this Circle. So I urge support for this Amendment.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Bizzarro. I would just like to remind our guests in the gallery that there is a Senate Rule against videotaping. Everyone can watch
these proceeding on CTN so please respect our rules in the Senate. So back to the debate. Will you remark further on this Amendment? Will you remark further, if not there has been a role call vote requested on it. Mr. Clerk would you kindly call the vote and the machine will be opened.

CLERK:

Immediate roll call has been ordered in the Senate. An immediate roll call has been ordered in the Senate, Senate Bill 992, Senate Amendment “G” LCO No. 7518. Immediate roll call vote has been ordered in the Senate, Senate Amendment “G” LCO No. 7518. Immediate roll call vote in the Senate.

THE CHAIR:

Have all the Senators voted? Have all the Senators voted, seeing that all the Senators have voted the machine will be locked. Will the Clerk kindly announce the tally.

CLERK:

Senate Bill 992, Senate Amendment “G” LCO No. 7518

<table>
<thead>
<tr>
<th>Description</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number voting</td>
<td>35</td>
</tr>
<tr>
<td>Necessary for Adoption</td>
<td>18</td>
</tr>
<tr>
<td>Those voting Yea</td>
<td>15</td>
</tr>
<tr>
<td>Those voting Nay</td>
<td>20</td>
</tr>
<tr>
<td>Absent not voting</td>
<td>1</td>
</tr>
</tbody>
</table>

THE CHAIR:

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I have a question for the proponent of the Bill.

Through you, Madam President.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you. Through Senator Winfield, through the FOI laws in the back of this Bill is everything related to that case releasable under FOI?

SENATOR WINFIELD (10TH):

If you give me a second I’ll get to that section.

Through you, Madam President.

So if we go to Lines 170 through 179 all the records relating to ICE access that are maintained by that law enforcement agency would be deemed publicly available, public records under the new statute as it would exist.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Champagne.

SENATOR CHAMPAGNE (35TH):
Thank you, Madam President.

Through you.

Is there any exceptions?

SENATOR WINFIELD (10TH):

Through you, Madam President.

The construct of the language here doesn’t have an exception for any of the records that are maintained by the agency.

Through you, Madam President.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President.

So all records pertaining to any detention including anything from the NCIC computer that is added to the record are all releasable?

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

I would say that everything is releasable that is maintained by that law enforcement agency. Having said that despite some of the assertions about the
Bill itself contravening Federal Law because I’ve been talking about it as a detainer I see it contravening potentially the request if there were Federal Law that trumped the Bill the Federal Law would supersede the Bill.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Champagne.

SENIOR CHAMPAGNE (35TH):

Thank you, Madam President.

Through you.

The National Crime Index Computer is a National police computer that we do use and we have to use it certain ways, if we fail to use it properly we lose access to that valuable tool. Are all NCIC records that are added to this case releasable under the FOI?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENIOR WINFIELD (10TH):

Through you, Madam President.
I will step back to my last response. That would depend upon on what the Federal Law actually says in regard to that.

Through you, Madam President.

THE CHAIR:

Senator Champagne.

Through you, Madam President. At this time, Madam President the Clerk is in possession of LCO 7502 and may I ask the Clerk to please call that Amendment?

THE CHAIR:

Mr. Clerk.

CLERK:

LCO No. 7502, Senate Amendment Schedule “H”.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I move to adopt the Amendment and will waive the reading and seek leave to summarize.

THE CHAIR:

Please proceed.

SENATOR CHAMPAGNE (35TH):
Thank you. I have one more of the eight exceptions that I want to bring out that is the identified as possible match in the Federal Terrorist Screening Database or similar database.

THE CHAIR:

Thank you. Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you. So basically an issue that came up while I was sitting here thinking about this is the National Crime Index Computer that we do use. Again we have to use this properly. If we fail to use this properly we lose access to this computer system. Any officer that has been through the training will tell you this. I talked to Senator Witkos and then I went out and talked to the officers outside to verify exactly what I was thinking. It didn’t come to me at first but all of a sudden I realized it. It is not a Federal Law. This has to do with this computer system that can be taken away from law enforcement. And when you print something off of there because you are detaining somebody, arresting somebody it goes into that file and according to this everything in that file is releasable under FOI. If that does get released the officer and dispatcher who put that information or printed that information out can face the consequences and lose their access to NCIC and I don’t know how that would reflect with us as a State passing a law that could result in the release of this information. So I am going to move for that exemption to be passed and I would like the Senators
around the Table to do that and I would like a role call vote. Thank you.

THE CHAIR:

Thank you, Senator Champagne. Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. I would urge rejection of the amendment. The Bill contemplates what we do with ICE access. ICE access as defined under the Bill are those things that the State would be doing to adhere to the civil immigration detainer but very specifically responding to the detainer providing notification, providing immigration authorities so those, it doesn’t appear to me that that is accessing the data base for itself and I would urge rejection.

Through you.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Will you remark further on the Amendment? Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President. I am standing in strong support of the Amendment. I know that it may not specifically speak ruling it out but if somebody interprets it the other way, I think we want to put more tools in law enforcements toolbox not start taking them away. Sometimes if we are taking
something away we may regret the fact that we weren’t contemplating that in the law so don’t worry about it. I’ll tell ‘ya, the NCIC computer is something that is utilized every day, multiple times a day and it helps law enforcement not only find out if the person has a warrant out on them but can you imagine if you are the victim of a crime and this person on a national base, not international, not a visit or being here on a civil basis only, these are crimes, penal code violations wouldn’t you want law enforcement to have the opportunity and knowledge to capture them and make them face justice for the crimes that they’ve committed. It has nothing to do with the civil penalties of immigration status but this is a tool that law enforcement needs and I would hate to see that be hampered at all because of the ambiguity in the law so let’s make sure we protect that tool in the toolbox and vote for the Amendment. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Witkos. Will you remark further on the Amendment? Senator Fasano.

SENATOR FASANO (34TH):

Thank you, Madam President. Madam President I have a question to the proponent of the Amendment.

THE CHAIR:

Please proceed.

SENATOR FASANO (34TH):

So through you, Madam President.
The NCIC is the National Crime Information Center is that correct?

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. Unless they changed the name, it was the National Crime Index Computer.

SENATOR FASANO (34TH):

And what is the sole purpose of this computer?

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. The purpose of this computer is to do everything, check all databases, drivers license, all motor vehicle information, check to see if someone is wanted, check for criminal history, check for restraining orders, protective orders, to see if somebody is still locked up in prison there is a lot of other investigative tools that we can use with that.

THE CHAIR:

Senator Fasano.

SENATOR FASANO (34TH):
And through you, Madam President.

Who is the owner of that information that you seek to get, who owns that database.

Through you, Madam President.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

I believe it is the State and Federal Government own the information.

THE CHAIR:

Senator Fasano.

SENATOR FASANO (34TH):

And through you.

Who sets the rules with respect to the safeguards and protections of that database?

Through you, Madam President.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):
Thank you, Madam President. It is the Federal Government and the State Government.

THE CHAIR:

Senator Fasano.

SENATOR FASANO (34TH):

Thank you, Madam President. And it is my understanding that could law enforcement agents who are looking at an individual and they look at this National Crime Information or Index Center to get the information and it comes up that this person is on a terror watchlist, how is that information based upon your years of experience as a police officer, how is that information used or shared.

Thank you, Madam President.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. That information, number one is not given to the person who is identified in the National Terror Database for obvious reasons and number two we do print that document out to retain in the files.

THE CHAIR:

Senator Fasano.

SENATOR FASANO (34TH):
And how do you know that that information, if disseminated would, may result in your inability to use that crime information center?

Through you, Madam President.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

If that information is released through FOI there is an audit that is done through our system and obviously once somebody finds out it is self-reporting.

THE CHAIR:

Senator Fasano.

SENATOR FASANO (34TH):

And through you, Madam President.

When you say audit just for the purpose of us who don’t know this stuff how does it come out that they know that that information was shared with another individual, is it documented and if so how does the audit get to that documentation?

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):
Thank you, Madam President. Whenever you do an FOI you have to fill out a form requesting it. If the information is delivered to the State there is another form that states that that information was passed on to the State.

THE CHAIR:

Senator Fasano.

SENATOR FASANO (34TH):

And if it is true that disseminating that information of the watch that some name appeared on the watchlist through FOI or other methodology and that department no longer can use this computer, National Crime Index Center, how would that hamper law enforcement?

