

## Legislative History for Connecticut Act

### PA 19-20

#### SB992

House	5910-5976, 6098-6111	81
Senate	1319-1591	273
Judiciary		299
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what everybody seem to be doing in this body. So, quite an extraordinary group there. They're thinking they need a minibus to get all those suits out of there, so -- but it's pretty impressive.

DEPUTY SPEAKER HENNESSY (127TH):

Thank you, Representative Ackert for your contributions, and I'm -- I do believe we're going to be setting records in the state for this wonderful drive, and I want to thank everyone for participating in it. Representative Ritter.

REP. RITTER (1ST):

Thank you, Mr. Speaker. And, before we get to the business of the day, there is a birthday in the democratic caucus. From the great town of Newington, happy birthday, Gary Turco. [Applause].

DEPUTY SPEAKER HENNESSY (127TH):

Will the clerk please call Calendar No. 608?

CLERK:

On page 48, House Calendar 608, Substitute Senate Bill No. 992, AN ACT CONCERNING THE TRUST ACT. Favorable Report of the Joint Standing Committee on Judiciary.

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HOUSE OF REPRESENTATIVES

May 30, 2019

DEPUTY SPEAKER HENNESSY (127TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Good morning, Mr. Speaker.

DEPUTY SPEAKER HENNESSY (127TH):

Good morning, sir.

REP. STAFSTROM (129TH):

Mr. Speaker, I move for acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the Senate.

DEPUTY SPEAKER HENNESSY (127TH):

The question is acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the Senate. Representative Stafstrom, you have the floor.

REP. STAFSTROM (129TH):

Thank you, Mr. Speaker. Mr. Speaker, in 2013, this body on a unanimous basis of both Chambers passed a first in the nation Trust Act. An Act which set parameters by which law enforcement in our state -- our state and local police forces work with or abide by requests from Immigration and Customs



enforcement with respect to the federal government's authority and responsibility for enforcing immigration policy. Mr. Speaker, since 2013, there have been documented numerous instances in which that law has had some loopholes exposed in it, and it is time that we as a body, update, amend, and tighten that law.

Mr. Speaker, the bill before us essentially does several things. First, it prohibits law enforcement from detaining someone solely on the basis of a civil immigration detainer. A civil immigration detainer is an administrative warrant issues by an executive branch agency -- a federal executive branch agency, ICE, without the signature of a judge and without necessary due process protections of law. This bill would fix that, would amend the statute, and require an ICE detainer, in order for someone to be held past the time in which they would otherwise be entitled to release from custody must be signed by a judge, accompanied by a judicial warrant, which has proper due process protections of law. The rationale for this bill is simple. That

everyone in our country is entitled to proper due process of law that has been firmly established by the Supreme Court, and folks should not fear of being held past the time in which they would otherwise be entitled to release from custody without probable cause and without a judicial warrant.

The second key thing that this bill does, Mr. Speaker, is it extends those that are covered by the Trust Act to certain individuals who are not covered under the original Act. Most particularly probation officers. Under the initial version of the bill in 2013, prohibition officers were excluded from the definition of law enforcement. This would close that loophole. This bill also tightens up the limits on state and local law enforcement sharing information with Immigration and Customs Enforcement, and it also provides for sharing of information back to the Office of Policy and Management so that this legislative body and the public at large can better track and monitor coordination with ICE and make sure that we react

accordingly as a legislative body.

Mr. Speaker, with that, the clerk is in possession of an amendment, LCO No. 7531. I ask the clerk to call the amendment and I be granted leave of the Chamber to summarize?

DEPUTY SPEAKER HENNESSY (127TH):

Will the clerk please call LCO No. 7531, which will be designated House Amendment Schedule "A"? It will be designated Senate Amendment "A".

CLERK:

Senate Amendment Schedule "A", LCO No. 7531,  
offered by Senator Winfield.

DEPUTY SPEAKER HENNESSY (127TH):

The Representative seeks leave of the Chamber to summarize the amendment. Is there objection to summarization? Is there objection? I'm seeing none. Representative Stafstrom, you may proceed with summarization.

REP. STAFSTROM (129TH):

Thank you, Mr. Speaker. Mr. Speaker, the amendment makes some underlying technical and wordsmithing changes to the underlying bill. I move

adoption.

DEPUTY SPEAKER RYAN (139TH):

The question before us is on adoption of Senate Amendment Schedule "A". Will you remark further on the amendment before us? Will you remark further on the amendment before us? Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Mr. Speaker. Mr. Speaker, through you, a few questions to the good Chairman regarding the amendment?

DEPUTY SPEAKER RYAN (139TH):

Please proceed, ma'am.

REP. REBIMBAS (70TH):

Thank you, Mr. Speaker. Through you, Mr. Speaker, to the good Chairman. He indicates that these are some technical changes. I would like to be able to highlight exactly what these changes are and for what purpose that we have these changes being made. So, looking at line 1 of the amendment, we have in line 34 inserting the word "or". What is the purpose for that change?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. The purpose for the change in line 34 is to conform with the change made in line 35 where someone's immigration status is removed as from the definition of confidential information necessitating the word "or" being placed in front of the roman at II.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Mr. Speaker, and through you, Mr. Speaker. In that provision, are we therefore making someone's immigration status confidential or not confidential?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. Not confidential.

DEPUTY SPEAKER RYAN (139TH):

Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Mr. Speaker, and through you, Mr. Speaker. Line 2 of the amendment it says in line 35 we're striking "or" and then the roman numeral III immigration status. Is that what the good Chairman just referenced?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Yes, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Mr. Speaker, and through you, Mr. Speaker. For line 3, it says in line 75 strike "other than." For what purpose are we striking that phrase?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. So, that we can insert the words "and any federal magistrate judge, judicial officer does not mean" and then continues on as "immigration judge."

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Mr. Speaker, and through you, Mr. Speaker. For what purpose are we doing that?

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker, to make clear that an immigration judge who is not a federal judicial branch employee but rather is a federal executive branch employee does not count as a judicial officer. The import here obviously separating the authority of the federal constitution under Article

1 of the executive branch and Article 3 of the judicial branch, and as an executive branch employee to make sure that person does not count under the definition of judicial officer.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Mr. Speaker, and through you, Mr. Speaker. What is the purpose of these individuals? Are they the ones who are authorized to sign off on a judicial warrant?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. By individuals, does the Ranking Member mean an Article 3 federal judge or magistrate or does she mean an immigration judge who is an executive branch employee?

Through you.

DEPUTY SPEAKER RYAN (139TH):



Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Mr. Speaker, and through you, Mr. Speaker. Simpler than that regarding the line number 30, 75 that where discussing that those words are implement into regarding their purpose. Is there purpose because they're the ones who are authorized to sign off on a judicial warrant?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. A federal Article 3 judge or a magistrate judge would be authorized to sign off on a judicial warrant or a state judge would be authorized to sign off on a judicial warrant.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Mr. Speaker. And, the good Chairman

indicated also a state judge. If the good Chairman wouldn't mind elaborating what a state judge is? Many times this body is asked to vote on a variety of different state judges with different titles and different abilities. So, if the good Chairman could elaborate and definite what a state judge is?

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. Under our state's constitution, we have a judicial branch, which is made up of various judges. I believe there's a statutory cap of something like 201 judges in the state of Connecticut. Of those, there are a variety of Supreme Court justices -- I believe 9 -- there are 7. There are Appellate Court judges, and then the remainder are Superior Court judges -- I believe. There is authorized to be 187, but currently, I believe the judicial branch only has about 150 judges, and there are 30 some odd vacancies.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Mr. Speaker, and through you, Mr. Speaker. That -- does that definition of a state judge also include trial judge referees?

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. Yes. If they're acting in capacity as a judge, then a judge trial referee would qualify.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Mr. Speaker, and through you, Mr. Speaker. Would that also include magistrates in the state court?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. I do not believe it would include magistrates. Under our state court system, magistrates generally are lawyers. They're not sworn judges who are acting in various capacities; be that in the small claims system or discovery disputes. I do not believe that magistrates are authorized under state statute to sign warrants.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Mr. Speaker. And, I thank the good Chairman for that clarification. In line 5 of the amendment where it says in line 97, strike "detain" and insert "arrest or detain" in lieu thereof -- if the good Chairman could explain why we're making that change?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. I believe it's for clarification for the remainder of that paragraph and to make it clear that there is a difference between someone -- the physical act of arresting someone and then subsequently detaining them.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Mr. Speaker, through you, Mr. Speaker. Line 6 of the amendment, in line 120 striking a civil immigration -- if the good Chairman can elaborate as to why we're making that change?

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. I believe that change is made in order to conform with the definition of administrative warrant, which is

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referenced on lines 4 through 9 of the underlying bill.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Mr. Speaker. And, the good Chairman could describe what the difference between a civil immigration detainer and an administrative warrant would be?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. As defined in the bill -- underlying bill in lines 10 through 12, a civil immigration detainer is a request from a federal immigration authority -- generally Immigration and Customs Enforcement -- to a local or state law enforcement agency for a purpose of doing various things, most -- most especially holding someone for up to 48 hours post time that they would

otherwise be eligible for release from incarceration or detention.

DEPUTY SPEAKER RYAN (139TH):

Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Mr. Speaker, and through you, Mr. Speaker. In line 7 of that amendment, it talks about striking detainer or -- and I believe we just referenced that in the lines 120 through 121; is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Yes, Mr. Speaker. It's a carryover from the previous line.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Mr. Speaker, and through you, Mr. Speaker. Regarding the amendment on line 8, it says

in line 23, inserting the word "or" -- what is the purpose of inserting that word?

Again, through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. It looks like it's intended to clean up a typographical error in the substitute language that came out of committee.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Mr. Speaker. I'm curious regarding the substitute language that came out of committee. This is the first I'm hearing of substitute language that's coming out of the committee. If the good Chairman would elaborate what that means -- "coming out of the committee?"

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.



REP. STAFSTROM (129TH):

Through you, Mr. Speaker. I'm looking at the top of the underlying bill, and it says substitute Senate Bill 992. I'm trying to recall whether this was a JF out of committee or JFS, but if I misspoke -- whichever it is, what I mean to say is this is a cleanup of the typographical error of the bill that was voted out of the Judiciary Committee some months ago.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Mr. Speaker. And, I thank the Chairman for that clarification. In line 9 of the amendment, it says in line 126 strike "or" and insert a comma in lieu thereof. If the good Chairman could indicate and explain what that change is for?

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. Again, I believe this is cleaning up of the number sequencing and punctuation of the bill that was voted out of committee.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Mr. Speaker, through you, Mr. Speaker. Line 10 of the amendment talks about striking lines 127 to 132 in its entirety. If the good Chairman could explain why?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. I -- I'm not entirely positive, but it's my expectation that it was the decision of the Senate when considering this bill that that language was unnecessary.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Mr. Speaker, so through you, Mr. Speaker. As I read lines 127 through 132, it enumerated certain things that this underlying proposal, if passed, would be restrictive upon. So, could we assume therefore that in the use of time, money, facilities, property, equipment, personnel, etc. as enumerated in those lines now are not prohibited?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. That's correct.

DEPUTY SPEAKER RYAN (139TH):

Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Mr. Speaker, and through you, Mr. Speaker. On line 11 of the amendment, it has 156 striking potential. If the good Chairman could

explain the reasoning behind that action?

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. I think it's for clarification purposes to the language of that -- that provision of the bill.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Mr. Speaker. Mr. Speaker, I'm actually concerned regarding that change in line 156 because if we leave the wording in there it reads necessary and furtherance of a criminal investigation of potential terrorism, and if we take out potential, it leaves investigation of terrorism, so when I think of -- which we're required to do and law enforcement's required to do and certainly attorneys are required to do -- is look at the plain language of a statute. I could interpret that that

action can't be taken unless an actual terrorist attack, terrorist action has actually taken place. If we say potential, then certainly that could be an investigation maybe of some information that's been provided as to what they believe may be in the plans of taking place, so that is a big change. That is a big interpretation change of the literal wording that we're left with. Is that my understanding and a correct understanding? Well, I could tell you, Mr. Speaker, that's my understanding. Is that the Chairman's understanding?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker, no. With all due respect to the Ranking Member, I interpret this revision very differently. What I -- what I consider it as is when someone is investigating and has reasonable -- reasonable cause or reasonable believe to believe there is a terrorist act as that term is defined either under state statute or

federal law that can or would or has taken place that confidential information can be disclosed. I - - I think the term potential actually adds confusion because it could be read to me in that the criminal investigation can only be of a potential terrorist act as opposed to the act itself; whereas, I believe under the change of this language to make it clearer what is being investigated is any crime that could be classified as terrorism or an act in furtherance of plotting of a terrorist attack.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Mr. Speaker. And, I appreciate the good Chairman's explanation in that regard, and I would then say that in order for it to be clear because you certainly have two individuals who have sat through the public hearing, and this is not clear, that potentially we would either keep the word potential terrorism and/or actual action of terrorism or if potential wasn't clear enough, we

could typically use a different term in that regard, but taking out potential, certainly, we could have this debate as a potential legislative intent, but my concern again is we're left with the plain reading of the statute in that regard, and that is not my interpretation of it. And, this is something I believe -- in my humble opinion -- and I believe probably the majority of folks would think that any type of planning of a terrorist action or actual action of terrorism is severe enough that we should be providing as much clarity in our language as humanly possible, so I have great concerns regarding that change in that line as proposed in the amendment.

Also, in line 12 of the amendment, it looks at line 199 of the underlying bill, and once again, it is striking the word "potential." In this case, it's "potential criminal suspects and individuals cooperating with law enforcement officers." If the good Chairman could explain the change in that line?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, again, Mr. Speaker. I'm not sure what a potential criminal suspect is. I suppose we are all potential criminal suspects at some point. I think the -- the intent of the bill here is if someone is suspected of a crime be that an underlying offense, larceny, conspiracy, any number of different offenses in which they could be guilty of that this provision would apply to them, but a potential criminal suspect I think is too wordy and potentially confusing in that really every citizen is a potential criminal in some way, shape, or form.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Mr. Speaker. And, I thank the good Chairman for his explanation. I would disagree that I don't believe that every citizen is a potential criminal suspect, nor do I believe that I would be



potentially a criminal suspect in all cases, but I could certainly appreciate cleaning the wording in that regard and leaving it as "criminal suspect left to the facts and circumstances in that regard of the investigation." So, Mr. Speaker, what I'm going to do because there is a lot more I would like to address that was in the good Chairman's introduction as well as in the underlying bill, but I'm certainly going to stop my questioning regarding the amendment. I absolutely disagree that all of the proposed changes in these amendments is technical in nature. It goes far beyond that specifically in my highlighting of the wording taking out regarding "potential terrorism." Again, there is a terrorist act and then there's the planning of, and I think that changing the potential -- the plain language of that would leave it to an actual action, which is very concerning.

So, regarding the amendment, I would absolutely oppose the amendment, ask my colleagues to do the same as in and of itself as we saw in this dialogue, there is potential serious confusion for that, and I

would say that in the best interest of any proposal that may or may not pass this body it should be absolutely clear, and it should be properly addressed. So, I rise in opposition to the amendment, and I'll reserve my comments to the underlying bill.

Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Will you remark further on the amendment before us? Representative Polletta, did you want to remark on the amendment? Representative Yaccarino, did you want to remark on the amendment? Representative Stafstrom, do you have anything further to say?

REP. STAFSTROM (129TH):

Thank you, Mr. Speaker. Mr. Speaker, I simply ask that when the vote be taken on this amendment, it be taken by roll.

DEPUTY SPEAKER RYAN (139TH):

The question before the Chamber is on a roll call vote. All those in favor of a roll call vote, please signify by saying aye. (All) Aye. I think the requisite 20 percent have been met. The vote

when taken will be taken by roll. Will you remark further on the amendment before us? Will you remark further on the amendment before us? Did you want to remark on the amendment, Representative Dubitsky. Representative Dubitsky, sir, you have the floor.

REP. DUBITSKY (47TH):

Thank you, Mr. Speaker. Mr. Speaker, a few questions for the proponent, if I may?

DEPUTY SPEAKER RYAN (139TH):

Please proceed, sir.

REP. DUBITSKY (47TH):

Thank you. I'd like to focus a little on the questioning that Ranking Member Rebimbas just discussed with the good Chair about the word potential, and the -- the good Chair's statement that every citizen is a potential criminal suspect -- got that in quotes, "every citizen is a potential criminal suspect." We're not talking about citizens -- are we? We're talking about people who are not citizens. We are talking about people who we don't necessarily know who they are. We don't have their identity, so what I'm concerned about is

investigations where we have law enforcement trying to figure out if Connecticut law enforcement has a person in custody that they're looking for, and the person in custody is a potential suspect, not necessarily a suspect because federal law enforcement doesn't necessarily know if they have the right person. There are a lot of people that are coming across various borders who we don't know who they are. We don't have their records. We don't necessarily have their correct names. So, through you, Mr. Speaker. I would ask how a situation like that is enhanced and how the people of this state are made safer by removing the word potential in line 199?

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. As I indicated, I think the removal of the word potential is merely technical in this instance in that it clears up the language. Because if we read up on the underlying

bill, the bill specifically allows that any confidential information of an individual who comes in contact with law enforcement may be disclosed to an immigration authority if -- skipping down -- necessary and furtherance of a criminal investigation of terrorism. A criminal investigation of terrorism could be the terrorist act. It could be conspiracy to commit terrorism. It could be gathering materials to support a terrorist organization. It could mean any number of potential crimes that could be charged either under state or federal law that could count as criminal investigation of terrorism. Again, I don't believe that this refers to the act itself, but I am concerned of what is potential terrorism. I think I understand what a terrorist act is or what conspiracy to commit terrorism may be. Those are -- I believe -- plain meaning terms, but I'm not sure that the term potential terrorism has plain meaning in the law and as such I think striking that one word makes this provision of the bill that much clearer.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Dubtisky.

REP. DUBITSKY (47TH):

Thank you, Mr. Speaker. With all due respect to the good Chairman, he has -- he's looking at the wrong section of this -- of the amendment. I asked -- my question was directed to line 199, not line 156. Line 156, which the good Chairman was discussing talks about potential terrorism. I was talking about line 199, which talks about potential criminal suspects. Very different thing -- potential criminal suspects. People who we are not necessary sure are the right person. So, through you, Mr. Speaker, I would ask that the good Chairman address his remarks to line 199, and the word potential that is proposed to be stricken in the amendment.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. My apologies for looking at the wrong section when the Representative said the previous discussion on potential. There was two, and I incorrectly assumed he was talking about the wrong one. With respect to lines 196 through 200, this underlying provision talks specifically and solely about the training provided by the Office of Policy and Management, and by removing the word "potential", the language of the bill would read, "such training may entail how law enforcement officers or other officials performing similar duties will adhere to provisions of this section in how they will interact with crime victims, criminal suspects, and the individuals cooperating with law enforcement officers.

As indicated before to the good Ranking Member, I believe the word "potential" is a little too ambiguous and too broad in that as indicated certainly, you know, any of us driving home today could, you know, cause a serious auto accident and may be charged with a misdemeanor offense. That would make us potential criminal suspects with

respect to the crime of reckless driving. So, I think potential criminal suspects is far, far, far too broad in that it doesn't actually address an instance where somebody has the mens rea to commit a crime; whereas, by striking the word potential, we limit it accordingly.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Dubitsky.

REP. DUBITSKY (47TH):

Thank you, Mr. Speaker. And, I appreciate the good Chairman's answer. My problem with that answer though is that it does not address the scenario that I posited, which is we have -- the local law enforcement or state law enforcement has a person in custody, and the federal law enforcement is looking for somebody that fits a similar description, and they would -- they don't know for sure whether or not this particular individual is the person they're looking for, and they contact local law enforcement, and they want to have some type of interaction with this person, not necessarily a suspect, but a



potential criminal suspect. And, although -- so lines 196 through 200 deal with the training of law enforcement officers performing their duties -- so, through you, are we to interpret the removal of the word potential to mean that the training will only encompass interactions with people who are actual criminal suspects and not people who are potential criminal suspects?

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. No.

DEPUTY SPEAKER RYAN (139TH):

Representative Dubitsky.

REP. DUBITSKY (47TH):

Okay. I appreciate the answer of the good Chairman. So, how -- what training then will law enforcement officers and others performing similar duties get in the -- in how they interact with potential criminal suspects?

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. As indicated, I think the word potential and suspect -- or not as indicated, but let me try to rephrase this. I think the word potential and suspect are redundant. If somebody is a suspect in a crime, then there is the potential that they have committed that crime, and there's an investigation ongoing and presumably, there is some reason law enforcement has to believe that that person has committed the crime; hence, the reason they're a suspect.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Dubitsky.

REP. DUBITSKY (47TH):

Thank you, Mr. Speaker. I don't practice law in the criminal field, but I have certainly heard -- as most people in this Chamber have -- the term person of interest. A person of interest isn't necessarily a suspect. My understanding is that to

reach the level of being a suspect there are certain factors that the law enforcement needs to check off, that first off, that they have positively identified the person that they're looking at, and they have said, this person is a suspect. I think that by removing the word potential in line 199 what we're doing is we're raising the bar, and we're telling law enforcement that this person must be an actual suspect and not just a person of interest, not just somebody who they're looking into to see if they may be the right person, if they may be suspect of committing a crime. We're essentially cutting out a whole group of people who federal law enforcement may need to look into in some way -- a person of interest, a potential person of interest, somebody matching the description. We hear it all the time -- police officers on the street they see somebody who matches a description of somebody who is -- who has been described as a certain height, wearing a certain type of clothes, being male, being female, heading in a certain direction away from a bank that's just been robbed. That person isn't

necessarily a suspect, but it's somebody who law enforcement may want to talk to, may want to interact with to get some more information to find out if it's the right person. We know that very often law enforcement has the name of a person who they believe is a suspect. They may even have a photograph or a description, and they're out looking for Joe Smith. They're out on the street looking for Joe Smith. They know Joe Smith lives in a certain area. So, they see a guy walking down the street, kind of looks like Joe Smith, same height, same build, dressed like Joe Smith does, and they say, well, let's go talk to that guy. Let's go see if that's Joe Smith. Well, that guy is not a suspect. That guy is not a criminal suspect. It's a potential criminal suspect because if it happens to be Joe Smith, well maybe Joe Smith is a suspect in some crime, but until law enforcement interacts with that person, goes and talks to them, goes and sees them, they have no way to know if that person is Joe Smith. They have no way to know if that person is a criminal suspect, but that person is a

potential criminal suspect. So, my -- my concern about line 12 of this proposed amendment, which again is LCO 7531, is that by removing that word it is not just a cleanup. It's not just a technical change of -- of fixing a redundancy. It actually changes the substance and it not only raises the bar of who law enforcement might be able to talk to, but it also leaves this gap, so the gap is that law enforcement -- so -- so line 196 through 200 talks about the training of law enforcement with regard to interacting with crime victims, potential suspects, and individuals cooperating with law enforcement. By removing that word potential, it only talks about the training of how law enforcement interacts with crime victims, actual suspects, and those -- and individuals cooperating with law enforcement. There is a gap where it leaves out potential suspects. Now, I think that's a major problem, and that hamstringing law enforcement in one of the basic functions of their duties, which is interacting with people who are potential suspects, who they don't know whether or not the person that they're looking

for, the person that they're talking about is a suspect. Now, how does that play out in a -- in a situation with regard to immigration and naturalization or the -- or ICE, Immigration and Customs Enforcement? How does that play out in that situation? There -- ICE is looking for somebody. They think there's somebody who is -- who has been participating in a criminal organization of some sort. They have a general description of the person. They know that they've -- they've just come across the border, and they believe that there is a plot. They have raw data, raw intelligence to indicate that there's a -- a plot of some sort to -- to -- to cause an attack in the United States. Perhaps, they think there's some intelligence out there that they're going to shoot up a school, and they have a general description of the person they're looking for. They don't know -- they don't have his name, and they -- but they -- but they're pretty sure from intelligence that that person has just made it across the border -- made it across the Canadian border, coming down through New Hampshire.

And, they understand that a person generally matching that description has been picked up by local law enforcement on a charge of possession of a -- of an assault weapon in a school zone. So, they have this -- they have -- they have -- they have information that a person generally matching this description has been arrested for possessing an assault weapon in a school zone. And, at the same time, they have this raw intelligence that there is -- that there may be a plot of some sort to shoot up a school by people from another country, and they know they have some intelligence that somebody's just crossed the border or is going to be crossing the border for this purpose. So, they reach out to local law enforcement, and they say, we think this might be the guy, but we don't know. We have no idea if this is the person that our intelligence is pointing to. We want to interact with this person. We want contact with him. We want to talk to this guy and find out if this is a guy who is just some crazy from Waterbury that decided they were gonna walk through a school zone with an assault weapon,

or is this the guy we're looking for that just came across -- that we believe just came across the Canadian border, came through New Hampshire, and we think he might be associated with some type of plot to shoot up a school. He's not a suspect. He's a potential suspect. We would like to be able to interact with this guy.

Removing the word potential in line 199, as proposed in LCO 7531, would affect that interaction because it's not a suspect, it's a potential suspect. And, the significance of that should not be discharged as just a technical amendment with no substantive meaning because it has true substantive meaning. This is not simply a technical change. This is a substantive change, which in the instance I just described could have a very, very significant real-world effect on the ability of law enforcement to interact with this person who is in custody of local law enforcement.

Now, so for that reason, I would -- that reason alone, I would advise against the -- this amendment. But a couple other quick points, if I may? In line



5 of the amendment, it proposes that we change in line 97 the words detain and put in instead arrest and detain, and what this section does, what this proposed amendment does is it is one -- it is the first in a list of things that police may not do, so under the underlying bill, the police may not detain an individual pursuant to a civil immigration detainer unless it's accompanied by a warrant issued by a judicial officer. So, under the proposed amendment, we would be saying that the law enforcement officer may not arrest or detain an individual pursuant to a civil immigration detainer.

So, through you, Mr. Speaker. I would ask the good Chairman of the Judiciary Committee is it common practice for law enforcement to arrest an individual pursuant to a civil immigration detainer?

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. I do not believe so.

DEPUTY SPEAKER RYAN (139TH):

Representative Dubitsky.

REP. DUBITSKY (47TH):

Thank you, Mr. Speaker. Is there any provision of our current law that would empower a law enforcement officer to effectuate an actual arrest pursuant to a civil immigration detainer?

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. I do not believe so.

DEPUTY SPEAKER RYAN (139TH):

Representative Dubitsky.

REP. DUBITSKY (47TH):

Thank you, Mr. Speaker. Then, I would ask the good Chairman if there is no provision in law to permit or empower a law enforcement officer to effectuate an arrest pursuant to a civil immigration detainer why are we adding or why is the proposal to add in line 97 the word arrest?

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. Simply to make it clear that a law enforcement officer, law enforcement agency in the state cannot arrest, pursue untraceable immigration detainer. I believe for them to do so would be a due process violation under the 5th Amendment of the United States Constitution where possibly an illegal search and seizure under the 4th Amendment, and therefore, making it very clear in our statute that we do not want our state and local law enforcement agencies putting themselves or the state or a municipalities at civil litigation risks as a result.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Dubitsky.

REP. DUBITSKY (47TH):

Thank you, Mr. Speaker. Mr. Speaker, through you. Are not law enforcement officers only to effectuate arrests pursuant to established and enacted statutes?

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. Yes.

DEPUTY SPEAKER RYAN (139TH):

Representative Dubitsky.

REP. DUBITSKY (47TH):

Thank you, Mr. Speaker. So, at the moment from what the good Chairman said, there is no enacted statute that would empower a law enforcement officer to effectuate an arrest pursuant to a civil immigration detainer. So, my fear in adding this word arrest to line 97 is it -- it muddies up the statute. It mucks things up because it -- it tells a law enforcement officer what they can't do in a specific instance when they are only permitted under law to do what is articulated in the statutes. So, what this does is it creates a negative in -- a negative connotation that although there is -- that a law enforcement officer is not empowered to do something under the statute in this particular

instance we're gonna say but you can't do this. So, if I'm a law enforcement officer, and I've gone through my law enforcement training, and I have this list of things that I am empowered by statute to do, I can arrest based on the following criteria. And, then I see this and say, but in this instance, I can't do this. Well, that would lead me to believe that somewhere in these statutes it allows me to do something, and now it's trying to take that away, so it creates this weird dynamic where an officer can only act under specifically articulated statutes, but in this one instance, it says, but you can't do this.

So, the -- the -- it seems like it's a carveout. That you can't do this should be a carveout of things you are allowed to do, but if you're not allowed to do it in the first place, there's no reason for this carveout. Not only doesn't it make sense, but I think it adds uncertainty to our statutes, and it makes it difficult for people who are trained in what they can do to figure out does this change what I've

already learned or is this something different? So, for that reason, I would also oppose the amendment LCO 7531.

Now, in line -- in line 2 of the proposed amendment, it asks that we strike line 35 of the underlying bill -- I'm sorry. In line 35, we strike the words "or immigration status." So, I heard the good Chairman -- I heard the good Chairman's discussion with our esteemed Ranking Member with regard to that, but I -- I -- I apologize. I just did not fully comprehend the purpose of that -- of removing that. Confidential -- what we're doing in this proposed -- what we would be doing in this proposed amendment would be removing immigration status from the term confidential immigration -- confidential information, and if you would, I would ask, through you Mr. Speaker, if the good Chairman would just reiterate for me why that is being proposed in the proposed amendment?

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. As indicated before, to make clear that someone's immigration status is not confidential.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Dubitsky.

REP. DUBITSKY (47TH):

Thank you, Mr. Speaker. Now, how removing that -- removing immigration status from confidential immigration -- if the good Chairman would give me a scenario where that might come into play in the real world?

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. I am -- without getting into the entire underlying bill, I think the intent here is to limit the amount of information that can be shared from local and state law enforcement to federal immigration authority, so

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someone's immigration status would not be considered confidential in the way that their sexual orientation or whether they were victim of a crime or their social security number would be. That -- that simply is not information that we are defining as confidential and can't be shared. In other words, it could be shared.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Dubitsky.

REP. DUBITSKY (47TH):

Thank you, Mr. Speaker. So, do I interpret this correctly that the -- the confidentiality -- confidential information that is defined in lines 32 through 38 of the underlying bill that that without this amendment is the information that can be shared with law enforcement?

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Mr. Speaker, I don't understand the question.



DEPUTY SPEAKER RYAN (139TH):

Representative Dubitsky, could you repeat your question, please?

REP. DUBITSKY (47TH):

Sure. In the underlying bill, lines 32 through 38 define the term confidential information and there are a number of different pieces of information that are identified as making up the -- the defined term confidential information. So, under the -- in the underlying bill without respect to the amendment, how can this information be handled? Can this confidential information be disclosed to federal law enforcement?

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. Let me -- let me see if I can answer it this way. If this amendment does not pass, then someone's immigration status would be considered confidential information that could not be shared by local and state law enforcement with

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federal authorities unless it falls into one of the other exceptions under lines 152 to 157 of the underlying bill.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Dubitsky.

REP. DUBITSKY (47TH):

Okay. So, just so I have this straight. So, without regard to the -- to the amendment -- I'm just on the underlying bill here for a second. Just to -- just so I'm clear as to what this -- the proposed amendment is. Confidential information under lines 32 through 38 that would be information that cannot under the underlying bill be shared with law enforcement?

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. Yes. I would draw the proponent's question -- the questioner's attention to lines 159 to 151 of the underlying

bill.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Dubitsky.

REP. DUBITSKY (47TH):

I'm looking for it. Through you, Mr. Speaker.  
Did the good Chairman say lines 159 through -- what  
were the -- what were the line numbers?

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom, could you restate the  
lines?

REP. STAFSTROM (129TH):

149 to 151, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Dubitsky.

REP. DUBITSKY (47TH):

I see it. Thank you. Okay. So, under the  
amendment, what it would do would be remove  
immigration status from the definition of  
confidential information that could under certain  
circumstances be shared with federal law

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enforcement. Got it. My question would be then how is local law enforcement -- how is -- how is immigration status determined by local law enforcement for the purpose of determining whether or not it can be shared with federal authorities?

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. I don't believe that it's local or state law enforcement -- local or state law enforcement's job or responsibility to determine someone's law enforcement. That's part of the import of the bill, but to the extent that local or state law enforcement were aware of someone's immigration status, maybe that person volunteered the information to them or you know it's -- it's a known person to them or -- or what have you, then that would not be considered confidential information.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Dubitsky.

REP. DUBITSKY (47TH):

Thank you, Mr. Speaker. And, I -- I thank the good Chairman. So, just so I can understand the good Chairman's answer. So, if somebody is arrested for a crime by local law enforcement, and they don't voluntarily say, hey, I'm here illegally or I just snuck across the border, the local law enforcement isn't going to attempt to determine that immigration status; is that correct?

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Yes, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Dubitsky.

REP. DUBITSKY (47TH):

Thank you, Mr. Speaker. And, if let's say local law enforcement is aware that this person has been -- has been -- has been deported a dozen times and has continued to re-enter the country illegally,

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and is fully aware that this person -- they're fully aware of this person's immigration status, under this amendment, would local law enforcement be prohibited from disclosing that to federal immigration authorities?

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. Not under the amendment but under other sections of the underlying bill and most instances, yes, they would be prohibited.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Dubitsky.

REP. DUBITSKY (47TH):

Thank you, Mr. Speaker. Through you, Mr. Speaker. Why?

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. Lines 115 to 119 of the bill.

DEPUTY SPEAKER RYAN (139TH):

Representative Dubitsky.

REP. DUBITSKY (47TH):

Thank you, Mr. Speaker. I'm looking at 115 through 119 of the bill, but my question is why would we prevent local law enforcement from disclosing to federal law enforcement that a given person who has been deported multiple times and has re-entered the country illegally multiple times, why would we prevent them from disclosing to federal law enforcement this individual's immigration status?

Through you.

DEPUTY SPEAKER RYAN (139TH):

[Sigh] Representative Dubitsky, keep in mind, we're still on the amendment. You're referring to the underlying bill. You didn't really relate this to the underlying bill. Can you make that clearer, please?

REP. DUBITSKY (47TH):

Sure. Well, in -- in the amendment, what we

are -- in line 2 of the amendment, it removes the words immigration status from line 35. Line 35, identifies defines the term confidential information, so as the good Chairman has indicated previously, by removing the words immigration status in line 35, we are removing that term from the definition of confidential information, which is the information that can be disclosed to law enforcement, so this amendment, what it does is it tells local law enforcement that immigration status is no longer a piece of information that can be disclosed from local law enforcement to federal law enforcement, and my question was why would we prevent local law enforcement from disclosing to the federal law enforcement that a given individual known to local law enforcement has been deported and illegally re-entered the country multiple times? Why would we do that as proposed in this amendment?

Through you.

DEPUTY SPEAKER RYAN (139TH):

Thank you, Representative. Representative Stafstrom.



REP. STAFSTROM (129TH):

Through you, Mr. Speaker. I believe the good gentleman is reading the amendment backwards. In fact, as indicated, if this amendment did not pass, the restrictions on local law enforcement under the underlying bill would be more severe as immigration status would be defined as part of confidential information. So, in fact, by not supporting the amendment, they -- there is -- there is even less information that could be shared between local law enforcement and federal immigration authorities.

But with that said, why we would place limits on local and state law enforcement's ability to communicate immigration status to federal authorities is in fact twofold. First and foremost, it's that local and state law enforcement have enough to do on their hands. They should not be out doing the federal government's job of enforcing immigration policy. That's the job of the federal government. The federal government is free to enforce its immigration policy as it so chooses, but there is no requirement in the law for them to be

able to deputize or to utilize our state and local law enforcement to do that. The second reason is in fact a probably more significant one, which is our people living in the state of Connecticut should have an opportunity to seek government help and seek the assistance of state and local law enforcement when they need it. The gentleman uses the situation of someone who is deported multiple times, but I would use the situation of someone who is a victim of a crime, maybe an individual who is the victim of wage theft by their employer trying to go to the Department of Labor for help. Maybe it's the situation of someone who is raped and is seeking to go to the police in order to report that crime and to have it prosecuted. The title of the bill, Mr. Speaker, is the Trust Act, and the reason why is so that people living in the state of Connecticut can have trust in local law enforcement that they can go seek the help that they need without the fear of local and state law enforcement turning them over to the federal government and Immigrations and Customs Enforcement.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Dubitsky.

REP. DUBITSKY (47TH):

Thank you, Mr. Speaker. The good Chairman brings up a number of issues. First off, if I have misinterpreted this amendment, I certainly apologize. My understanding from the good Chairman's answers was that confidential information as identified in lines 32 through 38 was the information that was or that is under a set of standards laid out later in the -- in the bill, was information that was able to be disclosed by local law enforcement to federal law enforcement, and that by removing the term "immigration status" from that definition what we were doing or what we would be doing under the proposed amendment is preventing that particular piece of information from being disclosed to local law enforcement. If that is incorrect, I would ask the good Chairman, through you Mr. Speaker, to correct me and point me to the section of the bill that makes that clear.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. I'm not sure what the questioner means by that section of the bill. I'm a little confused on where he is going with this.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Dubitsky.

REP. DUBITSKY (47TH):

Thank you, Mr. Speaker. I'll -- I'll go back. Just so I'm clear of what this -- the removal in line 2 of the amendment of the words "or immigration status" in line 35 of the underlying bill -- just so I'm clear what that change would do I would ask the good Chairman to identify for me how confidential information as defined in lines 32 through 38 can be disclosed to local -- to federal law enforcement and if they're -- and if he could point me to a provision in the bill that explains how that

information can be used?

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. On lines 149 through 158 of the bill, beginning at line 149, there is a general prohibition on state and local law enforcement sharing what is defined as confidential information with federal immigration authorities. There is then laid out three exceptions, so it's a general prohibition, you shall not share the information unless you meet one of three criteria. Those criteria are an authorization in writing from the individual who's confidential information is to be shared, the provision we spoke about at the beginning of the questioner's dialogue, which was the furtherance of an investigation of a terror -- of a crime of terrorism, or on line 159, as otherwise required by law, which I would take to mean generally those instances where there is a valid federal subpoena for the information that is

signed and authorized by -- by a court of law.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Dubitsky.

REP. DUBITSKY (47TH):

Thank you, Mr. Speaker. That is precisely how I interpreted it, so I'm -- I'm not sure how the good Chairman or why the good Chairman thinks I have the amendment backwards. My interpretation of it is just as he described that confidential information is something that may not be disclosed except under certain circumstances, so again, if the term immigration status is removed -- well, let me ask you this, through you Mr. Speaker. If the term -- if this amendment goes through and the words or immigration status in line 35 is stricken, is the immigration status of an individual who is custody able to be disclosed to federal law enforcement if one of the three exceptions in lines 152 through 158 are present?

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. As indicated, if this amendment is adopted, I believe, unfortunately, the questioner is talking about sort of apples and oranges, I think. There would be other requirements under which immigration status could be disclosed and as such, the provisions at which we're discussing would not be applicable.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Dubitsky.

REP. DUBITSKY (47TH):

Thank you, Mr. Speaker. Then, I would -- that certainly raises the question under what circumstances would local law enforcement be able to disclose an individual's known immigration status?

