General Assembly

Raised Bill No. 7211

January Session, 2025

LCO No. **6170**

Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING CIVIL IMMIGRATION DETAINERS FOR PERSONS WHO ARE CHARGED WITH THE COMMISSION OF A CLASS A, B OR C FELONY OR A FAMILY VIOLENCE CRIME.

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

Section 1. Section 54-192h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

(a) For the purposes of this section:

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

(2) "Civil immigration detainer" means a request from a federal immigration authority to a local or state law enforcement agency for a purpose including, but not limited to:

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

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

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

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

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

(4) "Federal immigration authority" means any officer, employee or other person otherwise paid by or acting as an agent of ICE or any division thereof or any officer, employee or other person otherwise paid by or acting as an agent of the United States Department of Homeland Security or any successor agency thereto who is charged with enforcement of the civil provisions of the Immigration and Nationality Act;

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

(6) "ICE access" means any of the following actions taken by a law enforcement officer with respect to an individual who is stopped by a law enforcement officer with or without the individual's consent,

arrested, detained or otherwise under the control of a law enforcement official or agency:

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

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

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

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

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

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

"ICE access" does not include submission by a law enforcement officer of fingerprints to the Automated Fingerprints Identification system of an arrested individual or the accessing of information from the National Crime Information Center by a law enforcement officer concerning an arrested individual;

(7) "Judicial officer" means any judge of the state or federal judicial branches and any federal magistrate judge. "Judicial officer" does not

mean an immigration judge;

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

(9) "Law enforcement officer" means:

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

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

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

(D) Each judicial marshal, state marshal and adult probation officer;

(10) "Bail commissioner or intake, assessment or referral specialist" means an employee of the Judicial Branch whose duties are described in section 54-63d; and

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

(b) (1) No law enforcement officer, bail commissioner or intake, assessment or referral specialist, or employee of a school police or security department shall:

(A) **[**Arrest**]** Except as provided in subdivision (2) of this subsection, arrest or detain an individual pursuant to a civil immigration detainer; **[**unless (i) the detainer is accompanied by a warrant issued or signed by a judicial officer, (ii) the individual has been convicted of a class A or B

felony offense, or (iii) the individual is identified as a possible match in the federal Terrorist Screening Database or similar database;**]**

(B) Expend or use time, money, facilities, property, equipment, personnel or other resources to communicate with a federal immigration authority regarding the custody status or release of an individual targeted by a civil immigration detainer, except in a case where the individual has been charged, after a finding of probable cause, with a class A, B or C felony offense or a family violence crime pursuant to section 46b-38h, or as provided in subsection (e) of this section;

(C) Arrest or detain an individual based on an administrative warrant, unless such individual has been charged, after a finding of probable cause, with a class A, B or C felony offense or a family violence crime pursuant to section 46b-38h;

(D) Give a federal immigration authority access to interview an individual who is in the custody of a law enforcement agency unless the individual (i) has been **[**convicted of**]** charged with, after a finding of probable cause, a class A, **[**or**]** B or C felony offense or a family violence crime pursuant to section 46b-38h, (ii) is identified as a possible match in the federal Terrorist Screening Database or similar database, or (iii) is the subject of a court order issued under 8 USC 1225(d)(4)(B); or

(E) Perform any function of a federal immigration authority, whether pursuant to 8 USC 1357(g) or any other law, regulation, agreement, contract or policy, whether formal or informal.

(2) A law enforcement officer or bail commissioner may detain, for a period not to exceed forty-eight hours, an individual pursuant to a civil immigration detainer if:

(A) The detainer is accompanied by a warrant issued or signed by a judicial officer;

(B) The individual has been charged, after a finding of probable cause, with a class A, B or C felony offense or a family violence crime pursuant to section 46b-38h; or

(C) The individual is identified as a possible match in the federal Terrorist Screening Database or similar database.

(3) The provisions of this subsection shall not prohibit submission by a law enforcement officer of fingerprints to the Automated Fingerprints Identification system of an arrested individual or the accessing of information from the National Crime Information Center by a law enforcement officer concerning an arrested individual.

(c) Prior to responding to a request for notification of the release date and time from custody of a law enforcement agency of an individual suspected of violating a federal immigration law or who has been issued a final order of removal, the law enforcement officer shall forward the request to the head of the law enforcement agency for review.

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

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

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

(3) Otherwise required by law.

(e) (1) Upon receiving a civil immigration detainer, a law enforcement agency shall provide a copy of the detainer to the affected individual who is the subject of the detainer and inform the individual whether the law enforcement agency intends to comply with the detainer. 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 the individual's attorney or shall make a good faith effort to contact one other individual who the individual may designate, a copy of such notification as well as the reason, in writing, that such law enforcement agency is complying with the detainer.

(2) All records relating to ICE access maintained by law enforcement agencies shall be deemed public records under the Freedom of Information Act, as defined in section 1-200. Records relating to ICE access include, but are not limited to, data maintained by the law enforcement agency regarding the number and demographic data of individuals to whom the agency has provided ICE access, the date ICE access was provided to an individual, the type of ICE access provided to an individual, the amount of resources expended on providing ICE access and any communication between the law enforcement agency and any federal immigration authority. No provision of this section shall be construed to require disclosure of any record exempt from disclosure under section 1-210 or 1-215.

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

(f) The Office of Policy and Management shall ensure that the requirements of this section are disseminated to, and appropriate

training is provided for, all affected law enforcement agencies and school police or security departments and employees and agents of such law enforcement agencies and school police or security departments. Such training may entail how law enforcement officers and other officials performing similar duties will adhere to the provisions of this section and how they will interact with crime victims, criminal suspects and individuals cooperating with law enforcement officers.

(g) No provision of this section shall be construed to provide, expand or ratify the legal authority of any law enforcement agency to detain an individual based on a civil immigration detainer request, except in a case where the individual has been charged, after a finding of probable cause, with a class A, B or C felony offense or a family violence crime pursuant to section 46b-38h.

This act shall take effect as follows and shall amend the following sections:		
Section 1	*October 1, 2025*	54-192h

Statement of Purpose:

To permit law enforcement to detain for a limited period a person charged, after a finding of probable cause, with a class A, B, or C felony or a family violence crime for purposes of a civil immigration detainer.

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