Through you, Madam President.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

If the whole department was penalized they would be pretty much shutdown for any information.

THE CHAIR:

Senator Fasano.

SENATOR FASANO (34TH):
And, thank you Madam President that’s all the questions I have for Senator Champagne.

THE CHAIR:

Will you remark?

SENATOR FASANO (34TH):

That’s all I have for him, if you don’t mind. So, Madam President it seems clear that if you look at the FOI exemptions for Federal Law and you read them, one of the exemptions is you cannot FOI people on the terror list, terror watch or terror list. You’re unable to get that information specifically exempted from Federal Law. If that is true which I believe if you do your research you will find out that it true, it seems that what Senator Champagne must also be equally true. If the purpose of not allowing an FOI for name on a terror watchlist then it doesn’t seem that if you got that name through this computer you would be able to disclose this for the same reason they don’t want to disclose at the Federal level. It is a security reason. Somebody on a terror watchlist who is FOI can hide, that’s the reason why they do these things, just somethings that happen in government which is in secret. So I would urge this Circle to adopts this Amendment. It is a narrow only terror watchlist issue and according to what we understand to be the law from the Federal and I would assume the same in using this system would keep one from getting FOI’d in the information out there which is a security breach. So, Madam President I would adoption of this Amendment. Thank you.

THE CHAIR:
Thank you, Senator Fasano. Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. And I am not sure if the order, the normal order works here so apologies to Senator Fasano. I want to ask a couple of questions of the proponent of the Amendment.

THE CHAIR:

Senator Champagne, prepare yourself.

SENATOR WINFIELD (10TH):

So given what we have been talking about since you introduced this Amendment it seems to be the concern that if we access NCIC, pull that data down and maintain it in a file somewhere that it is possible that that information could be disclosable under this Bill. Is that correct?

SENATOR CHAMPAGNE (35TH):

Yes.

SENATOR WINFIELD (10TH):

Thank you and what kind of information is it that we’re, what part of the Bill are you concerned about?

THE CHAIR:

Senator Champagne. [Cross talking]
SENATOR WINFIELD (10TH):

Through you, Madam President.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. At this point I am worried about two parts. I’m worried about the Amendment in there and I am worried about what it says under the FOI section.

SENATOR WINFIELD (10TH):

Okay, sorry.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

I will take you to Line 170, all “Records relating to ICE access” “maintained by law enforcement.” If you go back to the Bill in the definition section it tells us what ICE access is. Is that correct?

Through you, Madam President.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Sorry, Madam President. I missed what he said.
SENATOR WINFIELD (10TH):

No problem. Line 170 tells us that what is FOI able is pursuant to ICE Access. If you go back in Line 49 it describes what the definition of ICE access is. Is that correct?

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Need one minute to find it. Thank you, Madam President.

SENATOR WINFIELD (10TH):

Madam President, if it will help I’ll read it. So Line 49 begins the definition of “ICE access” it is number (6) and it says, “Ice access” means and then it gives in (A) through (F) when it applies. Are any of the things on this page 3 of the Bill, are any of the things in (A) through (F) which is when it applies, the circumstances that you are concerned about?

Through you, Madam President.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Through you, Madam President.
On some of these ICE detainers it can say that this person is on the, they are being detained because of a terrorist, they are on the Terrorist Watchlist.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

I’ll go through one-by-one. Are you concerned about a, in the scenarios that you’ve been bringing up that we are talking about how, we would not be responding to the civil immigration detainer is that correct?

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President.

No.

SENATOR WINFIELD (10TH):

Thank you, that is point “A”. We are not providing notification are we?

Through you, Madam President.

THE CHAIR:

Senator Champagne.
SENATOR CHAMPAGNE (35TH):

I don’t think we are directly but we will be notifying through the AFIS System.

THE CHAIR:

Through you, Madam President.

We are not providing that notification following up on the civil immigration detainer are we?

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

With this new law, no.

Through you, Madam President.

SENATOR WINFIELD (10TH):

That’s point (B). Are we providing the Federal immigration, federal immigration nonpublic information by downloading that information?

Through you, Madam President.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):
When we print the information out, no.

SENATOR WINFIELD (10TH):

Thank you, that is point (C). Are we allowing an interview for the federal immigration ICE in this case.

Through you, Madam President.

THE CHAIR:

Senator Champagne.

SENATOR CHAMPAGNE (35TH):

No.

SENATOR WINFIELD (10TH):

Thank you, that is “D”. Are we allowing immigration to use our resources in some way?

Through you, Madam President.

SENATOR CHAMPAGNE (35TH):

No.

SENATOR WINFIELD (10TH):

Thank you, that is point (E) and are we providing the immigration authority information regarding dates and times that we have restricted under the Bill?

Through you, Madam President.
SENATOR WINFIELD (10TH):

Thank you. That is point (F). Those are all of the things that define ICE access. So if we go back over to the Lines under FOI, “Ice access” would not include the scenarios that you are talking about which is why to my mind it’s clear I the Bill that what we’re talking about is not caught and I think that we should reject that Amendment. Thank you, Madam President.

SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I guess this goes back to the original request because if we start locking this up and we have somebody who is on the Terrorist Watchlist and has a detainer against ‘em and we say, you know what we don’t want this person. We’re just gonna let ‘em go. We did that. We did that, we didn’t pass information on, a long time ago and that’s why we had September 11. You know when we think about this and we think about the consequences that could happen we, our own citizens, we change the law for 16 and 17 year old’s, we change the law because there is a possibility they are going to hurt people. Here’s an instance where somebody can
take out large numbers of people, it happened, September 11th it happened. It’s also happened on other days. So if this person is on the Terrorist Watchlist and we decided, you know what, ICE wants ‘em for that, but we’re not gonna tell ‘em. That’s not a good idea. That’s not a good idea at all. And guess what, if it happens we will be back in here changing the laws back because we screwed up. And I don’t want to be at the end of that. You know this is, we’re not saying we’re gonna go street-by-street taking people and deporting them this is a small group of people here and the terrorist is an even smaller group. So we can make points all we want but what this comes down to is there’s certain people out there that aren’t American citizens could hurt American citizens and we’re okay with that. We’re okay, you know, we want to protect them. You know, if the Federal Government wants ‘em let’s make them jump through some hoops, well I’m not okay with that. I’ve seen enough death, I’ve saved enough lives, I stood in the Pit on 9/11 in New York City. I don’t ever want to see that again in our Country. So yeah you go through and make a bunch of points but you forget the biggest thing, we’re talking about terrorists here. Somebody may be on the list by accident, but if they’re not we want to stop ‘em. Every one of these that we keep voting for saying, no, nope gang members are more important, terrorists are more important, felons are more important. More important to who? More important because we don’t want to deport ‘em or is it more important that we protect American lives, people who are in our Country legally? But I guess that is secondary here.

THE CHAIR:
Will you remark further?  Senator Lesser.  Will you remark further, if not a role call has been requested, if the Clerk would kindly call the vote and the machine will be opened.

CLERK:

Immediate roll call has been ordered in the Senate. An immediate roll call has been ordered in the Senate, Senate Bill 992, Senate Amendment “H” LCO No. 7502. Immediate roll call vote has been ordered in the Senate, Senate Bill 992, Senate Amendment “H” LCO No. 7518. Immediate roll call vote in the Senate.

THE CHAIR:

Have all the Senators voted?  Have all the Senators voted, seeing that all the Senators have voted the machine will be locked and the Clerk would kindly announce the tally.

CLERK:

Senate Bill 992, Senate Amendment “H” LCO No. 7502

<table>
<thead>
<tr>
<th>Description</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number voting</td>
<td>35</td>
</tr>
<tr>
<td>Necessary for Adoption</td>
<td>18</td>
</tr>
<tr>
<td>Those voting Yea</td>
<td>14</td>
</tr>
<tr>
<td>Those voting Nay</td>
<td>21</td>
</tr>
<tr>
<td>Absent not voting</td>
<td>1</td>
</tr>
</tbody>
</table>

THE CHAIR:

SENATOR FASANO (34TH):

Thank you, Madam President. Very quick question to the proponent of the Bill. Line 170 through 179 talks about FOI information. To the proponent of the Bill would that FOI be subject to the exemptions in our FOI law currently in our State statutes?