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. I would refer the

questioner back to lines 115 through 126 of the underlying bill and assuming there -- there was not a violation of one of those provisions, then the immigration status could be disclosed if it was known.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Dubitsky.

REP. DUBITSKY (47TH):

[Pause] Thank you, Mr. Speaker. I'm looking at lines 115 through 126 of the underlying bill, and they don't appear to provide local law enforcement any authority to disclose the immigration status of an individual to federal law enforcement. What they appear to do is they appear to prohibit local law enforcement from doing just that.

So, again, I would ask under what circumstances can local law enforcement disclose to federal law enforcement the immigration status of an -- of an individual who is in local law enforcement custody? If there's some provision of lines 115 through 126 that I'm not seeing, I would -- I would ask that the



good Chairman explain that to me.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Ritter, sir.

REP. RITTER (1ST):

Thank you, Mr. Speaker. I move that we pass this item temporarily. Thank you.

DEPUTY SPEAKER RYAN (139TH):

This bill is passed temporarily if there's no objection. So, ordered. (Gavel). Representative Ritter.

REP. RITTER (1ST):

Mr. Speaker, there's going to be an immediate democratic caucus. We don't expect it to take more than a half hour, so why don't we reconvene on lines 15 through 26 at one o'clock. Sound good to everybody? And, I would move that we recess at the Call of the Chair. Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

The Chamber is in recess while Representative Stafstrom prepares an answer. Thank you. (Gavel).

CLERK:

House Bill 6276 amended by House "A"

Total number voting	139
Necessary for Passage	70
Those voting Yea	137
Those voting Nay	2
Absent not Voting	12

DEPUTY SPEAKER RYAN (139TH):

The bill as amended is passed. (Gavel). Will  
the Chamber stand at ease? [Pause].

Will the Chamber come back to order? Will the  
clerk please call Calendar No. 608?

CLERK:

On page 48, House Calendar 608, Substitute  
Senate Bill No. 992, AN ACT CONCERNING THE TRUST  
ACT. Favorable Report of the Joint Standing  
Committee on Judiciary.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom, sir, you have the  
floor.

REP. STAFSTROM (129TH):

Thank you, Mr. Speaker. Mr. Speaker, I move

for acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the Senate.

DEPUTY SPEAKER RYAN (139TH):

The question is on acceptance of the Joint Committee's Favorable Report and passage of the bill. Just to remind you that we have had this bill before us, and we were on Senate Amendment "A" when we PTd the bill, so Representative Stafstrom, you have the floor. If you'd like to recall the amendment?

REP. STAFSTROM (129TH):

Thank you. Mr. Speaker, the clerk is in possession of amendment LCO 7531, which was previously designated as Senate Amendment Schedule "A". I ask the clerk please call the amendment, and I be granted leave of the Chamber to summarize.

DEPUTY SPEAKER RYAN (139TH):

Will the clerk please call LCO 7531, which was designated Senate Amendment Schedule "A"?

CLERK:

Senate Amendment Schedule "A" LCO No. 7531.

Offered by Senator Winfield.

DEPUTY SPEAKER RYAN (139TH):

Representative seeks leave of the Chamber to summarize the amendment. Is there objection? Is there objection? I'm hearing none. Representative Stafstrom, you may proceed with summarization.

REP. STAFSTROM (129TH):

Thank you, Mr. Speaker. Mr. Speaker, as we began to discuss this morning, this bill makes various changes to certain lines of the underlying bill. I move adoption.

DEPUTY SPEAKER RYAN (139TH):

The question before the Chamber is adoption of House Amendment Schedule -- I'm sorry. Senate Amendment Schedule "A". Will you remark further on the amendment? Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Mr. Speaker. Mr. Speaker, I again rise in opposition to Senate Amendment "A" for all of the reasons that was previously highlighted and debated earlier when Senate Amendment "A" was called regarding this underlying bill. With that said, Mr.

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Speaker, then I will reserve further comments for the underlying bill.

DEPUTY SPEAKER RYAN (139TH):

Thank you, Representative. Previously, we determined this would be a roll call vote for this amendment. Will you remark further on the amendment? Representative Dubitsky of the 47th.

REP. DUBITSKY (47TH):

Thank you, Mr. Speaker. And, for my clarification, we're still on House Amendment "A"?

DEPUTY SPEAKER RYAN (139TH):

Senate Amendment "A", sir.

REP. DUBITSKY (47TH):

Senate Amendment "A". Thank you. All right. In Senate Amendment "A" -- I apologize. There are so -- there are a number of amendments I'm trying to figure out. Okay. In Senate Amendment "A", we were talking last time about line 2, taking out the words immigration status, and -- from line 35. And, what I was trying to get to was what are the actual ramifications of removing the words immigration status from line 35? And, my understanding from

what the good Chairman indicated was that removing immigration status from that line made it so that would -- the immigration status would be one of the things that local law enforcement would be unable to convey to federal law enforcement under lines 149 through 151. And, because there's been so much time since our discussion, I just wanted to make sure that I still have that correct.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. As was discussed this morning, the import of this amendment of this line is to remove immigration status as confidential information. I'm not sure I agree with the summarization from the good gentleman. I think we sort of ran it at impasse this morning. Again, immigration status is not confidential information, so it could be shared under certain circumstances.

Through you.

DEPUTY SPEAKER RYAN (139TH):

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Representative Dubitsky.

REP. DUBITSKY (47TH):

Thank you, Mr. Speaker. Understanding that confidential information can be shared under certain circumstances outlined in lines 152 through 158 of the underlying bill, but removing the words immigration status, would that not then remove immigration status from one of the pieces of information that could be disclosed under those conditions?

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. I think disclosure of someone's immigration status is not subject to the provisions relating to confidential information, and as I indicated this morning, would be subject to other disclosure restrictions. However, as I began to explain this morning, I think actually in most instances where immigration status may be known to a local or state law enforcement agent, that could be

shared in certain circumstances.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Dubitsky.

REP. DUBITSKY (47TH):

Thank you, Mr. Speaker. And, I would ask what those circumstances are.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. Again, as indicated, as long as it doesn't run a foul of lines 115 through 119 and is communicated as part of a custody status or custody release date communication.

Through you.

DEPUTY SPEAKER RYAN (139TH):

Representative Dubitsky.

REP. DUBITSKY (47TH):

All right. Thank you, Mr. Speaker. Mr. Speaker, I think I will reserve my other comments for some of the other amendments as they come out.



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And, I thank the Chairman for his -- I thank the  
Chairman for his time.

Thank you.

DEPUTY SPEAKER RYAN (139TH):

Thank you, Representative. Will you remark  
further on the amendment before us? Will you remark  
further on the amendment before us? If not, will  
staff and guests please come to the Well of the  
House? Will the members please take your seats?  
The machine will be open. [Bell].

CLERK:

The House of Representatives is voting by roll.  
Members to the Chamber. The House of  
Representatives is voting by roll. Members to the  
Chamber.

DEPUTY SPEAKER RYAN (139TH):

Have all the members voted? If all the members  
have voted, please check the board to ensure your  
vote's been properly cast. If all the members have  
voted, the machine will be locked, the clerk will  
take a tally. The clerk will announce the tally.

CLERK:

## House Amendment Senate "A"

Total number Voting	139
Necessary for Adoption	70
Those voting Yea	81
Those voting Nay	58
Absent not Voting	12

SPEAKER ARESIMOWICZ (30TH):

The amendment is adopted. (Gavel). Will you  
remark further on the bill as amended?

Representative Stafstrom of the 129th, sir, you have  
the floor.

REP. STAFSTROM (129TH):

Thank you, Mr. Speaker. Mr. Speaker, the clerk  
is in possession of another amendment LCO 8756,  
which was Senate Amendment "K". I ask that the  
clerk please call the amendment, and I be granted  
leave of the Chamber to summarize?

SPEAKER ARESIMOWICZ (30TH):

Will the clerk please call LCO NO. 8756, which  
will be designated House Amendment Schedule "B" --  
or -- I apologize. Senate Amendment Schedule "K".

CLERK:

Senate Amendment Schedule "K" LCO No. 8756.

Amendment offered by Senator Looney, Senator Fasano,  
et al.

DEPUTY SPEAKER RYAN (139TH):

The Representative seeks leave of the Chamber  
to summarize the amendment. Is there objection to  
summarization? I'm seeing none. Representative  
Stafstrom, you have the floor.

REP. STAFSTROM (129TH):

Thank you, Mr. Speaker. My -- during the  
Senate debate on this bill, it's my understanding  
that there was discussion and recognition that the  
term ICE access under the underlying bill originally  
did not include the ability of law enforcement to  
put fingerprint data into the automated fingerprint  
identification system through the NCIS -- NCIC  
system. We want to make clear that that is still  
permissible by local and state law enforcement as  
such the amendment makes that correction. I urge  
adoption.

DEPUTY SPEAKER RYAN (139TH):

The question before the Chamber is on adoption

of the amendment. Will you remark? Representative Rebimbas of the 70th, madam, you have the floor.

REP. REBIMBAS (70TH):

Thank you, Mr. Speaker. Mr. Speaker, I rise in support of Senate Amendment "K", specifically for that clarification that under no circumstance -- and if I may, Mr. Speaker, through you to the good Chairman just for clarification purposes -- under no circumstances whatsoever is there anything that prevents law enforcement as its been redefined to access or provide fingerprints into the database, is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN (139TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Mr. Speaker. That's absolutely correct.

DEPUTY SPEAKER RYAN (139TH):

Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Mr. Speaker, and thank the good

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Chairman for his clarification, and for that purpose, I support Senate Amendment "A".

DEPUTY SPEAKER RYAN (139TH):

Thank you very much.

REP. REBIMBAS (70TH):

"K".

DEPUTY SPEAKER RYAN (139TH):

"K".

REP. REBIMBAS (70TH):

"K".

DEPUTY SPEAKER RYAN (139TH):

Yes. Thank you, madam. Will you remark further on the amendment before us? Representative Ziogas, you are on the board. Is that for the amendment? No? Okay. With that being said, no one remarking further on the amendment, I will try your minds. All those in favor please signify by saying aye. (All) Aye. Those opposed, nay. The ayes have it. The amendment's adopted. (Gavel). Will you remark further on the bill as amended? If not, staff and guests to the Well of the House. Members take your seats. The machine will be open. [Bell].

CLERK:

The House of Representatives is voting by roll.

Members to the Chamber. The House of  
Representatives is voting by roll. Members to the  
Chamber.

DEPUTY SPEAKER RYAN (139TH):

Have all the members from East Haven voted?  
Oh, good. Now, we can get done. Okay. Have all  
members voted? Have all members voted? Will  
members please check the board to determine if their  
vote is properly cast? If all members have voted,  
the machine will be locked, and the clerk will take  
the tally. The clerk will announce the tally.

CLERK:

Senate Bill 992 as amended by Senate "A" and  
"K" in concurrence with the Senate

Total number Voting	140
Necessary for Passage	71
Those voting Yea	79
Those voting Nay	61
Absent not Voting	11

DEPUTY SPEAKER RYAN (139TH):

The bill passes in concurrence with the Senate.

(Gavel). The Chamber will stand at ease.

SPEAKER ARESIMOWICZ (30TH):

Will the Chamber come back to order please?

Are there any announcements or introductions?

Announcements or introductions? Representative  
Borer of the 115th, madam, you have the floor.

REP. BORER (115TH):

Thank you, Mr. Speaker. This is a great  
opportunity for us to thank on behalf of the  
Veterans Committee everybody who donated to our  
Save-A-Suit Program today. This is our fourth year,  
and each year we raise about 700 articles of  
clothing, and this year we're very proud that we  
collected over 2000 articles of clothing.

[Applause]. And, a special thanks to Tim Buckley  
who's here with me. He is the Vice-President of Max  
Cure Foundation, and this year we had a special gift  
in that they donated \$2500 dollars of their own  
funds to contribute towards the cleaning of all the  
suites for the Veterans, so thank you very much to  
Max Foundation and to Tim. [Applause].

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Thank you Senator Kisser. Senator Duff.

SENATOR DUFF (25TH): Thank you, Madam President. I would like to PT 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):

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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.

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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 up on 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:

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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 it 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't, 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

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list of individuals that they have an interest in  
that 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 it 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.

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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 Immigrations and Customs Enforcement Immigrations 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 going 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

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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 Immigrations 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.

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THE CHAIR:

Thank you, Senator Winfield. Senator Kissel.

SENATOR KISSEL (7TH):

Thank you very much, Mr. President. And if this Bill passed and Immigrations and Customs Enforcement had this individuals 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.

THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

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.

THE CHAIR:

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.

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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 Immigrations 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.

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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 is 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 detainees 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):

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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.

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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?

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THE CHAIR:

Senator Winfield.

SENATOR WINFIELD (10TH):

Thank you, Madam President. I believe that, common belief in this Nation is that no one is able the law.

Through you, Madam President.

THE CHAIR:

Thank you. Senator Anwar.

SENATOR ANWAR (3RD):

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.

THE CHAIR:

Thank you. Senator Winfield.

SENATOR WINFIELD (10TH):

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.

THE CHAIR:

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 thought 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

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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 place 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, fourth 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.

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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

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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

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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 a 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.

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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.

SENATOR 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.

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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.

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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 individuals 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

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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.

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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):

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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 an 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 it 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 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 it's 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

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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

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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.

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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.

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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

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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 stand out 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

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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 cause 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 precious 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

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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 charged 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

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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 Germafy 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 Oktoberfest, 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.

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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 than 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

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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 brining 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

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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

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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.

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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.

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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?

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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

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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):

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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

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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 record 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

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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

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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.

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THE CHAIR:

Senator Hwang.

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?

THE CHAIR:

Senator Winfield.

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

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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):

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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 detainment 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 an 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 Immigrations 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

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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

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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 straight forward 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):

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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.

SENATOR 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.

SENATOR CHAMPAGNE (35TH):

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

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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

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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.

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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

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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 in 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

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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

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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 up 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

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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

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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

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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

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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.

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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.

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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,

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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

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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.

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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

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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.

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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

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out about that the State has someone in it's 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.

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Thank you, Senator Winfield. Senator 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 statute 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

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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

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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 down 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.

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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.

Total number voting	35
Necessary for Adoption	18
Those voting Yea	16
Those voting Nay	19
Absent not voting	1

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

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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 Fasano 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

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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):

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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 detainment, 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.

Total number voting	35
Necessary for Adoption	18
Those voting Yea	14
Those voting Nay	21
Absent and not voting	1

THE CHAIR:

[Gavel] Amendment fails. Will you remark further? Senator Berthel.

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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

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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

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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 their 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

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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.

Total number voting	35
Necessary for Adoption	18

Those voting Yea	14
Those voting Nay	21
Absent and not voting	1

THE CHAIR:

[Gavel] The measure fails. Will you remark further on the Bill? Will you remark further? Senator Sampson.

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.

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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.

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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

Total number voting	35
Necessary for Adoption	18
Those voting Yea	15
Those voting Nay	20
Absent not voting	1

THE CHAIR:

[Gavel] The Amendment fails. Will you remark further? Senator Sampson.

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?

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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.

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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

Total number voting	35
Necessary for Adoption	18
Those voting Yea	14
Those voting Nay	21
Absent not voting	1

THE CHAIR:

[Gavel] The Amendment fails. Will you remark further? Senator Champagne.

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 want 'em in your neighborhood. You don't want 'em around your

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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):

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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

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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?

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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 probable 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):

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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 bring 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 went 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

Total number voting	35
Necessary for Adoption	18
Those voting Yea	15
Those voting Nay	20
Absent not voting	1

THE CHAIR:

[Gavel] The Amendment fails. Will you remark further on the legislation. Senator Champagne.

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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

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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.

SENATOR 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.

SENATOR 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):

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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

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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):

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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):

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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):

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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]

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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.

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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):

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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.

THE CHAIR:

Senator Champagne.

No.

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.

THE CHAIR:

Thank you, Senator Winfield. Senator Champagne.

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 roll 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

Total number voting	35
Necessary for Adoption	18
Those voting Yea	14
Those voting Nay	21
Absent not voting	1

THE CHAIR:

[Gavel] The Amendment fails. Will you remark further. Senator Fasano.

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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

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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

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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 than 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

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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

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closed and would the Clerk please announce the tally.

CLERK:

Senate Bill 992, Senate Amendment "I" LCO No. 8668

Total number voting	35
Necessary for Adoption	18
Those voting Yea	14
Those voting Nay	21
Absent not voting	1

THE CHAIR:

[Gavel] The Amendment fails. Will you remark further? Will you remark further on the Bill? Senator Champagne.

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

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"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

Total number voting	35
Necessary for Adoption	18
Those voting Yea	15
Those voting Nay	20
Absent not voting	1

THE CHAIR:

[Gavel] The Amendment fails. Will you remark further? Senator Winfield.

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:

LCO No. 8756 Senate Schedule "K".

THE CHAIR:

Senator Winfield.

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.

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Thank you. Senator Winfield.

SENATOR WINFIELD (10TH):

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

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.

Total number voting	35
Necessary for Adoption	18
Those voting Yea	35
Those voting Nay	0
Absent not voting	1



THE CHAIR:

[Gavel] The Amendment is adopted. Will you remark further. Senator Witkos.

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

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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 aprecedented 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

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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

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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 skewered 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. Szalczyk* 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 assassination 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 inhered 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 statute 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.

THE CHAIR:



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".

Total number voting	35
Necessary for Adoption	18
Those voting Yea	20
Those voting Nay	15
Absent not voting	1

THE CHAIR:

[Gavel] The Legislation is adopted. Senator Duff.

SENATOR DUFF (25TH):

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY**

**Part 2  
799-1542**

**2019**

## PUBLIC HEARING

hearing room, stay away from the exit doors, and seek concealment behind desks and chairs until the all-clear announcement is heard. Thank you.

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

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

I oppose SB 992 for several reasons, and I will highlight three of those: one for the violation of federal law, two for the financial burdens and costs to the Connecticut state taxpayers, and three for the public safety risks it put the citizens of Connecticut in. I support SB 993 for several reasons, and I will highlight those as well -- three of those, which are the rule of law. I believe it is a good idea if the local and state of Connecticut officials cooperate with federal law enforcement

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personnel in the enforcement of federal immigration law. It is a fact, illegal immigrants have violated our immigration laws, committed a crime, and shouldn't -- should not be rewarded for their behavior. There are millions of people standing in line obeying the rule of law to enter this country legally. There is nothing moral or compassionate about letting millions of people to cut in line in front of those obeying the law.

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

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

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

SENATOR SAMPSON (16TH): Thank you very much, Mr. Chairman, and thank you for being here, Representative, I appreciate your testimony. Just looking at Senate Bill 992, it looks to me like this

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bill simply removes certain people from not being eligible for the current Trust Act, and those people are people that have criminal records, people that are on a known list of terrorists, gang members, that sort of thing. Is it your understanding that that bill helps anyone other than criminals?

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

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

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

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

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

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

REP. DAUPHINAIS (44TH): I do not.

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

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

REP. DAUPHINAIS (44TH): Yes.

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

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

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

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

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

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

REP. STAFSTROM (129TH): You're here. You're testifying.

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REP. DAUPHINAIS (44TH): Yeah.

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

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

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

REP. DAUPHINAIS (44TH): No.

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

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

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

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

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

REP. DAUPHINAIS (44TH): I am not aware of any particular case.

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REP. STAFSTROM (129TH): Okay. All right. Thank you. Further questions from the committee? Representative Palm.

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

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

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

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

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

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

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



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you think that's a valid thing? Because that would be repealed.

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

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

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

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

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

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

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

REP. PALM (36TH): But would you be concerned if this -- these requirements were taken away?

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REP. DAUPHINAIS (44TH): To look at data?

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

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

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

REP. DAUPHINAIS (44TH): Yes.

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

REP. STAFSTROM (129TH): Thank you. Further questions? Representative Luxenberg.

REP. LUXENBERG (12TH): Thank you, Mr. Chair. Through you, just a question. You had mentioned a cost associated with one of these bills. I think at one point you mentioned one-dollar figure, at another point you mentioned something like a billion dollars. And I'm just wondering. I don't -- I don't have the fiscal note in front of me. I'm just wondering where you're getting the information that any legislation before us today would come with a billion-dollar price tag.

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REP. DAUPHINAIS (44TH): I don't have my sources here, but I can certainly provide those for you. It was just information that looks back, I think, with a -- an array of costs to the state.

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

REP. DAUPHINAIS (44TH): I will. I was referring to education, healthcare, the justice system, public assistance, and general government services. I

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don't have the sources here, but I have a chart.  
So, I will -- I will provide that.

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

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

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

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

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

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

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

REP. DAUPHINAIS (44TH): I'm assuming that the criminals aren't noted in that, but I'm -- I'm not sure. They weren't mentioned.

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

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

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

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

REP. DAUPHINAIS (44TH): Thank you.

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

CHRISTINE RAPILLO: Good morning, members of the Judiciary Committee. I'm Christine Rapollo. I'm a chief public defender for the state of Connecticut. I have submitted testimony on Senate Bill 922, AN ACT CONCERNING THE TRUST ACT, and I'm going to speak briefly on Senate Bill 948, AN ACT CONCERNING THE RECOMMENDATIONS OF THE SENTENCING COMMISSION WITH RESPECT TO MISDEMEANOR SENTENCES.

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REP. STAFSTROM (129TH): Mayor Jay Moran of Manchester.

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

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

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

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

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them in Manchester on a Sunday night. She had tears in her eyes. You could tell she was afraid to leave her husband and her son, as he started her college career.

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

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

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

REP. LUXENBERG (12TH): Thank you, Mr. Chairman, and thank you, Mayor Moran, for your outstanding leadership on behalf of all of Manchester residents

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and for coming to the state capital to stand up for people's civil liberties and civil rights here. We -- we deeply appreciate your leadership and look forward to working collaboratively with you and the town of Manchester to make sure our community and the entire state of Connecticut is a welcoming place for all people. Thank you for being here.

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

REP. STAFSTROM (129TH): Further questions? Senator Sampson.

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

MAYOR JAY MORAN: You're welcome.

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

MAYOR JAY MORAN: Yes, sir.

SENATOR SAMPSON (16TH): That's right. And our Constitution basically gives the Federal Government



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supremacy on the area of immigration. Is that right?

MAYOR JAY MORAN: Correct.

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

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

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

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

SENATOR SAMPSON (16TH): Yeah, I just -- I mean, it's just -- Senate Bill 992 is very specific. The Trust Act is already law, and basically, what it does is it takes and expands that law in ways that essentially give the immunity that's created in the Trust Act that were purposely carved out when the Trust Act was originally passed. And they were carved out for a reason -- because those people are convicted felons, those that have active criminal arrest warrants, those that are on a National Security Threat List as known gang members or terrorists, have already been ordered by an

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immigration judge or have been determined to pose an unacceptable risk to public safety by a law enforcement official. So, that's what we're talkin' about here. That bill expands the Trust Act to that population. So, if anyone's gonna come and testify in favor of this bill, be prepared, 'cause I'm gonna ask you a question why you think that people that fit that list ought to be immune from the federal prosecution that is the law of the land, regardless of what we do in Connecticut.

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

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

REP. STAFSTROM (129TH): Further questions? Seeing none. Thank you, Mayor. Appreciate it.

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

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

ROBERT GOODRICH: Ready?

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REP. STAFSTROM (129TH): Go for it.

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

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

So, first and foremost, no one can be illegal on stolen land. The other part that I'd like to share or sort of just raise the question of how many here who are sitting on this committee have seen a family separated by the rogue actions of ICE or in this room? How many people on this committee or in this room have had the opportunity to support an immigrant family that has been isolated and discriminated against by local law enforcement agencies? So, in Waterbury this is happening as well. It's happening in all of our cities across the state.

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Part of my testimony is a story of a woman in Waterbury who called the police for help. She wasn't a criminal. She was being harassed by her ex-boyfriend. The police arrived at the scene, ascertained that she had a deportation order, the police let the boyfriend go and coerced her to come to the police station while the Waterbury Police Department called the ICE officer and detained her until ICE showed up and took her away from her family and from our community. I know this because we had to Freedom of Information request the actual incident report, which is attached to my testimony. Now those types of stories are happening all across our state. Family separation -- and I'll summarize -- is just not happening at the border, our southern border. It's happening in every community here in Connecticut. So, I strongly urge this committee to support SB 992 and SB 948.

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

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

ROBERT GOODRICH: Yes, parts of it.

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

ROBERT GOODRICH: I am.

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

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

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

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

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

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

SENATOR SAMPSON (16TH): No, 992 basically says that the Trust Act applies to people that it did not apply to before, and that population includes convicted felons. So, I guess the question is, if you support 992, you are saying that federal authorities and local authorities should not be in the business of prosecuting convicted felons.

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ROBERT GOODRICH: I think that those people that you're identifying, holistically, not only is it inaccurate that they're all felons, but they're also being not appropriated the same due process as well as the rights that all of us are afforded. So, they should have that opportunity.

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

ROBERT GOODRICH: And they have rights too, right?

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

SENATOR SAMPSON (16TH): Thank you, Mr. Chairman.

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REP. STAFSTROM (129TH): I think Senator Sampson was finishing his question. Let's let him finish his question.

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

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

REP. STAFSTROM (129TH): Senator Sampson again.

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

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

REP. STAFSTROM (129TH): Senator Sampson.

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

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

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

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



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legal American citizens under those circumstances but not illegal aliens.

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

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

REP. STAFSTROM (129TH): Senator Sampson.

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

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or detained, being convicted felons or known terrorists. And I'm wondering if the other people watching this share that view. Thank you, Mr. Chair.

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

ROBERT GOODRICH: No.

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

ROBERT GOODRICH: Yes.

REP. STAFSTROM (129TH): Okay. Thank you. Further questions? Seeing none. Thank you very much, Mr. Goodrich.

ROBERT GOODRICH: Thank you.

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

DANIELLE COMBS: Thank you. Esteemed members of the Judiciary Committee, my name is Danielle Combs, and I'm here today in support of Senate Bill 991. For the past year, I've been an advanced legal intern at the Quinnipiac School of Law Civil Justice Clinic as a part of my immigration-focused legal education.

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

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

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

GRETCHEN RAFFA: Good morning, Representative Stafstrom, Representative Blumenthal, members of the Judiciary Committee. My name is Gretchen Raffa, the director of public policy and advocacy with Planned Parenthood of Southern New England, testifying in support of Senate Bill 992, AN ACT CONCERNING THE TRUST ACT, and Senate Bill 948, AN ACT CONCERNING

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THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING  
COMMISSION WITH RESPECT TO MISDEMEANOR SENTENCING.

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

People achieve reproductive freedom when they have full bodily autonomy. That doesn't include -- that includes more than just access to healthcare. It means the ability to live in communities that are not over-policed, the ability to live without fear of having families torn apart, and to live without fear of harm from discriminatory policies. We believe that the ability to live and survive without fear and the ability to access healthcare are basic human rights. As the Trump administration continues to push their hateful agenda, rooted in racism and

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xenophobia, immigrant communities are living in constant fear of the Federal Government's deportation agenda as Immigration and Customs Enforcement continues to have a presence in our state, trying to compel state and local agencies to participate in enforcement actions.

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

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

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live healthy, safer, and self-determined lives, and that's why we urge you to support these bills.

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

SB 948  
SB 992

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

I feel very strongly about the expansion of the Trust Act because I know how hard it is for a family to break apart by the law enforce -- local law enforcement. In my case, a probation officer decided to pass my husband over to ICE. In June -- mid-June 2015, he was in probation, doing what he -- he was told to do from a car accident that he had. He didn't -- they didn't give him jail, but they gave him probation, and when he was about to finish his probation, they handed him over to ICE. It was -- it was really hard to explain to my kids why they were not gonna be able to see their father anymore. Not only they have lost their father because of the deportation, but I also have to work all day in order to -- to keep up with the bills, the rent. My oldest daughter had to stop going to school and get a job, get two-part times, to help me out.

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This was probably the worst experience in my life. When you've been living for almost 30 years in this country, paying taxes, following the rules, and one mistake that he did -- it not only it affects him, it affects me and my kids. It affects my job, and it affects people around me trying to provide support for me. That's why our community needs your support in the Trust Act and the 364 Sentencing Bill. We need to be able to tell our friends and our family that it's okay for them to show up to court to do their probation if they have to without having to worry about getting deported and being separated from their families. A mistake shouldn't be [bell] a punishment for families to be apart.

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

VERONICA UBALDO: Over 24 years.

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

VERONICA UBALDO: Correct.

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

VERONICA UBALDO: Yes.

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

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VERONICA UBALDO: He did construction.

REP. STAFSTROM (129TH): Right.

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

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

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

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

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

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

VERONICA UBALDO: Yes.

REP. STAFSTROM (129TH): Okay. And he went to court by himself for that?

VERONICA UBALDO: Yes.



REP. STAFSTROM (129TH): And he was given a period of two years of probation for leaving the scene of an accident?

VERONICA UBALDO: Yes.

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

VERONICA UBALDO: Correct.

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

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

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

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

REP. STAFSTROM (129TH): And you and your daughters haven't seen him since?

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VERONICA UBALDO: I was able to -- to bring my kids over to Mexico to see him last summer, but it was -- it was really hard, hard times for me to -- to be able to work. You know, I have to pay bills. I have to pay rent. I have to be able to save money to buy their passports, to buy their tickets, so they can actually go over there and see their father.

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

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

REP. STAFSTROM (129TH): Thank you. Further questions? Representative O'Dea.

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

VERONICA UBALDO: I'm an American citizen now.

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

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

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

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

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

VERONICA UBALDO: 1989.

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

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

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

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

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

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

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

VERONICA UBALDO: Yes.

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

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

REP. O'DEA (125TH): Oh, so you weren't married when he got deported?

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VERONICA UBALDO: We were not married. We only lived together since 1990 till he got deported.

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

VERONICA UBALDO: 1989.

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

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

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

VERONICA UBALDO: Yes.

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

REP. STAFSTROM (129TH): Thank you, Representative. Further questions from the committee? Seeing none. Thank you, Veronica. Appreciate it.

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Sonia Hernandez, followed by Dave McGuire. Good morning.

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

SB 992SB 948

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

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

I have my three children, that they didn't know about my case, what's going on with my deportation, until last year, then I had to tell them. So, that

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

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

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

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

SONIA HERNANDEZ: Yes.

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

SONIA HERNANDEZ: 2002.

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

SONIA HERNANDEZ: Yeah, the three of them.

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

SONIA HERNANDEZ: Yes.

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

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

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

SONIA HERNANDEZ: No, he came with a visa.

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

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

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

SONIA HERNANDEZ: I crossed the border.

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REP. O'DEA (125TH): Where?

SONIA HERNANDEZ: From Mexico. I came from Honduras.

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

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

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

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

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

SONIA HERNANDEZ: Yeah, we've been spending everything that we can.



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REP. O'DEA (125TH): And how much have you spent so far?

SONIA HERNANDEZ: All we got.

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

SONIA HERNANDEZ: Like more than \$1,500.

REP. O'DEA (125TH): \$1,500?

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

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

SONIA HERNANDEZ: 2008 and nothing happened yet.

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

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

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

SONIA HERNANDEZ: A permit to work.

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

SONIA HERNANDEZ: A permit to work.

REP. O'DEA (125TH): Okay. And have they told you -- has any lawyer told you what your opportunity or the chances are that you will be able --?

## PUBLIC HEARING

REP. STAFSTROM (129TH): Uh, Representative, that question calls for an invasion of attorney-client privilege.

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

SONIA HERNANDEZ: No.

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

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

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

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

REP. STAFSTROM (129TH): Thank you.

SONIA HERNANDEZ: Okay.

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

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

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

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

## PUBLIC HEARING

consequences of them, and the bills here will really go a long way to trying to set that straight.

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

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

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

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very supportive of this bill and particularly the retroactivity piece.

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

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

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

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it has not been challenged for a reason. It's not susceptible to a Supremacy Clause challenge.

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

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

REP. STAFSTROM (129TH): Let me ask this as directly as I can. There seemed to be the suggestion earlier today that if 992 were to become law, if there was a terrorist being held in a state court in Connecticut that there would not be an ability to hold that person if 992 became law. Is that your reading of the statute and why?

DAVID MCGUIRE: Well, I mean, the reality is that what we're seeing here -- and I can't speak to this as well as many of the immigrant rights advocates who are gonna come after me -- is that we've seen situations not where someone is convicted or pretrial on something in a state facility, it's more when people are coming out and the DOC will hold someone beyond their sentence for -- to be picked up. That is really problematic, and I believe the initial intent of the Legislature was not to allow that. Senator Sampson was talking about those Federal Watch Lists, which are notoriously inaccurate, but again, this just makes clear that local law enforcement, the DOC, and judicial marshals, and SROs cannot go beyond their normal day-to-day duties and -- and essentially hold people for immigration. I don't know if that directly answers your question.

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

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

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DAVID MCGUIRE: Absolutely not. This would just put them on level playing field with every other resident in Connecticut.

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

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

SB 993

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

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

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

DAVID MCGUIRE: Perfect. Perfect summarization.

REP. O'DEA (125TH): So, would you support -- you believe ICE should get more resources or less resources? Do you have that opinion?



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DAVID MCGUIRE: Well, obviously, that's not before the Judiciary Committee today. I do believe they have ample resources if they're used appropriately. But again, that's really for our federal officials.

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

REP. STAFSTROM (129TH): Further questions? Senator Sampson.

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

SB 992

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

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Immigration and Customs Enforcement. We don't think that's the right -- right thing, and this bill would close that, but allow again for that -- that activity, if there is a valid judicial warrant.

SB 993

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

DAVID MCGUIRE: I think that the Federal Government has ample resources to do their job if they see fit to do so. That's essentially where I come down. I also -- I also just -- I also think that local law enforcement are exposing themselves to legal liability if they hold someone. So, for example, the department of corrections, someone finishes their sentence -- I do believe it presents a real legal challenge. This is a seizure of a person beyond their sentence if they're held for Immigrations and Customs Enforcement. So, this would close that loophole. And there was some conversation earlier in the day about a press conference about the DOC and how they've gone above and beyond the existing Trust Act and put some safeguards in place. And we commend the DOC for doing that, but they're not always -- that has not always been complied with, and we think the force of law should be very, very clear that local law enforcement should not be intimidated into cooperating with Immigration and Customs Enforcement, opening themselves up to liability.

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SENATOR SAMPSON (16TH): Thank you for that answer. So, this is a difficult issue for all of us, and it's a particularly difficult issue for me because I actually am an advocate for comprehensive immigration reform. I think that the Federal Government has failed us horribly, and I'm certainly sympathetic to people that wanna get into this country. I just see that it's an issue where illegal immigration, because we are not actually aware of who's here, presents a public safety problem. So, what we should be doing is expanding lawful immigration and coming up with a solution for the people that are here already -- work permits, something like that -- and I work very hard to try and advocate for that with our federal delegation, but they seem to ignore that. In fact, I would encourage people in this room, if I ever run for Congress or U.S. Senate, to support me if they wanna see federal immigration reform [background noise] because I would be up there fightin' for it every day.

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

SENATOR SAMPSON (16TH): [Laughing] Thank you, Mr. Chairman, for keeping order in the room. Anyway, so my whole issue with this is that I can understand someone being in favor of the Trust Act because, you know, they don't consider their status to be an issue. My concern about the -- the language in 992 is that it's pretty explicit that we're talking about five new categories that are now going to get the same immunities. You don't see that as a public safety issue? Through you, Mr. Chairman.

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DAVID MCGUIRE: So, respectfully, I don't. And I don't see these as immunities, I see this as these folks should be treated like any other resident in Connecticut, where they should not be held by local or state law enforcement without a judicial warrant. And I do think it's really important to go back to the term of the law that's trying to be amended here -- the Trust Act -- because this is about trying to create a harmonious and open relationship between the immigrant -- immigrant community and law enforcement. And we've seen situations where people have come to the police to report a crime, and they are picked up by local law enforcement and held, even though they've done nothing wrong in that piece. They're on, you know, an immigration watch list 'cause perhaps they've had an issue with their paperwork or something like that. The Trust Act just doesn't work anymore 'cause people know that it's -- the loopholes have swallowed the rules.

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

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

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DAVID MCGUIRE: We do have folks that have gone to the police station to report a crime and have been flagged and held for ICE. That has happened here in Connecticut.

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

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

SENATOR SAMPSON (16TH): You know, the other thing too, David, is, you know, I have a little concern about, you know, people who come to the United States, they come here because of what the United States is and um, which is, you know, land of opportunity and it's a place where everyone has a chance to succeed and so forth. And many folks are coming from places that are lawless, you know, where the police authorities are corrupt, they take bribes. You know, they might -- they might intimidate or, you know, hold you against your will just to extort money from you -- I mean, horrible things. I wonder what kind of message it sends to people that come to the United States to say that we are ignoring our federal laws, and we're saying that the United States Government's, you know, authority

## PUBLIC HEARING

and the rule of law doesn't mean anything. Does that concern you at all?

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

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

DAVID MCGUIRE: Of what, I'm sorry?

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

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

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

DAVID MCGUIRE: Yes, I am.

SENATOR SAMPSON (16TH): And do you see that maybe the reason why there is not an expansion of legal immigration is because of illegal immigration?

DAVID MCGUIRE: You know, I'm not a -- an expert on federal immigration policy to be perfectly honest, but I do -- I do stand by the fact that these three bills are good policy that will keep our state safe. And, you know, not to say that there shouldn't be some work on the federal immigration system, but while we have the system that we have, we need to make sure that people are treated fairly here -- everyone in Connecticut.

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

And again, you know, as I stated earlier, I'm very sympathetic to people wanting to come here. I wanna find a way to make that happen. You don't consider it a public safety concern at all that we are developing policies in this state -- drivers'

## PUBLIC HEARING

licenses, in-state tuition, types of benefits, this Trust Act -- to encouraging people to break our federal law and to come to Connecticut who are undocumented. And, of course, the majority of that population are perfectly wonderful people that are just looking for a better life and a place to raise their family and so forth, but there is a dangerous population also.

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

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

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

SENATOR SAMPSON (16TH): Yeah, I would like the Federal Government to come up with a work permit process, like tomorrow, and allow everybody who is in this state illegally that are undocumented to



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come forward, get a work permit, and stop worrying about what happens next. Because to me, that's how you weed out the criminal element too -- the MS-13 gang members and the drug dealers and so forth, which are -- are hiding in these same places because they realize that it's a way to hide from the authorities.

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

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

## PUBLIC HEARING

hasn't fallen. It has fallen for the families of the victims of those people.

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

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

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

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

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

DAVID MCGUIRE: Thank you.

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

SB 993

REP. BLUMENTHAL (147TH): Thank you, Mr. Chairman, for your indulgence. I had a couple more questions. So, this may be getting a little wonky, but there's been some suggestion that this bill would induce some sort of lawlessness in the United States, but isn't it true under the Tenth Amendment of the U.S.

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Constitution that we have something called an anti-commandeering principle and that the idea of that is that the Federal Government, under our Constitution, is not allowed to force the states to enforce federal laws?

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

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

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

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

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

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

DAVID MCGUIRE: I have seen that statistic, yes.

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

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may fear coming forward if the witnesses themselves are immigrants?

DAVID MCGUIRE: Yes, absolutely.