Thank you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

The answer to that would be no. The only thing that the current FOI statute does is define terms in the beginning section of the FOI statute.

Through you, Madam President.

THE CHAIR:

Senator Fasano.

SENATOR FASANO (34TH):

So through you, Madam President.

With respect to one of the exemptions under the current FOI law is records of law enforcement agencies not otherwise available to the public which records were compiled in connection with the detection and investigation of a crime, etc., etc.
and talking about all that information of law enforcement, the investigation techniques, witness, files, memos, statement of witnesses, identity of minor witnesses, etc. all that exemption which is listed in paragraph (3) of the FOI law would not be available as an exemption under this Bill with respect to that FOI.

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

Yes, I would say that we should be careful what we are talking about back to the previous Amendment. What this allows for is only the records pertaining to ICE access which is defined in the Bill and is very particular. It is not everything as we may have been talking about it earlier.

Through you, Madam President.

THE CHAIR:

Thank you, Senator Winfield. Senator Fasano.

SENATOR FASANO (34TH):

Thank you, Madam President. I appreciate the Senator pointing to Line 49 which is “ICE access” that the FOI applies to, if I understand his answer but it says any of the following actions taken by a
law enforcement officer with respect to an individual and it goes what you went through and I would just say that would you believe that statements that individuals made to the federal immigration officers, would that be FOIable under the Bill?

Thank you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Through you, Madam President.

That would be correct.

THE CHAIR:

Senator Fasano.

SENATOR FASANO (34TH):

And those statements do not restrict whether that is statements made about techniques or investigative techniques or witnesses, etc.?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):
Through you, Madam President.

If you give me a second, I’ll just turn back to that page, I’m sorry. If the good Senator could ask the question again I would like to answer his actual question and not what I’m guessing as I was reading, sorry.

THE CHAIR:

Senator Fasano.

SENATOR FASANO (34TH):

Sure, so I think the previous question that you said statements made to an immigration officer would be disclosable. I think you said yes. So if the statements were to the immigration officer, investigative techniques, witnesses they talked to, information that they gathered with respect to the detention or arrest things of that nature, would that have to be disclosed or would that be protected from being disclosed?

Through you, Madam President.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

So I would answer that by saying that if it falls under one of these parts of the Bill in Sections (A) through (F) 54 through 73, then under the section that we’re looking back from it would have to be disclosed. So if in responding to this civil
immigration detainer a statement is made then, yes that statement would have to be disclosed. If in providing notification the statements made then it would have to be disclosed. So anything that would happen pursuant to these lines, yes would be disclosable under the FOI section.

THE CHAIR:

Senator Fasano.

SENATOR FASANO (34TH):

Thank you, Madam President. And I thank Senator Winfield for those answers. Thank you, Senator. So, Madam President this is a very broad and I would argue first of it’s kind exemption from FOI in a criminal matter. As I mentioned earlier this evening when you’re doing an investigation and statements made to an officer and the techniques used, that is all non FOI-able, so anybody around this Circle, if you’re under investigation you could not get any information of any sort from any investigation and any documentation of any investigation. This actually gives an undocumented person more rights that a citizen of our State and our Country. So I don’t understand why we would do this. Now I understand there’s issues that certain proponents have where they believe there is targeting and identifying, racially profiling if you would and I get that and there probably is a way to discern that information. We have information going OPM that is not as detailed under this Bill where they gather the information and compute this information. The requested information on this serves one purpose, and only one purpose, to dive into what the Federal Government is doing with
respect to this and into the person they’re looking at. That to me, we’ve never done this before. In fact in this Building and those of us who’ve been here for a while, know we want to limit FOI, this place went into practical lockdown and if some of you remember the case, it was Sandy Hook where we had a task force put together, Republicans and Democrats and press and a whole bunch and what we were trying to stop were the pictures of the kids who were killed at Sandy Hook and what we said was, that information should be kept out of sight. It has no real public purpose, it came at the heels of some wrongfully minded person who believed that Sandy Hook was staged and that there was no such murder and to demonstrate the evidence this individual, as I remember, was seeking pictures of the bodies.

And we, in this Chamber, debated for a very long time and eventually it didn’t go forward, we didn’t do it because the argument was that Freedom of Information is important but when you do it to a criminal investigation, you do it to a criminal investigation where you’ve got sensitive information at least to an arrest that’s where we draw the line and say, under our State law, that that public purpose of protecting that information outweighs the ability to give it to the public. It gives up too much. So this is truly unique, truly unique. At least when the investigation is over and the matter is over, hey then do whatever you want to do. But while it is going on and while it is happening in real time and other investigations are hampered by this, we should not be disclosing what this Building determined to be bad public policy. So Madam President at the very least we should go forward with the Amendment up on the board which, have I
called that Amendment yet, I haven’t so we’re gonna do that as it gets late. I would like to have LCO 8332, is that what it is, no sorry, LCO 8668.

THE CHAIR:

Mr. Clerk.

CLERK:

LCO No. 8667, Senate Schedule “I”.

THE CHAIR:

Senator Fasano.

SENATOR FASANO (34TH):

I move the Amendment request and request permission to summarize.

THE CHAIR:

Please proceed.

SENATOR FASANO (34TH):

Thank you. So what this Amendment does is basically say you can do the FOI but we are going to use the exemptions that this Building some time ago put in which is Section (3) which if it is an ongoing investigation identity of the informants, identity of witnesses, identity of minor witnesses, signed statements, etc. techniques, investigatory files, things of that nature would be kept from being disclosed to the public. Madam President we passed it a long time ago, we have reaffirmed it many times
in this Senate one way and the other. Madam President I look forward to adopting this Amendment.

THE CHAIR:

Thank you, Senator Fasano. Will you remark further on the Amendment? Senator Winfield.

SENATOR WINFIELD (10TH):

Madam President, as we talked a little bit about this already, I’ll just rise in opposition to the Amendment and ask that when the vote is called, it is called by role.

THE CHAIR:

Thank you, Senator Winfield. Will you remark further on the Amendment? Will you remark further on the Amendment. There has been a request for a roll call vote. Mr. Clerk would you kindly call the vote and the machine will be opened.

CLERK:

Immediate roll call has been ordered in the Senate. An immediate roll call has been ordered in the Senate, Senate Bill 992, Senate Amendment “I” LCO No. 8668. Immediate roll call vote has been ordered in the Senate, Senate Amendment “I” LCO No. 8668. Immediate roll call vote in the Senate.

THE CHAIR:

Have all the Senators voted? Have all the Senators voted, seeing that they have the machine will be
closed and would the Clerk please announce the tally.

CLERK:

Senate Bill 992, Senate Amendment “I” LCO No. 8668

<table>
<thead>
<tr>
<th>Total number voting</th>
<th>35</th>
</tr>
</thead>
<tbody>
<tr>
<td>Necessary for Adoption</td>
<td>18</td>
</tr>
<tr>
<td>Those voting Yea</td>
<td>14</td>
</tr>
<tr>
<td>Those voting Nay</td>
<td>21</td>
</tr>
<tr>
<td>Absent not voting</td>
<td>1</td>
</tr>
</tbody>
</table>

THE CHAIR:


SENATOR CHAMPAGNE (35TH):

Thank you, Madam President. I am going to make a comment again about the FOI information because the way I read it, is it is all information related to the “ICE access” which means what led ICE to the police department. Was the AFIS System when they got there, was it a different hit that we got on the NCIC computer? If we allow this to go through forcing this information to be released and it is misused by those officers or that department we are going to have some serious trouble and I’m hoping that it’s not in any of your districts but it could be, all right, and if so they are going to be coming to you because if they lose access to the NCIC computer it may be a while before they get it back. Thank you, Madam President.
THE CHAIR:

Thank you, Senator Champagne. Will you remark further on the Bill? Senator Fasano.

SENATOR FASANO (34TH):

Thank you, Madam President. I think we have asked an awful lot of Amendments and we’ve Gary, or Senator Winfield an awful lot of questions so I am going to turn my attention to an Amendment that doesn’t necessarily, not only does it necessarily has nothing to do with this Bill but is germane and I would ask the LCO of 8330 to be called by the Clerk.

THE CHAIR:

Mr. Clerk.

CLERK:

LCO No. 8330, Senate Schedule “J”.

THE CHAIR:

Senator Fasano.