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

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

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

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

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

DAVID MCGUIRE: Yes, but I think the way this will practically play out if someone was convicted of a felony, they served time in the department of correction, and they have completed their sentence or discharged on community supervision, that's the piece that I believe this is seeking to address, not the fact that they have a distant felony in their past.

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REP. O'DEA (125TH): But, I guess my question is this, let's suppose hypothetically under current -- if this law doesn't pass, okay, so ignoring the revisions to -- or ignoring 992. If someone's convicted of a felony in the U.S. and they're deported, they come back to the U.S. illegally and they're caught by law enforcement with a -- and they've got a felony record in the U.S., currently they could be held until ICE picks them up -- beyond the 48 hours, correct?

DAVID MCGUIRE: That's correct, right.

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

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

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

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

REP. O'DEA (125TH): Let's assume for a second that an MS-13 gang member is convicted of murdering

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

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

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

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

REP. O'DEA (125TH): I guess my point is, that's my concern. Listen, I agree with Representative Sampson -- or Senator Sampson, I think Congress has completely failed us for decades, and it's on them to fix this immigration system. I want more immigrants. We need more immigrants in our -- in our society. You know, I'm a family of immigrants.

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And so, we need more immigrants. We need to make the process better. And I wanna apologize to the woman that was here -- I was looking for her -- because my reason for asking the questions I was asking was simply to figure out how we can fix that. That's crazy that someone's gotta spend \$15,000 dollars over 18 years to become a legal resident. That's broken, and that needs to be fixed. And I wanna apologize to the woman that was here. My intent was not to make her feel -- my intent was to understand that we've got a problem and we need to fix it. And my concern with these bills is, you know, we're not -- we're not fixing that problem, we're creating other ones for the bad characters.

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

DAVID MCGUIRE: Thank you for your questions.

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

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REP. O'DEA (125TH): [Laughing] That's not what I said, but go on.

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

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

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

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

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

SENATOR BIZZARRO (6TH): Thank you, Mr. Chairman. I appreciate it. I'm glad to be here. Attorney McGuire, thank you very much for being here for your testimony today and also for your advocacy in this extremely important area. I mean, I have a



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tremendous amount of respect for what it is that you do. Just a couple of very quick questions for you.

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

DAVID MCGUIRE: Great -- great question. I think it's a very large loophole. Those seven exceptions have essentially swallowed the rule. As you can see through some of these, like number seven, "presents an unacceptable risk to public safety as determined by a law enforcement officer." There's such discretion baked into that that it can be used essentially whenever a law enforcement officer wants. So, what we're seeking here is to really shrink down those circumstances to just a judicial

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warrant. And perhaps loophole is -- is not the right word for it, but yes -- and I do -- don't exactly remember the negotiations around this, but I would imagine that this was borne out some political compromise at the time. We were the first state to pass it, and it did pave the way for several other states, but it's now been out-paced by other bills.

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

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

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

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

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

DAVID MCGUIRE: I don't think that that would be a solution. I can't, you know, speak to that without further looking at it, but I -- yeah, no, I don't believe so.

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SENATOR BIZZARRO (6TH): Okay. Thank you.

DAVID MCGUIRE: Thank you.

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

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

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

The state trooper went to -- to his car. Like a few  
minutes passed by, and then he came back. He  
handcuffed me, and he arrested me and placed me  
inside a police car. After 20 or 30 minutes, two  
vans came. Two men came out of those vans wearing

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vests that said ICE. One of them asked me if I had DACA or the Deferred Action for Childhood Arrivals. I said no. The state trooper then handed me over to the immigration agents, who made me go in one of the vans and took me to Hartford.

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

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

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

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those who decide to break it accountable. Thank you.

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

CRISTHIAN COZAYATL: Thank you.

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

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

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works, nor the choices available to them when confronted with specific charges. Many of them also face the impediment of trying to understand specific legal language as presented through an interpreter. My observation is that the detainees do not act in their own and their family's best interest simply by being overwhelmed by the proceedings. They give up. They have no resources, and they don't know what laws are available to protect them.

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

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

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

MARIANNE HEBENSTREIT: Good morning to the members of the Connecticut Judiciary Committee. My name is Marianne Hebenstreit of New Britain. I am here in support of SB 948, SB 992, and SB 991. I support all three of these bills and wholeheartedly agree with others in the room who have spoken so eloquently in favor of SB 948 and SB 992. However, I will limit my testimony today to SB 991 for one simple reason, I am the facilitator for ACLU People

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you and your organization ought to be commended for that. So, thank you.

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

SENATOR WINFIELD (10TH): Thank you.

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

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

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

SB 948 would reduce the maximum length of a sentence for misdemeanor convictions in Connecticut to 364 days. Currently, immigrants who receive a one-year misdemeanor sentence in Connecticut may be subject to deportation. This is regardless of whether they're even required to serve any of their sentence and regardless of how long ago their conviction occurred. So, an error in judgment when someone was young can result in their being ripped away from their family today. None of us plan on having interactions with the criminal justice system, but who among us can guarantee that this won't happen.

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If it does, we all have to deal with the consequences, but these consequences should be commensurate with the offense. Deportation essentially removes a person permanently from their family, community, and livelihood and is not an appropriate consequence for a misdemeanor offense. The technical change proposed in SB 948 can ensure that it won't be.

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

Our law enforcement and judicial systems are only as good as the trust we can place in them. It's important that all people in our state, regardless of immigration status, can trust that they will be safe when reporting a crime, providing testimony, entering a courthouse, or otherwise interacting with our justice system. It's important that we can all trust that consequences will match a crime and that



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evidence will be required before assuming someone is guilty. These safeguards must apply to all people, regardless of immigration status. Otherwise, we end up treating a whole class of people as less than human, as less than deserving of basic human rights. Passing SB 948 and SB 992 will go in the right direction of recognizing the humanity and right of due process of all members of our community. Thank you.

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

DR. LAUREL LAPORTE-GRIMES: Thank you.

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

MELISSA PEREZ-CONSTANTINE: Good afternoon, Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee. My name is Melissa Perez-Constantine. I live in Torrington, Connecticut, and I am a graduate student from the University of Connecticut School of Social Work with a policy practice concentration. I am here to testify in favor of SB Number 948, AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO MISDEMEANOR OFFENSES. As an intern with the Connecticut Sentencing Commission, I have had the honor to see how much time and discussion it involves within the commission to work collaboratively with stakeholders in the criminal justice system, including judges, prosecutors, defense attorneys, municipal police chiefs, and chairs of head departments, such as

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

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

ANN SPEYER: Okay.

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

ANN SPEYER: Okay.

SENATOR WINFIELD (10TH): Next, it looks like Jesus [mispronounced] Morales Sanchez and Eric Klotz following.

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

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

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

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families, they're fighting for their legacy, their future in this country. They're fighting for their own freedom, as we remember Nelson Pinos, who's been in sanctuary for over 15 months.

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

We've talked a lot about loopholes. We've talked about those seven exceptions included in the original Trust Act, and I believe that someone had asked about, you know, why are we calling it loopholes. And that is very simple because initially those seven exceptions were meant to be something not ordinary, something that would serve -- would allow some discretion on the part of the -- of the authorities, and unfortunately they have become the very tool that does a disservice to this piece of legislation.

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We're talking about exceptions that are very, very subjective, such as the seventh objection, which is someone who has been determined to pose an unacceptable risk to public safety as determined by the officer. You're giving individual officers such authority to determine who's a public risk and who isn't, and that authority has been very clearly violated. A little bit -- like a couple hours ago, we were holding a press conference where we released a report that said [bell] that judicial marshals were taking advantage of that discretion -- high discretionary power to really -- to hold people and to turn them over to ICE, not only like complying for -- with Immigration and Customs Enforcement but even taking the initiative to reach out and let them know sensitive information about these people, including their next court dates, including the time that they're supposed to be released or if they are supposed to be released on bond or not.

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

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issues for our community, for the kids. So, it's -- it's -- I want to appeal to that humane and personal approach today. Thank you.

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

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

JESUS MORALES SANCHEZ: Thank you.

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

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

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when we were having the conversation, there was a lot of talk about safety. I've heard some talk about safety here today.

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

JESUS MORALES SANCHEZ: Well, of course. It is not unheard of that there are a lot of issues, and there's a lot of underlying issues obviously that come with the interactions of the community and police, especially in this day and age when we see a lot of cases where there's racism and there's other factors that come with those interactions. However, I do want to -- to speak out about like the concern of people to do something when they victims. They're concerned to approach the authorities when a woman is a victim of sexual assault -- the concerns that people have when they're victims of wage theft, when they're victims of labor abuse, they are

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victims of any other -- any other matter. A lot of people in our community feel like they don't have rights, that they don't have protections, and going to the police it's already very intimidating. It is a tough process. It is very difficult. If you add to that not knowing that if you go to court you may not come out, it is unsettling to say the least. It is frightening. And in the worst-case scenario, it is unfortunately true.

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

It is all those unintended consequences, and to have judicial marshals simply say I'm just doing my job, I find it very, very disturbing. So, I just wanted to point out that if society cannot truly trust in the institutions that are there to "serve" us, then the system is just set to fail. And I don't know -- I'm sure that that is not the intent of the people in this room, so that's the reason why we're here to appeal to you that there needs to be a solution. We

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know that there are much larger issues in the community and society, but right now we're trying to do damage control, especially with this administration, especially with all the rhetoric and the hateful -- the hatred that is going around society. It's time to do some damage control, and hopefully tomorrow we can have larger conversations about how can we overcome that and create a system that really and truly works for everybody.

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

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

SB 948

And just like -- the same way it's been our duty to advocate for our community, our people, the Latino community, we've been there for other communities that are facing the exact same issues. We had the case of Wayzaro a couple months ago, an African-American resident of Hartford that was going through a process very similar and that could have been



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prevented with, you know, the proposal that is now before you, SB 948, I believe is the number. And we have the case of Salma of Bangladesh -- a mother from Bangladesh who also was facing this dilemma. So, yeah, I'm just resonating that sentiment that when something is afflicting one community, it's afflicting multiple, and it is -- it's time to really do something about it. I believe that you will have the power to do something about it.

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

JESUS MORALES SANCHEZ: All right. Thank you.

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

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

It is a loathsome turn of events when members of our communities face arbitrary arrest and detainment at the hands of federal agents. It is -- is it justice when someone driving to work is pulled over by a state police officer for a speeding infraction and then detained and handed over to federal agents

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because of their immigration status? Is it justice to detain an individual without cause [background announcement] or a warrant because of failure of an inefficient bureaucracy designed to hinder an individual's path to citizenship?

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

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

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

ERIC KLOTZ: Thank you for your time.

SENATOR WINFIELD (10TH): Josh Pawelek, followed by Justin Farmer. Josh -- I don't see him. Justin Farmer. Justin Farmer will be followed by Alok Bhatt.

SB 992SB 948

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

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

Frankly, I'm tired. I was here last night. I was here the night before. I've been here all week. I've had things with my own family. And it's saddening and disappointing to be here to speak on an issue literally lowering our misdemeanor offense one day, changing a whole family's life, their livelihood, their ability to provide for their family, the ability to be together, the legal fees, the stress, the trauma that we're creating. That should be something simple to say that we're gonna change literally one day of punishment to ease a

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generation or a lifetime of pain. And when it comes to public safety in terms of having our state -- our state police and having our other correctional facility officers working with ICE -- there are plenty of people who are undocumented in my community. I failed to mention that I'm a councilman in Hamden, but today I'm speaking as an intern at Planned Parenthood. But I often have knocked on doors where just the fact of telling my community members I wanna represent them, I want to see what their problems are and fix them, and the fact that I'm part of an institution that has abused that trust has left my community unsafe.

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

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

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

JUSTIN FARMER: Thank you.

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SENATOR WINFIELD (10TH): Representative Porter.

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

JUSTIN FARMER: Thank you.

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

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

ALOK BHATT: Good afternoon, Senator Winfield, Representative Stafstrom, Representative Blumenthal, and esteemed members of the Judiciary Committee. My name is Alok. I'm the community defense coordinator for the Connecticut Immigrant Rights Alliance or CIRA. CIRA is the statewide coalition of social justice-oriented organizations around the state, many of which are represented here. And when we work as a coalition, we focus on disentangling our state and local criminal justice systems from federal immigration enforcement. And, in pursuing that mission, we have been the primary advocates for

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the Trust Act, which this year is SB 992, and beginning last year with the Connecticut Sentencing Commission, we're also the primary advocates for what is this year SB 948, or what we've been colloquially calling misdemeanor -- 364 days misdemeanor sentencing reform.

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

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

For those who were present during the press conference this morning, y'all heard about how Gerardo's father was violently taken away from him, how ICE -- how even our own state judicial marshals abused physically him and his sister just to enable ICE to execute their separation of his family.

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These are the kind of things that we fight for when we come up here. These are the conversations our groups have on the ground, and these are the conversations we as advocates and community members bring back to y'all to let y'all know what the issues are and continue to push y'all to maybe even put aside your own political ideologies to act for the best interest of all the people of Connecticut, not just those you might have some -- some sympathies or lack of sympathies behind, but for all the state residents of Connecticut.

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

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

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ALOK BHATT: It's for the peoples. Thank you.

[Laughing]

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

MARIA MARTINEZ: [Testimony in Spanish, translated via interpreter] Good afternoon, my name is Maria Martinez. I live in Hartford. I am here to support the Trust Act, and I wanna tell you a little bit about my story.

In December, I was traveling in New York, in the state of New York, with my husband, my daughter, and my nephew, and I was stopped by the police for a transit violation. They checked all of our paperwork, the license, everything that we had, and they let us go. They continued to follow us, however, for about half-an-hour, and after a half-an-hour they stopped us again and said that they had to check some more paperwork. We were waiting, and after waiting for about three minutes, three immigration vehicles pulled up.

Right away, they took my nephew and the father of my children out of the car. They handcuffed them, and they took them away. And they asked me to follow them with my daughter. My daughter was born here, they didn't know that, and my own paperwork is in the process. We were detained all night long, and the next morning my daughter and I were released. The father of my children was deported after 15 days, and my nephew was able to get bonded out with a bond of \$14,000 dollars thanks to the help of some organizations.

One of the things that I would like to share is that this is such a difficult situation for me. My two



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oldest children have some mental problems. [Bills]  
I have an eight-month-old baby, and now I have to  
work all the time, and so I can't even take care of  
my children in the way that they need me. It is  
very difficult for me to listen to my son count the  
days that he has not seen his father, and he has  
said to me we're going to die and not see him again.  
And that is it.

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

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

MARIA MARTINEZ: Thank you.

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REP. STAFSTROM (129TH): Thank you, Representative. Further questions. Seeing -- oh, Senator Bradley.

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

REP. STAFSTROM (129TH): Representative Porter.

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

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

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

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

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

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us and share such an intimate occasion -- what happened. Thank you. Thank you, Mr. Chair.

MARIA MARTINEZ: Thank you.

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

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

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

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

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SENATOR BRADLEY (23RD): And so what we're really saying is that here are children who have laws that protect them, but they're being victimized because there's no one there to do what a lot of times -- and not to make it sound trivial because I practice in immigration court -- it's forms. We're talking about people who just don't understand the language of the process and don't have the sophistication to fill out the form so that they can have the laws protect them. Right? That's in essence what you're saying.

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

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

REP. STAFSTROM (129TH): Thank you, Senator. Further questions? Seeing none. Thanks so much for your time.

ELLEN MESSALI: Thank you very much.

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

JONATHAN GONZALEZ-CRUZ: Good afternoon, members of the Judiciary Committee. My name is Jonathan

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Gonzalez-Cruz, and I am a graduate student at the University of Connecticut pursuing a Master of Science in quantitative economics. I am also the policy coordinator at Connecticut Students for a Dream, and we are a statewide youth-led organization fighting for the rights of immigrants and their families. And today we stand in support of SB 992 concerning the Trust Act.

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

When I was a high school sophomore, I had just come home, and the day was very sunny, and I was excited because that meant that I was gonna get to play soccer with my friends. But then I received a call from my mom, and she told me that my dad had been pulled over for a minor traffic violation and that he was being held at the police station. And I naively thought that if it was just a very minor traffic violation that he should be able to come home for dinner that night. As I headed to the police station, and as I walked in and I saw my mom coming towards me with tears in her eyes, I already knew what was happening, and she told me that they had called ICE on my father and that they were coming to pick him up right now. And so I alongside

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my brother, we sat in the police station lobby with my father in another room, and the police officers didn't even have the humanity of letting us say goodbye to my father. They knew that he was being picked up that very moment, and they didn't even let his son say goodbye to him.

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

REP. STAFSTROM (129TH): No, thank you, Jon.  
Further questions from the committee?  
Representative Porter.

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REP. PORTER (94TH): Thank you, Mr. Chair, and hi, Jonathan. I just wanted to say thank you for comin' in. I do a lot of work out there in New Haven, and you are always on the scene, boots on the ground. I'm very sorry to hear about what happened to you as a sophomore in high school, and I agree, it's inhumane treatment. I mean, the least that could've been done was to give you and your brother the opportunity to say goodbye to your father, since they knew he was gonna be deported.

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

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

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

SENATOR WINFIELD (10TH): I pretty much echo what Representative Porter said. I think I said to you a

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

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

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

JONATHAN GONZALEZ-CRUZ: Thank you.



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REP. STAFSTROM (129TH): We really appreciate you being here. Ana Maria Rivera Forastieri.

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

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

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

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They don't protect all people. And even those that are meant to be protected are not really currently protected under the Trust Act.

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

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

Not only that, the loopholes are obviously very problematic, but further than the loopholes is the way that the language is drafted right now allows for a lot of discretion for correctional officers and judicial marshals to still continue to hold people. And that happens for a couple of reasons. One of the reasons is that the current policy directs correctional officers and law enforcement agents to give a courtesy call -- they call it a courtesy call -- to ICE [bell] informing them that

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they have to -- informing them that they're gonna be releasing this person. And unfortunately, law enforcement agents take this to mean that once ICE expresses interest in the person that they have a legal obligation to hold them, which is just not the case. They're actually unlawfully holding anyone once bond has been posted or a PTA has been determined by a judge.

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

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

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

And the last remark I will say is that the COs mock the Connecticut Bail Fund all the time when we try to support immigrant women. The last time we were

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there, two-and-a-half weeks ago, to post bail for someone that was in there for driving without a license -- a woman that was in there for driving without a license -- they came out and told us, sorry, she was remanded into federally custody, and you know, we did this in under an hour since we know that your next call is gonna be to the commissioner. What is that? What is our system doing? Thank you. REP. STAFSTROM (129TH): Thank you. Thank you for the work your doin'. Representative Miller.

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

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

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

ANA MARIA RIVERA FORASTIERI: I think partly it is. When we attempted to post bail for this one woman that I talked about in December of 2017, initially the COs told us you can't post bail 'cause she has an immigration detainer. And we said, actually no,

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that's not what the law says. That's not what the Administrative Directive says. We have to be able to post bail. We determined at the time that it wasn't safe for us to do that 'cause we had seen that they were delaying the process, so we didn't post bail for this woman then. And we talked to the commissioner and to the previous administration about just making sure that people knew what the law was. Everybody was retrained, supposedly, on what the law was, but they did exactly the same thing. They had us waiting in the lobby for six hours, I think, while we were trying to post bail. We actually were posting bail for several people, and the people that were not immigrants came out, but not the people that were immigrants. And so that told us that they were very much in the process of just coordinating a transfer into custody -- immigration custody.

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

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

REP. MILLER (145TH): Thank you very much.

REP. STAFSTROM (129TH): Thank you. Representative Porter. [Background talking] Okay. Representative Blumenthal.

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

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

REP. BLUMENTHAL (147TH): Correct.

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

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percent or as going to through the private bail bondsman.

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

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

ANA MARIA RIVERA FORASTIERI: I mean, I cringe every time I hear some of these stories. And I choke up not because I haven't heard it over and over and over again, but it's because it's like the most

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inhumane experience that I've ever seen in my life. It destroys families economically. It takes one of the breadwinners out from the -- the mental health trauma that the children experience of being separated from their parents, the fear of never seeing your parent ever again, the fear of never seeing your partner ever again takes a huge mental health toll. There's been articles and articles about it.

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

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

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

SENATOR BRADLEY (23RD): Thank you very much, Mr. Chair. We've talked a lot about the human expense, and I know that there might be people in the committee or people in our legislative body that aren't quite moved by that, right -- that have a



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different perspective as to your cause. So, let me be so bold to maybe ask a question that might be lingering in there for some, right. What is the financial expense to the state of Connecticut by violating people's rights and denying bond and having people in custody? Does the Federal Government pay the state of Connecticut for keeping people incarcerated?

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

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

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ANA MARIA RIVERA FORASTIERI: That's correct.

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

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

ANA MARIA RIVERA FORASTIERI: Thank you very much.

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

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

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

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

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

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

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

PATRICIA MAREALLE: Good.

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

PATRICIA MAREALLE: Senator Bergstein is not here.

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PATRICIA MAREALLE: Not of a state mandate.

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

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

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

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

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

PATRICIA MAREALLE: You're welcome.

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

PATRICIA MAREALLE: Thank you.

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

SB 992  
SB 948

IVA VELICKOVIC: Senator Winfield, Representative Stafstrom, and esteemed members of the Judiciary Committee, thank you so much for the time today. My name is Iva Velickovic, and I'm a law student intern at the Worker and Immigrant Rights Advocacy Clinic at Yale Law School, which represents the Connecticut Immigrant Rights Alliance, known as CIRA.

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I'm here today to testify in support of SB 992, AN ACT CONCERNING THE TRUST ACT, which will restore trust and cooperation between Connecticut law enforcement and Connecticut immigrant communities. I'm also here in support of SB 948, which would implement just a minor change to sentencing structure that would protect immigrants from the disproportionate federal immigration consequences that currently accompany minor state misdemeanors.

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

As just one example, those seven categories leave a great deal of discretion to individual officers, and in the context of judicial marshals, about which CIRA released a report earlier today, we've seen that individual judicial marshals exercise a great deal of discretion to hold folks for no other reason than that that person has a civil ICE immigration detainer. So, in those cases, there's no judicial warrant, and maybe this person hasn't committed a serious crime. There's no reason to be holding them other than the immigration detainer, and the

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judicial marshals are complying. They're also proactively reaching out to ICE, and that's something that we need to put a stop to. It's something that would be handled by SB 992.

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

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

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

SB 948

REP. BLUMENTHAL (147TH): Thank you, Mr. Chairman. And thanks for your testimony, Ms. Velickovic, it's nice to see that they let you out of the LSO sometimes. [Laughing] So, I just wanted -- I was

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wondering if you could expand a bit on how -- on why the current misdemeanor sentencing regime interferes with plea bargaining in the state context and how passing this law might help our state prosecutors and state defense lawyers figure out better solutions and quicker solutions and state -- state resources?

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

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

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

REP. O'DEA (125TH): Thank you, Mr. Chairman. Thank you for your testimony, and I -- I am in favor of 991. I think it makes a whole lot of sense from everything I've heard today. My concern with 992 is I have yet to hear an explanation that I believe is a good one as to why we're eliminating in lines -- actually we're eliminating 98 through 111. As I

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understand in your testimony, the loophole, you believe, is in existence because of too much discretion for law enforcement. Well, if you're a convicted felon, there's no discretion there, correct?

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

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

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

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

IVA VELICKOVIC: That's right.

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

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

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

IVA VELICKOVIC: Right.

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

IVA VELICKOVIC: Again, that's a great question. I really appreciate it. I think it's hard to say what's changed between now and 2013 on one category because the whole act has kind of been viewed as one issue, right. And so, people have been enforcing various pieces of the act, so it's hard to say, you know, which parts are over broad and versus which parts isn't -- aren't. I think this Legislature has the opportunity to consider the Trust Act and consider what is in the -- what is in SB 992 as well as what's in the books, as it stands. And I think that, again, the judicial warrant requirement is an important protection for people's rights while still allowing state and local enforcement, in cases like a convicted felon, to detain that person. All we're asking for is just that ICE get a warrant.



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REP. O'DEA (125TH): There's no discretion on if they've got an outstanding arrest warrant in the state, correct?

IVA VELICKOVIC: That's right.

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

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

REP. O'DEA (125TH): So, if we extend -- look, my purpose in asking these questions ["yeah" in background] is to try to find compromise on some points, where we can -- we can address your concerns and the concerns that have been articulated here today, that I completely believe are valid, with the other concerns about -- like if you're a convicted felon, and you committed murder, and you're caught by some -- I don't have a whole lot of sympathy for you. I gotta be honest. If you're -- if you've got an outstanding arrest warrant in this state, I'm not

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having a whole lot of sympathy for you, and I haven't heard any reason to have any sympathy. If you're subject to a pending criminal charge in this state, where bond has not been posted, I'm not having a lot of sympathy.

So, I guess my question is the 48 hours issue. If you're arrested on a -- if you're apprehended on a Friday night, knowing friends of mine in law enforcement, sometimes it actually is hard to get a judge within 24 hours. Usually, you can get a judge within 48, as we've heard, but there have been occasions where you can't get a judge within 48 hours from a Friday night to a Monday morning. Would you have a problem extended it in some of these categories -- I guess like where there's no discretion?

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

REP. O'DEA (125TH): So, suppose it's a traditional traffic stop on a Friday night, and they're -- it's found out they're a convicted felon and there's a detainer. I guess, so it's your position that if we can't get -- if the police can't get a warrant within 48 hours, that convicted felon should be let go.

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IVA VELICKOVIC: If that person is out driving, I would assume that they've already served their time, so yes.

REP. O'DEA (125TH): Okay. And you -- if they've got an outstanding arrest warrant, if you can't get a warrant within 48 hours, the police should let that person go?

IVA VELICKOVIC: I believe that if someone has an outstanding arrest warrant the police have probable cause to continue to hold them under their own authority. Just to put it out there, I also know that there's several reasons why folks have outstanding arrest warrants for, you know, for example, nonviolent crimes they're paying court fees, kind of more minor things like that.

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

IVA VELICKOVIC: Thank you.

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

IVA VELICKOVIC: Thank you.

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

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

REP. PORTER (94TH): Thank you, Mr. Chair. Just for a point of clarification because the convicted felon piece keeps comin' up, the -- it's a past felony, like they are not -- they've served their time?

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IVA VELICKOVIC: That's right. So, by the time that ICE is seeking to take someone into custody, they would've already served their time under whatever it was that Connecticut decided that they were supposed to serve their time for. And then all we would be asking for ICE to do is to get a warrant for their continued detention so that ICE can pick that person up.

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

IVA VELICKOVIC: That's right.

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

IVA VELICKOVIC: That's right.

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

IVA VELICKOVIC: Right.

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

IVA VELICKOVIC: And thank you for the question.

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

IVA VELICKOVIC: That's right. Thank you.

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

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

IVA VELICKOVIC: So, under this bill, immigration authorities do have access to anyone for which they

can get a judicial warrant to speak to. So, I do believe that in cases like that, if ICE could go to a judge and seek a warrant, the answer would be yes.

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

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

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

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

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

IVA VELICKOVIC: Right.

REP. DUBITSKY (47TH): They're already -- they're already being held in custody in Connecticut, and immigration just wants to come talk to them. They're not going anywhere, but immigration wants to know if they're the same person. Why would we prevent that?

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IVA VELICKOVIC: If immigration isn't sure that they are the person they're looking for; immigration really has no reason to question them. I believe immigration should be sure that they know who they're looking for and sure enough to get a judicial warrant. Because before -- I mean, to Representative Porter's point, you're innocent until proven guilty, and -- well, I guess this is a civil context, so it's completely different -- but if you're not sure who it is that you're looking for, I think you should have to do a little bit more.

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

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

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

IVA VELICKOVIC: Well, nothing prevents ICE from reaching out to local law enforcement or from running someone's name in a database, and if they can get enough information from that, I think they should be able to seek a judicial warrant to interrogate that person.

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REP. DUBITSKY (47TH): Okay. So, you're saying nothing prevents ICE from reaching out to local law enforcement to obtain information. I'm seeing lines 112 through 116, which appear to prevent local law enforcement from responding to any such inquiries.

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

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

IVA VELICKOVIC: That's right.

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

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

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

REP. STAFSTROM (129TH): Thank you. On that point, I think isn't the concern that it's not the right Iva Velickovic who's being held in Connecticut. So, if there's an Iva Velickovic who ICE is looking for, and there's an Iva Velickovic who's being held in Connecticut, and that Iva Velickovic is -- should be



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released from detention. They've posted bail, they've been deemed by a judge not to need bail, they're issued a promise to appear that, if that Iva Velickovic is not the person ICE is looking for, to keep them in detention for an extra two, three, four, five days, when it's not the right Iva Velickovic is in and of itself the problem because now you've deprived somebody of their liberty for a period of time when they're not the person ICE is looking for.

IVA VELICKOVIC: That's exactly right.

REP. STAFSTROM (129TH): Okay. Senator Bradley.

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

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

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

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that haphazardly this person has an ethnic name. Is that correct?

IVA VELICKOVIC: Um-hmm.

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

IVA VELICKOVIC: I would assume so.

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

IVA VELICKOVIC: I would assume so.

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

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

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

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IVA VELICKOVIC: Right.

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

IVA VELICKOVIC: That's right.

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

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

REP. STAFSTROM (129TH): Thank you, Senator.  
Further questions? Seeing none. Thank you so much.

IVA VELICKOVIC: Thank you.

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to be detained by immigration, you are likely to be in -- somewhere in Massachusetts. You may be in Rhode Island. You may be in New Hampshire. There are detention facilities around the country. There is an individual from Togo who I represented who was detained in Pennsylvania, and without having a lawyer on his case, it would have been very likely that his -- that his case would've been denied.

[Bell] He had been greatly persecuted by his family because of his religion and fled to the United States in order to seek protection. We're talking about people who are qualified for defenses and the ability to stay here in the U.S. that if they don't have lawyers it's very unlikely that they can actually proceed with the case.

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

REP. O'DEA (125TH): Thank you, Mr. Chairman. Thank you. I'm just gonna ask a few, but I'm gonna hopefully get your card and ask you a lot of questions 'cause, unlike some members of this committee, I think it's been pretty obvious I'm not very familiar with the immigration laws and so I was trying to figure out early on. My concern is with 992. I'm hopeful that maybe you can help me, and I appreciate the Chair's kind of explained to read through to Section E. I made a hypothetical question about a MS-13 -- we'll call him Tom O'Dea. He gets arrested for murder, he's convicted, does his time, is deported, and comes back into the country and is caught camping in New Canaan, as I believe the Chair had illustrated earlier. So, Tom O'Dea, MS-13 member, is camping in Kiwanis Park, which is right by my house in New Canaan. And the

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New Canaan Police pick me up on a Friday night for illegally camping overnight in Kiwanis Park, and they realize that I am an MS-13 convicted murderer here illegally. Under current law, they contact ICE, and ICE says, you know, we can't get to you till Tuesday -- can you hold him till Tuesday. Under current law, they can do so without a warrant, as I understand it. Correct?

MEGHANN LAFOUNTAIN: That's correct.

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

MEGHANN LAFOUNTAIN: Yes, that's correct.

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

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

REP. O'DEA (125TH): Well, I've been -- when I'm released, I'm deported.

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

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

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

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

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

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works the same way -- that the warrant is required. So, that's what we're looking to do here with 992, to make sure that that warrant is there.

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

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

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

REP. O'DEA (125TH): But he's not an immigrant. He's illegally there after committing a crime here. For example, I don't understand [clicking in background] -- that's not fair, don't do that. Mr. Chairman, people should not be clicking their fingers.

REP. STAFSTROM (129TH): Yeah, the representative is correct. If we could refrain from public displays while the representative is asking questions. Thanks.

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

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



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as though a warrant from any other law enforcement agency would be required -- for similar crimes.

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

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

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

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

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

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

REP. BLUMENTHAL (147TH): Well, I won't get into that. [Laughing] So, I have a question that may be responsive to Representative O'Dea's line of questioning. So, if you've been deported or removed for a conviction, a felony, or an aggravated felony, reentry into the United States is -- that's an independent crime, right?

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MEGHANN LAFOUNTAIN: Unless you have permission. Typically, if you've been removed for an aggravated felony, you need permission from the attorney general to reenter. In practice, I've never seen that actually be granted. I think it's very unrealistic to assume that someone could legally reenter the U.S. after -- after removal for those reasons.

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

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

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

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

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

MEGHANN LAFOUNTAIN: I can't say with any certainty. It sounds confusing. [Laughing]

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

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

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

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

SB 991  
SB 992

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

With regard to the Trust Act, there are many, many reasons to support the Bill 992, but one of them should especially resonate with this committee and that is the fact that rogue employees of the judicial department are undermining the operations of the judicial department by creating an atmosphere

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

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

I've seen people who simply don't understand the system that, you know, they're trapped in. They testify to things that are legally irrelevant to

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to someone who's previously been deported. But someone who was convicted of a Class C or D felony, yes, there are defenses, which a good lawyer would be able to bring up.

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

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

KENNETH SPEYER: Thank you.

REP. STAFSTROM (129TH): Next up is Robert Farr. He's not here. I don't see him. Shari Van Ness.

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

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

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

SB 948  
SB 992

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days in order to limit some bad consequences for immigrant communities.

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

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

Deportation should not and cannot be an appropriate punishment for a misdemeanor charge. It's cruel to break apart a family and destroy lives due to a misdemeanor charge. This is what our state of Connecticut is allowing and endorsing. We are disproportionately punishing immigrants, our community members and their families, who are convicted.

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Deportations, as we heard today, destroy lives. Deportation breaks up family. Deportation fractures communities. The consequences faced by a family that has a mother or a father deported due to a small misdemeanor charge are extreme. Children lose their parents and are traumatized. A family loses its primary source of income, plunging those into poverty many times. The consequences carry far beyond the original charge. In our work, as we heard today, we've seen time and time again what deportation does to families and communities. If our state has an opportunity to fix an unfair consequence of Connecticut law, then we have a moral obligation to do so. This technical fix of reducing misdemeanor sentences by one day will make a huge difference in the lives of our communities and immigrants.

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

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

SENATOR WINFIELD (10TH): I don't have a question. I just couldn't thank the other people that I thanked for their work that continues without

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thanking you. So, thank you for continuing to be in the struggle to help people.

CAMILA BORTOLLETO: Thank you.

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

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

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

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

So, anyways, I'll just start with the rule of law issues. It actually -- I believe the first testimony this morning said that it would improve our compliance with the rule of law federally. I actually -- I mean, just two days ago you had the



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tenth consecutive ruling against the Federal Government in trying to force states and municipalities to try to comply with detainer requests. So, I would argue, you don't even get four out five dentists to agree about a brand of gum, so ten out of ten circuit courts or appeals courts is a pretty strong recommendation against 993 and the allowance of detainers.

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

So, if 993 were to go into effect with unlimited detention, that would actually be more in compliant with federal law than we currently have. [Bell]  
So, I had a lot of other points, but I also had a lot of time to sit back there and rewrite just the

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first part because it also is bad for public safety and is horrible for our budget because immigrants are a net income generator, not the other way around, so.

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

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

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

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

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

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

MARIANNE FICHTTEL: Right.

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

MARIANNE FICHTTEL: If they agree to honor it at all.

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REP. O'DEA (125TH): Correct. It's up to the -- it gives discretion to the police department. My understanding is you oppose that discretion.

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

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

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

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

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

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

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

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

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

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

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

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

MARIANNE FICHTEL: So, I mean, there's nothing impeding a warrant from doing its job.

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REP. O'DEA (125TH): Well, thank you for driving up. Now you know what my drive is like three times a week, four times a week.

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

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

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

MARIANNE FICHTEL: Monday.

REP. STAFSTROM (129TH): Further questions from the committee? Seeing none. Thank you so much for being here. Carolyn Shaw, followed by Stephen Varga.

CAROLYN SHAW: Good afternoon, members of the Judiciary Committee. My name is Carolyn Shaw. I've lived in Middletown for about 40 years. I'm a member of both the Connecticut Shoreline Indivisible and MIRA, the Middlesex Alliance for Immigrant Rights. Both of those are committed to the support of individuals noted and detained by Immigration and Customs Enforcement. We work with people of differing circumstances, some productive members of society with families and business -- businesses have lived here for many years. Others arrived more recently, having fled violence and trauma. All now ask for lives of safety and peace for their families.

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I would like for a moment, if you'll indulge me, just to invoke the spirit of a former president, President Franklin Delano Roosevelt. In 1941, President Roosevelt listed four freedoms in a speech, the rights of those living in the United States: freedom of speech, freedom of worship, freedom from want, and freedom from fear. The Connecticut Trust Act of 2013 was written and passed with language that carried the sense of those freedoms; however, I believe that it should be strengthened in 2019, and updating should clearly bar communications among local police, judicial marshals, and immigration agencies. With even the appearance of such collusion, the people with whom we work and others are unlikely to assist their friends and families when needed, fearing that they themselves will be under scrutiny. All residents of the state of Connecticut, whether they were born here or fled here, deserve the support, protection, and respect afforded by the Four Freedoms. Thank you for your time.

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

STEPHEN VARGA: Good afternoon. My name is Stephen Varga from New Britain, and I'm here to speak in favor of SB 991, AN ACT CONCERNING ACCESS TO LEGAL COUNSEL FOR INDIGENT INDIVIDUALS IN IMMIGRATION REMOVAL PROCEEDINGS. I practiced law for over 35 years, and unfortunately none of those years were in immigration law, but I have had some experience with observing individuals who are not represented by attorneys, by counsel.

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In 2017, my understanding is that 61 percent of the children facing deportation did not have an attorney. Even a greater number of adults were unrepresented. Between 2007 and 2013, I believe that only five percent of the people facing deportation were successful without an attorney. The fact that someone facing deportation is represented by a counsel does not guarantee that they will prevail and be allowed to remain in the United States. Just as providing an attorney to a defendant in a criminal court case does not mean that he or she will be spared incarceration. Rather, representation in immigration court [bell] will give the respondents an opportunity to effectively present a case that under the law -- under our laws, they should be able to continue to live in Connecticut. Thank you.

REP. STAFSTROM (129TH): Thank you very much. Questions from the committee? Seeing none. Thank you very much for being with us. Carlos Moreno, followed by Eric Cruz-Lopez. Carlos? Is Carlos in here? Eric Cruz-Lopez, and then I have Miguel Castro.

ERIC CRUZ-LOPEZ: Hello, members of the Judiciary Committee. My name is Eric Cruz-Lopez. I'm an undocumented immigrant here in the state of Connecticut, and I work for Connecticut Students for a Dream, an organization that does work with undocumented immigrants all across the state of Connecticut. And I'm here in support of SB 992, the Trust Act, and SB 948, which is the 364 bill that I'm sure you've heard about plenty throughout this evening.

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So, just to ensure what you all have heard again, right, the Trust Act would limit communication between local police and federal immigration agencies to prohibit certain actions by certain law enforcement officers in response to a civil immigration detainer, to clarify that probation officers are law enforcement officers, and to provide for greater transparency concerning the communications between state and local agencies and ICE. Because, as you may have heard also, today we listed -- the Connecticut Immigrants Rights Alliance released a report, the information for which they had to submit a Freedom of Information Act request. And the 364 bill, of course, would also reduce the maximum length of a misdemeanor conviction from 365 to 364, which limit a lot of consequences that are disproportionate to the actual crime.