SENATOR FASANO (34TH):

Thank you, Madam President. Madam President, I move the Amendment, request permission to summarize.

THE CHAIR:

Please proceed.
SENATOR FASANO (34TH):

Thank you, Madam President. Madam President we have in our system the ability for certain folks if they are an offender and sitting in jail that they could get earned risk reduction credits towards reduction of the person’s sentences, not to exceed five days per month. Madam President what this Amendment does is add 53A-70 of the Criminal Statute which is a sexual assault in the first degree being a Class B or Class A felony and this is when somebody’s guilty of a sexual assault by threat, or force and goes on to describe the details of what that crime is but it is the worse of the worse with respect to a sexual assault. Madam President I believe people who, we’ve had this debate in this Chamber a few times, but people who commit this degree of offense of sexual conduct to the point of a Class B or Class A felony should not be able to get time served as they sit in jail just because they are sitting in jail. Madam President, if we are going to send a message especially in today’s society about sexual assault, sexual harassment why would we allow someone who has a Class A or Class B felony in a force sexual attack the right to receive risk reduction credits. Madam President, I urge adoption of this Amendment. Thank you.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. I rise in opposition to the Amendment. I won’t question its germaneness although I can’t quite understand how it connects to
the Bill that is before us that is dealing with our response to Immigration policy, our immigration policy however you would like to look at it. I think that is a conversation that we often have in this Chamber every year that I’ve been here on other Bills but I don’t see how it fits into this Bill and I think it is a fundamentally different question than what we are anticipating here, so I would urge rejection of the Amendment. Thank you.

THE CHAIR:

Thank you, Senator Winfield. Will you remark further on the Amendment? Will you remark further on the Amendment? If not, let me try your minds. Senator Winfield.

SENATOR WINFIELD (10TH):

I would ask that it be, that this be, I’m sorry. I would ask that this be, the vote be taken by role.

THE CHAIR:

Will you remark further on the Amendment? There as been a request for roll vote. Mr. Clerk if you would kindly call the vote and the machine will be opened.

CLERK:

Immediate roll call has been ordered in the Senate. An immediate roll call has been ordered in the Senate, Senate Bill 992, Senate Amendment “J” LCO No. 8330. Immediate roll call vote has been ordered in the Senate on Senate Bill 992, Senate Amendment
“J” LCO No. 8330. Immediate roll call vote in the Senate.

THE CHAIR:

Have all the Senators voted? Have all the Senators voted, the machine will be locked and the Clerk will kindly announce the tally.

CLERK:

Senate Bill 992, Senate Amendment “J” LCO No. 8330

<table>
<thead>
<tr>
<th>Category</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number voting</td>
<td>35</td>
</tr>
<tr>
<td>Necessary for Adoption</td>
<td>18</td>
</tr>
<tr>
<td>Those voting Yea</td>
<td>15</td>
</tr>
<tr>
<td>Those voting Nay</td>
<td>20</td>
</tr>
<tr>
<td>Absent not voting</td>
<td>1</td>
</tr>
</tbody>
</table>

THE CHAIR:


SENATOR WINFIELD (10TH):

Yes. Thank you, Madam President. The Clerk is in possession of an Amendment, the Amendment is LCO 8756. I would ask that it be called and I be granted leave of the Chamber to summarize.

THE CHAIR:

Mr. Clerk.

CLERK:
SENATOR WINFIELD (10TH):

Yes, thank you, Madam President. This Amendment takes us back to a discussion that was happening earlier, much earlier on the Bill. What it does it clarifies that “ICE access” does not include the submission of the AFIS submission that we were talking about and it does not prohibit that AFIS submission and I urge adoption.

THE CHAIR:

Thank you, Senator Winfield. Will you remark further?

SENATOR WINFIELD (10TH):

Madam president, I will not be asking for a roll call.

THE CHAIR:

Will you remark further in the Amendment? Senator Duff.

SENATOR DUFF (25TH):

I yield to Senator Winfield.

THE CHAIR:
Thank you. Senator Winfield.

SENATOR WINFIELD (10TH):

I will be asking for a roll call. [Laugher].

THE CHAIR:

Will you remark further on the Amendment? If not, Mr. Clerk would you kindly announce the vote and the machine will be opened.

CLERK:

Immediate roll call has been ordered in the Senate. An immediate roll call has been ordered in the Senate, Senate Bill 992, Senate Amendment “K” LCO No. 8756. Immediate roll call vote has been ordered in the Senate, Senate Bill 992, Senate Amendment “K” LCO No. 8756. Immediate roll call vote in the Senate.

THE CHAIR:

Have all the Senators voted? Have all the Senators voted? The machine will be locked and would the Clerk please announce the tally.

CLERK:

Senate Bill 992, Senate Amendment “K” LCO No. 8756.

<table>
<thead>
<tr>
<th>Total number voting</th>
<th>35</th>
</tr>
</thead>
<tbody>
<tr>
<td>Necessary for Adoption</td>
<td>18</td>
</tr>
<tr>
<td>Those voting Yea</td>
<td>35</td>
</tr>
<tr>
<td>Those voting Nay</td>
<td>0</td>
</tr>
<tr>
<td>Absent not voting</td>
<td>1</td>
</tr>
</tbody>
</table>
THE CHAIR:


SENATOR WITKOS (8TH):

Thank you, Madam President. For the purposes of wrapping up debate on the Bill, I think a lot of us this evening wanted to get to a good spot where we believed in the fact that no person should be held on a civil detainer for any period of time so other law enforcement agencies could be notified in order to make removal of them or fear of removal of them from this Country from deportation reasons based on a civil issue. That certainly, I don’t believe, the role of local law enforcement, but I think we’ve taken what was passed back in 2013, we heard the discussion this evening as to why those exemptions were placed in the Bill because that is what was needed for the Bill to become passed, apparently that is not the case today in 2019 that we don’t believe we need to have those conditions in the Bill. And when we stand alone and offer Amendments on those specific conditions, they are pretty bad. Nobody would want to have any of their family members, or relatives or neighbor subject to those types of provisions where sexual assault in the third degree, sexual assault in the first degree, rape basically, I can go down a litany of those things. We couldn’t even get an Amendment to keep those in there. To me that is very, very difficult and I think you would have a very difficult time explaining that to your constituents if you took these out on an individual basis. But collectively I can understand why, I may disagree, why some folks
would like to have all those conditions removed. The Bill further goes to what I believe to hamper law enforcement’s ability to communicate with other agencies. All of these law enforcement agencies are tasked to provide public safety to the members of the town or jurisdiction that they work or reside in and anytime, as I said in some conversation earlier, we remove a tool out of the toolbox that may be one less clue that may bring to law enforcement’s attention this particular person, this particular perpetrator, put them behind bars so that a crime can’t be committed. We had a lot of time this evening to do a lot of Googling and I was looking something up online about somebody that was an illegal immigrant, had they been released and not departed, and a lot of things came up. We actually have some Senators, not in the Chamber, but in the other Chamber that urged immediate deportation and had they been deported when they were supposed to have been the crime of murder would not have been committed. And I think it is always the what if we can play and you can never win the “what if’s” because you change the circumstances, changes the facts, changes the outcome. But we can certainly set up the policies in the State, we can predict because we have certainly on the policies that we make sure that we protect those person’s civil rights, we make sure that they are not held incarceration for longer if it’s not for bond reason for any other reason. But we certainly need to make sure that we do justice in protecting as it came out in the discussions earlier, the rest of our citizenry who expect law enforcement that if somebody is here and has, somehow “ICE access” has been activated, not by a phone call, not by an email but they have been activated. Maybe they have a confidential informant somewhere or they are
residing in the thing, or they have a scanner living in the town listening, they can hear communication over the public airways, they got involved. To say you cannot coordinate any activity with them, I just think it is just not right, it is not in my DNA giving my 20 years of service to public safety so I will be voting no. I wish we could have come to a place where we just had a vote where we saw all green lights but that is not going to be on this Bill, Madam President. Thank you very much.

THE CHAIR:

Thank you Senator Witkos. Will you remark further? Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President I rise to support this legislation this morning that began last evening and first I want to thank Senator Winfield and the Judiciary Committee and the advocates for their work on this legislation. It is a lot of work and it takes a lot of time to put something like this together and I certainly applaud the good Chair of the Judiciary Committee for answering the questions, spending the time on his feet, and working to educate this body, this Circle on this important issue.