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

And yes, we already have a Trust Act on the books, but it has failed us time and time again, exemplified by arrests at courthouses of witnesses



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

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

ERIC CRUZ-LOPEZ: Thank you.

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

MIGUEL CASTRO: Thank you, Chairman Stafstrom, Vice-Chair Blumenthal, Senator Winfield, Ranking Members, and members of the Judiciary Committee. My name is Miguel Castro. I am a member of the Meriden City

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Council, and as an elected official I've been on the forefront and a participant of most of the initiatives that have embraced protecting members of our community. I am here to support SB 992, AN ACT CONCERNING THE TRUST ACT, and SB 948, the 364-day misdemeanor sentencing reform bill, which will reduce the maximum length of all misdemeanor convictions in Connecticut from 365 days to 364 days in order to limit harmful immigration consequences for Connecticut's immigrants.

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

SB 992 would prohibit judicial marshals, law enforcement officers, state and local, from overreach of power, from making up policies and rules that are an assault to our freedom, our democracy. Our court system is not a backchannel to discriminate against immigrants or any member of our community. SB 992, AN ACT CONCERNING THE TRUST ACT, will limit communications between local police and federal immigration agencies, will update Connecticut's Trust Act to further protect

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Connecticut residents from the rogue actions of Immigration and Custom Enforcement (ICE) that has created a state and local partnership on a continued effort to disregard public safety and due process.

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

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

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

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assault of an elderly, blind, or disabled, leaving that at the full year, up to one year?

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

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

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

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based on something that they have committed, or a violation or a misdemeanor.

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

REP. STAFSTROM (129TH): Further questions? Seeing none. Thank you for being with us.

MIGUEL CASTRO: Thank you.

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

SB 992

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

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

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for the children that wasn't just an altruistic gesture, but it was, in fact, a mandate.

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

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

I just can't overstate, I think, the trauma that it is causing these children, and we have to remember most of them are citizens. They are entitled to

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certain benefits. They are going to be here. They are gonna be separated, and I think that they have rights. And additionally -- it goes without saying, and I'll finish after that -- anybody who is in this state has a right to be treated fairly and humanely. REP. STAFSTROM (129TH): Thank you.

ASHLEY PURDY: Thank you.

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

ASHLEY PURDY: Okay. Thank you.

REP. STAFSTROM (129TH): Christian Krog, followed by Brenda Liz Lotto.

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

For the past year-and-a-half, I've worked in immigration law, the highlight of which is when I worked as a legal intern at the Connecticut Institute of Refugees and Immigrants. I worked alongside a great attorney, as he specialized in low-cost or pro bono humanitarian-based immigration services for especially vulnerable persons. These include victims of violent crimes, human trafficking, sexual assault, or abused, neglected,

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Connecticut's focus on justice and fairness, keeping communities intact and preventing the mindless mass incarceration [bell] of undocumented immigrants. Thank you for your time, and happy Friday.

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

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

CHRISTIAN KROG: Yes, I am.

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

CHRISTIAN KROG: Thank you very much.

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

CHRISTIAN KROG: Thank you very much.

REP. STAFSTROM (129TH): Brenda Liz Lotto, followed by Mary Elizabeth Smith. Brenda? Brenda Liz Lotto? No? Mary Elizabeth Smith.

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



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Smith, and I am the development and program organizer at Make the Road Connecticut.

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

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

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to court in Bridgeport, and I have seen immigration agents in the courts in Bridgeport, and I can only begin to imagine what that feels like for people who are showing up to court to comply with the law.

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

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

REP. STAFSTROM (129TH): Mary --

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MARY ELIZABETH SMITH: -- sometimes as little as running a red light. And I am done, thank you.

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

MARY ELIZABETH SMITH: Thank you.

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

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

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

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which immigrants living in Connecticut can be deported.

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

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

As a state, we need to stop instilling fear and anxiety into our immigrant communities. We need to treat immigrants with the dignity they serve. We need to treat immigrants as our neighbors and not as

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easily disposable people. SB 992 and SB 948 offer commonsense changes to our criminal justice statutes that will appropriately curtail unnecessary and unfair deportations and thereby enhance the quality of life, health, and well-being in Connecticut's immigrant communities. Those are my thoughts. Thank you.

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

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

JOSHUA PAWELEK: You're welcome.

REP. O'DEA (125TH): -- and driving back. One of the things in looking at 99 -- I'm sorry, 948, the misdemeanor sentences, there's a couple on that list that aren't just minor though, like, for example, the assault of an elderly, blind, disabled, or a pregnant person, or a person with intellectual disability, pursuant to 53a-61a. Would you be okay if we left some of the sentences up to a year for some of the more serious misdemeanors and reduced it for the minor ones? Like damage to railroad property, I agree with you that shouldn't subject someone to that, but if someone intentionally punches an intellectually disabled person because they don't like them for whatever reason or intentionally assaults a pregnant woman, assaults them and punches them in the face -- that kind of a person, I don't feel any sympathy towards. Would you be okay if we left that type of an assault at a year, up to a year, and reduced the more minor ones that you're talking about?

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JOSHUA PAWELEK: So, not being an attorney and not understanding the evolution of the statutes, I'd wanna think about it some more, but my gut reaction is no, I wouldn't be okay with that. I think we're still, at that point, you're talkin' about treating one class of people differently than another class of people because, again, they'd be exposed to deportation. And I think that -- that's why I'm here. I'd like to see the number of deportations vastly curtailed. I think it's been way overdone. And I'm mindful of, you know, the families of a person who may commit the kind of crime you're talking about, I think it's gonna be traumatic to them to be a family member, but they still are a family member, and they still love that person, and they still wanna be with that person. So, when they've done their time and they're out, they have a chance for redemption at that point just like any citizen would. So, no, I think the -- again, not being an attorney, let the Class A misdemeanor be a Class A misdemeanor, and if down the road people wanna change that, you know --

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

JOSHUA PAWELEK: Thanks.

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

REP. DUBITSKY (47TH): Thank you, Mr. Chairman. Thank you for coming in. If somebody is here illegally in the country and commits a violent felony, should they be subject to deportation?

JOSHUA PAWELEK: I don't know what the -- I don't know enough about how federal law works, but I think my -- my answer would be, you know, what does the law say and is that the punishment that we as a society have agreed on?

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

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

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

JOSHUA PAWELEK: No, no.

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

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

JOSHUA PAWELEK: Thank you. Appreciate it.

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

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

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



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and will welcome any questions at this time. Thank you.

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

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

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

REP. O'DEA (125TH): I have the utmost respect for you. We have mutual friends. I have concerns with lines 98 through 111. I do agree where there's some discretion that's getting out of control we need to look at. You know, I'm hopeful that we can work together on -- with regard to the convicted felony charges. There's no discretion there. So, I don't see the problem. I understand there's gonna be some honest difference of opinion, but I don't think there's a discretion problem there. I don't think there's a discretion problem with number two on line 99, where subject to a pending criminal charge in the state where bond has not been posted and an outstanding arrest warrant. You know, the identified known gang member -- I can understand the list may be bad. We heard testimony about being on the Federal Terrorist Screening Database. That could be an error. And number seven, which is presents an unreasonable risk to public safety, we heard testimony that there's maybe some overreach with that, but hopefully we can work together on the ones where I don't believe there's a problem with discretion. And I appreciate your testimony and you being here today.

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REP. REYES (75TH): Thank you, Representative O'Dea. And if I could just rebuttal. I agree that we can work together, and there's no question that the dialogues and the conversations need to be had. Where we are not seeing the connections is in the case of domestic violence, and you have a spouse who is afraid to go to police because she may be undocumented, or her husband may be undocumented, or their afraid for the their children that are undocumented, and they're living in domestic violent conditions because they're afraid to use the people that are paid to protect and serve. So, it is in that area and that arena that I'm a little concerned.

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

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

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

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you know, I understand your -- I understand the focus to avoid holding people or detaining people when they shouldn't be detained, but I don't see a justifiable purpose for preventing a communication with immigration authorities for somebody who is currently in custody who is not looking -- who we're not planning to release. Can you address that at all?

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

REP. DUBITSKY (47TH): Okay. And would you be amenable to working on that specific provision and understanding that there are other provisions of this bill that are -- you know, perhaps you and I don't agree on, but can we at least agree on working on this particular provision?

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REP. REYES (75TH): Representative Dubitsky, I believe that we can work together on making the Trust Act for the state of Connecticut a robust and full act, and I think that this body in front of me is more than capable of doing that. And I will do my part, sir.

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

REP. REYES (75TH): Thank you.

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

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

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

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

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agree with you that training is a big issue when it comes to that type of policing.

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

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

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

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

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

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

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

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with expose me to one-on-one interactions with individuals that are being affected by the current law.

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

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

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REP. STAFSTROM (129TH): Thank you. Thank you for your testimony. Questions from the committee? Representative Palm.

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

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

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

BRENDA LIZ COTTO: Thank you.

REP. STAFSTROM (129TH): Thank you. Further questions? Seeing none. Thank you for your



## CONNECTICUT CHAPTER

**RE: S.B. No. 992 (RAISED) *AN ACT CONCERNING THE TRUST ACT***  
**Recommended Committee Action: SUPPORT THE BILL**

The Connecticut Chapter of the American Immigration Lawyers Association (CT AILA) is a nonpartisan, non-profit organization comprised of immigration attorneys and law professors. AILA was founded in 1946 to promote justice, advocate for fair and reasonable immigration law and policy, advance the quality of immigration and nationality law and practice, and enhance the professional development of its members. The Connecticut Chapter has 180 members who represent U.S. families seeking permanent residence for close family members, as well as U.S. businesses seeking talent from the global marketplace. CT AILA Members also represent foreign students, entertainers, athletes, and asylum seekers, often on a pro bono basis.

**CT AILA supports S.B. No. 992** which seeks to strengthen Connecticut's TRUST Act. Passed in 2013, the Trust Act defined the conditions under which state and local law enforcement agencies would voluntarily cooperate with U.S. Immigration and Customs Enforcement (ICE) officials in honoring civil detainer requests. The Trust Act struck an important balance between voluntarily assisting federal immigration officials when it serves the interests of public safety, and the need to maintain effective relationships with the local communities that law enforcement agencies are charged with protecting.

Now more than ever, it is critical that Connecticut adheres to and strengthens its laws concerning the use of State resources for the enforcement of federal, civil immigration laws. Within days of taking office, President Trump rescinded policies that directed resources to the removal of individuals who were considered a threat to public safety of national security.<sup>i</sup> Instead, the federal government has pursued immigration enforcement indiscriminately with the goal of fomenting maximum fear in immigrant communities. Connecticut's State and local law enforcement agencies must avoid becoming entangled in federal immigration enforcement actions that have been found illegal<sup>ii</sup> and that undermine community trust.

<sup>i</sup> Executive Order: Enhancing Public Safety in the Interior of the United States (Jan. 25, 2017), [www.whitehouse.gov/presidential-actions/executive-order-enhancing-public-safety-interior-united-states](http://www.whitehouse.gov/presidential-actions/executive-order-enhancing-public-safety-interior-united-states)

<sup>ii</sup> Assumption of Risk: Legal Liabilities for Local Governments that Choose to Enforce Federal Immigration laws, March, 2018, [www.immigrantjustice.org/AssumptionofRisk](http://www.immigrantjustice.org/AssumptionofRisk); See also Colorado Court enjoins sheriffs from detaining release-eligible individuals pursuant to ICE detainers, *Cisneros v. Elder*, December 6, 2018, 2018CV-30549, <https://aclu-co-wpengine.netdna-ssl.com/wp-content/uploads/2018/12/2018-12-06-ORDER-GRANTING-SUMMARY-JUDGMENT.pdf>

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Dear Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee:

My name is Jennifer Farr-Williams, I am a resident from Hartford. I stand in support of SB992: An Act Concerning the TRUST, which would update Connecticut's TRUST Act to further protect Connecticut residents from the rogue actions of Immigration and Customs Enforcement (ICE), which exploits state and local systems to target and attack our communities; And SB948: An Act Concerning Connecticut Misdemeanor Sentences, which would reduce the maximum length of all misdemeanor convictions in Connecticut to from 365 days to 364 days in order to limit some disproportionate immigration consequences for Connecticut's immigrants and their families. My community needs both bills because to Live Unafraid our immigrant communities need to be free from fear of deportation, of family separation, of being targeted by ICE.

I have lived in Hartford for 10 year and my children have also grown up in this community. One of the reason why I have lived her for so long is because the community is so diversity and fill with numerous opportunities to uplift oneself. I stand in support of (SB992) TRUST Act because I think that in order to create a sense of trust and a level of understanding between police officers and community member, there needs to be enforcement of laws that are in place to protect the community. many of the undocumented people living in Hartford has lived her for years and has become a vital part of the community, helping to strength and build it up. People living in the community should be able to trust that law enforcement officers with have their best interest in mind and can feel safe in the community. Just because someone is undocumented doesn't mean that they are criminal

My community needs SB948 (The 364 Day Sentence Bill) because in order to live unafraid our community cannot be unfairly targeted and punished by the criminal justice system just because they are immigrants. For a simply misdemeanor, someone's whole life should not be destroyed. Family separation is a serious issue and deeply hurts not only the family but also the greater community.

I support SB992 & SB948 and hope the committee will vote favorably.

Thank you for your time,  
*Kimberly Alexander*

March 2019

Dear Committee Members:

My name is JoAnne Bauer, a longtime resident of Hartford, an educator, and an advocate for immigrant rights in my city and in our state.

I urge the committee's **support for the following bills:**

**SB 992: An Act Concerning the TRUST:** to limit communication between local police and federal immigration agencies by strengthening the TRUST Act to further protect our immigrant community from ICE

**SB 948: The 364 -Day Misdemeanor Sentencing Reform Bill:** reducing the maximum length of all misdemeanor convictions in Connecticut from 365 days to 364 days in order to limit harmful immigration consequences for immigrants.

**We need to Break the *Prison to Deportation Pipeline*** by making CT a just and safe environment for all immigrant communities.

**I urge the committee to vote favorably.**

Thank you for your time,

JoAnne Bauer, Ph.D.  
25 N Beacon St  
Hartford, CT 06105

Dear Senator Winfield, Representative Stafstrom and members of the Judiciary Committee:

I am writing in support of SB 948 and SB 992. I write as a resident of Manchester, CT and a member of Uniting for a Safe Inclusive Community-Manchester. I am also a social worker and a PhD candidate at the University of Connecticut's School of Social Work, having worked too support and empower youth and families through a variety of programs over the past 20 years.

SB 948 would reduce the maximum length of a sentence for misdemeanor convictions in Connecticut to 364 days- a mere reduction of one day. Currently, immigrants who receive a one-year misdemeanor sentence in CT may be subject to deportation. This is regardless of whether they are even required to serve any of their sentence, and regardless of how long ago their conviction occurred. This means that an error in judgement when someone was young and participated in something relatively minor, can result in families being torn apart today. I cannot imagine children being separated from their parent because maybe that parent shoplifted when they were nineteen years old. People serve community service, jail time, probation, pay fines, attend classes as appropriate consequences for mistakes made. Deportation essentially removes a person permanently from their family, community and livelihood and is not an appropriate consequence for a misdemeanor offense. The technical change proposed in SB 948 can ensure that people will be held accountable for misdemeanor offenses without traumatizing children and without removing vibrant community members who contribute to our economic, social, and cultural well-being as a state.

SB 992 would update Connecticut's TRUST Act to further protect our communities from the over-reach of Immigration and Customs Enforcement and ensure that everyone in our state receives due process when they interact with our judicial system, regardless of immigration status. Everyone is entitled to due process. If there is just cause for someone to be detained by ICE, then they should be required to present a judicial warrant to local and state officials. This is due process. If they cannot do so, then we must assume the evidence is not present for someone to be detained. In these circumstances, our local and state agencies should not be cooperating or conspiring to detain individuals against their will. Neither should they be acting independently to provide information to ICE. Updating the Trust Act protects our communities and protects basic human rights. Under a system where local law enforcement colludes with ICE to detain immigrants in custody without due process, victims of domestic violence and sexual assault are less likely to come forward to report these crimes committed against them. This further marginalizes immigrant women and children and violates their human rights to safety and protection from violence.

Connecticut benefits greatly from the presence of a strong immigrant community. Immigrant-led households in the state paid \$3.3 billion in federal taxes and \$1.8 billion in state and local taxes in 2014. Undocumented immigrants in Connecticut paid an estimated \$124.7 million in state and local taxes in 2014. Connecticut residents in immigrant-led households had

\$13.8 billion in spending power (after-tax income) in 2014 and immigrant entrepreneurs represent one in four business owners in Connecticut (American Immigration Council, 2017). These are just some of the economic contributions. Even more important are the social and cultural contributions that immigrant families make. I know these contributions firsthand as the daughter of an immigrant.

It is imperative that all people in our state, regardless of immigration status, can trust that they will be safe when reporting a crime, providing testimony, entering a courthouse or otherwise interacting with our justice system. It is important that we all can trust that consequences will match a crime and that evidence will be required before assuming someone is guilty. These safeguards must apply to all people, regardless of immigration status; otherwise we end up treating a whole class of people as less than human, as less deserving of basic human rights.

Passing SB 948 and SB 992 is a step in the right direction towards fully recognizing the humanity, and right to due process, of all members of our communities. I urge you to vote in favor of SB 948 and SB 992- as each stands for a vote for due process, keeping families together and promoting human rights.

Thank you,

Angela Bellas, MSW, PhD candidate  
University of Connecticut School of Social Work  
Resident- Manchester, CT

Dear Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee:

My name is Marios Bourtzonis, I am a student from Trinity College. I stand in support of SB992: An Act Concerning the TRUST, which would update Connecticut's TRUST Act to further protect Connecticut residents from the rogue actions of Immigration and Customs Enforcement (ICE), which exploits state and local systems to target and attack our communities; And SB948: An Act Concerning Connecticut Misdemeanor Sentences, which would reduce the maximum length of all misdemeanor convictions in Connecticut to from 365 days to 364 days in order to limit some disproportionate immigration consequences for Connecticut's immigrants and their families. My community needs both bills because to Live Unafraid our immigrant communities need to be free from fear of deportation, of family separation, of being targeted by ICE.

I am from Athens, Greece and this is my second year in the United States. I attend Trinity College as an international student and I firmly believe our community will benefit from the SB992 and SB948.

The SB992 will help people in our undocumented community to live unafraid and free from fear. They will finally be able to enjoy their daily activities without the fear of police collaborating with ICE. I support the Trust Act because victims of crimes should feel secure seeking help. Deportation will tear families apart and separate them from their loved ones and this affects the ENTIRE community.

Apart from the SB992, our community will also benefit from SB948 - The 364 Day Misdemeanor Sentencing Reform Bill. Our peers cannot be unfairly targeted and punished because of their origin and immigrant status. The SB948 will eliminate the extreme and over-exaggerated consequences of misdemeanors, will encourage safety in the community, and will allow families to stay united.

I support SB992 and SB948 and I believe they will shape our community to a more inclusive and hospitable institution that will foster the dreams of the immigrant families trusting this country with their future. I hope the committee will vote favorably.

Thank you for your time,  
Marios Bourtzonis

948, 992

**Peterson, Bobbye**

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**From:** miguel@prestige-constructions.com  
**Sent:** Friday, March 08, 2019 8:11 AM  
**To:** JudTestimony  
**Subject:** SB 992

SB 948SB 992

Mr. Chairman and Ranking members and members of the Judiciary. My name is Miguel Castro, I am a member of the meriden city council. I am here to support SB 992 an act concerning the trust and ~~SB 648~~ ***The 364 Day Misdemeanor Sentencing Reform Bill*** which would reduce the maximum length of all misdemeanor convictions in Connecticut to from 365 days to 364 days in order to limit harmful immigration consequences for Connecticut's immigrants.

The discriminatory policies of the white house authorizing discretion power to ICE, has not only extended to every community across the country, it has made it to our courthouses, where judicial marshals are closing off rights to which every American is entitled, even if they came here illegally. This inhumane behavior has made our court houses into hunting ground by using court proceeding to share information with ice, hold people in their custody to help extradite immigrants into the custody of ICE. SB 992 will prohibit Judicial marshals Our Court system is not a back channel to discriminate against immigrants which are members of our community

**SB992: An Act Concerning the TRUST**

Would will limit communication between local police and federal immigration agencies. Would update Connecticut's TRUST Act to further protect Connecticut residents from the rogue actions of Immigration and Customs Enforcement (ICE).

- Keep Connecticut families and communities itogether
- Relieve anxieties around participation in state and local programs
- Make Connecticut law consistent with the US Constitution by requiring a judicial warrant whenever ICE wants to detain a member of our community
- Protect the rights of incarcerated community members against ICE intrusion
- Increase transparency in ICE operations throughout Connecticut
- State and local entities should not be flipped to operate against the people they have been established to serve. All people within the State of Connecticut deserve to remain in their communities or together with their families, regardless of immigration status or any aspect of identity. An updated TRUST Act would enable us to collectively create a safer and healthier Connecticut.

City Councilor Miguel Castro

Sent from my Sprint Samsung Galaxy S8.

Sent from my Sprint Samsung Galaxy S8.

Dear Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee:

My name is Megan Corning, and I am a resident of Hartford. I stand in support of SB992: An Act Concerning the TRUST, which would update Connecticut's TRUST Act to further protect Connecticut residents from the rogue actions of Immigration and Customs Enforcement (ICE), which exploits state and local systems to target and attack our communities. I also support SB948: An Act Concerning Connecticut Misdemeanor Sentences, which would reduce the maximum length of all misdemeanor convictions in Connecticut from 365 days to 364 days in order to limit some disproportionate immigration consequences for Connecticut's immigrants and their families. My community needs both bills because to live unafraid, our immigrant communities need to be free from fear of deportation, of family separation, and of being targeted by ICE.

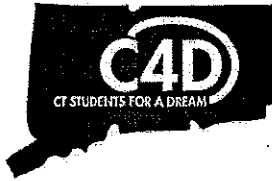
I have been privileged to live and work in multiple states in our country. I served in AmeriCorps in 2010/2011 in the Bay Area of California, and I have tutored adults in English as a second language, previously in Portland, Oregon, and currently right here in Hartford. As a result of my volunteer experiences, I've developed empathy for immigrant communities and recognition of the inequitable barriers they face in their efforts to lead safe, healthy lives. My communication with the adult students I work with is sometimes limited, but when someone shows up week after week with their textbooks in hand, coming straight from work, or going straight to work right after class, that communicates very clearly their motivation to learn and contribute positively to our society. I serve these communities through my position as a volunteer tutor, because I believe they deserve the same opportunities for social and economic well being that I've been afforded. I believe you should serve them in your position as our representatives, and this legislation is your opportunity to do so.

Our community needs the SB992 (TRUST Act) because no one should have to live in fear of losing their families to the deportation system, of seeking medical help if they're sick, or legal help if they've been a victim of a crime. Reinforcing the TRUST Act would keep Connecticut families and communities together and help immigrant families feel safer in our state.

Our community also needs SB948 (The 364 Day Sentence Bill) to stop unjust targeting and punishment of immigrants by the criminal justice system. I support the 364 misdemeanor sentencing bill because it would eliminate extreme consequences that should not come with a misdemeanor, and because I don't believe families should be separated and people deported because of a simple misdemeanor. Furthermore, I believe we all would benefit from allowing formerly incarcerated community members an opportunity to participate in a true 'second chance society'.

I support SB992 & SB948 and hope the committee will vote favorably.

Thank you for your time,  
Megan E. Corning



## Connecticut Students for a Dream

*Empower. Educate. Advocate.*

Dear Members of the Judicial committee:

Thank you for the opportunity to testify. My name is Eric Cruz Lopez and I am leader in CT Students for a Dream. I call on every single legislator in this room to support two bills. **SB 992: The TRUST Act: An Act Concerning Law Enforcement Officers' Responses To Ice Detainers** and **SB 948: The 364 Day Misdemeanor Sentencing Reform Bill: An Act Concerning The Maximum Term Of Imprisonment For A Misdemeanor Offense.**

The TRUST Act would limit communication between local police and federal immigration agencies. To prohibit certain actions by law enforcement officers in response to a civil immigration detainer, to clarify that probation officers are law enforcement officers and to provide for greater transparency concerning the communications between state and local agencies and ICE.

The 364 bill would reduce the maximum length of all misdemeanor convictions in Connecticut to from 365 days to 364 days in order to limit some disproportionate immigration consequences for Connecticut's immigrants and their families.

We testify today because our immigrant community in Connecticut wants to live unafraid. We are living under difficult and challenging times for immigrant youth and immigrant communities in Connecticut and in the rest of the country. Especially now that the deportation machine is eating us up sometimes one by one, but many times swallowing whole communities.

The TRUST act would work to slow down the deportation machine and its effects here in CT. It would make our communities safer and help them live full lives free from fear of their constitutional rights being violated. We already have a TRUST Act on the books, but it has failed us time and time again, exemplified by the arrests at courthouses and the continuous communication between ICE and judicial marshalls. This consistent and constant communication allows ICE to continue abusing its power over immigrants in CT and because of that it also makes our communities fearful to interact with courts, police, and probation officers because of fear of deportation.

We need CT residents to be able to feel safe in their communities by making sure that police in CT cannot detain folks based solely on ICE detainers. These ICE detainers are what feeds immigrants into the deportation machine. An even though CT has not had public raids in recent years the steady stream of ICE detainers has been the silent kidnapper of our friends, families, and neighbors.

And let me emphasize that it is not only the fear of deportation but the material reality of our friends and family members being deported and torn from us day by day.

The 364 bill would work to change the maximum sentence of a misdemeanor to make sure that misdemeanor sentences don't have felony consequences. Changing the max sentence from 365 to 364 would make sure that our friends, family, and neighbors aren't immediately funneled from misdemeanors into deportation. This one day change would not only affect undocumented immigrants here in CT but also permanent residents and anyone going through the immigration process that is not yet a citizen.

Deportation should not and cannot be an appropriate punishment for a misdemeanor charge. It is cruel to break apart a family and destroy lives due to a misdemeanor charge. This is effectively what our state of Connecticut is allowing and endorsing. Connecticut is disproportionately punishing immigrant community members who are convicted of misdemeanors, and their families.





Connecticut Students for a Dream

*Empower. Educate. Advocate.*

Deportation destroys lives, deportation breaks up families, deportation fractures communities. The consequences that a family that has a mother or father deported due to a misdemeanor charge faces are extreme. Children, often US citizens, lose their parent and are traumatized, a family loses its primary source of income plunging those left behind into poverty. The consequences carry far beyond those few months that the community member was originally convicted for, the consequences last a lifetime. In our work in our communities we've seen time and time again what deportation does to families and communities. If our state has an opportunity to fix an unfair consequence of CT law we have a moral obligation to do so.

C4D and our membership views these bill as an essential step in ensuring that all CT's immigrants can live unafraid and have an equal opportunity to succeed and thrive.

Thank you and we hope you will fight for us this session,

Eric Cruz Lopez

Testimony of Robert M. Goodrich, Resident of the City of Waterbury, CT  
March 8, 2019

Testimony Submitted to the Judiciary Committee  
In Support of **SB 992**: An Act Concerning the TRUST Act and  
**SB 948**: An act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to  
Misdemeanor Sentences

Dear Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee:

My name is Robert Goodrich, and I sit here in strong support of **SB 992** and **SB 948**. I do so because I believe every person that lives in our state should be free of the entanglements of anti-immigrant legislation; regulatory guidance; and administrative vagueness that places all of our freedoms at risk. Currently our state laws make it possible for members of the immigrant community to be isolated, discriminated against, and to have their families destroyed and terrorized by federal or local law enforcement agencies because of their immigration status.

**SB 992** would update Connecticut's TRUST Act to further protect Connecticut residents from the rogue actions of Immigration and Customs Enforcement (ICE), which exploits state and local systems to target and attack our communities. SB 992 would:

- Relieve anxieties of immigrants around their participation with state and local agencies or programs including the courts and police.
- Make Connecticut law consistent with the US Constitution by requiring a judicial warrant whenever ICE wants to detain a member of our community.
- Protect the rights of incarcerated community members against ICE intrusion.
- Increase transparency in ICE operations throughout Connecticut.

State and local law enforcement and/or other similarly situated agencies must not be allowed to target the immigrant community by cooperating with ICE or other federal agencies in a manner that violates their rights nor should it be allowed to happen in secrecy. An updated TRUST Act would enable us to create a safer and healthier Connecticut. A Connecticut where those who have to call the police for help aren't deported, especially victims of domestic violence and their children.<sup>1</sup>

**SB 948** also known as the 364 misdemeanor sentencing bill would eliminate the disproportionate consequences that are very likely to be experienced by someone with an immigration status other than a full citizen. A misdemeanor conviction should not condemn members of our community to be deported. Current law represents a clear impediment to our beloved community members because it makes some ineligible for a green card even if the sentence is suspended. SB 948 would:

- Foster public confidence in Connecticut's judicial and criminal justice systems.
- Diminish the cycle of mass incarceration that disproportionately impacts people of color.
- Allow immigration judges greater discretion to consider the totality of the circumstances in considering applications for immigration relief.

I urge this committee to support SB 992 and SB 948.

Respectfully,

Robert M. Goodrich  
14 Stanrod Ave  
Waterbury, CT 06704  
(203) 597-7456  
[rgoodrich@racce.net](mailto:rgoodrich@racce.net)

<sup>1</sup> See attachment A: Waterbury Police Department incident report of Edith H., who called 911 pleading for help because her ex-boyfriend was damaging her car. Edith was detained by the Waterbury Police Department and was handed over to ICE.

## Waterbury Police Department

255 East Main, Waterbury CT 06702  
(203) 574-8911

Attachment A

## CASE/INCIDENT REPORT

SUPPLEMENTARY ☐

CFS NO 1703109423	DAY 2	INCIDENT DATE 12/04/2017	TIME 08:14	DATE OF RP1 12/04/2017	TIME OF RP1 16:23	TYPE OF INCIDENT CRIMINAL MISCHIEF	INCIDENT CG 14	INVESTIGATING OFFICER Patrol Officer Defilippis, James	BADGE NO 781
DIVISION Patrol	DIVISION NO	REFERENCE DIVISION	REFERENCE DIVISION NO	CASE X-REFERENCE	UNIT ID A1A	TYPIST DEFIL761	DATE TYPED 12/04/2017	TIME TYPED 16:23	
STREET NO 00182	STREET NAME AND TYPE CHESTNUT Ave WATERBURY	APARTMENT NO/LOCATION 2	INTERSECTING STREET NAME AND TYPE	STATUS Refer to DB	TOWN CD T181				
STATUS CODE C=COMPLAINANT V=VICTIM A=ARRESTEE J=JUVENILE H=OTHER M=MISSING W=WITNESS O=OFFENDER D=DRIVER S=SUSPECT P=POLICE OFFICER T=TOT									
STATUS NAME		SEX RACE	D.O.B.	TELEPHONE	ADDRESS				
C	HERNANDEZ, EDITH	F	W	1982	Hom	3785	182 CHESTNUT Ave WATERBURY Apt #: FL-2 CT		

On 12/04/2017 at approximately 1145 hours, while assigned to sector A1A, this Officer was dispatched to 182 Chestnut Ave. on the second floor for a disturbance complaint

Upon my arrival I spoke to Edith Hernandez ([REDACTED] 1982), who explained she parked her 2009 GMC Acadia in her driveway, located at the above mentioned address, on 12/03/2017 at approximately 2000 hours. According to Edith she went back to her vehicle, earlier this morning at approximately 1000 hours and noticed someone wrote on her hood and driver side door with black marker. Edith also mentioned her license plates (Connecticut marker # C128187) were also stolen from the vehicle, which she since reported. A DMV record search listed the marker number as stolen.

At this time, Edith advised this Officer that she believed her ex-boyfriend, [REDACTED] was possibly responsible for the incident because she has been having issues with him, although she advised me she had no substantial proof he was involved.

A NCIC search was conducted which revealed negative results for any active orders relating to Edith and [REDACTED], however NCIC revealed a active Deportation warrant for Edith (Seen CN # 17-109538 for additional information).

THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER, THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATION AND KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.			
INVESTIGATOR SIGNATURE: /OFC. James Defilippis/	INVESTIGATOR I.D.#: 781	SIGNED DATE: 12/04/2017	SUPERVISOR SIGNATURE /SGT. Donald Robinson/ SUPERVISOR I.D.#: 519

1700109428 Cont

**Waterbury Police Department**  
 255 East Main, Waterbury CT 06702  
 (203) 574-6911

Page 2 of 2

**CASE/INCIDENT REPORT**SUPPLEMENTARY ☐

CFS NO 1700109428	DAY 2	INCIDENT DATE 12/04/2017	TIME 08:14	DATE OF RPT 12/04/2017	TIME OF RPT 10:23	TYPE OF INCIDENT CRIMINAL MISCHIEF	INCIDENT CD 14	INVESTIGATING OFFICER Patrol Officer Defilippis, James	BADGE NO 761
DIVISION Patrol	DIVISION NO	REFERENCE DIVISION	REFERENCE DIVISION NO	CASE X-REFERENCE	UNIT ID A1A	TYPIST DE 761	DATE TYPED 12/04/2017	TIME TYPED 16:23	
STREET NO 00182	STREET NAME AND TYPE CHESTNUT AVE WATERBURY	APARTMENT NO/LOCATION 2	INTERSECTING STREET NAME AND TYPE	STATUS Refer to DB	TOWN CD T151				

\*\*\*\*\*Fwd To The Detective Squad\*\*\*\*\*

THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER, THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATION AND KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.				
INVESTIGATOR SIGNATURE: /OFC. James Defilippis/	INVESTIGATOR I.D.#: 761	SIGNED DATE: 12/04/2017	SUPERVISOR SIGNATURE /SGT. Donald Robinson/	SUPERVISOR I.D.#: 519

**Waterbury Police Department**  
 255 East Main, Waterbury CT 06702  
 (203) 574-6911

Page 1 of 1

**CASE/INCIDENT REPORT**SUPPLEMENTARY ☐

CFS NO 1700109538	DAY 2	INCIDENT DATE 12/04/2017	TIME 14:02	DATE OF RPT 12/04/2017	TIME OF RPT 14:38	TYPE OF INCIDENT ASSIST OTHER AGENCY	INCIDENT CD 68	INVESTIGATING OFFICER Patrol Officer Defilippis, James	BADGE NO 761
DIVISION Patrol	DIVISION NO	REFERENCE DIVISION	REFERENCE DIVISION NO	CASE X-REFERENCE	UNIT ID A1A	TYPIST DEFIL761	DATE TYPED 12/04/2017	TIME TYPED 14:38	
STREET NO 00182	STREET NAME AND TYPE CHESTNUT Ave WATERBURY	APARTMENT NO/LOCATION	INTERSECTING STREET NAME AND TYPE	STATUS Closed	TOWN CD T151				
STATUS CODE C=COMPLAINANT V=VICTIM A=ARRESTEE J=JUVENILE H=OTHER M=MISSING W=WITNESS O=OFFENDER D=DRIVER S=SUSPECT P=POLICE OFFICER T=TOT									
STATUS H	NAME Hernandez, Edin	SEX F	RACE W	D.O.B. 0982	TELEPHONE	ADDRESS 182 CHESTNUT Ave WATERBURY	API # FL-2 CT	OP STATE & NO.	

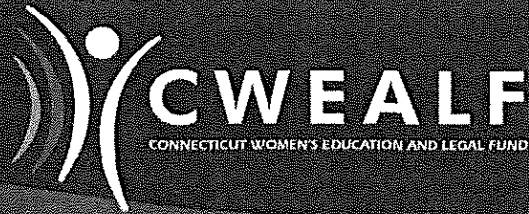
On 12/04/2017 at approximately 1145 hours, while assigned to sector A1A, this Officer was dispatched to 182 Chestnut Ave. floor 2 in regards to a criminal mischief complaint.

Upon my arrival I spoke to the involved party, who was identified as Edith Hernandez (██████████ 1982). While on scene a NCIC search was conducted on Hernandez which revealed a outstanding warrant of removal/deportation from the Department Of Homeland Security/Immigration.

This Officer contacted Immigration by cell phone and made contact with ICE Officer Palombo, who is assigned to the immigration office in Hartford, Connecticut. Officer Palombo informed this Officer that immigration was going to take Hernandez into custody. Hernandez was then transported to the Waterbury Police Department's holding cell, where she was detained for ICE. ICE Officer, Bates Badge # 6484 responded to Police headquarters and took Hernandez into custody. Prior to his arrival ICE Officer, Palombo faxed a Department Of Home Land Security Immigration Detainer for Hernandez to communications.

Hernandez was also advised a report would be on file (CN # 17- 109428) in regards to her complaint.

I, THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATION AND KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.			
INVESTIGATOR SIGNATURE: /OFC. James Defilippis/	INVESTIGATOR I.D.#: 761	SIGNED DATE: 12/04/2017	SUPERVISOR SIGNATURE /SGT. Donald Robinson/
		SUPERVISOR I.D.#: 519	



### Judiciary Committee

Public Testimony of the CT Women's Education and Legal Fund (CWEALF)

Submitted by: Madeline Granato, Policy Manager

March 8, 2019

In support of:

- *S.B. 992: An Act Concerning the Trust Act*
- *S.B. 948: An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to Misdemeanor Sentences*

The Connecticut Women's Education and Legal Fund (CWEALF) is a statewide nonprofit that advocates for and empowers women and girls in Connecticut, especially those who are underserved or marginalized. For forty-five years, CWEALF has provided legal education and legal advocacy services to individuals about family law and civil rights issues, including immigration. CWEALF also serves as a leader in the development of policy solutions that enhance women's economic security in our state, including pay equity, sexual harassment, and paid family and medical leave.

We urge the committee to support S.B. 992: *An Act Concerning the Trust Act* and S.B. 948: *An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to Misdemeanor Sentences*.

The majority of CWEALF's Legal Education clients are low-income women with at least one dependent. Over the past few years, CWEALF has observed a significant increase in the number of people who seek our services to know their rights and options regarding immigration.

CWEALF's Legal Education Program provides information about the law, and connections to low-cost attorney referrals and social services agencies, one-on-one individualized advocacy, and community education. As part of these free services, CWEALF provides guidance to parents or guardians to complete family preparedness plans, a document that enables undocumented parents in Connecticut to set a clear legal plan for the care of their children should they face deportation.

One of CWEALF's recent clients, Gabriela, left her native country for the United States in pursuit of a better life for her and her children. Here in Connecticut, Gabriela found a steady job to support her family as a single mother for many years; however, the hostile political environment over the past two years left Gabriela fearful for herself and her

family. Desperate, terrified, and knowing no other options, Gabriela considered fleeing the state with her children, the youngest of whom was just three years old.

Although Gabriela sought CWEALF's services and was able to establish a family preparedness plan, fear of deportation often prevents our clients from exercising other civil rights, such as filing for custody or divorce, or contacting law enforcement when they experience violence or abuse.

All women, regardless of immigration status, deserve fair and equal treatment under the law and in the workforce. Women and their children comprise approximately three-quarters of people who migrate to the United States each year. Roughly 60% of undocumented women currently participate in the labor force, often in occupations that are critical to the function of our economy, such as child care, elder care or other service industries.