It is a very scary time for a number of people in this Country. We are seeing these days a precedent attack on immigrants in this Country. We are seeing where we have raids across this Country coordinated, sometimes with local police, sometimes not and it just creates a fear that did not exist just a few years ago. I’m reminded of an
opportunity I had a few months ago during this debate when I was in New Orleans and I was passing by a monument and it was called the Monument to the Immigrant and it was commissioned by the Italian American Marching Club and I took a picture of it. It said, “Dedicated to the courageous men and women who left their homeland seeking freedom and opportunity and a better life in a new country.” And I think many of us have, will all agree that right now our immigration system is broken. It was a lot different maybe 50, or 60 or 100 years ago, 200 years ago to come to this country and seek a better opportunity. Now it is very difficult to come here and become a citizen like it was just a few decades ago.

And so now what we are seeing over the last few years really is, has been an assault on people who have many times done nothing wrong but they are getting kind of rounded up into law enforcement and a system that is not entirely fair. We’ve seen over the years where people who have been in this Country for decades, they own businesses, their kids go to schools and they have been in the wrong place at the wrong time or they have gone to try and help become citizens or fix their Green Cards or fix sometimes just clerical errors in their Visas, only then to be arrested and then deported. I’ve seen somebody in Danbury who was a carpenter who ended up, never had a speeding ticket in his life, paid his taxes, married with children and is now deported back to Guatemala. We saw people in New Britain who were owned a pizza shop, ended up having to go back to Afghanistan, a country that they didn’t even, hadn’t even been in for decades and didn’t want to go back to and yet they had lives a legal existence here with a business and a family and wanted nothing part
of their old country. They were American’s, they wanted to be American’s and yet through this new enforcement action that has been so prevalent over the last few years has made people criminals who otherwise had lived legal existences here in the United States.

So the question is why then are we updating our Trust Act? And for those reason that is why we are doing it. We are doing it because we have been the land of opportunity, we have been the Land of the Free, we have been the land where we welcome immigrants, where we welcome people to come into this country and start a new life, start a life of opportunity and start a life where they can contribute to this Country. We’ve always had the tradition where our local police enforce our local laws. We don’t have a national police force in this country. We never have and the reason is because we value our local, our local law enforcement here in this Nation and you go and ask local police officers whether they want to enforce the national laws that we have and they don’t because they know that it makes our country safer, our communities safer when people don’t feel like they are in the shadows and they don’t feel like they are the others who can’t come out and be a part of our society. Now of course if people are engaged in criminal activity they should be held to the standard that we all have but we shouldn’t make people criminals because of the fact that we have an immigration system in Washington that is broken and unresolved over the last few decades. We’ve had presidents and congresses that some have tried but they’ve all failed to fix the system and yet their failures have left others in the lurch to try and straighten out their own immigration status. But our Country is
better than that and our State is better than that and here in Connecticut we’ve talked about our values many times about how we welcome people since the founding of this State, people who have previously and otherwise would have been cast aside in other places but here in the State of Connecticut we always welcome them to be a part of our State. So with that, Madam President I believe that this is an important update to the legislation that we passed just a few short years ago, cause I don’t know that anyone would have anticipated quite what we have been seeing over the last few years and that hopefully with the passing of this Bill here in the Senate and in the House, the Governor’s signature we will continue to have a State that is safe, where people don’t live in the shadows, where they don’t have a fear of being rounded up like we see in other places, where we enforce our laws, where we hold everyone accountable to the same standard but we have a place that is welcoming and where people can live here without fear. And so Madam President I urge my colleagues to support the legislation, to take that stand and to again maybe this sends a signal to our colleagues in Washington to please fix the broken laws that are there but in the meantime we are gonna make sure that we do what we have to do here in Connecticut and do what’s right and respect everybody in the State. Thank you, Madam President.

THE CHAIR:
Thank you, Senator Duff. Will you remark further? Senator Fasano.

SENATOR FASANO (34TH):
Thank you, Madam President. I’ve spoken a lot on this Bill so I will keep it relatively short. I agree with Senator Duff that this is a problem that has gone back a very longtime, many administrations in Washington and whether it is controlled by Republicans or controlled by Democrats it seems like unfortunately immigration is a political football they continue to play in Washington at the expense of real lives. That is extraordinarily sad.

In 2013 which started the Trust Act was because the administration in Washington then, Democratically controlled, there was a record number of deportations from the United States deporting families and breaking up families. That is what started the Trust Act so this isn’t a new phenomenon, this isn’t something that just came about, it is probably reported more for different reasons, but this is something that has been going on for a longtime. And I certainly believe in the concept as Senator Witkos has said that if you are being detained on a criminal matter relative to a local enforcement and you should be let go, you should not be held up not one minute, not one second past the time that you should be released for a civil detainer. I wholeheartedly agree with it. I also agree with the notion that if there is a detainer in place, you should tell the person being detained that you’ve reported the information to ICE. I also believe in those two concepts very strongly and I think that this Bill in fact deals with those admirably. However this clearly in my view at least is an overreach, it goes well beyond to the FOI investigation, FOI getting information about investigations which is extraordinarily dangerous including the Terror Watchlist as Senator Champagne has pointed out which could be a violation
of the Criminal Index System for looking up criminal records throughout this Country. If that turns out to be a problem we are going to be back here fixing it. And although it has been said that we’re very sensitive to law enforcement, a law enforcement who is said in this Circle don’t want to enforce the rules, the Federal Laws but yet there were Amendments to give them the option and that was turned down and then there was another Amendment to hold them harmless so that if they’re caught in a box they can get out of the box and that was turned down. So the words of sympathy fall hallow when the two matters in which you could have really expressed that sympathy to local officers were denied on basically party line votes.

This is a serious issue. But it is a balance test. Protecting the safety and welfare of the residents that we all represent in our different districts and also making sure that someone who is a hardworking, undocumented person in this Country is not shipped off simply because they get a speeding ticket. So there are issues that have to be balanced and I think a lot of us will have to have those discussions. There was very little time for those discussions. I did have the opportunity to meet with the advocates who I know are up here in the gallery and we had some lengthy conversations, I think it was on Friday, talked about some common ground and talked about some area for movement. But then the Bill is put up and I thank Senator Winfield for arranging that meeting and having a conversation and recognizing with the windows that we have there was not opportunity to have these conversations. When we were 18-18 we had these conversations. When we were at 18-18 we talked about these things, early and at great lengths and I think we did a lot of
good work. Just because the numbers are lopsided doesn’t mean conversations come to a stall but without a doubt conversations about Bills, this being one, have come to a halt. And that’s okay. Majority of you guys get to do what you want to do, you’re the majority. Whether it is right or wrong that is for your dilemma not mine. But Bills like this could be better and we call could get behind ‘em and protect the interest that we all feel needs to be protected. But this is a far-reaching Bill that does a lot more than I think most fair minded people think it should but it is there in front of them and either vote for this, if they don’t like the Bill but like the concept they have no choice. They go with it.

I think we are going to be back here Amending this Bill if it gets out of the House and I don’t know what the plight is in the House but I think we will be back her amending the Bill. One, for the criminal computer system. Two, because we are going to run into a problem with officers who we’re gonna see. We’re gonna get tagged, I think if they are doing it to a judge in Massachusetts why not do it to an officer. Judges their for life terms or retirement, why not go for police officers. Why not make examples.

And that isn’t what we want to do in this Circle. We are here to help people, not cause confusion and with all due respect I think that the Bill is confusing on what you can do and what you can’t do, what information you can release and what you can’t release and if the Feds come down and you put yourself being a police officer and say, I want to ask that person a question, I’m a federal officer, I want to ask. Are you going to say, no, you’re not
let in the room, that is what this Bill says. You’re not let in the room. I don’t know if that’s a violation of interfering with a federal investigation, I don’t know the answer to that question. Certainly a questions we haven’t really discussed all that much outside of Amendments. That’s the conversation we should be having, whether it is paid family leave, minimum wage, shift scheduling, sexual assault or a whole host of other Bills they are going to come either directly to this Chamber or from that House to this Chamber, those conversations have ceased. I can’t fathom why. I think we did a pretty darn good job two years ago, I think we did a pretty good job, certainly did a good budget, the only one that’s had a surplus in ten years. I think we did a good job. But now the games changed. And here we are with a Bill that a large spinal cord of the Bill is a good idea but the rest of it we could have had it a different Bill or for a different discussion.