As the current Administration continues to promote strict and often harmful anti-immigration policies, targeted attacks on the immigrant community persist and hundreds of women and their families live in constant fear of deportation and of the Immigration and Customs Enforcement's (ICE) presence in local communities.

Senate Bill No. 992 will update Connecticut's TRUST Act to require a federal judicial warrant whenever ICE seeks to detain a member of the community. By prohibiting state and local law enforcement from serving federal ICE detainers without a valid judicial warrant, local law enforcement are able to focus on local community priorities, rather than the federal government's deportation agenda.

CWEALF also supports S.B. 948 to reduce the maximum length of misdemeanor convictions in Connecticut to 364 days. Connecticut's current one-year maximum sentence for class A misdemeanors creates drastic consequences for noncitizens and turns state misdemeanor crimes into "aggravated felonies" under federal law. That means a Green Card holder convicted of a single low-level, nonviolent misdemeanor offense can be subject to mandatory detention and deportation. Senate Bill No. 948 proposes a technical fix that will sever a segment of the prison-to-deportation pipeline that currently funnels community members from the state criminal justice system directly into deportation proceedings.

It's time for Connecticut to take a clear stance against unjust laws at the federal level that tear people away from their families and communities. CWEALF urges the Committee to support S.B. 992 and S.B. 948.

Judiciary Committee Public Hearing  
March 8, 2019

Testimony of Christine Halfar  
in Support of SB 992 and SB 948

Senator Winfield, Representative Stafstrom and members of the Judiciary Committee.

I live in Danbury, a community with a long history of welcoming newcomers from other towns, other states, and other countries. Currently about a third of my neighbors are foreign-born. We are all part of Danbury, working, paying taxes, raising our children, supporting our shared community in our shared state of Connecticut. We all rely on our local police to protect and serve our whole community.

I am writing in favor of strengthening the Trust Act so that it is clear that state and local police, judicial and correctional department employees may only detain individuals specifically for Immigration and Customs Enforcement on the basis of a judicial warrant, signed by a judge, not a civil detainer or an administrative warrant from Immigration and Customs Enforcement. And certainly not because the local officials take it upon themselves to preemptively call in ICE. Our Connecticut law must follow the U.S. Constitution's due process and require a judicial warrant to detain any state resident. Otherwise we are using scarce state and local resources to carry out administrative immigration enforcement and, in the process, discouraging community members from reporting crimes and helping the local police to protect all of us.

I would also like to support the recommendation of the Connecticut Sentencing Commission to limit misdemeanor sentences to no more than 364 days. Many years ago a new category of offense was created, the so-called aggravated felony for the purposes of immigration, defined as any crime with a potential sentence of one year or more. Because most states define a misdemeanor as punishable by up to 365 days non-citizens have been living with the harsh consequence of any misdemeanor conviction, even if the sentence is suspended. A single misdemeanor offense of a decade ago can lead to the mandatory deportation of a parent or breadwinner of U.S. citizen children. It is a cruel and draconian result that must be corrected. In 2017 California changed its sentencing for all misdemeanors to a maximum of 364 days. Connecticut should follow suit.

Please allow both these measures, SB992 and SB948, to be approved by the Judiciary Committee.

Sincerely yours,

Christine Halfar  
8 Settlers Hill Road  
Danbury CT 06811



Dear Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee:

My name is Linda Harris. I live in Manchester, Connecticut.

I write to express my support for two senate bills before you today, Senate Bill 948 and 992. Protecting the rights of residents of Connecticut increases the safety and security of those both born as a citizen and those who chose to make this state their home. Protecting the rights of those who are foreign born requires laws which entitle them to protections to ensure that they and we live in a just and nondiscriminatory system.

I support Senate Bill 948: An Act Concerning Connecticut Misdemeanor Sentences which will reduce the maximum length of all misdemeanor convictions to 364 days. Like many people in society, some who are not citizens can participate in actions that lead to a misdemeanor conviction. The current law as it now stands is unjust to noncitizens. Immigrants can be placed in mandatory deportation proceedings after a conviction although the sentence is suspended and were not incarcerated one day. Changing the maximum sentencing for a misdemeanor to 364 days will allow those who are yet to become productive citizens the second chance opportunity we take for granted, as our constitutional right. I want all in my community to feel the same sense of certainty that they are safe and not always be concerned that at any moment they or their love one can be ripped from their family and life as they face the threat of being deported.

I support Senate Bill 992: An Act Concerning the TRUST Act which will require that a judicial warrant must be presented if immigrant information is requested or when an entity is being requested to detain an individual for questioning by Immigration and Customs Enforcement (ICE). This bill will provide for a uniform process of police and other identified organizations of how to respond to request. It is not acceptable that it is left to the discretion of the law enforcement department personnel to decide if they will cooperate with ICE. The laws of Connecticut, like that of the United States are established to ensure basic individual rights are implemented independent of one's citizenship status.

I advocate that these two bills, SB948 and SB992 advance to becoming the law during this legislative session. They will make it more just society in which we all live, work and interact.

Thanks,

Linda Harris

**There is no testimony for page 1344. The next page is 1345.**

March 8, 2019

To the Members of the Connecticut Judiciary Committee,

I stand here in support of SB 948, SB 992 and SB 991. I support all three of these bills and whole-heartedly agree with others in this room who have spoken eloquently in favor of SB 948 and SB 992. However, I will limit my testimony today to SB 991 for one simple reason: I am the Facilitator for ACLU People Power-New Britain, a grass-roots group that grew up in the early part of 2017 in response to the US President's cruel and heartless executive action against immigrants in our country and his continued assault on this community. Since beginning this group, I have learned much about our immigrant community and all of the advocates who have been on the front lines for decades fighting against the cruel laws and actions that target and discriminate against our immigrant neighbors. Although I may be thought of as "late to the party" of advocacy, I am nonetheless passionate about it. That is why our People Power group in New Britain has dedicated our efforts to helping our immigrant neighbors in any way we can.

So, last July, with guidance from ACLU CT we initiated an Immigration Court Observer Program in which we dispatch a crew of no less than three people to the court on Wednesday's at the Federal Building in Hartford. We have taken notes on every case seen in that court on Wednesdays for more than eight months. As a result of our records and reports, we have gathered enough information to prove without a doubt that the Connecticut men appearing in this court via video camera, all of whom are held in detention in Massachusetts, are desperately in need of professional legal representation. Very few of these men have the resources to provide counsel on their own behalf. These are men who are living in the shadows of our community, just trying to earn a living to support themselves and their families, all the while trying to avoid any behavior that could possibly draw attention to them as all of them have not been able to secure a long-term solution to their undocumented status in this country for a whole host of reasons. They are the poorest of the poor. But I have witnessed that most of these men are some of the hardest working people in our community because all they desire to do is provide for their families and in many cases provide a safe place to raise their (mostly) American-born children.

But I have also witnessed in this court the cruelest of situations that force these men to answer questions to the judge with no legal understanding of the consequences of their answers with no legal representation. They know they must tell the truth but are completely ill-equipped to defend themselves adequately in this complicated judicial system. Further, their lengthy and, perhaps inhumane incarceration in Massachusetts on misdemeanor charges, only serves to encourage these men to give up on the legal the process. Too often I have witnessed the utter lack of hope, the wrenching fear of their situation, and their helplessness which compels them to unwittingly steer their case to ultimate deportation because they do not know of any other options. And for some of these men they are certain to face persecution and possibly death in their home countries, places they have not seen for decades.

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

Marianne Hebenstreit  
53 Forest Street, New Britain, CT  
Facilitator, ACLU People Power-New Britain  
M.hebenstreit@comcast.net



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[www.seiu32bj.org](http://www.seiu32bj.org)

**Testimony of Juan Hernandez  
District Director and Vice President 32BJ SEIU**

Judiciary Committee  
March 8, 2019

**SB 948 -- AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT  
SENTENCING COMMISSION WITH RESPECT TO MISDEMEANOR SENTENCES**

**SB 992 -- AN ACT CONCERNING THE TRUST ACT**

**SB 993 -- AN ACT CONCERNING LOCAL AND STATE COOPERATION IN THE  
ENFORCEMENT OF FEDERAL IMMIGRATION LAW**

Thank you to the Senator Winfield, Representative Stafstrom, and the members of the Judiciary Committee for holding today's hearing. My name is Juan Hernandez and I am a Vice President and the Connecticut State Director of SEIU 32BJ. 32BJ represents over 4,500 men and women in the state of Connecticut and 163,000 members up and down the East Coast. Our members form the backbone of the property industry – building workers, security officers; and office, school, theatre, stadium and window cleaners. 32BJ members come from 64 different countries, speak 28 different languages, and represent a microcosm of immigrants as well as families with long histories in the U.S. Along with our members, we fight for all people to be able to live safe and healthy lives at work and in their communities, regardless of immigration status,

I'm here today to urge you to pass SB 948 and SB 992, and also to strongly urge you to oppose SB 993.

The estimated 120,000 undocumented immigrants currently living in Connecticut comprise 3.5% of our state population.<sup>i</sup> Undocumented immigrants make up about 5%<sup>ii</sup> of our labor force and collectively pay almost \$136 million dollars in tax to the State.<sup>iii</sup> Connecticut's immigrant community is as much of a contributing and positive force in our State as any other, and it is only right that these families have the protections they need to be healthy and safe.

Historically, Connecticut has been a leader and a champion of immigrants' rights. We have made our roads safer by ensuring access to driver's licenses for all state residents, regardless of immigration status; we've supported our youth by extending access to in-State college tuition and tuition assistance to students who grew up and went to high school in our state; and we've worked to separate local law enforcement from federal immigration enforcement by passing the CT Trust Act in 2014. And yet, we are still seeing our community members get detained and deported far too much. At a time with the federal government is making unprecedented attacks on immigrant communities, there is more our state can do to make sure that families can remain together and hard-working people are able to continue to play their part in our communities.

**SB 992 -- AN ACT CONCERNING THE TRUST ACT and SB 993 -- AN ACT  
CONCERNING LOCAL AND STATE COOPERATION IN THE ENFORCEMENT OF  
FEDERAL IMMIGRATION LAW**

First, I urge you to pass SB 992, An Act Concerning the Trust Act.

In 2013, Connecticut made history by passing the TRUST Act. The Connecticut TRUST Act intended to restore cooperation between immigrant communities and local law enforcement, codify protections against racial profiling, and empower local law enforcement officers to do the

right thing by providing clarity around their limited role in federal immigration enforcement. However, as the law is currently written there are big loopholes in the law that allow local law enforcement officers to hold certain individuals on ICE detainer requests, mandates notification to ICE regarding the detention or release of individuals with detainers, and lacks key procedural protections for those who are held on ICE detainers. Since 2013 a string of federal court decisions have found that detainer-based detentions violate the Fourth Amendment of the Constitution.<sup>iv</sup> By passing these amendments to the Trust Law, we will be protecting our State from the potential legal liability of holding people on warrantless detainers.

It is more important than ever that Connecticut continues to build trust between immigrant communications and local law enforcement officials. When immigrants face insecurity in the workplace, on the street, and in their homes, our whole state suffers the consequences. It is for these reasons that this Committee must reject SB 993, which will undo all of the work that law enforcement and the community have done to build trust.

Our state must continue to encourage immigrants to live full and productive lives out of the shadows, and should not push them deeper underground. A strong policy that makes the clearest possible separation between local law enforcement and federal immigration enforcement sends a strong message that immigrants are welcome to build their lives here and contribute to our state and communities.

#### **SB 948 -- AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO MISDEMEANOR SENTENCES**

We also ask that you support SB 948, An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to Misdemeanor Sentences.

As you know, being convicted of a misdemeanor offense that carries a maximum sentence of 365 days can result in severe immigration consequences for non-citizens, including green-card holders who live and work in our state. A non-citizen convicted of a single misdemeanor with a maximum possible sentence of 365 days can be subject to deportation, no matter the severity of the offense. By passing SB 948, we can change the maximum sentence for misdemeanor offenses from 365 days to 364. This reform would be a step in the right direction for Connecticut, and would limit the potentially wide-reaching damage that a misdemeanor conviction can have for our fellow immigrant community members.

Thank you again for holding today's hearing. Please stand with our communities by passing SB 948 and SB 992 out of Committee today.

<sup>i</sup> <http://www.pewhispanic.org/2018/11/27/authorized-immigration-estimate-appendix-c-additional-tables/> (Appendix C)

<sup>ii</sup> <http://www.pewhispanic.org/2018/11/27/authorized-immigration-estimate-appendix-c-additional-tables/> (Appendix C)

<sup>iii</sup> [http://itep.org/itep\\_reports/2015/04/undocumented-immigrants-state-local-tax-contributions.php#\\_k8Jgo7cs](http://itep.org/itep_reports/2015/04/undocumented-immigrants-state-local-tax-contributions.php#_k8Jgo7cs) (Table 1)

<sup>iv</sup> "Despite calls to defund sanctuary cities, a steady drumbeat of judicial decisions defends them," Christopher Lasch. Accessed at: <http://thehill.com/blogs/congress-blog/judicial/316389-despite-calls-to-defund-sanctuary-cities-a-steady-drumbeat-of>

**Judiciary Committee Public Hearing**  
**08 March 2019**  
**Testimony SUPPORTING SB 992: An Act Concerning the TRUST Act**  
**and SB948:**  
**AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT**  
**SENTENCING COMMISSION WITH RESPECT TO MISDEMEANOR SENTENCES.**

Dear Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee:

My name is Sonia Hernandez, I am from Honduras and I have been living in the United States for 16 years. I live in Bridgeport with my three children and my family. I am a leader at Make the Road CT. I am before you today to express my support for the Trust Act and Misdemeanor Sentencing Reform.

I am an immigrant from Honduras and like me, there are thousands of immigrants fighting against the hatred of this government that is separating families and deporting people from our community every day. My family is one of many that is being affected by ICE. I know from my own experience how difficult it is to know that at any moment ICE can tell me to buy my ticket to Honduras, and I would not see my family again. There are many people who are in the same situation as me, but out of fear they stay quiet.

I have been fighting my case for over 10 years. My children have suffered with mental health issues since they really started to become aware of my immigration case, and I live every day trying to make sure they are going to be ok, regardless of what happens to me. They are all U.S. Citizens, they were born here and don't know any other life. What would happen to them if I were deported to Honduras?

Just like any person in this country, immigrant parents want to feel safe walking the streets, and taking our children to school and going to work without the fear that ICE can separate us from our family. We know that in Connecticut there is a Trust Act but that it is not strong enough and is being violated every day. In the time that I have been involved in the Fight Back Committee of Make the Road, I have met several people whose relatives have been picked up by ICE from the courts or the jail after their release. We know that ICE is entering prison to interrogate people, and sometimes they do not even know they are ICE agents. We know that the police are communicating with ICE and in some cases detaining people until ICE arrives.

We from the community are already organizing to defend ourselves, forming groups to accompany people to their appointments and to the court, and making plans so that people know what to do if they are arrested. But we need state laws to also support us, so that the local police and the courts are not doing the dirty work of ICE.

We need a stronger Trust Act and the reduction of the maximum sentence for a misdemeanor to 364 days! And we will keep fighting here at the Capitol and in the streets until we make that happen. We hope that you will join us in our fight and pass these bills to ensure that immigrants are not being unfairly targeted and separated from our families.

Sincerely,  
Sonia Hernandez  
Member of Make the Road CT

Dear Senator Winfield, Representative Stafstrom and members of the Judiciary Committee:

I am Dr. Laurel LaPorte-Grimes. I am a resident of Manchester and a founding organizer of Uniting for a Safe Inclusive Community – Manchester. I speak today in support of [SB 948](#) as well as [SB 992](#). Both of these bills would positively impact the safety and well-being of our immigrant families, friends & neighbors, as well as our communities at-large.

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

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

Our law enforcement and judicial systems are only as good as the trust we can place in them. It is important that all people in our state, regardless of immigration status, can trust that they will be safe when reporting a crime, providing testimony, entering a courthouse or otherwise interacting with our justice system. It is important that we all can trust that consequences will match a crime and that evidence will be required before assuming someone is guilty. These safeguards must apply to all people, regardless of immigration status; otherwise we end up treating a whole class of people as less than human, as less deserving of basic human rights.

Passing [SB 948](#) and [SB 992](#) will go in the right direction of recognizing the humanity, and right to due process, of all members of our community.

Thank you,

Laurel LaPorte-Grimes, PhD

March 6, 2019

Judiciary Committee Public Hearing 3/9/19

Testimony SUPPORTING SB 992, AN ACT CONCERNING THE TRUST ACT

Testimony SUPPORTING SB 948, AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO MISDEMEANOR SENTENCES.

Dear Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee:

My name is Susan Miller. I live in Windsor.

I am writing today to express my support for Senate Bill 992: An Act Concerning the TRUST Act. This bill would update Connecticut's TRUST Act to further protect Connecticut residents from the rogue actions of Immigration and Customs Enforcement (ICE), which exploits state and local systems to target and attack our communities.

Reinforcing the TRUST Act would help keep our community members and families intact. Having watched a family in our community be torn apart because of the actions of ICE, I saw how much anxiety and stress this caused. This affected not just this particular family, but all of us in the community. Week after week we would head down to ICE headquarters, only to hear of another delay. We all worried for the children and the pregnant mother who was afraid her baby would be delivered without its father by her side.

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

In addition, I am writing to express my support for Senate Bill 948, An Act Concerning the Recommendations of the Connecticut Sentencing Commission with respect to Misdemeanor Sentences.

This proposal would reduce the maximum length of all misdemeanor convictions in Connecticut to 364 days. This technical fix could sever a segment of the prison-to-deportation pipeline, which



funnels community members from the state criminal justice system directly into deportation proceedings. This means individuals who serve mere weeks, or even no time at all, for misdemeanor convictions can be ripped away from their families and communities!

We cannot allow our state to feed community members into the unjust deportation machinery. We must ensure that all community members, regardless of immigration status, can live freely once out of state custody.

I support the misdemeanor sentencing bill it would eliminate disproportionate consequences that should not come with a misdemeanor conviction. It is heartbreaking to watch an individual ripped from their family over one simple day. It is totally out of proportion and just not right.

Connecticut cannot allow unjust laws at the federal level to tear our people away from their families and communities. Funneling individuals from our own deeply problematic criminal justice system into a highly punitive immigration system runs counter to public safety, peace, and common notions of justice and fairness.

Sincerely,

Susan Miller  
10 Ethan Drive  
Windsor, CT 06095



Connecticut Working Families Organization  
 30 Arbor Street, Hartford, CT 06106  
[Workingfamilies.org/Connecticut](http://Workingfamilies.org/Connecticut)  
 (860) 523-1699

March 8, 2019

**Testimony from Carlos Moreno, Connecticut state director of the Working Families Organization**

**In support of:**

- S.B. No. 948 AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO MISDEMEANOR SENTENCES.
- S.B. No. 992 AN ACT CONCERNING THE TRUST ACT.

**In opposition to:**

- S.B. No. 993 AN ACT CONCERNING LOCAL AND STATE COOPERATION IN THE ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

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Good morning, Senator Winfield, Representative Stafstrom, Senator Kissel, Representative Rebimbas and members of the Judiciary Committee.

My name is Carlos Moreno. I'm the state director of the Connecticut Working Families Organization. We are a progressive political organization that fights for an economy that works for all of us, and a democracy in which every voice matters. We are a proud member of the Connecticut Immigrant Rights Alliance, a statewide coalition of immigrant, faith, labor, youth, community, and ally organizations convened to improve the lives of immigrants and people of color in Connecticut.

I am here today to testify in support of SB948 and SB992.

I am also here to register our strong opposition to SB993, which would require state and local law enforcement to fulfill the functions of federal immigration enforcement, possibly violating the constitutional rights afforded to any individual standing on US soil, regardless of citizenship status.

***In support of SB992: An Act Concerning the Trust Act***

ICE routinely issues administrative requests, known as civil immigration detainers, to state and local law enforcement authorities when non-citizens are in custody. These detainers are administrative civil requests, not binding judicial warrants. State and local authorities are not required to comply with them.

When state and local officials enforce detainers, they imprison people solely on the basis of a civil immigration document (which does not constitute a crime) without any legal recourse. Many individuals with detainers do not have any pending charges and there exists no probable cause to detain them.

Recently, the Connecticut Immigrant Rights Alliance (CIRA) released a report showing obtained communications between judicial marshals (JM) and ICE agents pursuant to a freedom of information request. The results substantiated what we have long observed and suspected: Connecticut judicial marshals are aggressively enforcing civil immigration detainers, holding immigrants in detention beyond the statutory threshold allowed under the 2013 Connecticut TRUST Act, in possible violation of it.<sup>1</sup>

The report has raised serious legal concerns about the discretion afforded to judicial marshals when enforcing detainers and the constitutionality of prolonged detention without a judicial warrant.

Connecticut law (PA 13-155, the Trust Act) provides seven categories under which JMs can legally detain people before transferring them to ICE custody.<sup>2</sup> The majority of authorized detentions discovered through the FOIA'd communications fall under two overbroad categories: final deportation orders, where marshals often enforce detention even in absence of a judicial warrant, and risks to public safety, *a loosely defined category where marshals have considerable discretion* to prolong detention of people in their custody. The report also found considerable variation in enforcement by region or individual officers.

By contrast, the DOC follows more stringent protocol by which to pursue immigration detainers: (1) cases where the detainee has serious felony convictions, (2) is on the terrorist watch list, (3) or if the detainer includes a judicial warrant with a final order of deportation or removal.

Perhaps even more alarming, the report shows that a small group of JMs are responsible for the majority of detainments in CT. Between 2014 and 2018, eleven JMs completed 152 *JD-MS-45* forms used to justify continued detention. Four JMs completed more than 10 forms each; and two JMs completed 42 and 38 forms, respectively.

<sup>1</sup> [https://law.yale.edu/system/files/area/clinic/wirac\\_cira\\_1-courting\\_ice.pdf](https://law.yale.edu/system/files/area/clinic/wirac_cira_1-courting_ice.pdf)

<sup>2</sup> <https://www.cga.ct.gov/2013/act/pa/pdf/2013PA-00155-R00HB-06659-PA.pdf>

It is troubling that two judicial marshals have been responsible for more than half of detainments in CT and that the majority of detainments fall within categories that are loosely defined, allowing an inordinate amount of discretion to judicial marshals.

The actions of the judicial marshals holding individuals longer than allowed without any legal recourse exposes critical weaknesses in the 2013 Trust Act.

SB992 would amend the current TRUST Act to make clear that JMs and other law enforcement officials can honor civil immigrations detainees ONLY when accompanied by a judicial warrant. That should be reasonable by every standard of the US legal system. ICE should produce a warrant, like any other agency, when requesting the detainment of individuals in our state courts.

***In support of SB948: AA Concerning the recommendations of the CT sentencing***

Currently, a maximum misdemeanor sentence of 365 days or more is treated like a felony, which is automatic grounds for deportation for undocumented immigrants who gets the maximum misdemeanor sentence for low level offenses, some of which result in little to no time served at all.

This proposal would reduce the maximum length of all misdemeanor convictions in Connecticut to 364 days - a one day reduction. This is significant because it would cause fewer deportations of undocumented immigrants.

Misdemeanor sentencing reform would:

- Disentangle at least one part of our state systems from a cruel deportation regime
- Diminish the cycle of mass incarceration that disproportionately impacts people of color
- Allow immigration judges greater discretion to consider the totality of the circumstances in considering applications for immigration relief

Connecticut cannot allow unjust laws at the federal level to tear our people away from their families and communities. Funnelling individuals from our own deeply problematic criminal justice system into a highly punitive immigration system runs counter to public safety, peace, and common notions of justice and fairness.

Thank you to members of the Judiciary Committee for holding this important hearing today.

We urge you to **vote in favor of SB948 and SB992**, and to **vote against SB993**, which would augment ICE's ability to terrorize immigrant communities across Connecticut.

Members of the Judiciary Committee, Chairs Winfield and Stafstrom:

I'm writing to express my support for Senate Bill 992, "Improve the Connecticut TRUST Act - 2019," and Senate Bill 948, "An Act Concerning Maximum Term of Imprisonment for a Misdemeanor Offense."

I support these bills because I care about the quality of life, health and well-being in Connecticut's immigrant communities. Both of these bills will improve the quality of life, health and well-being in Connecticut's immigrant communities. I support these bills because it is my observation that immigrants are being deported—or threatened with deportation—for frivolous reasons, situations where deportation as a punishment simply does not fit the crime; and this situation reduces the quality of life, health and well-being in Connecticut's immigrant communities. I support these bills because both would clarify and reduce the circumstances under which immigrants living in Connecticut can be deported.

I ask you to support SB 992 because it draws an appropriate and reasonable line between Connecticut law enforcement officers and federal Immigration and Customs Enforcement (ICE) officers. It prevents Connecticut officers from detaining any individuals based on ICE detainers or allowing ICE officers to enter Connecticut prisons unless they present an appropriate warrant. It prevents Connecticut officers from sharing confidential information about individuals in their custody with ICE officers, unless clearly mandated by federal law. It ensures that any individual wrongly detained by Connecticut officers based on an ICE detainer has the right to request legal recourse. And it increases transparency and accountability by making communications between Connecticut officers and ICE officers a matter of public record. None of these provisions prevents ICE officers from performing their duties. None of these provisions prevents Connecticut officers from assisting ICE officers when legally appropriate. These provisions simply clarify the circumstances under which Connecticut officers can work with ICE officers. As such, these provisions will greatly reduce the fear and anxiety with which so many immigrants currently live. They will create a foundation for better, stronger relationships between Connecticut's law enforcement officers and immigrant communities; and they will reduce the number of unnecessary deportations that are currently tearing families and communities apart. All these outcomes will greatly improve the quality of life, health and well-being in Connecticut's immigrant communities.

I ask you to support SB 948 because it will likewise reduce the number of unnecessary deportations. Currently, Class A Misdemeanors in Connecticut qualify as aggravated felonies under federal law due to their one-year maximum sentence. A Class A Misdemeanor conviction creates drastic, disproportionate consequences for non-citizens because aggravated felonies at the federal level expose the convicted person to mandatory detention and deportation. For example, a green card holder with a single, low-level, nonviolent offense can be subject to mandatory detention and deportation. If SB 948 becomes law, it would reduce the one-year maximum sentence for Class A Misdemeanors to 364 days, and such misdemeanors would no longer qualify as federal aggravated felonies. This is eminently fair. Non-citizens who commit minor crimes need to be held accountable for those crimes like anyone else. But the punishment of detention and deportation for misdemeanors is a drastic and disproportionate consequence. It has no place in a decent and just society.

As a society we need to stop instilling fear and anxiety into our immigrant communities. We need to treat immigrants fairly under the law. We need to treat immigrants with the dignity they deserve. We need to treat immigrants as our neighbors and not as easily disposable people. SB 992 and SB 948 offer common sense changes to our criminal justice statues that will appropriately curtail unnecessary and unfair deportations and thereby enhance the quality of life, health and well-being in Connecticut's immigrant communities.

Respectfully submitted,

Rev. Josh Pawelek  
60 Wagon Rd.,  
Glastonbury, CT 06033

Minister,  
Unitarian Universalist Society: East  
Manchester, CT 06042

[Testimony has been translated from Spanish to English]

**Testimony in support of SB 948**

March 8, 2019

Dear Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee,

My name is Charoll Ríos, I am Sergio Salgado's wife. I am Puerto Rican and a US Citizen but my husband was born in Mexico. My husband has lived in CT for 20 years. We have two kids, ages 15 and 12. My kids are very close to my husband, especially the 12-year-old that has a serious developmental disability.

Our family lived a nightmare starting on March 7, 2018. Almost ten years ago, my husband was at a club with a friend, when the cops were called because someone had stolen a jacket. My husband did not steal that jacket but his friend lied and said he had taken it. My husband was offered a plea deal of 90 days in jail for a crime he did not committ. At that time, I got very sick, and my husband had to take care of me. He didn't show up to serve his sentence but he also never avoided the pólice, we never moved from our address, and the pólice never came looking for him. In March 2018, Sergio was at the gas station when he realized his wallet was missing. He talked to the owner of the gas station and asked if he could review the camera to see what happened to the wallet. He realized that someone had stolen his wallet and he called the pólice to file a report. When the pólice came they ran his name and realized that had failed to appear and they arrested him. He had to serve 135 days in jail for a "Failure to Appear" and a charge of "Larceny 6".

During this time, I tried to visit him at the jail in Norwich but the jail took two months to process my visitation papers. At every visit we would suffer a lot because he needed money for things inside the jail and I could not supply those to him because I cannot work and he was the main breadwinner in our home. My oldest son had to quit playing football because he studies at Elli Tech School in Danielson and I did not have enough money to go and get him in school after his games. My sons suffered a lot because of the absence of my husband, just like I did.

My husband was supposed to get out of jail in August, and when that day finally came, I went to the jail to pick him up. But when I got there immigration had already taken him from the jail. I asked the CO about husband, and he said that my husband had already been released. I asked where he had gone because we had made plans for me to get him, and the CO told me that he could not share that information with me.

I started crying because in my head knew who had picked him up. I did not hear from him until 11AM that morning when he was able to call me. He told me that ICE had picked him up that morning and taken him to a jail in Greenfield, MA. Going to see him was very difficult because I live in Willimantic. He had a very hard time inside that jail,

and we did too, we had a lot of unmet needs. I even had to pick up cans and bottles for the recycling just so that I had enough to put food on the table.

I thank God that there are always good people that are willing to help. I met Megan of The Neighbor Fund/ULA and Ana María from the Immigrant Bail Fund, who supported me and my family throughout the process, in addition to my attorney.

It is not fair that thousands of families like mine are separated from their families. Separation makes us suffer so much. God created family so that they are together but the laws in this country continue to separate us.

I urge you to please pass the Trust Act (SB 992) this year so that no other family has to go through the nightmare I lived, and that still affects me and my family.

Thank you,

Charoll Ríos  
Willimantic, Connecticut

[Original Spanish Verison]

8 de marzo de 2019

Estimado Senador Winfield, Representante Stafstrom, y miembros del comité Judicial de Connecticut,

Mi nombre es Charoll Ríos, soy esposa de Sergio Salgado. Yo soy puertorriqueña y ciudadana Americana pero mi esposo nació en Mexico. Mi esposo ha vivido en Connecticut durante 20 años. Tenemos dos hijos, edades 15 y 12. Mis hijos son muy apegados a mi esposo, especialmente el de 12 años que tiene una discapacidad severa.

Nuestra familia vivió una pesadilla comenzando el día 7 de marzo de 2018. Hace casi 10 años, mi esposo estaba en un club con un amigo, cuando llamaron a la policía acusándolos de haberse robado un jacket. Mi esposo no había robado ese jacket pero el amigo lo culpó a él. A mi esposo le ofrecieron 90 días en la cárcel por un crimen que el no cometió. En ese entonces yo me enfermé gravemente y mi esposo tuvo que encargarse de mi. El no sirvió su sentencia pero tampoco evadió a la policía, nunca nos mudamos de lugar, y la policía nunca vino a buscarlo. En marzo, Sergio estaba en una gasolinera cuando se dio cuenta de que había perdido su billetera, el habló con el dueño de la gasolinera para ver si en el video aparecía algo y se dieron cuenta de que alguien se la había robado. Mi esposo llamó a la policía para reportar el robo pero entonces pusieron su nombre en el sistema y se dieron cuenta que él no se había presentado a la corte y se lo llevaron. Él tuvo que servir 135 días en la cárcel por "Failure to Appear" y un cargo de "larceny 6".



Durante ese tiempo yo intenté visitarlo en la cárcel en Norwich pero la cárcel se tardó dos meses en permitirme visitarlo. Cada visita sufríamos mucho ya que él necesitaba cosas en la cárcel de las cuales yo no podía suplirle ya que yo no puedo trabajar y el era el que traía los ingresos a la casa. Mi hijo mayor tuvo que abandonar el football ya que el estudia en Elli Tech en Danielson y yo no tenía el dinero para poder recogerlo en la escuela luego de sus juegos. Mis hijos sufrieron mucho tras la ausencia de mi esposo al igual que yo.

Mi esposo estaba supuesto a salir de la cárcel en agosto, pero cuando llegó el día yo fue a recogerlo ya inmigración se lo había llegado de la cárcel. Cuando le pregunté al guardia sobre mi esposo, me dijo que ya el había salido. Yo le pregunté que para dónde ya que yo iba a recogerlo, y el guardia me dijo que no me podía decir. Yo comencé a llorar porque ya en mi mente yo sabía quien lo había recogido. Estuve toda la mañana sin escuchar de él hasta las 11 cuando pudo comunicarse conmigo, y de ahí me dijo que ICE lo había recogido de madrugada y de ahí fue llevado a una cárcel en Greenfield, MA. Ir a verlo se me hacía muy difícil porque yo vivo en Willimantic. El le pasó muy duro en la cárcel y nosotros también, teníamos muchas necesidades. En un momento dado incluso llegué a recoger botellas para el reciclaje para poder darle de comer a mis hijos.

Le doy gracias a Dios que siempre hay gente dispuesta a ayudar. Ahí fue cuando conocí a Megan de The Neighbor Fund/ULA y Ana María del Immigrant Bail Fund las cuáles me apoyaron y estuvieron dándome apoyo a mi familia juntamente con mi abogado.

No es justo que miles de familias como la mía sean separadas de sus seres queridos ya que sufren demasiado. Dios creó la familia para que siempre estén unidas pero las leyes de este país continúan separándonos.

Les exhorto a que por favor pasen la Ley de Confianza este año para que ninguna otra familia tenga que pasar por la pesadilla que yo pasé y que aún me afecta a mi y a mi familia.

Gracias,

Charoll Ríos  
Willimantic, Connecticut

**Peterson, Bobbye**

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**From:** Marge and David Schneider <margedavidpeace@gmail.com>  
**Sent:** Saturday, March 09, 2019 3:39 PM  
**To:** JudTestimony  
**Subject:** SB992 and SB948 Marge and David Schneider

Dear Senate Judicial Committee Members,

We are writing in support of SB992. We believe that the law enforcement officials, officers, other staff, facilities and equipment of all Connecticut law enforcement departments and services and all local municipalities are there to service the people of our state. That these services and their staff are fully needed to serve the interests of the State and local municipalities. Therefore it is in the best interest of Connecticut, our municipalities and all our residents that all of these services and their staffs are engaged in the work of state and the safety of our people and not in the interest of our federal government without due cause and proper judicial warrants to serve as intermediaries for Federal Law Enforcement. We urge you to pass SB992.

Additionally, we are writing in support of SB948. As Connecticut residents, we acting civilly and we expect our fellow citizens to do the same. In the case were any of us fail to do so, it is up to us to realize that local law enforcement can take action against us. Under due process the judicial system affords us the right to see that we are justly treated until possibly proven guilty or until innocence is certified. In the case where any of us are proven guilty, we abide by the ruling of the judicial system. This is the process of a civilized community.

We can learn from our errors. We are not eliminated from the community. SB948 will permit immigrants from being subjected to elimination from their community but instead would provide them with the opportunity to learn from their error. Reduction of the term of sentence for a misdemeanor from 365 days to 364 days will permit an immigrant from being deported for a misdemeanor. We are certain that this one day lessening of the sentence will not be harmful to any of us in the general public. Please pass SB942.

Respectfully,  
Marge and David Schneider  
Branford, CT

Make the Road CT  
 850 State St, Bridgeport, CT  
 360 Farmington Ave, Hartford, CT



**Judiciary Committee Public Hearing  
 08 March 2019**

**Testimony SUPPORTING SB 992: An Act Concerning the TRUST Act; and SB 948: An Act Concerning the Recommendations of the CT Sentencing Commission with Respect to Misdemeanor Sentences**

Dear Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee:

My name is Mary Elizabeth Smith and I am the Development and Programs Organizer at Make the Road Connecticut, a statewide organization that builds the power of Latino and working-class communities to achieve dignity and justice through organizing, policy innovation, transformative education, and survival services.

Make the Road would like to support both SB 992 and SB 948, and as a resident of New Haven and someone who has been working alongside undocumented immigrant communities for many years now, I would like to also talk about why I personally support these bills. In my role at Make the Road and through my activist work in the New Haven community, I have been lucky to work alongside many strong and powerful immigrant men and women, and today being International Women's Day, I particularly would like to lift up the women from the undocumented immigrant community, several of who you will hear from today, and many who are not here today because they are too afraid to speak at something like this. They can tell their stories way better than I ever could, so I won't even try, but I would like to say this. They are not as strong and powerful as they are today because they were born that way, although some of them perhaps were, but because they have been forced to fight back against the very system whose injustices are forcing them to constantly make very difficult choices: seeking a better opportunity for their families here in this country at the risk of possibly being deported and not being able to see their children for years. Or to choose between showing up at court to comply with the law, but risking deportation, or staying at home and risking an arrest warrant being issued in their name. I have accompanied several of these women to court in Bridgeport and seen ICE agents in the courtroom, and can only begin to imagine the fear that that brings up for them.

I am a single mother raising my child with his other parent thousands of miles away, and I know how hard that is. And my mother was a very strong and incredible single mother who raised 3 kids working 3 jobs at a time, and I know the struggles she faced. But neither of us has been forced to make the choices we made, or suffer undue consequences for our mistakes or the mistakes of our family members, based on the color of our skin or our documentation status. And that is a privilege that I recognize and one that I believe needs to be corrected. My brother, as a young white male, was caught stealing a car in West Haven years ago, and was given probation. My father got picked up many times by the police for public drunkenness and fighting. And never was my family forced apart thousands of miles apart because of the mistakes that they made. In fact, they were both given a second chance. You might say that they had that right because they are citizens, but I would argue that everyone deserves that right, and that in many cases not even black and brown citizens are begin allotted the right to survive alongside their families in this country. Our country continues to criminalize and disproportionately punish black and brown bodies, and this is just one more way that this is being done, by forcing the general American population to believe that immigrants don't deserve to be here, don't deserve to be together with their families if they have made one mistake, sometimes something as little as running a red light.

We cannot continue to allow local law enforcement to be entangled with Immigration and Customs Enforcement. It erodes the trust of the community in our local and state systems and scares people away from showing up at court. And we cannot continue to punish minor crimes by permanently tearing people away from their families. Some people might say that these injustices are not what our country was founded on but I would say that it is in fact what our country was founded on, but that we have the power to turn it around. We must take action on a

Make the Road CT  
850 State St, Bridgeport, CT  
360 Farmington Ave, Hartford, CT



local and state level to help protect the lives of our community members. That is why I am asking you to stand with us in supporting the TRUST Act and Misdemeanor Sentencing Reform.

Thank you for your attention.

Sincerely,

Mary Elizabeth Smith  
Development and Programs Organizer / Make the Road CT

My name is Kenneth Speyer. I live at 13 Audubon Street, New Britain, CT.

I am testifying in support of SB 948, 991 and 992, and in opposition to SB 993. All are scheduled for public hearing tomorrow, March 8. I hope to testify in person at this public hearing, but will be obliged to abridge my oral remarks to respect the committee's time, and others waiting to speak. I welcome any questions from committee members at the hearing, or from anyone via email.

As a Connecticut attorney with many years' experience, as a frequent observer in the Hartford Immigration Court, and as an active supporter of the American Civil Liberties Union, I will focus my testimony on how these bills affects court proceedings and law enforcement.

SB 946, AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO MISDEMEANOR SENTENCES, applies to Class A Misdemeanors. Under Connecticut law, these charges are exactly that: Misdemeanors. But federal immigration law currently treats these charges as felonies, and imposes the greater immigration sanctions for felonies. This bill, which has been recommended by the Connecticut Sentencing Commission, ACLU of Conn., CIRA and others, seeks to insure that Conn. residents charged with a misdemeanor are treated no more harshly than residents of other states who are charged with misdemeanors.

SB. 991, AN ACT CONCERNING ACCESS TO LEGAL COUNSEL FOR INDIGENT INDIVIDUALS IN IMMIGRATION REMOVAL PROCEEDINGS, is essential to provide fairness and due process to Conn. residents. I have witnessed many immigrants who did not understand the proceedings or how to respond. This is especially true for those forced to rely upon a foreign language interpreter, who they had never met. One man whose case I observed was a dual citizen of Greece and Albania. He kept talking about his fear of persecution in Albania, which was legally irrelevant because he was facing deportation to Greece, where he also feared persecution. He also did not say whether Greece would re-deport him to Albania. Other detainees, who may have had criminal records from many years past, did not know how to address errors in the federal government records, nor how to show that they had reformed their lives during the intervening years. Many detainees, especially those long incarcerated by ICE without any criminal charge, had given up. While it may have been appropriate for some of them to choose deportation over prolonged incarceration, they should not be required to make such a life-changing choice, and for some a life-threatening choice, without legal advice, including advice as to whether they had legal defenses to deportation.

The minority of respondents who did have legal counsel received very different treatment by the immigration judge. They were also able to obtain the time they needed, to assemble the evidence which would convince the judge that their statements were truthful. Unrepresented detainees were generally given continuances of only one or two weeks.

Anyone charged with a misdemeanor in a Conn. court, facing a possible jail sentence or even probation, has a right to an attorney. So do respondents in some civil proceedings. If these people cannot afford to hire an attorney, and many cannot, they receive free legal representation.

Conn. residents who are facing deportation to a country they may not even remember, or to a country where they face persecution or even death, deserve no less. Because the federal government is unwilling to shoulder this responsibility, Connecticut must demonstrate its compassion and fairness by providing legal representation to those who are most needy.

SB 992, AN ACT CONCERNING THE TRUST ACT, would strengthen the Trust Act which this legislature enacted years' ago, in two major ways.

First, this bill prohibits holding anyone in detention, solely on the basis of a federal immigration detainer. When ICE has already decided to arrest someone, why should Conn. taxpayers pay to house those individuals until it suits ICE's convenience to pick them up? More important, state or local agencies holding individuals for ICE undermines the purpose of the Trust Act, which is to encourage all residents of our state to cooperate with state and local police.

Second, this bill does not prohibit state or local agencies from providing non-confidential information (and some confidential information) to ICE, provided the agency also notifies the individual affected. This will largely prevent the current practice of rogue state court employees informing ICE to arrest people when they report to state court, whether as defendants, witnesses or even as crime victims. I do not know whether this has happened to people reporting for jury duty. This practice is deterring people from coming to our state courts, even when legally required to do so. The chief justice of the Connecticut Supreme Court has protested this interference with important state court functions, without result. This bill does not condemn nor single out anyone, but it does prevent a state or local employee, including but not limited to court officers, from acting contrary to the policy of his or her agency.

Notice to individuals facing ICE arrest will also enable them to seek legal counsel, at their own expense or through friends or supporting nonprofit organizations, while they have an opportunity to do so.

I strongly OPPOSE SB 993, AN ACT CONCERNING LOCAL AND STATE COOPERATION IN THE ENFORCEMENT OF FEDERAL IMMIGRATION LAW. This bill would repeal and reverse the currently existing Trust Act, turning state and local police into federal immigration enforcement officers. In addition to placing an unwarranted financial burden on Conn. taxpayers, this would reverse the progress we have made in developing cooperation between police and the communities they serve.

Thank you for your time and consideration on these important matters.

(Atty.) Kenneth Speyer, attyspeyer@comcast.net

**Peterson, Bobbye**

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**From:** Ralph Stein <steinralph07@gmail.com>  
**Sent:** Friday, March 08, 2019 8:39 AM  
**To:** JudTestimony  
**Subject:** SB992 and 948

I respectfully submit my support for these two bills. SB 992 would remedy many of the flaws of the TRUST act that have left people vulnerable to ICE. It is particularly important that the protections of the US Constitution be reinforced in Connecticut law.

I also support SB 948, since it would keep people accused of class A misdemeanors from being subject to immediate deportation.

We must protect all inhabitants of our state from violations of their civil and constitutional rights. Such universal application of the law was fundamental to the founding of our nation. Erosion of those universal rights leaves us all more vulnerable.

Thank you,  
Ralph Stein  
18 Briarcliff Mnr  
Bethel, CT

Judiciary Committee Public Hearing  
March 8, 2019  
Testimony of Lynn H. Taborsak  
in support of SB 992 and SB 948

Senator Winfield, Representative Stafstrom and members of the Judiciary Committee. My name is Lynn Taborsak. I live in Danbury, Connecticut, a community where 30% of our residents are foreign born. They are still residents of Danbury, taxpayers, business owners, parents of school aged children and part of the fabric of our community. By extension, they are residents of our state.

I want to speak in favor of strengthening the Trust Act so that it is clear that state and local police, judicial and correctional department employees will no longer hold individuals on the basis of a civil detainer or an administrative warrant from Immigration and Customs Enforcement. Our Connecticut law must follow the U.S. Constitution's due process and require a judicial warrant to detain any state resident. Otherwise we are using scarce state and local resources to carry out administrative immigration enforcement.

I would also like to support the recommendation of the Connecticut Sentencing Commission to limit misdemeanor sentences to no more than 364 days. This would eliminate the dramatic consequence that a 365 day sentence for a minor offense has on Danbury's non-citizens. A single misdemeanor offense that occurred a decade ago can lead to the mandatory deportation of a parent or breadwinner of U.S. citizen children.

In Connecticut we call these minor offenses "misdemeanors". The feds call any crime with a 365 day sentence an "aggravated felony" and grounds for mandatory deportation. It is a cruel and draconian result that must be corrected.

Thank you for considering my comments on these two measures and allow for their approval by the Judiciary Committee.

Sincerely yours,

Lynn Taborsak  
110 Hayestown Road  
Danbury, CT 06811





STATE OF CONNECTICUT  
ATTORNEY GENERAL WILLIAM TONG

Chairman Stafstrom, Ranking Member Rebimbas, Chairman Winfield, Ranking Member Kissel and distinguished members of the Judiciary Committee, thank you for the opportunity to submit testimony on the following bills:

- SB 948 *An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to Misdemeanor Sentences*
- SB 991 *An Act Concerning Access to Legal Counsel for Indigent Individuals in Immigration Removal Proceedings*
- SB 992 *An Act Concerning the Trust Act*
- SB 993 *An Act Concerning Local and State Cooperation in the Enforcement of Federal Immigration Law.*

At a time of uncertainty for immigrants across the country, I am encouraged by SB 948, 991 and 992, and ask you to support them. These bills strengthen Connecticut by embracing our immigrant community and promoting access to justice for all residents. Conversely, I am opposed to SB 993, which would repeal the Trust Act.

**Building Trust Among Law Enforcement, the Court System, and Immigrant Communities**

As a legislator, I worked as a member of this Committee to pass the original Trust Act, which endeavored to keep law enforcement focused on making our communities safe. Without the need to take on work squarely within the jurisdiction of the federal government, local law enforcement can prioritize their own important work. Since the passing of the Trust Act, we have seen specific ways in which it could be strengthened. To that end, I am grateful to this committee for taking up the conversation prompted by SB 992.

Senate Bill 992 comes from a place of genuine need. I regularly hear firsthand about the fear immigrants and their families are experiencing because our state justice system has become a venue for federal immigration enforcement. I am deeply troubled by stories of witnesses and victims who are afraid to come to court because they fear being targeted by ICE. As Attorney General, I take very seriously the fairness and accessibility of our justice system. But our justice system cannot be fair if it is not open to all. The concerns that inform SB 992 are serious, and we should join with its proponents in embracing a solution that preserves our state's sovereignty against federal commandeering, builds genuine trust between law enforcement and immigrant communities, and protects the right of every Connecticut resident to access our justice system without fear.

While SB 992 would move us forward, what we cannot do is move backwards, as would happen with a repeal of the Trust Act. This is why I oppose SB 993, which would roll back the gains that we achieved with the original Trust Act, allowing the federal government to once again commandeer state resources for immigration enforcement. Senate Bill 993 is not just bad for our communities and our public safety - it also comes with an increased risk of litigation exposure for our towns, cities and the state.

Attorneys General in a number of other states, including Maryland and Washington, have opined that an ICE detainer, by itself, is likely not a constitutionally-sufficient justification for detaining a presumptively-innocent person.<sup>1</sup> ICE detainers are administrative requests, not judicially-approved warrants. If those Attorneys General are correct, state law enforcement agents risk violating the Fourth Amendment if they rely on an ICE detainer alone to detain an immigrant who is otherwise entitled to release. That potential violation can expose municipalities and the state to potential liability. SB 993 mistakenly asks the Committee to approve this increased exposure.

### **Legal Counsel for Vulnerable Immigrants in Removal Proceedings**

Senate Bill 991 seeks to expand access to justice in a critical area – legal counsel for the most vulnerable members of our immigrant communities.

Immigrants in removal proceedings can face months or years of detention, permanent separation from their families and communities, and return to countries where they are at risk of persecution and death. In short, removal proceedings are among the most consequential court proceedings. Nevertheless, many of our state's residents, including children, are forced to confront the full power of the federal government in removal proceedings without any legal guidance or aid whatsoever.

Lawyers can make a measurable difference in these proceedings. In fact, a study in New York showed that detained immigrants for whom the state provides counsel are eleven times more likely to remain in the United States than their peers who do not have legal help.<sup>2</sup> Following that study, New York became the first state in the country to invest in fairness by ensuring universal

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<sup>1</sup> See, e.g., Maryland Office of the Attorney General, "Local Enforcement of Federal Immigration Law: Legal Guidance for Maryland State and Local Law Enforcement Officials," p. 15 (December 2018) ("LEAs [Law Enforcement Agencies] face potential liability exposure if they honor ICE or CBP detainer requests unless the request is accompanied by a judicial warrant or supported by information providing probable cause that the subject of the detainer has committed a crime."); Washington State Office of the Attorney General, "Guidance Concerning Immigration Enforcement," p. 26 (April 2017) ("Absent a judicial warrant, a government entity may only hold an individual in custody if the officer has probable cause to believe that the person has committed a crime."). Courts have similarly held. See *Lunn v. Commonwealth*, 477 Mass. 517 (Mass. 2017); *People ex rel. Wells v. DeMarco*, 168 A.D.3d 31, 43 (N.Y. App. Div. 2018) ("Since the administrative warrant issued by ICE was not issued by a judge or a court, the Sheriff lacked New York statutory authority to effectuate an arrest pursuant to the ICE warrant."); *Cisneros v. Elder*, No. 2018-CV-30549, 2018 WL 7142016, at \*5 (Colo. Dist. Ct. Dec. 06, 2018) ("[T]he Sheriff's ICE hold practice is not authorized by either Colorado or federal law.")

<sup>2</sup> Jennifer Stave *et al.*, "Evaluation of the New York Immigrant Family Unity Project," p. 6 (November, 2017), available at <https://www.vera.org/publications/new-york-immigrant-family-unity-project-evaluation>.

representation of counsel for every detained immigrant in removal proceedings.<sup>3</sup> Having a lawyer is not just about what happens in the end of your case – it is also about whether you sit in detention while your case is being processed. A 2016 survey by the American Immigration Council found that immigrants with lawyers "were four times more likely to be released from detention."<sup>4</sup> That is why nonpartisan legal experts like the American Bar Association have called for universal representation for detainees and children in removal proceedings.<sup>5</sup>

The most common reason why immigrants are frequently without counsel is simply that they cannot afford the cost. Of course, in criminal proceedings where the accused faces even the possibility of a day of imprisonment, defense counsel must be provided at government expense.<sup>6</sup> Connecticut should be proud of our *pro bono* lawyers, but we need to recognize that *pro bono* efforts are never going to be enough to protect all of our most vulnerable residents against injustice. For that, we need the state to step up. Under SB 991, it will.

### Misdemeanors

Finally, I ask you to support SB 948. By making the policy decision to reduce the maximum number of days of a misdemeanor sentence from 365 to 364, our state will be taking a stand to support the immigrant community. Severe federal immigration policies should not automatically attach to misdemeanors, but under our current rubric, they may do so. This policy change is one that will keep our immigrant residents with their families, communities and participating in our economy.

Thank you once again for the opportunity to offer testimony about these important matters. Please do not hesitate to contact me with any questions or concerns.

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<sup>3</sup> See <https://www.vera.org/newsroom/press-releases/vera-institute-of-justice-announces-extension-of-new-york-states-first-in-country-immigrant-deportation-defense-services>.

<sup>4</sup> Ingrid Eagly and Steven Shafer, "Access to Counsel in Immigration Court," p. 2 (September 2016), available at [file:///C:/Users/josh/Desktop/Immigration/access\\_to\\_counsel\\_in\\_immigration\\_court.pdf](file:///C:/Users/josh/Desktop/Immigration/access_to_counsel_in_immigration_court.pdf).

<sup>5</sup> See American Bar Association, "Ensuring Fairness and Due Process in Immigration Proceedings" (December 2008), available at [https://www.americanbar.org/content/dam/aba/migrated/poladv/priorities/immigration/2008dec\\_immigration.authch\\_eckdam.pdf](https://www.americanbar.org/content/dam/aba/migrated/poladv/priorities/immigration/2008dec_immigration.authch_eckdam.pdf).

<sup>6</sup> *Alabama v. Shelton*, 535 U.S. 654 (2002).

March 7, 2019

Dear Judiciary Committee Members,

I'm writing in support of SB 992: An Act Concerning the TRUST. It would limit communication between local police and federal immigration agencies and update Connecticut's TRUST Act to further protect Connecticut residents from the rogue actions of Immigration and Customs Enforcement (ICE);

And in support of SB 948: The 364 Day Misdemeanor Sentencing Reform Bill, which would reduce the maximum length of all misdemeanor convictions in Connecticut from 365 days to 364 days in order to limit harmful consequences for Connecticut's immigrants.

There have been many cases of parents snatched from their children as they have reported to various court appearances, thus punishing the very people who are complying with the requirements of the law. This is unjust.

The General Assembly has taken steps in the past to protect immigrant families who have been living in our state – some for decades – contributing to the fabric of our society through their work and participation in their communities. Especially under the Trump Administration's vicious crackdown on these neighbors, Connecticut must step up to provide more protection for them.

Sincerely,

Melinda Tuhus  
103 Carmalt Rd.  
Hamden, CT 06517  
203.623.2186

**Statement in opposition to SB 991 and SB 992**

Both SB 991 and SB 992 are antithetical to the spirit of U.S. immigration principles and border security as well as to any reasonable sense of financial management of our state. These bills must be defeated!

While traditional American immigration insisted that the new immigrant be carefully vetted for: physical health, skills that would lead to self-sufficiency, values/ideology that would encourage true assimilation, as well as having a sponsor who would assure that the government would never have to assume the burden of supporting the newcomer, today's illegals come with none of those assurances.

In fact, Michael Cutler of CIS (Center for Immigration Studies) lists the following dangers often accompanying illegals: They frequently include very dangerous gang members and jihadis; some carry diseases; some become public charges, which strains our economy; many are bringing drugs into the U.S., fueling our opioid crisis; they often take jobs from legal American citizens; many who hold jobs here send the money to their native country – last year Mexico received \$30 billion in this fashion; the good immigrants and refugees who have come here seeking safety are being threatened here by the same criminals they came here to escape. As Cutler put it: “Legal immigrants are to illegal aliens as house guests are to burglars.”

According to CIS, the per year costs to taxpayers for one illegal alien is approximately \$70,000.00 over his/her lifetime. <https://cis.org/Camarota/Enforcing-Immigration-Law-Cost-Effective>

The U.S. has a very generous legal immigration policy – perhaps the most generous in the world – taking 1,000,000 LEGAL immigrants each year. For the sake of preserving the rule of law, maintaining our safety, safeguarding our cultural identity and clawing our way out of the financial hole that gross mismanagement has created in the once prosperous state of CT, we need to strongly oppose SB 991 and SB 992 and, instead, proudly pass SB 993!

Jane Bate  
Cheshire, CT

**Peterson, Bobbye**

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**From:** Kelly Devanny <kellydevanny@gmail.com>  
**Sent:** Friday, March 08, 2019 1:16 PM  
**To:** JudTestimony  
**Subject:** Oppose S.B. No. 991 Oppose S.B. No. 992 Support S.B. No. 993

S.B. No. 991 (RAISED) AN ACT CONCERNING ACCESS TO LEGAL COUNSEL FOR INDIGENT INDIVIDUALS IN IMMIGRATION REMOVAL PROCEEDINGS.

S.B. No. 992 (RAISED) AN ACT CONCERNING THE TRUST ACT.

S.B. No. 993 (RAISED) AN ACT CONCERNING LOCAL AND STATE COOPERATION IN THE ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

To Whom It May Concern:

I do not support S.B. 991.

I do not support S.B. 992

I support SB 993.

I expect our state officials to support and uphold our Constitution and the federal agencies that are required to do so. We are a sovereign nation and a nation of laws.

I do not support any CT taxpayer funds for legal defense or any other financial support for illegal aliens who enter our country illegally and are breaking United States federal law.

I recommend the Attorney General and our legislature pressure Congress and the State Department to secure our borders, reform our immigration policies, and apply economic sanctions and the removal of foreign aid to countries that do not uphold basic human rights.

I do not support any form of sanctuary cities or states since it takes away limited resources from legal American citizens.

K. Devanny

**Peterson, Bobbye**

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**From:** Free Richard Lyon <freerichardlyon@gmail.com>  
**Sent:** Friday, March 08, 2019 11:14 AM  
**To:** JudTestimony  
**Subject:** Oppose S.B. No. 991 Oppose S.B. No. 992 Support S.B. No. 993

S.B. No. 991 (RAISED) AN ACT CONCERNING ACCESS TO LEGAL COUNSEL FOR INDIGENT INDIVIDUALS IN IMMIGRATION REMOVAL PROCEEDINGS.

S.B. No. 992 (RAISED) AN ACT CONCERNING THE TRUST ACT.

S.B. No. 993 (RAISED) AN ACT CONCERNING LOCAL AND STATE COOPERATION IN THE ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

To Whom It May Concern:

I do not support S.B. 991.

I do not support S.B. 992

I support SB 993.

As a veteran I vowed to support and uphold the Constitution of the United States. All elected officials are required to do the same, and only Congress can make any laws with regard to immigration. I do not support any Connecticut taxpayer funds for legal defense or any other financial support for illegal aliens who enter our country illegally and are breaking Unites States federal law. I expect our state officials to support and uphold our Constitution and the federal agencies that are required to do so.

I understand that there is conflict and hardship in Latin America and throughout the world, yet we are a sovereign nation and a nation of laws. I recommend the Attorney General and our legislature to pressure Congress and the State Department to secure our borders, reform our immigration policies, and apply economic sanctions and the removal of foreign aid to countries that do not uphold basic human rights.

I do not support any form of sanctuary cities or states since it takes away limited resources from legal American citizens.

--

Cathy Hopperstad  
14 Lucian Street  
Manchester, CT 06040

Unites States Army Veteran



## CONNECTICUT CHAPTER

**RE: S.B. No. 992 (RAISED) *AN ACT CONCERNING THE TRUST ACT***

**Recommended Committee Action: SUPPORT THE BILL**

The Connecticut Chapter of the American Immigration Lawyers Association (CT AILA) is a nonpartisan, non-profit organization comprised of immigration attorneys and law professors. AILA was founded in 1946 to promote justice, advocate for fair and reasonable immigration law and policy, advance the quality of immigration and nationality law and practice, and enhance the professional development of its members. The Connecticut Chapter has 180 members who represent U.S. families seeking permanent residence for close family members, as well as U.S. businesses seeking talent from the global marketplace. CT AILA Members also represent foreign students, entertainers, athletes, and asylum seekers, often on a pro bono basis.

**CT AILA supports S.B. No. 992** which seeks to strengthen Connecticut's TRUST Act. Passed in 2013, the Trust Act defined the conditions under which state and local law enforcement agencies would voluntarily cooperate with U.S. Immigration and Customs Enforcement (ICE) officials in honoring civil detainer requests. The Trust Act struck an important balance between voluntarily assisting federal immigration officials when it serves the interests of public safety, and the need to maintain effective relationships with the local communities that law enforcement agencies are charged with protecting.

Now more than ever, it is critical that Connecticut adheres to and strengthens its laws concerning the use of State resources for the enforcement of federal, civil immigration laws. Within days of taking office, President Trump rescinded policies that directed resources to the removal of individuals who were considered a threat to public safety of national security.<sup>i</sup> Instead, the federal government has pursued immigration enforcement indiscriminately with the goal of fomenting maximum fear in immigrant communities. Connecticut's State and local law enforcement agencies must avoid becoming entangled in federal immigration enforcement actions that have been found illegal<sup>ii</sup> and that undermine community trust.

<sup>i</sup> Executive Order: Enhancing Public Safety in the Interior of the United States (Jan. 25, 2017), [www.whitehouse.gov/presidential-actions/executive-order-enhancing-public-safety-interior-united-states](http://www.whitehouse.gov/presidential-actions/executive-order-enhancing-public-safety-interior-united-states)

<sup>ii</sup> Assumption of Risk: Legal Liabilities for Local Governments that Choose to Enforce Federal Immigration laws, March, 2018, [www.immigrantjustice.org/AssumptionofRisk](http://www.immigrantjustice.org/AssumptionofRisk); See also Colorado Court enjoins sheriffs from detaining release-eligible individuals pursuant to ICE detainers, *Cisneros v. Elder*, December 6, 2018, 2018CV-30549, <https://acluco-wpengine.netdna-ssl.com/wp-content/uploads/2018/12/2018-12-06-ORDER-GRANTING-SUMMARY-JUDGMENT.pdf>

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**Testimony in SUPPORT of SB 992.**

Dear Senator Winfield, Representative Stafstrom, and honored members of the Judiciary Committee.

My name is Robert Andrews. I live at 71B Mott Lane in Moodus, CT. My extended family includes people on both sides of our southern border, some with citizenship in one or in both countries. In visits to them in Nogales, Arizona and across the border, I've learned much of the process and results of recent administration policy. I now believe we can do better there and throughout the country.

Here in Connecticut, we have an opportunity this year to improve the way in which we treat those who come to our country as immigrants or refugees. The changes that SB 992 would make can show that Connecticut is a place that supports the international consensus that refugees are to be protected and that immigrants should be treated as potential citizens and welcomed for their future contributions.

I ask your votes for a favorable report.

Respectfully,  
Robert T. Andrews



## Connecticut Students for a Dream

*Empower. Educate. Advocate.*

Dear Members of the Judicial committee:

Thank you for the opportunity to testify. My name is Eric Cruz Lopez and I am leader in CT Students for a Dream. I call on every single legislator in this room to support two bills. **SB 992: The TRUST Act: An Act Concerning Law Enforcement Officers' Responses To Ice Detainers** and **SB 948: The 364 Day Misdemeanor Sentencing Reform Bill: An Act Concerning The Maximum Term Of Imprisonment For A Misdemeanor Offense.**

The TRUST Act would limit communication between local police and federal immigration agencies. To prohibit certain actions by law enforcement officers in response to a civil immigration detainee, to clarify that probation officers are law enforcement officers and to provide for greater transparency concerning the communications between state and local agencies and ICE.

The 364 bill would reduce the maximum length of all misdemeanor convictions in Connecticut to from 365 days to 364 days in order to limit some disproportionate immigration consequences for Connecticut's immigrants and their families.

We testify today because our immigrant community in Connecticut wants to live unafraid. We are living under difficult and challenging times for immigrant youth and immigrant communities in Connecticut and in the rest of the country. Especially now that the deportation machine is eating us up sometimes one by one, but many times swallowing whole communities.

The TRUST act would work to slow down the deportation machine and its effects here in CT. It would make our communities safer and help them live full lives free from fear of their constitutional rights being violated. We already have a TRUST Act on the books, but it has failed us time and time again, exemplified by the arrests at courthouses and the continuous communication between ICE and judicial marshalls. This consistent and constant communication allows ICE to continue abusing its power over immigrants in CT and because of that it also makes our communities fearful to interact with courts, police, and probation officers because of fear of deportation.

We need CT residents to be able to feel safe in their communities by making sure that police in CT cannot detain folks based solely on ICE detainers. These ICE detainers are what feeds immigrants into the deportation machine. An even though CT has not had public raids in recent years the steady stream of ICE detainers has been the silent kidnapper of our friends, families, and neighbors.

And let me emphasize that it is not only the fear of deportation but the material reality of our friends and family members being deported and torn from us day by day.

The 364 bill would work to change the maximum sentence of a misdemeanor to make sure that misdemeanor sentences don't have felony consequences. Changing the max sentence from 365 to 364 would make sure that our friends, family, and neighbors aren't immediately funneled from misdemeanors into deportation. This one day change would not only affect undocumented immigrants here in CT but also permanent residents and anyone going through the immigration process that is not yet a citizen.

Deportation should not and cannot be an appropriate punishment for a misdemeanor charge. It is cruel to break apart a family and destroy lives due to a misdemeanor charge. This is effectively what our state of Connecticut is allowing and endorsing. Connecticut is disproportionately punishing immigrant community members who are convicted of misdemeanors, and their families.



## Connecticut Students for a Dream

*Empower. Educate. Advocate.*

Deportation destroys lives, deportation breaks up families, deportation fractures communities. The consequences that a family that has a mother or father deported due to a misdemeanor charge faces are extreme. Children, often US citizens, lose their parent and are traumatized, a family loses its primary source of income plunging those left behind into poverty. The consequences carry far beyond those few months that the community member was originally convicted for, the consequences last a lifetime. In our work in our communities we've seen time and time again what deportation does to families and communities. If our state has an opportunity to fix an unfair consequence of CT law we have a moral obligation to do so.

C4D and our membership views these bill as an essential step in ensuring that all CT's immigrants can live unafraid and have an equal opportunity to succeed and thrive.

Thank you and we hope you will fight for us this session,

Eric Cruz Lopez

**Peterson, Bobbye**

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**From:** Gloria Bass <gloriajeanbass@yahoo.com>  
**Sent:** Thursday, March 07, 2019 6:32 PM  
**To:** JudTestimony  
**Subject:** Bill 992

To who it may concern,  
I appose bill 992.

We as citizens of this state deserve to be protected.

Illegals have more protection than we the US citizens.

Stop with protecting illegals. Protect American citizens!

Gloria Bass

PO Box 964

Georgetown ,Ct 06829

Sent from Yahoo Mail for iPhone



**08 March 2019**

**Connecticut General Assembly (CGA)**

**Judiciary Committee**

**Testimony IN SUPPORT of Senate Bill 992: An Act Concerning the TRUST Act**

Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee:

My name is Alok Bhatt. I reside in New Haven, Connecticut. I work as Community Defense Coordinator for the Connecticut Immigrant Rights Alliance (CIRA), a coalition of social justice-oriented organizations assembled to resist immigration enforcement in our state.

In advancing our mission, CIRA expresses our strong collective support for Senate Bill 992: An Act Concerning the TRUST Act (SB992). SB992 amends Connecticut's current TRUST Act (Public Act 13-155) to ensure that no Connecticut law enforcement agencies comply or communicate with Immigration and Customs Enforcement (ICE), or otherwise facilitate ICE access to our community members, unless ICE can present a relevant judicial warrant. SB992 would also require the State of Connecticut to collect and publish information related to our agencies' communications with ICE, which enables transparency and accountability in our state systems.

The TRUST Act that passed unanimously through the CGA in 2013 represents a first, flawed attempt to sever ties between state and local law enforcement and ICE. The present law leaves far too many community members susceptible to ICE transfer, makes our state government vulnerable to lawsuits for constitutional violations, and even systematizes the complicity of the State of Connecticut in violence against its own residents.

SB992 would ameliorate the weaknesses in our present TRUST Act, expand its protective provisions, and enable communities to remain vigilant in their oversight of state and local law enforcement.

CIRA urges the Judiciary Committee to vote out SB992, and allow this segment of our movement to continue as we fight to get ICE out of our state.

Sincerely,

Alok Bhatt  
*Community Defense Coordinator,*  
Connecticut Immigrant Rights Alliance (CIRA)

**Judiciary Committee Public Hearing**  
**08 March 2019**  
**Testimony SUPPORTING SB 992: An Act Concerning the TRUST Act**

March 7, 2019

Dear Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee:

My name is Mary Bugbee and I live in Manchester.

I am writing to express my support for Senate Bill 992: An Act Concerning the TRUST Act. I support this bill because our state and local entities should not enable the federal Immigration and Customs Enforcement (ICE) to carry out racist, xenophobic, and violent policies that breed fear and terror in our communities, and that can ultimately rip families and communities apart. Our Connecticut law should be consistent with our U.S. constitution which *requires* judicial warrants when ICE wants to detain members of our community. And our Connecticut law should serve to protect our communities, not aid in their terrorization.

It is vital that ALL of the people of Connecticut can trust their state and local entities, including local police. Everyone deserves to feel safe and secure in their communities or families. An updated TRUST Act would enable this to happen.

Thank you for your consideration of this testimony.

Sincerely,

Mary Bugbee

**Peterson, Bobbye**

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**From:** Debra Cohen <debracohen51@gmail.com>  
**Sent:** Tuesday, March 19, 2019 9:41 PM  
**To:** JudTestimony  
**Subject:** SB 992: An Act Concerning the TRUST Act

**Judiciary Committee Public Hearing  
March 26, 2019  
Testimony SUPPORTING SB 992: An Act Concerning the TRUST Act**

Members of the Judiciary Committee:

My name is Debra Cohen. I live in Wethersfield.

I urge your support of SB 992 because it strengthens an already existing CT Trust Act which aims to limit the overreach of Immigration and Customs Enforcement in its calls to local law enforcement agencies for detention as it pertains to immigration enforcement. SB 992 will help protect immigrant families in our state by prohibiting state and local law enforcement throughout CT from collaborating with ICE unless ICE presents a judicial warrant.

Fear of ICE detention is an understandable deterrent to the reporting of crimes, suffered either by an undocumented resident or someone else in the community whose victimization has been witnessed by an undocumented resident. The woman who has suffered domestic assault, the man who has witnessed a robbery or shooting or the child who is experiencing bullying, but whose fear of detention surpasses all else, are prevented from reaching out to the very people who are sworn to protect them. Unless they can be sure that their reports will not be followed up with questions about their documentation or the lack thereof, participation in a system that should protect the safety of everyone poses just as great a danger. Fear prevents people from accessing care and redress when they are victimized and it prevents them from stepping up to help other victims of crime.

As recently as last week, the ACLU reported eight law enforcement agencies here in CT that are sharing license plate information with ICE. I live in Wethersfield, one of the towns cited in this unholy alliance and it troubles me that my town's police department has been complicit in endangering the futures of who knows how many residents or travelers through our town. Marshalls and other court officers have been known to call ICE with information about undocumented residents who are appearing in court for a variety of reasons, before any warrant has been provided by ICE agents. This serves to make our courts not halls of justice but mere turf for bounty hunters.

It is not the job of local law enforcement agencies to do the work of ICE nor is it their responsibility to detain or report people when no warrant has been provided by ICE. The fact that this occurs and will continue to occur until all law enforcement is held accountable to strict rules means that the CT Trust Act, as it stands now, is nothing more than a suggestion rather than standard practice.

I urge support of SB 992 because it establishes as standard practice, clarity and transparency to already existing legislation meant to protect the rights of people whose circumstances most of us can only imagine. I believe this is both a legal and a moral issue.

Thank you for your time.



**Peterson, Bobbye**

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**From:** Debra Cohen <debracohen51@gmail.com>  
**Sent:** Tuesday, March 19, 2019 9:41 PM  
**To:** JudTestimony  
**Subject:** SB 992: An Act Concerning the TRUST Act

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 March 26, 2019  
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As recently as last week, the ACLU reported eight law enforcement agencies here in CT that are sharing license plate information with ICE. I live in Wethersfield, one of the towns cited in this unholy alliance and it troubles me that my town's police department has been complicit in endangering the futures of who knows how many residents or travelers through our town. Marshalls and other court officers have been known to call ICE with information about undocumented residents who are appearing in court for a variety of reasons, before any warrant has been provided by ICE agents. This serves to make our courts not halls of justice but mere turf for bounty hunters.

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I urge support of SB 992 because it establishes as standard practice, clarity and transparency to already existing legislation meant to protect the rights of people whose circumstances most of us can only imagine. I believe this is both a legal and a moral issue.

Thank you for your time.

Dear Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee:

My name is Megan Corning, and I am a resident of Hartford. I stand in support of SB992: An Act Concerning the TRUST, which would update Connecticut's TRUST Act to further protect Connecticut residents from the rogue actions of Immigration and Customs Enforcement (ICE), which exploits state and local systems to target and attack our communities. I also support SB948: An Act Concerning Connecticut Misdemeanor Sentences, which would reduce the maximum length of all misdemeanor convictions in Connecticut from 365 days to 364 days in order to limit some disproportionate immigration consequences for Connecticut's immigrants and their families. My community needs both bills because to live unafraid, our immigrant communities need to be free from fear of deportation, of family separation, and of being targeted by ICE.

I have been privileged to live and work in multiple states in our country. I served in AmeriCorps in 2010/2011 in the Bay Area of California, and I have tutored adults in English as a second language, previously in Portland, Oregon, and currently right here in Hartford. As a result of my volunteer experiences, I've developed empathy for immigrant communities and recognition of the inequitable barriers they face in their efforts to lead safe, healthy lives. My communication with the adult students I work with is sometimes limited, but when someone shows up week after week with their textbooks in hand, coming straight from work, or going straight to work right after class, that communicates very clearly their motivation to learn and contribute positively to our society. I serve these communities through my position as a volunteer tutor, because I believe they deserve the same opportunities for social and economic well being that I've been afforded. I believe you should serve them in your position as our representatives, and this legislation is your opportunity to do so.

Our community needs the SB992 (TRUST Act) because no one should have to live in fear of losing their families to the deportation system, of seeking medical help if they're sick, or legal help if they've been a victim of a crime. Reinforcing the TRUST Act would keep Connecticut families and communities together and help immigrant families feel safer in our state.

Our community also needs SB948 (The 364 Day Sentence Bill) to stop unjust targeting and punishment of immigrants by the criminal justice system. I support the 364 misdemeanor sentencing bill because it would eliminate extreme consequences that should not come with a misdemeanor, and because I don't believe families should be separated and people deported because of a simple misdemeanor. Furthermore, I believe we all would benefit from allowing formerly incarcerated community members an opportunity to participate in a true 'second chance society'.

I support SB992 & SB948 and hope the committee will vote favorably.

Thank you for your time,  
Megan E. Corning

Testimony in Support of Senate Bill 992  
AN ACT CONCERNING THE TRUST ACT

By Cristhian Cozayatl  
New Haven Resident  
March 7, 2019

[Translation below]

Buenos días a todos. Mi nombre es Cristhian Cozayatal, vivo en New Haven, y soy originario de Mexico.

El día de hoy, estoy aquí en apoyo al proyecto de ley "TRUST ACT", debido a que he sido personalmente afectado y actualmente estoy peleando mi caso ante la corte de inmigración aquí en Hartford.

Yo tuve un accidente automovilístico el 9 de Junio de 2017 en la autopista I-91, poco después de la salida 13. Yo estaba de regreso a casa, puesto que no me sentía bien y había decidido tomar la tarde libre. Fue entonces que choque con el vehículo que estaba frente al mío. En este accidente nadie resulto herido, y solo hubo leve daño al remolque del otro automóvil. Me detuve. A los pocos minutos, llego un policía estatal, que pregunto por mi licencia de conducir y demás documentos del automóvil. Yo no tenia licencia. El pidió otro documento de identidad. Le di una identificación consular.

El policía regresó a su patrulla. Pasaron varios minutos, y cuando regreso el policía procedió a esposarme y meterme dentro de su patrulla. Pasaron entre 20 y 30 minutos, cuando llegaron 2 camionetas. Dos hombres bajaron de las camionetas vistiendo chalecos que decían "ICE". Uno de ellos me pregunto si yo tenía DACA (Deferred Action for Childhood Arrivals), yo le dije que no. El policía estatal me entregó a los agentes de inmigración, quienes me hicieron subir en una de las camionetas y me llevaron a Hartford.

Fui procesado en Hartford, donde logre comunicarme con mi hermano y luego fui trasladado al centro de detención de Franklin County en Greenfield Massachusetts. Estuve detenido ahí por 19 días. Yo no sabia que iba a pasar conmigo - estuve en una celda pequeña con otras 4 personas porque ya no había cupo en las celdas del centro de detención. Pasé tres días en esa celda, antes de que me movieran al interior del centro de detención.

Yo logre salir con ayuda de la comunidad el día 28 de Junio, pero continuo peleando mi caso migratorio en la corte de inmigración de Hartford.

Estar en detención fue una experiencia que jamás olvidare. Yo jamás había estado en una situación similar. Yo pensaba constantemente en mi familia - especialmente mi hijo. Tenía miedo de no poder volverlo a ver si era deportado. En entonces mi hijo tenia siete años. El no se entero que había sido detenido, sino hasta después, cuando yo pude contarle lo que había sucedido. El comenzó a llorar, y pensó que era inevitable que yo me fuera de regreso a México.

Yo se que el oficial estatal, quebranto el Trust Act, cuando contactó a los agentes de inmigración y me mantuvo detenido con la intención de entregarme. El día de hoy, estoy aquí, como muestra de que el Trust Act actual no era suficiente para prevenir casos como el mío. Necesitamos una ley mas fuerte, que incluya transparencia y que haga responsable a quienes decidan quebrantar la ley.

Sinceramente,

Cristhian Cozayatl

Good morning to everybody. My name is Cristhian Cozayatl, I live in New Haven, and I'm originally from Mexico.

Today, I am here in support of the "TRUST ACT ", because I have been personally affected and I am currently fighting my case before the immigration court here in Hartford

I had a car accident on June 9, 2017 on I-91, shortly after exit 13. I was back home, since I was not feeling well and had decided to take the afternoon off. It was then that I collided with the vehicle that was in front of mine. In this accident nobody was injured, and there was only slight damage to the trailer of the other car. I stopped. A few minutes later, a state policeman arrived, asking about my driver's license and other automobile documents. I did not have a license. He asked for another identity document. I gave him a consular ID.

The policeman returned to his patrol. Several minutes passed, and when I returned the police proceeded to handcuff me and put me inside their patrol. It was after 20 or 30 minutes, when 2 vans arrived. Two men got out of the vans wearing vests that read "ICE". One of them asked me if I had DACA (Deferred Action for Childhood Arrivals), I told him no. The state policeman handed me over to the immigration agents, who got me up in one of the vans and took me to Hartford.