So, Madam President I hate to say that saying, throw the baby out with the bathwater, but I think in this case this is too broad a net, it does too many things at once. I think the language is confusing as you read through it, it goes from different sections to different sections and Senator Winfield did a phenomenal job to navigate the questions and get through the Bill and I thank him particularly for the patience of standing up here for eight hours asking very difficult, answering very difficult questions to a complicated Bill and I thank you, Gary for your patience in that. But, Madam President I just don’t think this is the right Bill for the right time. I wish we could have done something more solid, more to the point and solve
the problems I think many of these folks in the
gallery on focusing on. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Fasano. Will you remark further?
Senator Looney.

SENATOR LOONEY (11TH):

Thank you, Madam President, and good morning. Madam
President I would like to begin also is speaking in
support of the Bill obviously by commending Senator
Winfield for his extraordinary effort this evening
and this morning in carrying the debate on this Bill
for nearly eight hours as he has in terms of
discussing the Bill and all the various Amendments
that were offered. Although the eight hours fall
short of the 14 hours that Representative Porter
endured in the House in the debate on the minimum
wage and I am not encouraging anyone to test that
limit here and hope we won’t see that but I want to
commend him for his stamina, his energy, his
commitment, his endurance and his commitment to
principle on this issue.

Madam President we really have had a broken
immigration system in the United States since 1924
at the very least and that was the year that a very
restrictive and arbitrary Federal Immigration Policy
was passed by the U. S. Congress. What it did was
say that on the surface it looked like it might have
been fair or at least pegged to some real
benchmarks. It said that “We will limit immigration
every year and that we will limit it in a way that
proportional immigration will come in connection
with the percentage of people of a different
nationality and different country of origin who are already in the United States” so in other words they would take a snapshot of the immigration status and breakdown the ethnic groups and allow for immigration in that percentage. However the thumb on the scale, the kicker, the unfairness was that we’re not gonna use the 1920 census however we will use the 1890 census. And the reality of the world and the reality of the United States was so much different in 1890 than it was in 1920 because in 1890 the large surge of immigration from Southern Europe and Eastern Europe was only beginning and their representation in our population was much, much lower in 1890 than it was by 1924 when the Bill was enacted. So while it looked like it was relatively equitable or pegged to a standard that was fair, it was completely skewed from the very beginning against certain ethnic groups and countries of origin.

Now ma parents came to American from Ireland just shortly after that 1927 for my dad as a young man and 1929 for my mother as a very young woman and they were fortunate because while I’m sure that those in power would have tried they were already too many Irish here by 1890 that it wasn’t possible to skewer the formula to limit them in the way it did for Italians, Greeks, Jews, Russian, Poles and other Eastern and Southern Europeans. So one dramatic example of that was the year prior to that 1924 Statute, 225,000 immigrants from Italy came to the United States. In the year after that only 5,000 were allowed in, that is the reality of what we’ve seen since 1924 so we are now dealing with a problem that is over 90 years old in its arbitrariness and it’s unfairness.
So to return to the Bill, I think this is a highly reasonable Bill within the State’s scope of authority. First of all it’s important to recognize that the civil immigration detainer from ICE in a point that Senator Winfield made is are in fact these are not judicial warrants, which must meet Constitutional requirement of probable cause and be signed by a judge, they are mere administrative requests that are signed by bureaucrats, ICE employees and these requests are not compulsory on local law enforcement and I think that is important to remember, this is merely a request, not an order and there is no, in a sense a violation of federal law in a state using it’s discretion to deny requests under certain circumstances. And if fact the Trust Act that we passed in 2013 and are looking to amend tonight falls far short of protections that have been adopted in many other states since our act was passed. In 2017 alone there were five states, Illinois, Oregon, Washington, New York and California that imposed statewide policies limiting local involvement in immigration enforcement. In fact Illinois has specifically banned all detention based solely on ICE detainer requests unless there is also a judicial warrant for the individual’s arrest. So Senate Bill 992 would eliminate some of the broad exceptions of the 2013 Trust Act and bring the State’s law enforcement practices inline with those of other states by allowing officers to detain an individual only if ICE has also secured a judicial warrant for the individuals arrest. And over the past two decades many federal courts have made it clear that ICE detainers are in fact simply administrative requests and that local authorities are not required to comply with them. In fact a recent federal decision in the Third Federal Circuit Galarza v. Szalczly from 2014 found that reading
federal regulations to require detention on the basis of an ICE detainer alone would violate the Tenth Amendment anticommandeering principle. And just to remind our members of the Tenth Amendment which is of course with the great fundamental of Federalism which of course is the system under which we have operated now for 230 years since our Nation got underway with it’s first election of a president and congress and operating under our new Constitution in 1789 we now have been operating under the system for 230 years and the Bill of Rights in which the Tenth Amendment is included of course was adopted two years later but the Tenth Amendment says the “Powers not delegated to the United States by the Constitution nor prohibited by it to the states are reserved to the states respectively or to the people.” So the powers that are not delegated to the Federal Government specifically by the Constitution and are not prohibited specifically to the states are reserved to the states or to the people and that has been the great principle of Federalism that has been in affect a creative, a creative tug of war in our government for the last 230 years about the balancing of how authority is exercised at the national government or at the state level and I think that is critical for us to remember. And the Supreme Court has applied a major case about a little more than 20 years ago now where the Brady Handgun Violence Prevention Act, a Federal Law, called for state and local law enforcement officials to conduct background checks on people seeking to buy a gun and you remember that celebrated act when it passed named after Jim Brady who was severely wounded at the time President Reagan was the victim of an attempted assignation and two law enforcement officials from Montana and Arizona challenged that
law because they believe it was excessively burdensome on local authorities to enforce the background check principles of that law and the U. S. Supreme Court held that it would violate the Tenth Amendment and specified this issue of a commandeering principle would violate the Tenth Amendment to require state and local law enforcement official to carryout Federal Law in that case. So it is clearly an issue that the state’s right to operate under it’s own principles was upheld there and Federal Law was found to be excessively burdensome and looking to commander local law enforcement for federal purposes and I think that is what many who oppose this Bill are really trying to do, subject the State to being commandeered for Federal Law enforcement purposes. So there really is no evidence throughout our history of Federal Laws that the Federal Government has been successfully been able to commandeer the executive branches of the states to carryout congresses bidding. Of course it has been true that federal judges have been able to enforce Federal Orders but it hasn’t been power granted by Congress. So it’s clear that our system constitutional structure is based on that principle of dual sovereignty under Federalism, that is the power of the state, the legitimacy of the state, the legitimacy of the national government are both recognized in our Constitution, very different from the Articles of Confederation which was our original governing document in which all power really inhaled in the states, the national government had no real authority except that was derived and given exclusively by the states but that was all replaced by our Constitution that created this system recognized state and federal power to be exercised.
So, Madam President I think that we are entirely within our rights and within the context of recent Supreme Court decisions to take the approach we are taking here in Senate Bill 992. Also Madam President, since November of 2013 that point, Governor Malloy and the DOC Commissioner announced revisions that the DOC Administrative directives that voluntarily limited the situation in which the DOC would enforce ICE detainer levels to a set of categories that was much narrower that was passed in the statue in 2013 and people have spoken tonight about those seven categories of exception the state itself has not been using all seven of those categories since 2013 when the Governor and the DOC administratively limited the scope of those exceptions to three out of the seven. So, Madam President to give greater effect or to make compliance with the federal request mandatory on the state would violate the anticommandeering principles of the Tenth Amendment. So that we have seen, I think, what we are doing with Senate Bill 992 is the state taking an appropriate approach to decide in which cases it will cooperate with the request of ICE, federal administrative agency without the authority to mandate compliance on the state and the state remains, retains discretion in certain circumstances to comply with that request and cooperate with that request and in other cases not to do so. And that is the essence of what we are talking about here and that is why I think that this update of the statute that was passed six years ago is entirely appropriate for us to pass this evening.

Thank you, Madam President.
Thank you, so much Senator Looney. With that will you remark further on the Bill as amended. Will you remark further on the Amendment? If not, Mr. Clerk if you would please announce the roll call vote and the machine will be opened.

CLERK:

Immediate roll call has been ordered in the Senate. An immediate roll call has been ordered in the Senate. Immediate roll call vote has been ordered in the Senate, Senate Bill 992 as Amended by Senate A through K. Immediate roll call vote has been ordered in the Senate.

THE CHAIR:

Have all the Senators voted? Have all the Senators voted? If so, the machine will be locked and the Clerk would please announce the tally.

CLERK:

Senate Bill 992 as Amended by Senate “A” and “K”.

<table>
<thead>
<tr>
<th>Description</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number voting</td>
<td>35</td>
</tr>
<tr>
<td>Necessary for Adoption</td>
<td>18</td>
</tr>
<tr>
<td>Those voting Yea</td>
<td>20</td>
</tr>
<tr>
<td>Those voting Nay</td>
<td>15</td>
</tr>
<tr>
<td>Absent not voting</td>
<td>1</td>
</tr>
</tbody>
</table>

THE CHAIR:


SENATOR DUFF (25TH):
Thank you, Madam President. We still have a few more items to complete tonight but I have some referrals.

THE CHAIR:

Please proceed.

SENATOR DUFF (25TH):

Thank you, Madam President. On Calendar Page 18, Calendar 261, Senate Bill 994 like to place that on the foot of the Calendar.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

Thank you, Madam President. On Calendar Page 31, Calendar 392, Senate Bill 1083, like to refer that item to the Appropriations Committee.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

On Calendar Page 49, Calendar 97, Senate Bill 817, like to remove that item from the foot of the Calendar and mark that PR.

THE CHAIR:

So ordered.
SENATOR DUFF (25TH):

On Calendar Page 25, Calendar 337, Senate Bill 1046
like to refer that item to the Appropriations
Committee.

THE CHAIR:

So ordered.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President does
the Clerk have Senate Agenda No. 2 on his desk?

THE CHAIR:

Mr. Clerk.

CLERK:

The Clerk is in possession of Senate Agenda No. 2
dated Tuesday, May 14, 2019.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I move all items on
Senate Agenda No. 2 dated Tuesday, May 14, 2019 be
acted upon as indicated and the Agenda be
incorporated by the reference to the Senate Journal
and the Senate Transcript.
THE CHAIR:

So ordered.

SENIOR DUFF (25TH):

Thank you, Madam President. We have three more Bills to take up. First one was previously marked PT which was Calendar Page 30, Calendar 387, Senate Bill 792 if we can go with that first followed by to mark go, Calendar Page 17, Calendar 249 Senate Bill 1065 followed by Calendar Page 46, Calendar 250 Senate Bill 359 I would like to mark that go as well. Thank you, Madam President.

THE CHAIR:

Thank you. Mr. Clerk.

CLERK:

Page 30, Calendar Number 387, Senate Bill 792 AN ACT CREATING AN ADVISORY COMMITTEE TO STUDY DISCRIMINATION ON THE BASIS OF GENDER IDENTITY OR EXPRESSION THAT OCCURS IN WORKPLACES AND SCHOOLS IN THE STATE.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

I’m sorry Madam, we had already moved acceptance and we were in the middle of the debate.

THE CHAIR:
Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Madam President and morning.

THE CHAIR:

Good morning.

SENATOR KISSEL (7TH):

I had offered an Amendment on this. The amendment failed the colleague that I had with Chairman Winfield brought us to the spot where the group studying this issues could actually look into the issue of transgender participation in high school sporting events. My last recollection although it was many hours ago, was that Senator Winfield indicated that if any legislator perhaps myself, felt strongly about that I could write letters to the head of that study commission asking them to inquire about that as part of the purview of their charge and that being stated on the record I have no further questions for the good Chairman of the Judiciary Committee, it being five minutes to 2:00 a.m. and so I am happy to conclude our discussion of this Bill at this time. Thank you, Madam President.

THE CHAIR:

Thank you Senator Kissel. Will you remark further on the Bill. Will you remark further on the Bill? If not, would the Clerk please call the Bill and the machine will be opened.
CLERK:

Immediate roll call vote.

THE CHAIR:

Sorry, Senator Winfield.

SENATOR WINFIELD (10TH):

Yes, Madam President if there is no further comment or questions, I would ask that this be placed on consent.

THE CHAIR:

Seein no objections, so ordered. Mr. Clerk.

CLERK:

Page 17, Calendar 249 Senate Bill 1065 AN ACT CONCERNING LONG-TERM CARE SERVICES. There is an Amendment.

THE CHAIR:

Senator Moore.

SENATOR MOORE (22ND):

Good morning, Madam President. Madam President I move acceptance of the Joint Committee’s Favorable report and passage of the Bill.

THE CHAIR:

Question is on passage. Will you remark.
SENATOR MOORE (22ND):

Yes. Madam President this Bill is an act concerning long-term care services and the purpose of the Bill is to have the Commissioner of Social Services conduct a study of the State’s long-term care and determine if existing programs and strategies are sufficient. Thank you.

THE CHAIR:

Thank you, Senator Moore. Will you remark further on the Bill. Senator Witkos.

SENATOR WITKOS (8TH):

Thank you, Madam President. And I would concur with Senator Moore that I think we need an in depth analysis or audit of some of the long-term housing issues in our State. Yesterday during the Finance Committee meeting there was Bill that looked at removing the word temporary making it for long-term for assessment purposes and I had an issue where the State would provide to an existing landlord, a private property, ongoing routine maintenance and repair and how are we as a State able to fund all of these things. We have a landlord making a profit and the State is responsible for providing routine maintenance and repair, I just don’t think that’s right and I will be writing to the Commissioner if this Bill becomes law to include that in the analysis and the study. We will be addressing the debate on that Bill if it makes it up here but I wanted to bring up that point and some of the long-term care services finds housing I think this has a potential overlap because we talk about facilities
that are group homes and that provide long care services in the Bill that was earlier today so I think there is a nexus between that Bill and this Bill so be watching it but I understand and will be looking forward to working with the Commissioner on some of the study language. Thank you.

THE CHAIR:

Thank you, Senator Witkos. Will you remark further? Senator Logan.

SENATOR LOGAN (17TH):

Thank you, Madam President.

Through you, Madam President.

In terms of this Bill and the study, I respectfully ask the question is this Bill necessary? It looks as though the Department of Social Services has already developed and implemented a strategic, has a strategic plan to rebalance long-term services and supports. That plan I believe is required to be updated every three years.

Through you, Madam President.

THE CHAIR:

Senator Moore.

SENATOR MOORE (22ND):

There is no fiscal impact for this and the SS did not oppose the Bill.
THE CHAIR:

Senator Logan.

SENATOR LOGAN (17TH):

So through you, Madam President.

The question is this study necessary since it appears that the Department of Social Services is already doing what this Bill appears to be requiring in the study.

THE CHAIR:

Senator Moore.

SENATOR MOORE (22ND):

Through you, Madam President.

The Bill was submitted to Human Services who felt there was a need to do this.

THE CHAIR:

Senator Logan.

SENATOR LOGAN (17TH):

No further questions. Thank you, Madam President.

THE CHAIR:

Thank you so much. Will you remark further on the Bill. Senator Somers.
SENATOR SOMERS (18TH):

Yes, through you Madam Chair.

For the proponent of the Bill, I was wondering if the long-term care needs would we also be looking at the Medicaid reimbursement for those services, CON, the impact of any legislation that we may pass this session to see how that will affect the long-term care services?

THE CHAIR:

Senator Moore.

SENATOR MOORE (22ND):

Thank you, Madam President.

Thank you. The study will look at various parts of long-term care. It is not specific on what they will be looking at but they will be doing it in totality.

SENATOR SOMERS (18TH):

Again through you, Madam Chair.

So after this legislative session and if this Bill is to pass, would it be possible to offer suggestions on areas to the Department of Social Services to look at that we feel are of importance especially perhaps coming from the Public Health Committee?

THE CHAIR:
Senator Moore.

SENATOR MOORE (22ND):

Through you.

I am not sure about the Public Health but it does say that they will provide a report with the results to the General Assembly.

THE CHAIR:

Senator Somers.

SENATOR SOMERS (18TH):

Thank you very much.

THE CHAIR:

Thank you. Will you remark further on the Bill. Will you remark further? Senator Kelly.