I was processed in Hartford, where I managed to communicate with my brother and then I was transferred to the Franklin County Detention Center in Greenfield, Massachusetts. I was detained there for 19 days. I did not know what was going to happen to me - I was in a small cell with 4 other people because there was no longer room in the cells of the detention center. I spent three days in that cell, before they moved me inside the detention center.

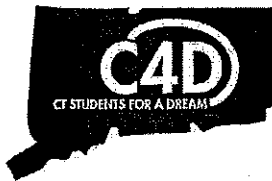
I managed to get out with the help of the community on June 28, but I continue to fight my immigration case in the immigration court of Hartford.

Being in detention was an experience I will never forget. I had never been in a similar situation. I constantly thought about my family - especially my son. I was afraid I would not be able to see him again if he was deported. At that time my son was seven years old. He did not know that he had been detained, until later, when I could tell him what had happened. He started crying, and he thought it was inevitable that I would go back to Mexico.

I know that the state official broke the Trust Act when he contacted the immigration agents and he kept me in custody with the intention of turning me in. Today, I am here, as proof that the current Trust Act was not enough to prevent cases like mine. We need a stronger law that includes transparency and that makes those who decide to break the law accountable.

Sincerely,

Cristhian Cozayatl



## Connecticut Students for a Dream

*Empower. Educate. Advocate.*

Dear Members of the Judicial committee:

Thank you for the opportunity to testify. My name is Eric Cruz Lopez and I am leader in CT Students for a Dream. I call on every single legislator in this room to support two bills. **SB 992: The TRUST Act: An Act Concerning Law Enforcement Officers' Responses To Ice Detainers** and **SB 948: The 364 Day Misdemeanor Sentencing Reform Bill: An Act Concerning The Maximum Term Of Imprisonment For A Misdemeanor Offense.**

The TRUST Act would limit communication between local police and federal immigration agencies. To prohibit certain actions by law enforcement officers in response to a civil immigration detainer, to clarify that probation officers are law enforcement officers and to provide for greater transparency concerning the communications between state and local agencies and ICE.

The 364 bill would reduce the maximum length of all misdemeanor convictions in Connecticut to from 365 days to 364 days in order to limit some disproportionate immigration consequences for Connecticut's immigrants and their families.

We testify today because our immigrant community in Connecticut wants to live unafraid. We are living under difficult and challenging times for immigrant youth and immigrant communities in Connecticut and in the rest of the country. Especially now that the deportation machine is eating us up sometimes one by one, but many times swallowing whole communities.

The TRUST act would work to slow down the deportation machine and its effects here in CT. It would make our communities safer and help them live full lives free from fear of their constitutional rights being violated. We already have a TRUST Act on the books, but it has failed us time and time again, exemplified by the arrests at courthouses and the continuous communication between ICE and judicial marshalls. This consistent and constant communication allows ICE to continue abusing its power over immigrants in CT and because of that it also makes our communities fearful to interact with courts, police, and probation officers because of fear of deportation.

We need CT residents to be able to feel safe in their communities by making sure that police in CT cannot detain folks based solely on ICE detainers. These ICE detainers are what feeds immigrants into the deportation machine. An even though CT has not had public raids in recent years the steady stream of ICE detainers has been the silent kidnapper of our friends, families, and neighbors.

And let me emphasize that it is not only the fear of deportation but the material reality of our friends and family members being deported and torn from us day by day.

The 364 bill would work to change the maximum sentence of a misdemeanor to make sure that misdemeanor sentences don't have felony consequences. Changing the max sentence from 365 to 364 would make sure that our friends, family, and neighbors aren't immediately funneled from misdemeanors into deportation. This one day change would not only affect undocumented immigrants here in CT but also permanent residents and anyone going through the immigration process that is not yet a citizen.

Deportation should not and cannot be an appropriate punishment for a misdemeanor charge. It is cruel to break apart a family and destroy lives due to a misdemeanor charge. This is effectively what our state of Connecticut is allowing and endorsing. Connecticut is disproportionately punishing immigrant community members who are convicted of misdemeanors, and their families.



## Connecticut Students for a Dream

*Empower. Educate. Advocate.*

Deportation destroys lives, deportation breaks up families, deportation fractures communities. The consequences that a family that has a mother or father deported due to a misdemeanor charge faces are extreme. Children, often US citizens, lose their parent and are traumatized, a family loses its primary source of income plunging those left behind into poverty. The consequences carry far beyond those few months that the community member was originally convicted for, the consequences last a lifetime. In our work in our communities we've seen time and time again what deportation does to families and communities. If our state has an opportunity to fix an unfair consequence of CT law we have a moral obligation to do so.

C4D and our membership views these bill as an essential step in ensuring that all CT's immigrants can live unafraid and have an equal opportunity to succeed and thrive.

Thank you and we hope you will fight for us this session,

Eric Cruz Lopez

Dear Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee,

My name is Diane DeJoannis and I live in Manchester, CT.

I support Senate Bill 992: an Act Concerning the Trust Act.

1. I have undocumented friends from South America who would feel safer when getting their driver's license and ID's.
2. They would feel safer in their neighborhood and driving to work or to get groceries.
3. They are scared stiff in their apartments when the phone rings or there's a knock at the door.
4. Reinforcing the Act would protect their rights against ICE intrusion and operations.

Our State and local agencies should be protecting communities, enabling them to live in harmony and peace, without fear of ICE. They should be serving the people of CT to live in their communities regardless of immigration status. It's a matter of human rights and helping one another without fear of retribution.

Sincerely,

Diane DeJoannis  
280 Scott Dr  
Manchester, CT 06042



## State of Connecticut

### HOUSE OF REPRESENTATIVES STATE CAPITOL

**REPRESENTATIVE JOHN FUSCO**  
EIGHTY-FIRST ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING ROOM 4200  
300 CAPITOL AVENUE  
HARTFORD, CT 06106-1591

TOLL FREE: (800) 842-1423  
CAPITOL: (860) 240-8700  
John.Fusco@housegop.ct.gov

**MEMBER**  
AGING COMMITTEE  
COMMERCE COMMITTEE  
PUBLIC SAFETY AND SECURITY COMMITTEE

Judiciary Committee  
March 8, 2019

Testimony in Opposition to:  
***SB 992 AN ACT CONCERNING THE TRUST ACT.***

Co-Chairs Winfield and Stafstrom; Vice Chairs Bergstein and Blumenthal; Ranking Member Kissel and Rebimbas; and distinguished members of the Judiciary Committee:

Thank you for allowing me to submit testimony in opposition to ***SB 992 AN ACT CONCERNING THE TRUST ACT.***

This legislation would continue to further tie the hands of our local and federal law enforcement agencies when it comes to enforcing our nation's immigration policy. Senate Bill 992 allows for those who are living in Connecticut as illegal immigrants to essentially be untouchable by any state or local police unit while making it more difficult for ICE to apprehend such suspects. As is written, this bill would require ICE agents to arrive at a local holding station within 48 hours to take custody of the individual. Should they not arrive within this timeframe, the individual would be released.


Senate Bill 992 mentions that if a local police authority intends to act upon a civil immigration detainer, they must provide the individual and their attorney ample notification and the reasoning as to why the local enforcement intends to comply with the detainer. By passing this into law, we would be putting Connecticut's law above the federal immigration law that regulates our nation. This legislation would require our law enforcement to justify their actions when they are simply following the law of the land.

Though the intent of this bill is "to foster trust between residents and city and state officials and ensure public safety," it does nothing more than create more paperwork and bureaucratic regulations incentivizing our law enforcement officers to turn a blind eye to individuals who are



knowingly breaking the law. Essentially, we are making it more difficult for police officers to do their job while allowing more individuals to openly break federal law with no repercussions.

I appreciate the committee raising this proposal for Public Hearing and would be happy to answer any questions there might be.



John Fusco  
81<sup>st</sup> General Assembly District



Connecticut Students for a Dream  
*Empower. Educate. Advocate.*

**Testimony to the Judiciary Committee of the CT Legislature**

March 8th, 2019

**Testimony in support of S.B. 992**

Honorable Chairs and Members of the Judiciary Committee of the Connecticut General Assembly:

My name is Jonathan Gonzalez-Cruz, I am a graduate student at the University of Connecticut pursuing a Masters of Science in Quantitative Economics. I am also the Policy Coordinator for Connecticut Students for a Dream.

We, Connecticut Students for a Dream (C4D), strongly call on the members of the Judiciary Committee to pass S.B. 992: An Act Concerning The Trust Act. The Connecticut Legislature must pass legislation that fosters trust between residents and city and state officials to ensure public safety.

C4D is a statewide, youth-led network that fights for the rights of undocumented youth and their families. We are proud to be the only organization in Connecticut that is led by and for immigrant youth directly impacted by the issues we seek to address; many of our brave members will be sharing their personal stories with you here today.

We testify today because our immigrant community in Connecticut yearns to live unafraid. We are living under difficult and challenging times for immigrant youth and immigrant communities in Connecticut and in the United States. To us, living unafraid means we need to be able to drive our children to school without fearing deportation and ICE; we deserve to not be afraid to go to the doctor, we deserve to not be afraid to lose our families to the deportation system, we deserve to live free from fear; and, as youth, to know that we will see our parents when we come home from school.

Although the Trust Act was first passed in 2013 with the intent of creating a barrier between local law authorities and federal immigration officers, the reality is that our community is still living in fear because the TRUST Act as it stands now is not doing enough to protect our families and communities from the deportation system.

Personally, I experienced family separation as a result of local authorities calling ICE on my family. When I was a sophomore in high school, after returning home from classes I was excited about the warm weather because it meant I could play soccer with my friends that evening. As I was finishing my reading assignment for 10<sup>th</sup> grade English, I received a phone call from my



## Connecticut Students for a Dream

*Empower. Educate. Advocate.*

mom informing me my dad was at the police station for a minor traffic violation. Naively I thought to myself, “He’ll be home tonight”, but as I entered the lobby I was greeted by my mother with tears racing down her face. Immediately, my heart sank as I heard the words, “They called ICE on him, he’s being deported”.

I sat down on a bench crying at the realization my worst fears were coming true. A sea of emotions flooded my body, drowning my sense of reality. Connecticut was supposed to be a pro-immigrant friendly state, I never thought a deportation would happen—until it happened in my own home. Within a few weeks my father was deported to Mexico and I returned home to an empty plate at the dinner table. However, my experience is not an isolated case. All throughout Connecticut, families continue to be separated at the cruel hands of ICE.

C4D, our membership, and a diverse coalition of organizations, view this bill as an essential step in ensuring that all CT residents can live unafraid. We cannot wait any longer. We have seen the attacks the federal administration continues to conduct against our immigrant community. We have seen the complete disregard for human rights wherein ICE cages children and families; we have seen families being thrown tear gas at the border; we have seen children not old enough to eat by themselves, walk by themselves, or take care of themselves show up in front of an immigration judge—completely by themselves.

Despite everything happening at the federal level, there is so much that our state of Connecticut can do in order to protect our immigrant communities. As Legislators, you all have been provided the privilege of serving your constituents and your community—that includes immigrant families as well. We strongly stand in support of S.B. 992: An Act Concerning The Trust Act, and urge the Committee to vote favorably and ensure that this legislation becomes reality.

On behalf of the C4D Community,

Jonathan Gonzalez-Cruz

Policy Coordinator

CT Students for a Dream

**Peterson, Bobbye**

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**From:** Carolyn Cavaliere <docpt1234@yahoo.com>  
**Sent:** Friday, March 08, 2019 7:47 AM  
**To:** JudTestimony  
**Subject:** Senate Bills 992 and 993

Dear Sirs & Madams:

I am writing regarding my concern for proposed bills 992 and 993.

I vehemently oppose the TRUST ACT of Senate Bill 992 as it is irresponsible on the part of legislatures to weaken and restrict law enforcement officials from doing their duty to protect our citizens. Illegal aliens and gang members are dangerous and have taken the lives of many Americans all over the country. We need laws in place to protect us, not encourage or overlook suspicious and dangerous activity! This bill is an abomination and disregards the safety of your constituents.

I fully support Senate Bill 993 which supports the cooperation between State and local officials with federal officials in the enforcement of federal immigration laws which we as a state are constitutionally obligated uphold.

Sanctuary policies like the Trust Act not only jeopardize our safety but cost our already financially strapped State billions of dollars annually. Immigration needs to occur legally and legislation such as this encourages illegal activity unnecessarily.

Please consider this testimony when voting. Thank you.

Carolyn J Graziano  
26 Mystique Lane  
Cromwell, CT

Sent from Yahoo Mail for iPhone

RE: Opposition to Senate Bill 992, AN ACT CONCERNING THE TRUST ACT

Dear Connecticut Legislators,

I oppose Senate Bill 992.

Currently Connecticut law enforcement has 5 exemptions by which to address criminal acts or suspected acts through the Trust Act of 2013.

The 5 exemptions under The Trust Act must remain so that law enforcement can protect law abiding residents.

The elimination of these exemptions will firmly place the amended law, its creators, and supporters as the cause of any crimes committed that could have been avoided through the wisdom of these existing exemptions.

I expect that you will not gut the current law and vote against Senate Bill 992.

Marianne Gustafson

Wilton, CT

Judiciary Committee Public Hearing  
March 8, 2019  
Testimony of Christine Halfar  
in Support of SB 992 and SB 948

Senator Winfield, Representative Stafstrom and members of the Judiciary Committee.

I live in Danbury, a community with a long history of welcoming newcomers from other towns, other states, and other countries. Currently about a third of my neighbors are foreign-born. We are all part of Danbury, working, paying taxes, raising our children, supporting our shared community in our shared state of Connecticut. We all rely on our local police to protect and serve our whole community.

I am writing in favor of strengthening the Trust Act so that it is clear that state and local police, judicial and correctional department employees may only detain individuals specifically for Immigration and Customs Enforcement on the basis of a judicial warrant, signed by a judge, not a civil detainer or an administrative warrant from Immigration and Customs Enforcement. And certainly not because the local officials take it upon themselves to preemptively call in ICE. Our Connecticut law must follow the U.S. Constitution's due process and require a judicial warrant to detain any state resident. Otherwise we are using scarce state and local resources to carry out administrative immigration enforcement and, in the process, discouraging community members from reporting crimes and helping the local police to protect all of us.

I would also like to support the recommendation of the Connecticut Sentencing Commission to limit misdemeanor sentences to no more than 364 days. Many years ago a new category of offense was created, the so-called aggravated felony for the purposes of immigration, defined as any crime with a potential sentence of one year or more. Because most states define a misdemeanor as punishable by up to 365 days non-citizens have been living with the harsh consequence of any misdemeanor conviction, even if the sentence is suspended. A single misdemeanor offense of a decade ago can lead to the mandatory deportation of a parent or breadwinner of U.S. citizen children. It is a cruel and draconian result that must be corrected. In 2017 California changed its sentencing for all misdemeanors to a maximum of 364 days. Connecticut should follow suit.

Please allow both these measures, SB992 and SB948, to be approved by the Judiciary Committee.

Sincerely yours,

Christine Halfar  
8 Settlers Hill Road  
Danbury CT 06811

**Peterson, Bobbye**

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**From:** Leanne Harpin <llharpin304@gmail.com>  
**Sent:** Tuesday, March 05, 2019 8:35 AM  
**To:** JudTestimony  
**Subject:** SB 992

Dear member of the joint committee on judiciary,

I am writing to express my support for senate bill 992, an act concerning the Trust Act.

The Connecticut Trust Act prohibits law enforcement from honoring certain immigration detainers, meaning law enforcement and the Department of Correction should not be honoring requests by U.S. Immigration and Customs Enforcement to detain someone. However, there are loopholes in the Trust Act that need to be closed.

The Connecticut Immigrant Rights Alliance has reported that Judicial Marshals across the state have been going out of their way to work with ICE by handing over members of the community to them when they were not required to do so. The Connecticut ACLU has said they are seeing local police getting deputized by ICE to do their dirty work.

It feels like everyday on the news we hear about ICE terrorizing and dehumanizing people of color who are seeking asylum. From taking children away from their parents, children dying in ICE custody, ICE staff sexually abusing detainees, people being detained simply for speaking Spanish, to Green Card holders being detained.

When undocumented and documented immigrants feel they cannot trust law enforcement, that creates a public safety issue for them and for all of us. If they witness a crime or have a crime committed against them they won't reach out to law enforcement, which makes the local police's job that much harder. If their child is ill they'll be too afraid to get them medical attention. The Attorney General William Tong has made the same argument as well.

This bill is not a get out of jail free card for people that have actually committed serious crimes, it's a clarification of what everyone's responsibilities are under the Trust Act.

Connecticut has enough of it's own problems and shouldn't be expending money to do a federal agency's job for them. Especially one that has been compared on more than one occasion to the Gestapo.

Thank you for your time,

Leanne Harpin



March 8, 2019

Dear Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee,

My name is Laura Hernández and I am 22-years-old. I am the mother of a smart, beautiful, sweet boy, and I recently got married to my son's father. Both of them are American Citizens. My mother brought me from El Salvador when I was 4 years old, so this is the only country I have ever known. I want to share the nightmare that me and my family have been through because of the cooperation between local law enforcement and Immigration Customs Enforcement.

I won't pretend that I had an easy life growing up in this country after I arrived. I am a survivor of rape and molestation from a very young age. I talked with a counselor about what happened to me but ultimately I was forced to change my statement and say that I had made it all up and I was lying because I wanted attention. I was bounced around from one house to the next, before I could even reach the age of 16. Honestly, when I was in high school, I was in such a dark place that I self-medicated and even overdosed on pills. I share this because even though what happened to me was unfair, I am not the only or even the first one, so I ask myself the question, what makes me so special?

Sometime in November 2017, I caught a ride with someone in Stamford. I probably shouldn't have gotten in a car with a stranger, but I did not know that the car that this person was driving was stolen. That resulted in me getting arrested and charged with larceny 6<sup>th</sup>. I guess I was guilty of a crime even though I had no idea the car I was in was stolen. At the time, I was in an unstable housing situation and the court sent a letter to my aunt's address which I never saw. I was subsequently arrested for Failure to Appear.

When I went to the arraignment, the court gave me a low bond which meant that I had the opportunity get out. I called my mother and asked her if she could post my bail. She tried to post my bail but she was told that I had an immigration detainer and she couldn't.

I spent about 2 months at York Correctional Institute in Niantic. During my time at York, an individual who identified himself as "a lawyer that was there to help me" asked me about my immigration history, about my parents, about how I entered the country and when. I never heard from him again until I was transferred into ICE custody and I saw him at the office. I'll never forget his name because I was shocked to see him there.

Two people from the Connecticut Bail Fund came to visit me in December 2017 and told me that they could work with me to try and post my bail. When they first tried to post my bail, the staff at the jail told them they could not post it because I had a detainer. After a long back and forth with the staff there, they determine it was not safe for them to post the bail. They came back in January 2018, after they were assured by various people at the Department of Correction that staff had been retrained on a law that did not allow them to hold people. Unfortunately, that is exactly what they did.



After agreeing to get bailed out, I waited for hours to be processed out. They got my hopes up and told me I was going home, only to find out that they were coordinating with ICE so that they would pick me up. After that, they sent me to an immigration prison in Boston, MA. That place is the worst place I've ever been in. They would treat us so badly, and sometimes some of the other inmates would just scream at us "go back to your countries" because they forced us to wear prison clothes that identified us as immigrants.

The entire time I was incarcerated I was concerned about my husband and my son, that's all I could think about. It was a torturous experience, because there are so many things that I wish I could have said to them. I thought about all the pain that I've been through in my life, all the violence that I have experienced. The most horrible part about being in ICE was the time I spent mostly in my thoughts, going through memories, looking at the city at night, holding the cold metal bars wishing I could give my child a kiss and make all of his nightmares go away.

I had some very dark moments inside the jail, but I would have to fight myself because my son was out there waiting for me to come back. It is painful for me to share all of this. I was so young when I came here, too young to make a choice, and while I learned about some of the customs and traditions from El Salvador, those are not my experiences. My life has always been here.

I spent close to four months in that awful immigration jail. I was lucky to have a lot of support on the outside, and a good immigration lawyer that got bond for me, but I still fear what will ultimately happen. I just cannot imagine a life without my son if I were to be deported.

I ask you legislators to step outside of your suit and ties for one minute and think about your own families and how being in a situation like this would affect you. What would you do without a loved one?

I do not think it's fair that they held me for ICE, I do not think it's fair that an ICE agent got information from by impersonating an attorney, I do not think it's fair that the State of Connecticut continues to allow families to be separated.

I urge you to please the Trust Act ([SB 992](#)).

Thank you,

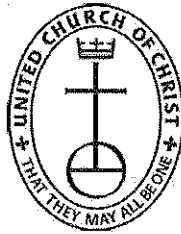
Laura Hernández  
Maryland (formerly Stamford, CT resident)

**Blanchard, Deborah**

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**From:** AK Jolley <akjolley19@gmail.com>  
**Sent:** Thursday, March 07, 2019 5:49 PM  
**To:** JudTestimony  
**Subject:** Trust Act

Please, do NOT vote to expand the Trust Act with the raised Senate Bill #992!  
Please, vote instead for the Senate raised Bill #993.  
Thank you,  
Alan Jolley



The Rev. Gini King  
 264 State Street  
 Guilford, CT 06437  
 203-457-7045  
 cell: 203-645-4545  
 ginikingjr@gmail.com

Judiciary Committee Public Hearing  
 08 March 2019  
 Testimony SUPPORTING SB 992:  
 An Act Concerning the TRUST ACT

Dear Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee:

My name is The Rev. Gini King and I live in Guilford. I am asking for your support of Bill No. SB 992, An Act Concerning the Trust Act. Stated simply, this bill will update the Trust Act that was passed in 2012.

The purpose of the original Trust Act was to prohibit, under certain circumstances, law enforcement officers from holding undocumented people and turning them over to ICE. This update will better ensure that state and local officials will not turn people over to ICE unless there is a judicial warrant, will not give personal information to ICE officials and will limit their access to people in custody.

Most important for you to understand is that this bill has no intention to shelter persons involved with violent crimes, terrorist threats, prostitution, child sex trafficking or other extreme criminal behavior. Instead, the bill will provide the safety of employed, hard working, tax paying, home owners, business owners, faith going undocumented immigrants from being exposed to the unjust and abrasive treatment of ICE.

This bill will not endanger the people of Connecticut or our country. Please support Bill No. SB 992.

Thank you for all the work you do for the people of Connecticut.  
 Blessings,

Rev. Gini King  
 New Sanctuary CT  
 CT Shoreline Indivisible  
 First Congregational Church,  
 United Church of Christ, Guilford

**Peterson, Bobbye**

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**From:** Nancy Kline <nancykline@gmail.com>  
**Sent:** Thursday, March 07, 2019 8:32 PM  
**To:** JudTestimony; Nancy Kline  
**Subject:** Bill SB 992

Dear Senator Winfield, Representative Stafstrom and members of the Judiciary Committee:

My name is Nancy Kline. I live in Woodbridge Connecticut. I am writing to express my support for the Senate Bill 992-The Trust Act Update. This bill would create more protections for those people stopped by law enforcement and would not permit Immigration and Customs Enforcement to be called with the risk of deportation.

I have seen the tragedy of not having a comprehensive bill. A man who lives in New Haven was arrested for DWI. He served he time in jail. He has mental illness, was the sole provider for his wife and 5 minor children. During his court appearance the Judge deemed that he had served his sentence and was free to leave. It seems that the Judicial Marshalls called ICE and though he was free to leave the court he was picked up by ICE at the court house. The mother and two of her children saw this terrible event unfold. His whereabouts are still not known and the family is destitute. This is a terrible way to treat any human being and I am sure the children have been greatly impacted by this event.

The State of Connecticut must live up to the wonderful State I know it is. These immigrants should not be afraid to call the police, to be afraid of living their lives. It hurts all of us when we do not protect the most vulnerable and remember we were all immigrants.

Thank you  
Nancy Kline

**Judiciary Committee Public Hearing**  
**08 March 2019**  
**Testimony SUPPORTING SB 992: An Act Concerning the TRUST Act**

Dear Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee:

My name is Eric Klotz. I live in Portland, CT.

I speak before you today to express my support for Senate Bill 992: An Act Concerning the TRUST Act. This bill would update Connecticut's TRUST Act to further protect Connecticut residents from the rogue actions of Immigration and Customs Enforcement (ICE), which exploits state and local systems to target and attack our communities.

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

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

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

Sincerely,

Eric Klotz

**Testimony in SUPPORT for SB992: An Act Concerning the Trust Act**

Dear Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee:

My name is Camille Giraldo Kritzman. I am a Hartford resident. I stand in support of SB992: An Act Concerning the TRUST Act, which would update Connecticut's TRUST Act to further protect Connecticut residents from the dangerous and unlawful actions of Immigration and Customs Enforcement (ICE), which exploits state and local systems to target and attack the Hartford immigrant community.

I was born in Hartford, but my mother, aunt, uncle and cousins who are also Hartford residents were born in Colombia. I went to UConn, and work with immigrant high school students around the state with CT Students for a Dream. SB992 An Act Concerning The Trust Act would enable the immigrant community and people that I love to have more trust in local government, in police and law enforcement. Though we currently have the TRUST Act, the legislation by itself is weak. The fact that the TRUST Act is not respected or upheld by law enforcement officials makes many in the community lose faith in the law. Though it is common knowledge in our state that the TRUST Act exists, it's also common knowledge that the police and I.C.E regularly over-ride the law, holding people for I.C.E agents to detain, increasing deportations in our community. It creates confusion and chaos, as residents are unsure as whether the law in our state is arbitrary, or fact. SB992 would create accountability, so that the TRUST Act can function as intended, to protect residents from entering into the deportation system without justice or due process. Deportation tears apart families, and the communication between law enforcement and I.C.E. makes our community unsafe. It makes our community less safe when people who are victims of crimes are able to trust law enforcement, in fear of deportation. It makes our community unsafe when police officers act as federal agents, and disobey the law to unfairly target Connecticut residents.

I work with undocumented young people who are afraid when their parents are out later than expected, that they may never come home. Unfortunately this is a reality for many Connecticut families, as children are routinely separated from their parents in cruel, needless and unjust deportations. I will never forget the way one of my student's two little brothers cried because their mom was late coming home from work one night, the fear and panic in his voice when she did not pick up the phone. She was only half an hour late, but to them, their mom walking home in a neighborhood with many police officers is a huge risk. Knowing what I know about the communication between law enforcement and the police, and the way the police regularly profile immigrant communities, I could not invalidate their fears. The psychological damage and trauma our law enforcement system and I.C.E inflict on children will have ripple effects our society will feel for generations to come. It's time to break the cycle of fear, dehumanization and mistrust in our state. It's time to strengthen the TRUST Act so that it may do as it was originally intended, to create trust between our communities and local law enforcement.

Currently, an estimated 15,000 children are being held in custody at the U.S border. Our government is literally spending Connecticut resident's tax dollars on detaining children, indefinitely and in concentration-camp like conditions. Parents are being ripped away from their children in our state, Connecticut children are being forced to needlessly grow up without parents who love them. In the case of some families around Hartford that I work with, deportation is effectively a death sentence. We are in a humanitarian crisis, and history will no doubt deem this a dark time for this country. We do not need I.C.E in our state, creating chaos and fear in our communities. It's time to take steps against this racist and rouge institution that does nothing to keep us safe. Allowing I.C.E to continue to operate as it does in our state puts us on the wrong side of history. I want to see my tax dollars used to improve the quality of life for our residents, not destroy families through needless deportations. Supporting SB992 is a step towards that, as it means police officers may no longer act as federal agents when they see fit.

Thank you for considering my testimony, and I urge the committee to vote favorably.

**Judiciary Committee Public Hearing  
08 March 2019**

**Testimony SUPPORTING SB 992: An Act Concerning the TRUST Act**

Dear Senator Winfield, Representative Stafstrom,  
and members of the Judiciary Committee:

My name is Maureen Lopes and I live in Madison, CT.

I write today to express my support for Senate Bill 992: An Act Concerning the TRUST Act. This bill would update Connecticut's TRUST Act to further protect residents from federal Immigration and Customs Enforcement (ICE). In recent years ICE has increased its efforts to use state and local systems to target and attack our communities.

My faith community is located in New Haven and I have paid close attention to stories of ICE going to court buildings to snatch up people who are there on legal business. Parents have had to prepare for the future of their children if they are suddenly moved to ICE detention. This is cruel behavior that does not increase my safety and should not be supported by local law enforcement. ICE should be made to produce a judicial warrant when it seeks to detain a member of our community.

Prior to my retirement I worked in several CT healthcare agencies. I am concerned that families, especially children, are not seeking healthcare because they are anxious about 'revealing' their immigration status. At a minimum we need these families vaccinated to prevent outbreaks of measles, whopping cough, etc. to protect the health of our communities.

State and local entities should not be using taxpayers' funding to operate against the people they serve. An updated TRUST Act would enable us to collectively create a safer and healthier Connecticut.

Thank you for consideration of my comments,

Maureen Lopes

**Peterson, Bobbye**

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**From:** Marissa Lowthert <mlowthert@gmail.com>  
**Sent:** Thursday, March 07, 2019 4:55 PM  
**To:** JudTestimony  
**Cc:** Senator Haskell; zRepresentative Gail Lavielle  
**Subject:** Senate Bill 992 - Vote No

I am against Senate Bill 992.

This bill will place unnecessary restrictions on law enforcement in Connecticut.  
I am very concerned that this bill, if passed, will decrease public safety.

I urge you to vote against Senate Bill 992.

Marissa Lowthert  
Wilton, CT



**Peterson, Bobbye**

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**From:** Denise Luccarelli <deniseluccarelli@gmail.com>  
**Sent:** Thursday, March 07, 2019 5:08 PM  
**To:** JudTestimony  
**Subject:** Oppose Bill 992

The five exemptions under The Trust Act must remain so that law enforcement can protect law abiding residents.

Thank you for your time.  
Denise Luccarelli  
New Canaan, CT

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***Denise Luccarelli***  
[denise.luccarelli@gmail.com](mailto:denise.luccarelli@gmail.com)

**Judiciary Committee Public Hearing**  
**08 March 2019 Testimony SUPPORTING SB 992: An Act Concerning the TRUST Act**

Dear Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee:

My name is Eric Maroney. I live at 34 Barnett St in New Haven, CT 06515.

I write to express my support for Senate Bill 992: An Act Concerning the TRUST Act. This bill would update Connecticut's TRUST Act to further protect Connecticut residents from the rogue actions of Immigration and Customs Enforcement (ICE), which exploits state and local systems to target and attack our communities.

Trust between the immigrant community and law enforcement is essential for creating safe and stable communities. As an educator in New Haven for ten years, I have witnessed the impact that fear has on a young person's ability to learn and thrive. My immigrant students are constantly plagued by the dread that their parents, siblings or even themselves will be caught in the snare of immigration if they encounter the police. This fear has a direct impact on their ability to develop and grow.

When earning our teaching credentials, educators learn about Abraham Maslow's hierarchy of needs. Maslow, a psychologist, argued that in order for a person to learn he or she must first have his or her physiological needs met as well as his or her need for safety. A student must be fed, clothed, warm and above all safe before learning can take place. When our students fear an encounter with the police may lead to the destruction of their stability and family, the conditions for learning fall completely out of reach.

The State of Connecticut has already made great strides to support our undocumented young people. Just this semester, the CSCU system has made institutional student aid available to those who cannot apply for financial aid due to their immigration status. Unfortunately many students fear taking advantage of this opportunity because registering their status with the state may make them a target of Immigration and Customs Enforcement. The Trust Act can alleviate this fear. Undocumented students will be able to access opportunities such as this only when that are assured that authorities of any kind will not share their information with ICE.

An updated TRUST Act would enable us to collectively create a safer and healthier Connecticut. I urge you to continue the work begun in the last legislative session and create the conditions for our undocumented neighbors to thrive

Sincerely,

Eric Maroney  
Faculty, Gateway Community College

**Peterson, Bobbye**

**From:** Vicki Mavis <vickimavis@optonline.net>  
**Sent:** Friday, March 08, 2019 10:12 PM  
**To:** JudTestimony  
**Subject:** Opposition Testimony for Bill #992 & Support for Bill #993

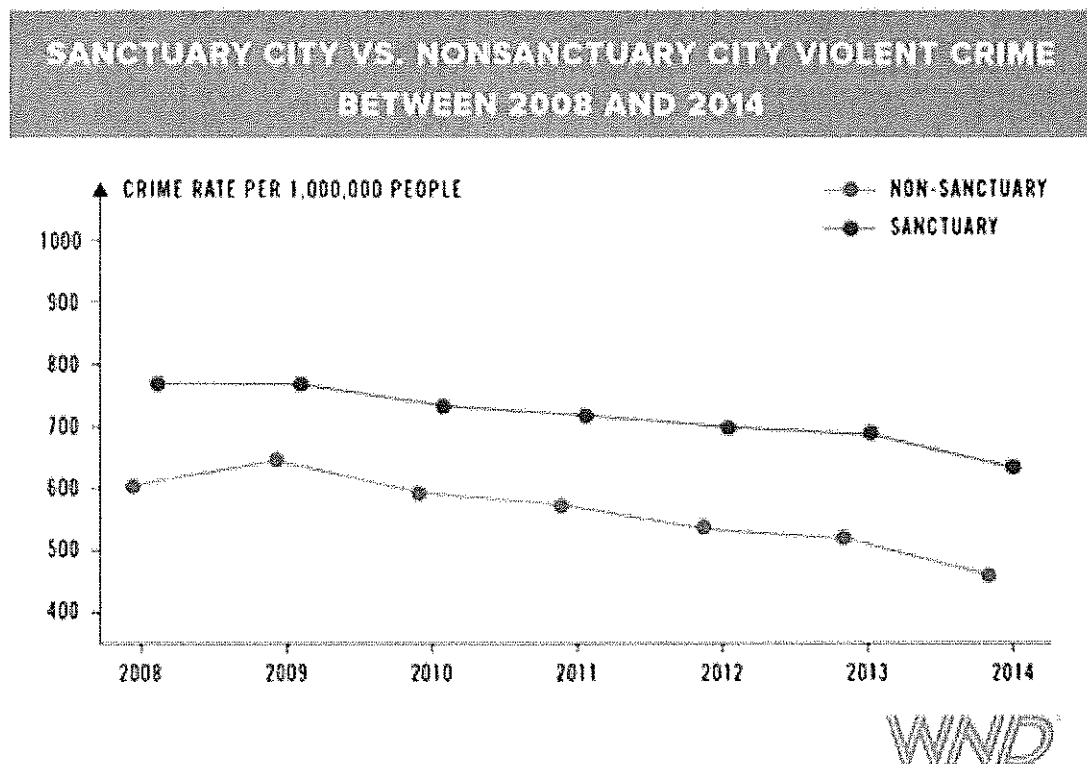
**Testimony in OPPOSITION to Bill #992: An Act Concerning the TRUST ACT & Support for Bill #993**

Dear Judiciary Committee members,

I am appalled to learn of this bill #992 which deprives our local law enforcement of the ability to cooperate with federal immigration authorities when detaining suspects.

Legislation which allows criminal suspects to be shielded from the scrutiny of legitimate immigration inquiry when in custody is wrong. All law enforcement officials should have the unimpeded ability to deport actual criminals who don't respect our laws and may be here illegally. And I think the vast majority of CT citizens share that belief too.

Amidst a full blown national crisis of illegal aliens flooding our country, adding to the crime problem, exacerbating gang violence that has turned parts of CA into a living hell, CT seems headed down the same wrong path. And that is simply irresponsible and dangerous. Consider this chart and article that cite evidence that sanctuary cities actually experience more violent crime: <https://www.wnd.com/2017/04/data-in-sanctuary-cities-have-higher-crime-rates/>



You swore an oath to uphold the nation's laws and our state's constitution, not protect the political agenda of a lobbying group or special interest that is NOT in the public interest of your constituents.

1486

I urge you to vote no on Bill #992 and instead vote in favor of Rep Rob Sampson's bill #993 which would restore appropriate measures of checks and balances for law enforcement officials without further erosion of CT residents' quality of life. Millions of law-abiding American citizens are counting on you to do the right thing.

Sincerely,

Victoria Mavis, Wilton Resident

Testimony SUPPORTING SB 992: An Act Concerning the TRUST Act

March 7, 2019

Dear Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee:

My name is Holly McGrath. I live at 2 Old Barge Rd. in Simsbury, Connecticut.

I am writing to express my support for Senate Bill 992: An Act Concerning the TRUST Act. This bill would update Connecticut's TRUST Act to further protect Connecticut residents from the rogue actions of Immigration and Customs Enforcement (ICE), which exploits state and local systems to target and attack our communities.

Both my husband and I are educators and witness first hand the impact of both stable and unstable households on the children in our community. Children who feel safe and secure thrive. Children who face insecurity for any number of reasons, preventable and unpreventable, struggle and suffer psychological trauma. The TRUST Act would eliminate some of the preventable insecurities.

The detention and the fear of detention of a family member cripple the security of a child. This fear is pervasive and insidious, preventing our community members from participating in normal activities like attending school events or playing outside. No one should be afraid to report a crime or cooperate as a witness. No child should fear the detention of a parent. Let's increase the transparency of ICE operations throughout our state, thereby changing our culture of fear to a culture of real trust and cooperation with law enforcement. Let's work to keep our Connecticut families together and free of preventable anxiety.

My husband and I were born in Connecticut and are raising our children here. We want every family to feel as safe and protected as we do. We thank you for your service to our state that we all love and implore you to support the TRUST Act to ensure that we are working to make it the safest and most vibrant it can be for all its members.

Sincerely,

Holly McGrath



Legislative Testimony  
765 Asylum Avenue, First Floor  
Hartford, CT 06105  
860-523-9146  
[www.acluct.org](http://www.acluct.org)

**Written Testimony Supporting  
Senate Bill 992, An Act Concerning the TRUST Act**

Senator Winfield, Representative Stafstrom, and distinguished members of the Judiciary Committee:

My name is David McGuire, and I am executive director of the American Civil Liberties Union of Connecticut (ACLU-CT). I am here to testify in support of Senate Bill 992, An Act Concerning the TRUST Act.

The ACLU-CT fights to protect justice and equality for all Connecticut residents, including undocumented people living in our state. The Trump Administration's federal deportation machine is tearing apart families and communities in Connecticut. Our state's safety, health, and values are better served by opting out of participation in this cruel system. We therefore support this bill to strengthen the TRUST Act and ensure that state and local law enforcement are not feeding the federal deportation machine.

Senate Bill 992 presents the Connecticut General Assembly with a chance to stand up for justice, equality, safety, and community by limiting the state's unnecessary participation in the federal government's deportation program. By strengthening Connecticut's TRUST Act to prohibit state and local law enforcement from serving federal Immigration and Customs Enforcement (ICE) detainers without a valid federal judicial warrant, this bill focuses local law enforcement on local priorities, not the federal government's deportation agenda.

This proposal has the Constitution on its side. Multiple courts have ruled against the federal government's attempts to force local and state governments to serve its deportation goals. The federal government's threats against states and municipalities that have chosen to prioritize public safety over deportation are lawless and baseless. Furthermore, this bill's prohibition on allowing state and local law enforcement from serving ICE detainers without a valid federal judicial warrant also reflects the law. ICE detainer requests are just that:

requests. They do not carry the weight of a warrant, and they provide no legal obligation or even justification for local law enforcement to detain, arrest, or jail someone.