SENATOR KELLY (21ST):

Thank you, Madam President. This study Bill comes at a time in our State when we have an aging population. We used to be seventh oldest in the Country, we have moved up to sixth for two real reasons. One is the age of people are being living longer but also baby-boomers are moving into retirement. And as Senator Moore indicated this study is going to look at the issues of aging and it is going to differ a little bit than what we’ve done normally with the SS as it is going to look at how these, the new aging that is coming along with baby-boomers and individuals with disability and those
impacts on our long-term care services. The report will come back to both Human Services and the Aging Committee so it is something that I would be looking for myself because one of the big things that I know during the last campaign was we talked about a lot of things but one thing we didn’t talk about was what I think was one of the most important issues that are facing the people of the State of Connecticut and that is the issue of aging and it’s impact on the State budget. When you have about 14 percent of the population over the age of 65 and it costs more than ten percent of the State budget on nursing homes alone, this is an issue that needs attention and it needs to be addressed. Medicaid appropriations are not going to be going away particularly given the fact that our population is aging and aging exponentially. This is an issue that when I was first elected in 2010 I though it was at a crisis point. It is well beyond that. We have not transitioned care from institutional settings to community based settings fast enough. So what I think we need to do is to start looking at ways that we can actually start to save money in the Medicaid program. To that end, the Clerk is in possession of LCO 8538. Madam President, I ask that the Clerk please call the Amendment.

THE CHAIR:

Mr. Clerk.

CLERK:

LCO No. 8538, Senate Schedule “A”.

THE CHAIR:
Senator Kelly.

SENATOR KELLY (21ST):

Thank you, Madam President. I move adoption of the Amendment, waive reading and seek leave to summarize.

THE CHAIR:

Please proceed.

SENATOR KELLY (21ST):

Okay, what this Bill does is a way to actually have money come from Washington to Connecticut and a positive impact on the State budget. We’ve run this last year and last year this would save the General Fund $600,000 dollars. This year in talking with the Probate Court Administrators Office it will save approximately $800,000 dollars. And in essence what it does is it is a technical change to the way could calculate applied income in a Medicaid file. So what you would have is a person on Medicaid, so they can have no more that $1600 dollars in the bank, and then all their income goes to a nursing home except for $60.00 which is the personal need allowance and their Medicare deductible which is about $104 dollars for most individuals. If we allow an applied income deduction so that if an individual was in a nursing home on Medicaid with dementia, and they needed a conservator, they could get Human Service in the Probate Court System that are paid 100 percent with State money and this would allow a 50 percent match because it would be paid for through the Medicaid Program. This is a win because the individual in need gets more Human
Service in the Probate Court System, it is a win because we get federal reimbursement out of Washington, D.C. and the taxpayers get a break. So from my perspective this is a way that we can positively impact the State budget. We can do more with Medicaid dollars and we can deliver more Human Services to people in need through the Probate Court System and the Department of Social Services. That is what the Amendment does and I would urge its support. Thank you.

THE CHAIR:


SENATOR LOGAN (17TH):

Hi, thanks Senator Moore.

Through you, Madam President.

I rise in support of this Amendment. I urge my colleagues to do the same. Thank you.

THE CHAIR:

Thank you, Senator Logan. Will you remark further on the Amendment? Senator Moore.

SENATOR MOORE (22ND):

I urge my colleagues to support the Amendment. We did move this Bill out last year and working collaboratively with Senator Kelly to see what we can do on this Bill and to look at Medicaid dollars. I urge support of the Amendment.
THE CHAIR:

Thank you, Senator Moore. Will you remark further on the Amendment? Will you remark further on the Amendment? If not, let me try your minds. Senator Moore.

SENATOR MOORE (22ND):

I was going ask for voice.

THE CHAIR:

Oh, okay well let me try your minds. [Laughter] All in favor of the Amendment as discussed please signify by saying Aye.

SENATORS:

Aye.

THE CHAIR:

Opposed? The Amendment is adopted. Will you remark further on the Bill as Amended? Senator Moore.

SENATOR MOORE (22ND):

Thank you, Madam President. I just want to continue to say I hope we can work collaboratively and move this Bill along and make sure that we all are looking at all the components of it and I did look further and it does come back to both Public Health and to Human Services to look at and it will probably come to Aging also. Thank you.
THE CHAIR:

Thank you, Senator Moore. Will you remark further on the Bill as Amended? Will you remark further. If not. Senator Moore.

SENATOR MOORE (22ND):

If there is no objection I would like to see this on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered. Mr. Clerk.

CLERK:

Page 46, Calendar Number 250, Senate Bill 359 AN ACT EXTENDING WHISTLEBLOWER PROTECTIONS TO EMPLOYEES OF BUSINESSES RECEIVING FINANCIAL ASSISTANCE FROM THE STATE.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I was just going to talk for just a few seconds here [Laughter]. The best time of the day is usually 2:08 in the morning. Thank you, Madam President.

THE CHAIR:

It is very delightful. Senator Kushner.

SENATOR DUFF (25TH):

Thank you, Madam President.
SENATOR KUSHNER (24TH):

Madam President I move the Acceptance of the Joint Committee's Favorable Report and Passage of the Bill.

THE CHAIR:

The question is on passage. Will you remark?

SENATOR KUSHNER (24TH):

This is a Bill extending whistleblower protections to employees of businesses receiving financial assistance from the state.

THE CHAIR:

Will you remark further on the Bill? Will you remark further? Senator Miner.

SENATOR MINER (30TH):

Thank you, Madam President and good morning. I rise in support of the Bill. I think that this is a good addition to our current whistleblower statute in that it does extend to those that receive financial assistance from the State I think it is in the amount of $5 million dollars or more so these are rather large investments on the part of the State taxpayers and I urge Adoption as well.

THE CHAIR:

Thank you, Senator Miner. Will you remark further on the Bill? Senator Kushner.

SENATOR KUSHNER (24TH):

Madam President if there is no objection I move to place this item on the Consent Calendar.
THE CHAIR:

Seeing no objection, so ordered. Mr. Clerk or rather Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. If the Clerk can now call the items on the Consent Calendar followed by a vote of the Consent Calendar please.

THE CHAIR:

Mr. Clerk.

CLERK:

Consent Calendar No. 1, Page 9, Calendar 153, Senate Bill 1017. Page 17, Calendar 249, Senate Bill 1065. Page 30, Calendar 387, Senate Bill 792 and Page 46, Calendar 250 Senate Bill 359.

An immediate roll call vote has been ordered in the Senate on Consent Calendar No. 1. Immediate roll call vote has been ordered in the Senate on Consent Calendar No. 1. Immediate roll call vote on Consent Calendar No. 1.

THE CHAIR:

Have all the Senators voted? Have all the Senators voted? Seeing that they have the machine will be locked and the Clerk will please announce the tally.

CLERK:

Consent Calendar No. 1.

<table>
<thead>
<tr>
<th>Total number voting</th>
<th>35</th>
</tr>
</thead>
<tbody>
<tr>
<td>Necessary for Adoption</td>
<td>18</td>
</tr>
</tbody>
</table>
Those voting Yea 35
Those voting Nay 0
Absent not voting 1

THE CHAIR:

[Gavel] The Consent Calendar is adopted. Senator Duff do you have another Go List for us? [Laughter]

SENATOR DUFF (25TH):

Later today, Madam President. Madam President for Journal notation I just want to mention that Senator Needleman is not here today because of a death in his family and our thoughts and our prayers are with him and his family during this difficult time. Thank you, Madam President. And Madam President will the Senate stand-at-ease for just a moment.

THE CHAIR:

Senate will stand-at-ease.

SENATOR DUFF (25TH):

Madam President.

THE CHAIR:

Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. It would be our intention to come in tomorrow at one o’clock in the afternoon. And with that I will yield to any points of personal privilege or announcements.
THE CHAIR:

Any other points of personal privilege or announcements? Senator Leone.

SENATOR LEONE (27TH):

Good morning, Madam Lt. Governor. For purpose of announcement.

THE CHAIR:

Please proceed.

SENATOR LEONE (27TH):

The Transportation Committee will have a meeting for some Bills that were referred. We will meet 15 minutes before the start of the first session. Thank you.

THE CHAIR:

Thank you, Senator Leone. Any other points? Not, Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. I move we adjourn subject to the Call of the Chair.

THE CHAIR:

We are adjourned. [Gavel]
On motion of Senator Duff of the 25th, the Senate at 2:16 a.m. was adjourned subject to the call of the Chair.