The law is clear: if ICE wishes to detain or deport someone, it can expend its own resources and time doing so. Local and state law enforcement are under no obligation to assist with this process. Local and state police do not need to arrest, transport, or detain people for ICE, nor do local jails, courthouses, or prisons need to allow ICE to roam their facilities.

This bill also has the public's interest on its side. When local and state police use their time and resources to help the federal government with arresting, detaining, and deporting Connecticut community members, they are unnecessarily undermining trust in Connecticut's justice system and jeopardizing health and safety. Indiscriminate arrests and practices such as detaining people at courthouses sow fear in immigrant communities and make it harder for local law enforcement to earn trust. As the U.S. Conference of Mayors and Major Cities Chiefs Association said in a recent joint statement, in their view, building this trust is "essential to reducing crime and helping victims."

The Connecticut residents being targeted by the federal government's deportation agenda are our neighbors, family members, and friends. They are coworkers, bosses, parents, caretakers, and business owners. They are people like Malik Naveed Bin Rehman and Zahida Altaf of New Britain, Joel Colindres of New Fairfield, Sujitno Sajuti of West Hartford, Nury Chavvaria of Norwalk, Hugh Williams of Waterbury, and many more. The pain and fear that the federal government's deportation agenda is wreaking on immigrant communities is undeniable, and Connecticut should take every step possible to ensure that local and state law enforcement are not parties to this harmful machine.

The ACLU-CT strongly supports Senate Bill 992 and urges this committee to support it.

March 6, 2019

Judiciary Committee Public Hearing 3/9/19

Testimony SUPPORTING SB 992, AN ACT CONCERNING THE TRUST ACT

Testimony SUPPORTING SB 948, AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO MISDEMEANOR SENTENCES.

Dear Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee:

My name is Susan Miller. I live in Windsor.

I am writing today to express my support for Senate Bill 992: An Act Concerning the TRUST Act. This bill would update Connecticut's TRUST Act to further protect Connecticut residents from the rogue actions of Immigration and Customs Enforcement (ICE), which exploits state and local systems to target and attack our communities.

Reinforcing the TRUST Act would help keep our community members and families intact. Having watched a family in our community be torn apart because of the actions of ICE, I saw how much anxiety and stress this caused. This affected not just this particular family, but all of us in the community. Week after week we would head down to ICE headquarters, only to hear of another delay. We all worried for the children and the pregnant mother who was afraid her baby would be delivered without its father by her side.

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

In addition, I am writing to express my support for Senate Bill 948, An Act Concerning the Recommendations of the Connecticut Sentencing Commission with respect to Misdemeanor Sentences.

This proposal would reduce the maximum length of all misdemeanor convictions in Connecticut to 364 days. This technical fix could sever a segment of the prison-to-deportation pipeline, which



funnels community members from the state criminal justice system directly into deportation proceedings. This means individuals who serve mere weeks, or even no time at all, for misdemeanor convictions can be ripped away from their families and communities!

We cannot allow our state to feed community members into the unjust deportation machinery. We must ensure that all community members, regardless of immigration status, can live freely once out of state custody.

I support the misdemeanor sentencing bill it would eliminate disproportionate consequences that should not come with a misdemeanor conviction. It is heartbreaking to watch an individual ripped from their family over one simple day. It is totally out of proportion and just not right.

Connecticut cannot allow unjust laws at the federal level to tear our people away from their families and communities. Funneling individuals from our own deeply problematic criminal justice system into a highly punitive immigration system runs counter to public safety, peace, and common notions of justice and fairness.

Sincerely,

Susan Miller  
10 Ethan Drive  
Windsor, CT 06095

Dear Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee:

My name is Veena Muraleetharan, and I live in New Haven, Connecticut.

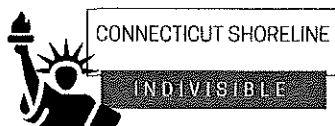
I am writing to you to express my support for Senate Bill 992: An Act Concerning the TRUST Act. This bill would update Connecticut's TRUST Act to further protect Connecticut residents from the rogue actions of Immigration and Customs Enforcement (ICE), which exploits state and local systems to target and attack our communities.

An updated TRUST Act is crucial for lowering anxieties around participation in state and local programs. These programs provide vital services for all Connecticut families, and it's important that people do not experience unnecessary barriers when accessing them. The threat of ICE intrusion or detention can keep someone from living their life without fear and accessing services that are crucial for their wellbeing and health. As someone who is studying public health, I have come to understand the importance of reducing barriers to care. Fear of detainment is one such barrier that we could work to eliminate through the updated TRUST Act. This act would allow people to feel comfortable when seeking help. There is no reason that someone should hesitate to get the resources they need.

Moreover, this act would protect the rights of all Connecticut families, while making our state laws consistent with the U.S. Constitution. ICE should not have the power to detain someone without a judicial warrant. We need to ensure that Connecticut law holds ICE to the same standards as our national Constitution when ICE is detaining someone. Finally, there is a lack of transparency in ICE operations in Connecticut. It is crucial that we begin to increase that transparency through enacting the updated TRUST Act to ensure that ICE is not allowed to exist without public accountability.

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

Sincerely,  
Veena Muraleetharan



*600 members in 12 shoreline and surrounding towns  
safeguarding fundamental human rights through grassroots action*

### **Testimony in Support of SB 992 An Act Concerning the TRUST Act**

Connecticut Shoreline Indivisible (CTSI) is a non-partisan grass roots organization and a member of the Connecticut Immigrant Rights Alliance. Our Immigration & Refugee Action Team defends the human and civil rights of immigrants in a broad spectrum of contexts which ranges from supporting specific families threatened by deportation to promoting laws that embody equitable principles and policies.

We have witnessed how devastating it is when CT law enforcement officials violate the current Trust Act and Department of Correction policy by turning members of our community over to ICE. Although the 2013 Trust Act was a positive step in its time, it's become apparent, especially in light of the report released today, documenting CT judicial marshals' collaboration with ICE, that reforms are essential to ensure that Connecticut is not complicit in any of the extrajudicial activities of ICE. While immigrants are most horrifically impacted, collusion with ICE ripples across our state making everyone in Connecticut more vulnerable and less safe.

The report confirms not only disregard for existing law, but equally if not more important, a disdain and disrespect for human beings who are residents of our state. The state of Connecticut has a choice: We can collude, most often by unconstitutional means, with what is in essence a deportation machine; or we can break the connection, maintain our integrity and protect residents of this state to our best ability.

The evidence presented at the press conference this morning proves the urgent need for a clear and unambiguous revised Trust Act that doesn't allow for abuse of discretion. For this reason, we urge the committee to strongly endorse SB 992, which would:

- Ensure compliance with the Constitution by requiring that no one is detained, arrested, or transferred to ICE without a judicial warrant.
- Ensure that state and local resources are not commandeered to enforce immigration law so that state residents can rely upon and trust law enforcement authorities instead of living in fear and being increasingly subjected to racial profiling.
- Ensure that information that is confidential remains confidential unless certain specified circumstances require disclosure.
- Ensure compliance with the Trust Act by requiring record keeping, transparency, and training for all law enforcement personnel, school police, or security departments included in the act.

Anyone who pays attention to the news cannot deny that our federal government is waging a war against immigrants and trying to deport as many people as possible. When the federal government viciously targets immigrants, it undermines the constitutional rights and civil liberties of everyone. We call on you to safeguard the integrity of our state by strengthening the Trust Act to make sure that Connecticut does not collude or collaborate in diminishing our rights or compromising our security.

Jane Nadel  
Policy Director, CTSI Immigration & Refugee Action Team

**Judiciary Committee Public Hearing****08 March 2019****Testimony SUPPORTING SB 992: An Act Concerning the TRUST Act**

Dear Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee:

Hello, my name is Emily Napear and I live in Niantic, CT.

I write to express my support for Senate Bill 992: An Act Concerning the TRUST Act. This bill would update Connecticut's TRUST Act to further protect Connecticut residents from the rogue actions of Immigration and Customs Enforcement (ICE), which exploits state and local systems to target and attack our communities.

I am currently a Masters student studying Secondary Mathematics Education at the University of Connecticut. I strongly believe that part of having strong, equitable schools is having a strong community. I hope to work at a Title 1 school here in Connecticut. Supporting this bill would help keep families and communities intact in the communities that I hope to serve.

In my clinical experiences, I've worked hard to communicate with parents and community members to get them involved in my classroom. Strengthening the TRUST act with this bill would alleviate concerns and anxieties that undocumented parents and community members have with being involved in their local school programs. This unhindered participation in schools can do a lot to help strengthen the programming and learning of the school and community.

Finally, I believe that ICE has gone rogue by not answering to government officials, detaining US citizens, terrorizing communities, and detaining people without warrants. I believe that we should make Connecticut law consistent with the US Constitution, which requires a judicial warrant whenever ICE wants to detain a member of our community. Hopefully, this can help disentangle our state's policies and procedures from ICE.

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

Sincerely,

Emily Napear  
Future Connecticut Educator

March 8, 2019

Joint Committee on Judiciary  
Legislative Office Building, Room 2500  
Hartford, CT 06106  
JUDtestimony@cga.ct.gov

Re: Senate Bill 992, Charlotte Nelson

Dear Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee:

My name is Charlotte Nelson. I live in Simsbury, CT.

I write to you today to express my support for Senate Bill 992: An Act Concerning the TRUST Act. This bill would update Connecticut's TRUST Act to further protect Connecticut residents from the rogue actions of Immigration and Customs Enforcement (ICE), which exploits state and local systems to target and attack our communities.

I support the Trust Act because it provides stability and security for Connecticut families, especially children. As a former teacher and now Nutmeg Big Brother Big Sister mentor, I know firsthand how stress and living in fear has detrimental effects on a child. The very people a child depends on for physical, mental and emotional survival is their parents. Having to live in fear of losing one or both of them is highly disturbing to a young developing child. We have too many children in this state who are living in fear that their parent will not be there at the end of the school day or return in the evening from work. The current treatment of our fellow CT residents by ICE has been destructive to the fabric of the families and communities impacted. I fear that the children will suffer traumatic stress and irreversible mental, emotional and physical damage if ICE is allowed to continue in this way.

In addition, I support the Trust Act because mass incarceration impacts people of color disproportionately and it is time to correct the inherent biases in our systems and provide fair and equal treatment to all people, no matter the color of their skin. American values echo those of respecting individual rights and treating all people with humanity and kindness. Immigrants, no matter their status deserve to have the due process afforded them by the constitution of the United States of America. As such, every person within the State of Connecticut no matter the color of their skin or immigration status, should be allowed to remain with their families within their communities. With an updated TRUST Act we would be able to create a better, safer and kinder Connecticut.

Respectfully,

Charlotte Nelson  
MPA, UConn (5/2020), M.Ed UPENN, B.S. NYU

**Judiciary Committee Public Hearing****08 March 2019****Testimony SUPPORTING SB 992: An Act Concerning the TRUST Act**

Dear Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee:

My name is Edna Ornelas-Ubaldo and I live in Bridgeport, CT. I write to you today to express my support for Senate Bill 992: An Act Concerning the TRUST Act. This bill would update Connecticut's TRUST Act to further protect Connecticut residents from the rogue actions of Immigration and Customs Enforcement (ICE), actions which I am all too familiar with because of how they affected my family.

In mid-June of 2015 I experienced one of the most painful times of my life. My dad was detained by ICE in the office of his probation officer, Kallie Bruni, who was my father's probation officer for almost a year. I honestly thought she meant well because I was taught to believe that the law enforcement was here to protect us as a community. Instead she called him to have him stop by her office at 3pm for his last meeting. I remember that he didn't want to go but my mother and I advised him to go because it was his last day. When I got home after work around 9pm I went to my parents' room and only saw my mom. She asked me to close the door and said, "your dad just called to tell me that immigration grabbed him while he followed Kallie Bruni into her office". He was able to make a call 6 hours after he was detained, not giving my sisters and I a chance to find the resources to fight for him. We were given a court date thinking that we could ask the judge to allow my dad to remain in the country. We didn't tell my younger sisters what was going on, hoping that my dad was going to be released.

The effects of his deportation had an enormous impact on my sisters, my mother and myself. My mother now had to figure out how to be a full-time mom while balancing being a full-time employee. My sisters reacted in a negative way that led to them being angry all the time and getting into fights. And for myself I had to figure out how to balance my education, my 2 jobs and providing support for my mom and sisters. They needed me more than I needed them. That left no time for me to figure out how I felt about my own fathers' deportation, who had been in this country for over 20 years owning his own business and just being there for us, as our dad. After experiencing all of that it left me questioning the trust in the law enforcement and who they are really protecting. It left me questioning who will be next in line to get deported? How will I trust the local police when they decide to take on the role of "federal agent"? How many other families have been separated because the law enforcement felt like it? How many more families have to live in fear in this country and their country too? I am still here and so are my sisters but we still deal with the consequences of not having that fatherly figure in our life. That's why we need you to support the expanded version of the Trust Act for our communities to feel safe.

I hope that you will remember my and my sisters' stories as you make your decision about how to vote on expanding the Trust Act. The 2013 Trust Act is not strong enough and did not protect my father from being turned over to ICE by his probation officer. These are not just policies, they are people's lives and families. Please remember that when you are voting today.

Sincerely,

Edna Ornelas-Ubaldo  
Member of Make the Road CT

Members of the Judiciary Committee, Chairs Winfield and Stafstrom:

I'm writing to express my support for Senate Bill 992, "Improve the Connecticut TRUST Act - 2019," and Senate Bill 948, "An Act Concerning Maximum Term of Imprisonment for a Misdemeanor Offense."

I support these bills because I care about the quality of life, health and well-being in Connecticut's immigrant communities. Both of these bills will improve the quality of life, health and well-being in Connecticut's immigrant communities. I support these bills because it is my observation that immigrants are being deported—or threatened with deportation—for frivolous reasons, situations where deportation as a punishment simply does not fit the crime; and this situation reduces the quality of life, health and well-being in Connecticut's immigrant communities. I support these bills because both would clarify and reduce the circumstances under which immigrants living in Connecticut can be deported.

I ask you to support SB 992 because it draws an appropriate and reasonable line between Connecticut law enforcement officers and federal Immigration and Customs Enforcement (ICE) officers. It prevents Connecticut officers from detaining any individuals based on ICE detainers or allowing ICE officers to enter Connecticut prisons unless they present an appropriate warrant. It prevents Connecticut officers from sharing confidential information about individuals in their custody with ICE officers, unless clearly mandated by federal law. It ensures that any individual wrongly detained by Connecticut officers based on an ICE detainer has the right to request legal recourse. And it increases transparency and accountability by making communications between Connecticut officers and ICE officers a matter of public record. None of these provisions prevents ICE officers from performing their duties. None of these provisions prevents Connecticut officers from assisting ICE officers when legally appropriate. These provisions simply clarify the circumstances under which Connecticut officers can work with ICE officers. As such, these provisions will greatly reduce the fear and anxiety with which so many immigrants currently live. They will create a foundation for better, stronger relationships between Connecticut's law enforcement officers and immigrant communities; and they will reduce the number of unnecessary deportations that are currently tearing families and communities apart. All these outcomes will greatly improve the quality of life, health and well-being in Connecticut's immigrant communities.

I ask you to support SB 948 because it will likewise reduce the number of unnecessary deportations. Currently, Class A Misdemeanors in Connecticut qualify as aggravated felonies under federal law due to their one-year maximum sentence. A Class A Misdemeanor conviction creates drastic, disproportionate consequences for non-citizens because aggravated felonies at the federal level expose the convicted person to mandatory detention and deportation. For example, a green card holder with a single, low-level, nonviolent offense can be subject to mandatory detention and deportation. If SB 948 becomes law, it would reduce the one-year maximum sentence for Class A Misdemeanors to 364 days, and such misdemeanors would no longer qualify as federal aggravated felonies. This is eminently fair. Non-citizens who commit minor crimes need to be held accountable for those crimes like anyone else. But the punishment of detention and deportation for misdemeanors is a drastic and disproportionate consequence. It has no place in a decent and just society.



As a society we need to stop instilling fear and anxiety into our immigrant communities. We need to treat immigrants fairly under the law. We need to treat immigrants with the dignity they deserve. We need to treat immigrants as our neighbors and not as easily disposable people. SB 992 and SB 948 offer common sense changes to our criminal justice statues that will appropriately curtail unnecessary and unfair deportations and thereby enhance the quality of life, health and well-being in Connecticut's immigrant communities.

Respectfully submitted,

Rev. Josh Pawelek  
60 Wagon Rd.,  
Glastonbury, CT 06033

Minister,  
Unitarian Universalist Society: East  
Manchester, CT 06042

**Peterson, Bobbye**

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**From:** Carl Puleo <cpuleo@sbcglobal.net>  
**Sent:** Thursday, March 07, 2019 9:12 AM  
**To:** JudTestimony  
**Subject:** SB 992

Dear Senator Winfred, Representative Stafstrom, and members of the Judiciary Committee:

My name is Carl Puleo, I live at Whitney Center, 200 Leader Hill Drive, Apt 434, Hamden, CT.

I write to express my support for Senate Bill 992: An Act Concerning the TRUST Act.

Here is my burning reason: as a member of the sanctuary committee of the First and Summerfield United Methodist //Church, I have visited Nelson Pinos who is undocumented and in order not to be separated from his family and be deported back to Equador he took sanctuary in our church on NOV. 30th, 2017. After 16 months Nelson is still waiting for the beaurocratic legal system to judicially consider his case and fairly adjudicate it.

Nelson, whose only legal infraction was to break our immigration law by crossing into this country undocumented over 26 years ago. He has been law abiding, working as a machinist, a home owner, he and his spouse are raising three children Nelsons residency in sanctuary is adequate but is confined to live within the four walls of our church 24/7 not to be picked up by ICE patrols.for deportation.

Nelsons family need him. He should be given a stay by the judicial system so that he can again be a productive member of our society.

Sincerely yours,

Carl Puleo.



Planned Parenthood of Southern New England

Testimony of Gretchen Raffa, MSW  
Director, Public Policy, Advocacy & Strategic Engagement

Planned Parenthood of Southern New England, Inc.

In support of raised Senate Bill 992: An Act Concerning the TRUST Act  
March 8, 2019

Senator Winfield, Representative Stafstrom, and honorable members of the Judiciary Committee, my name is Gretchen Raffa, Director of Public Policy, Advocacy and Strategic Engagement at Planned Parenthood of Southern New England testifying in support of raised Senate Bill 992: An Act Concerning the TRUST Act. Planned Parenthood of Southern New England serves over 60,000 patients yearly for reproductive and sexual health services. As a health care provider and advocate, we believe all people should have access to high-quality, affordable health care no matter what --no matter who they are, where they live, or where they are from. Planned Parenthood is proud to see patients regardless of their immigration status or citizenship. We see firsthand the ways in which harsh immigration enforcement restricts families' access to health care in this country. No one's health should be compromised because of their immigration status or their income because we believe health care is a human right.

The Trump-Pence administration is undermining the health and rights of immigrants and their families. Whether it's proposing new "public charge" rules; rescinding DACA (Deferred Action for Childhood Arrivals) or ending TPS (Temporary Protected Status), which will rip millions of families apart; separating children from their parents at the US-Mexico border; rolling back parental protections and rights for parents involved in immigration proceedings; or enforcing harsh detention and deportation policies, the hypocrisy of this administration's so-called 'family values' is stunning. Planned Parenthood will not silently stand by as immigrants, many of whom are part of the Planned Parenthood community and rely on us for health care, face increasing barriers to health care and the potential of being ripped apart from their families.

No one should fear deportation when they seek help or have to think twice about seeking health care, including reproductive health care. Having access to reproductive health care enables women to build stable families, participate in the workforce, and control their destinies. We know what happens when communities who already face barriers in accessing care are driven further into the shadows – they will forgo the care they need to preserve their own safety and economic security for their families.

Barriers to health care coverage substantially impact immigrant women and families with low income. Lack of access to health care, including preventive care, contributes to poorer health outcomes for immigrants. Federal law already blocks many immigrants from accessing private and public health care coverage, and harsh immigration enforcement makes it difficult for communities to seek out health care or raise their families without fear. Currently, federal law prohibits undocumented immigrants, as well as many lawfully present immigrants, from enrolling in Medicaid or the Children's Health Insurance Program (CHIP). Federal law bans undocumented immigrants from purchasing affordable health insurance on the Marketplace, even with their own funds. About 60% of, non-U.S. citizen, low income immigrant women of reproductive age lack health insurance, which is more than twice the proportion of low-income U.S.-born women. Because many immigrant women can't access private or public health coverage, they are less likely than other U.S. women to access preventive health care — such as Pap tests, STD screenings, and birth control.

People achieve reproductive freedom when they have full autonomy over their bodies and lives – this not only includes access to health care, but it is the ability to live in communities that are not over-policed, the ability to live without fear of having families torn apart, and to live without fear of harm from discriminatory policies. We believe that the ability to live and thrive without fear and the ability to access health care are basic human rights.

As the Trump administration continues to push their hateful agenda — rooted in racism and xenophobia immigrant communities are living in constant fear of the Federal government's deportation agenda as Immigration and Customs Enforcement (ICE) continues to have a presence in our state trying to compel state/local agencies to participate in their enforcement actions. Our state can reject the Federal government's deportation program and update Connecticut's TRUST Act by passing SB 992 and further protect Connecticut residents from the rogue actions of Immigration and Customs Enforcement (ICE), which exploits state and local systems to target and attack our immigrant communities. Senate Bill 922 will make Connecticut law consistent with the US Constitution by requiring a judicial warrant whenever ICE wants to detain a member of our community and increase transparency in ICE operations throughout the state.

Our state must stand against hate and discrimination and support policies to ensure a more equitable and just society for all people in our state and continue to work to keep Connecticut families and communities intact. We cannot silently stand by as harsh immigration policies are underway to deport millions of immigrants, many of whom are part of the Planned Parenthood community -- they are our supporters, patients, and staff. All people within the State of Connecticut deserve to remain in their communities or together with their families, regardless of immigration status or any aspect of identity. An updated TRUST Act would enable us to collectively create a safer and healthier Connecticut. Planned Parenthood will continue to fight for policies that protect the rights of all people to ensure our patients and our communities have what they need to live healthy, safer and self-determined lives and that is why we urge you to support Senate Bill 992 and update the TRUST Act.



**State of Connecticut**  
**DIVISION OF PUBLIC DEFENDER SERVICES**

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**Testimony of Christine Perra Rapillo, Chief Public Defender**  
**Senate Bill 992 AN ACT CONCERNING THE TRUST ACT**  
**Committee on the Judiciary**  
**March 8, 2019**

The Office of Chief Public Defender strongly supports Raised Bill 992, An Act Concerning the Trust Act.

This proposal would:

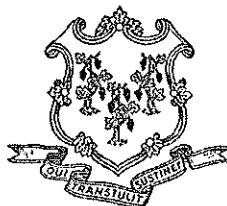
Protect the immigrant community by requiring immigration detainers to be supported by judicial warrants and by restricting the use of state and local law enforcement resources to assist Immigration Custom and Enforcement.

The Trust Act was passed in 2014 to protect our immigrant community from the improper use of civil immigration detainers by federal immigration authorities. Since 2014 there have been several federal decisions holding states liable for Fourth Amendment violations resulting from civil detainer enforcement actions in which individuals were held without probable cause. In Connecticut, Immigration Customs and Enforcement (ICE) has continued to inappropriately use state and local law enforcement resources to effect civil immigration detainers not supported by judicial warrants. At courthouses throughout the state ICE agents have enlisted judicial marshals, probation officers, and other state personnel to identify and detain individuals. Victims, witnesses, and defendants have been negatively impacted by this ICE activity and as a result, the immigrant community's trust and safety have been severely compromised. There is overwhelming fear and distrust with respect to our state judicial system due to these immigration enforcement actions at our courthouses.

Raised Bill 992 provides that any civil immigration detainer request be accompanied by a judicial warrant; an individual's non-public information not be shared with ICE without the individual's express consent; and that law enforcement advise detainees that interviews by

**Testimony of Attorney Christine Perra Rapillo, Chief Public Defender  
Office of Chief Public Defender  
Judiciary Committee SB 992 -March 8, 2019**

ICE agents are voluntary. These provisions will help to restore the immigrant community's trust in our judicial system and will enhance public safety overall. Additionally, Raised Bill 992 will protect Connecticut from liability for Fourth Amendment violations due to the illegal detention of individuals through civil detainees not supported by judicial warrants.



State of Connecticut  
HOUSE OF REPRESENTATIVES  
STATE CAPITOL  
HARTFORD, CONNECTICUT 06106-1591

**REPRESENTATIVE GERALDO REYES, JR.**  
75TH ASSEMBLY DISTRICT

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COMMITTEES

APPROPRIATIONS COMMITTEE  
COMMERCE COMMITTEE, VICE CHAIR  
ENVIRONMENT COMMITTEE

Judiciary Committee  
Public Hearing – March 8, 2019  
Testimony Submitted By State Representative Geraldo Reyes

SB 992 AN ACT CONCERNING THE TRUST ACT

Good morning Representative Stafstrom, Senator Winfield, Representative Rebimbas, Senator Kissel, and esteemed members of the Judiciary Committee:

My name is Geraldo Reyes and I represent the 75th District in Waterbury. I testify before you today in full support of SB 992 An Act Concerning The Trust Act.

This bill is incredibly important to those residents of our state who may be in this country illegally. Regardless of which side of the national debate you fall on, we can all agree that it is our duty as public servants of Connecticut to protect all residents of our state. With the current ambiguity in state law concerning who is and isn't a mandated reporter, a large portion of our population lives in fear of our law enforcement officers and agencies. Those who are here illegally or have family here illegally are less likely to call the police in situations of abuse, neglect, or any wrongdoing against them for fear of deportation. We cannot allow these fears to put the safety and well-being of any Connecticut residents in danger.

Under this bill, deportation would not be prohibited. It would not prevent federal law enforcement from carrying out their duties and directives. It would not allow serious criminal offenders to remain in our state and country without recourse. And it would in no way limit the ability of our law enforcement to uphold the laws of our state. But it would encourage victims who are currently too afraid of law enforcement and possible deportation to come forward and receive the help they need.

No resident of our state should be afraid to ask for help, and this bill would go a long way towards ensuring that everyone in Connecticut can remain safe and secure.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Geraldo".

Geraldo Reyes, Jr.



March 8, 2019

Dear Senator Winfield, Representative Stafstrom and members of the Judiciary Committee,

My name is Ana María Rivera Forastieri, and I am the co-director of the Connecticut Bail Fund, a grassroots organization supporting individuals that are facing criminal charges and/or deportation. We operate two revolving community bail funds that we use to support people that are incarcerated pre-trial or in federal immigration detention because they cannot afford bail. I am submitting testimony today in support of **S.B. 992 AA Concerning the Trust Act**, a bill that would end the enforcement of civil immigration detainers and restore trust and cooperation between the Connecticut judicial system and immigrant communities across the state.

Civil Immigration Detainers are *requests* from ICE to our state and local law enforcement to hold individuals for the agency while they make a determination about whether they will assume custody over the individual. In 2013, the Connecticut General Assembly unanimously voted to pass the Trust Act, which limited the enforcement of ICE detainers, thereby recognizing that its passage would promote public safety, address racial profiling, and promote trust and cooperation between immigrant communities and our judicial system. Many jurisdictions have followed Connecticut's lead and enacted laws and policies of their own. Notably, a quarter of counties (735) currently have "no hold" policies.

**While the 2013 Trust Act was groundbreaking and the first statewide law of its kind, it contains a number of major loopholes that allow for our community to continue to be targeted and detained.**

Our position has always been that enforcement of detainers violates the constitution, but since 2014, multiple courts have ruled that many aspects of ICE's detainer policy are unconstitutional. In *Galarza v. Szalczyk*, the Third Circuit concluded that requiring law enforcement to hold an individual solely on the basis of a detainer was a violation of the Tenth Amendment's anti-commandeering principle and that the County that enforced the hold could be found responsible for unlawfully holding the individual involved in the case. In *Morales v. Chadbourne*, the First Circuit Court upheld a District Court finding that holding someone beyond their release date is an arrest under the Fourth Amendment and that an ICE detainer indicating that a person is being investigated does not provide probable cause for arrest or detention under the Fourth Amendment. In *Lunn v. Commonwealth*, the Massachusetts Supreme Judicial Court held that neither federal law nor MA law granted law enforcement agents the authority to arrest



individuals solely on ICE detainers alleging civil immigration violations. Here in Connecticut, two residents sued ICE for damages based on their brief detention pursuant to ICE detainers; ICE agreed to terminate deportation proceedings against both men in exchange for a release of claims. See *Villanueva Ojanama v. United States*, No. 3:13-cv-1617-JCH (D. Conn.) The State of Connecticut is opening itself to liability by continuing to enforce civil immigration detainers that are not accompanied by a judicial warrant.

Some other critically important components of the bill address the continued collusion between our local law enforcement and ICE that threaten public safety and the operation of our justice system. There are two parts that are of extreme importance: 1) that law enforcement are required to receive written consent before an incarcerated person is interviewed by an ICE agent; and 2) that unless mandated by federal law, limits are placed on the sharing of confidential information about an individual with ICE.

ICE agents are notorious for using deceptive practices to elicit information to arrest individuals and place them in removal proceedings. Individuals in custody have reported that ICE agents questioned them without identifying themselves as such, or, worse still, completely misrepresented their identity. This has happened to several of our clients. This enforcement tactic creates mistrust, stress, and anxiety in people under DOC custody. Additionally, by allowing ICE to access jails, DOC is complicit in the deportation of members of our community. Moreover, there is precedence for requiring ICE agents to identify themselves before interrogating incarcerated individuals. Several local jurisdictions, like Washington, DC, have enacted even stronger policies that prohibit the entrance of ICE agents into jails without a court order.

ICE officers decide who they will interview, target, and arrest through access to confidential information that is collected by the DOC and shared freely with ICE. Collecting and sharing this information incentivizes racial profiling not only by ICE officers, who will routinely interrogate people based on where they were born, but within DOC. Rogue law enforcement agents might be motivated to routinely cooperate with immigration if they are permitted to share information about an individual. Unless required by federal law, the state of Connecticut is under no obligation to share this information with the federal government.

Finally, one of the most important parts of the bill is the amendment of mandatory courtesy calling practices. Notifying ICE about release dates and times is contrary to the spirit of the Trust Act. This law was sought, fought for and later enacted with the goal of supporting and protecting our immigrant communities from the violent enforcement practices of the federal government. More than detainers and administrative warrants, ICE relies heavily on notifications from our local law enforcement agents to arrest and detain people. The 2013 Trust Act has very little impact if we continue communicating information to ICE that allows them to easily locate individuals. Additionally, these courtesy calls are unfortunately frequently misused by law enforcement staff to intentionally delay somebody's release in order to allow ICE to come and pick up the person. It is an easy way to willfully ignore the law that many of you voted for and helped enact. We have first-hand knowledge of this practice because, in most cases, we have been unable to successfully post bail for people in pre-trial detention that have an immigration detainer. This practice is particularly egregious at York Correctional Institute, the only women's

prison in the state, where we have been unable to post bail for anyone with an immigration detainer.

This is the fourth year that we are attempting to pass this bill. Every year, dozens of people testify in support of the bill, asking you, our legislators, to protect our immigrant communities from the threats of a violent and rogue federal agency. We all know that this White House administration has emboldened ICE agents to employ even more deceptive, inhumane and illegal practices. It is your moral obligation to think about what is happening to our neighbors and your constituents. It is your duty to address this problem and pass a bill that protects all of us.

Thank you very much for the opportunity to testify on this bill.

A handwritten signature in black ink, appearing to read 'Ana María Rivera-Forastieri'. The signature is stylized with a large initial 'A' and a wavy line extending to the right.

Ana María Rivera-Forastieri  
Co-Director, CT Bail Fund

[Testimony has been translated into English. Original Spanish versión is below]

March 8, 2019

**Testimony in support of SB 992**

Dear Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee,

My name is Gerardo Roblero, I am 18 years old and I am from Mexico. I arrived in this country two years ago, with my mom, and with my four siblings to reunite with my father. One year after arriving in this country, our house in Mexico was destroyed because of the earthquake in 2018.

My father, Elías Roblero, had been living in New Haven for about 9 years. The reunification was a happy one because we had a lot of safety and security problems in our country. I actually suffered a stabbing with a knife where I was badly hurt, but thank god I survived.

My father is a hardworking man that loved us and took care of us. However, because of his solitude in this country for so many years, when we saw him again he was a bit different. A lot of the times he couldn't remember things, or could remember words. Sometimes he would drink and he had problems for driving while intoxicated.

Last year he was stopped by the policía and arrested, he said he had another pending case. He was in jail for a lot of months, and we could not see him during that time. But we did go to every court to see what the outcome of the case would be. He was the only one that was working and I was a very difficult situation for us. We couldn't pay rent, we did not have any money to pay for the utilities, and food was very scarce.

The public defender that represented him did a good job and reached an agreement with the court so that he would get time served, plus some probation time, plus 200 hours of community service. The family was very happy because we were told he would be free that day. My family, and some Friends that had helped us a lot were there with us that day.

We wanted to see him...

We wanted to hug him..

Hours passed and he would not come out.

A Judicial Marshal came out and told us they would not release him because Immigration Customs Enforcement (ICE) wanted to take him. My friend saw ICE's car entering through the back side of the court and we ran to see him and say goodbye before they took him. When we went into the parking lot, the Judicial Marshals attacked us, they beat us. They tazed me, and pushed my Little sister to the ground. After that, the Meriden Police arrived and helped the judicial marshals and they arrested some of our Friends.

We still do not understand why all of that happened, if he had already served his time, he spent so many months in jail, just to be turned over to ICE. Now we are alone. Nobody knows anything about him. He is missing. Immigration took him on December 13th, and we spoke to him a couple of times after that but he did not understand what was going on. The last time we heard of him was on December 19. He has not called from Mexico. Nobody wants to give us information about him.

We urge you to pass the Trust Act (SB 992), so that no other family goes through what we are going through. The police and the marshals should be serving the community, not conducting unjust separations that have completely destroyed our lives.

Thank you.

Gerardo Roblero  
New Haven, CT

[Original Spanish Version]

8 de marzo de 2018

Estimado Senador Winfield, Representante Stafstrom, y miembros del comité Judicial,

Buenos días, mi nombre es Gerardo Roblero, tengo 18 años y soy de México. Llegué hace 2 años a Estados Unidos, acompañado de mi mamá y mis 4 hermanos para reunirnos con mi padre. 1 año después de estar en este país, nuestra casa en México, quedó destruida por el terremoto del 2018.

Mi padre, Elías Roblero ya vivía en New Haven desde hacía 9 años. El encuentro fue feliz, ya que teníamos problemas de seguridad en nuestro país. Yo incluso sufrí un ataque con cuchillo donde salí herido pero gracias a dios, sobreviví.

Mi padre es un hombre muy trabajador que nos cuidaba y nos quería. Sin embargo por su misma soledad por tantos años en este país, cuando lo volvimos a ver era un poco diferente. Muchas veces no recordaba cosas o no se acordaba de las palabras. Algunas veces tomaba y llegó a tener algunos problemas por manejar tomado.

El año pasado fue detenido por la policía y arrestado, decían que tenía otro caso pendiente. Estuvo varios meses en la cárcel y no lo pudimos ver durante ese tiempo. Sin embargo fuimos a la corte para ver como se resolvía su caso. El era el único que trabajaba y fue una situación muy difícil para nosotros. No pudimos pagar la renta, no teníamos como pagar los servicios y la comida era poca.

El defensor público que lo represento hizo un buen trabajo y logro llegar a un arreglo con la corte para que pagara una condena de tiempo servido, mas algún tiempo de probatoria, mas 200 horas de trabajado comunitario. La familia estaba feliz porque nos dijeron que saldría libre ese día. Estábamos en la corte, mi familia y amigos que nos habían ayudado mucho.

Queríamos verlo...

queríamos abrazarlo...

Pasaron las horas y el no salía.

Un Marshall de la corte dijo que no lo soltarían, porque inmigración se lo quería llevar. Un amigo vio el carro de la migra entrando por la parte de atrás de la corte y salimos corriendo de la corte para verlo por un momento antes de que lo llevaran. Cuando entramos al estacionamiento, los marshals de la corte nos atacaron, nos golpearon. A mi me dieron con la pistola eléctrica, a mi hermanita la tiraron al piso. Después llego la policía de Meriden y ayudaron a los marshalls y arrestaron a varios de nuestros amigos.

Todavía no entendemos por que si él ya había pagado su condena, y paso tantos meses en la cárcel, porque lo entregaron a la migra. Ahora estamos solos. Nadie sabe nada de el. Esta desaparecido. La migra se lo llevo el 13 de diciembre y algunas veces hablamos con el, pero el no entendía lo que estaba pasando. La ultima vez que supimos de el fue el 19 de diciembre. No nos ha llamado de México. Nadie nos quiere dar información de el.

Pedimos que pasen la Ley de Confianza SB 992, para que nunca mas una familia pase por lo que estamos pasando nosotros. La policía y los marshalls deben estar al servicio de la comunidad y no de estas separaciones injustas que nos ha destruido las vidas.

Gracias.

Gerardo Roblero

New Haven, CT

## Judiciary Committee Public Hearing

Testimony SUPPORTING SB 992: An Act Concerning the TRUST Act

Dear Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee:

My name is Karell Rose. I live in South Windsor CT.

I write to express my support for Senate Bill 992: An Act Concerning the TRUST Act. This bill would update Connecticut's TRUST Act to further protect Connecticut residents from the aggressive actions of Immigration and Customs Enforcement (ICE), which is using state and local systems to target and attack our communities.

I support the TRUST Act because it protects some of the most vulnerable people in our community. Many of the people being targeted by ICE are only seeking to build a better life for themselves and their families and are hard working, productive members of our communities. Yet in the current social climate, they are being demonized and dehumanized. They live with fear and psychological stress that is unimaginable. I have seen two instances where family members who were the financial lifeblood of the family have been ripped apart from their families. It is truly heartbreaking and devastating to bear witness much less to be affected. Every person in our community regardless of immigration status should have due process and protection of their basic human rights under the law.

Families are being ripped apart and adversely affected emotionally, psychologically and financially. People in communities are afraid to participate in state and local programs or to even report crimes committed against them. This does not make our communities safer. We need to remember that we are a community and a community should protect and serve its people. Reinforcing the TRUST act would also align Connecticut law with the Constitutional law by having the requirement of a judicial warrant when ICE wants to detain am member of our community.

An updated TRUST Act would enable us to work towards a safer and more just Connecticut.

Sincerely,  
Karell Rose

Dear Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee:

My name is Kiara Ruesta. I live in Vernon, CT.

I write to express my support for Senate Bill 992: An Act Concerning the TRUST Act. This bill would update Connecticut's TRUST Act to further protect Connecticut residents from the rogue actions of Immigration and Customs Enforcement (ICE), which exploits state and local systems to target and attack our communities.

I support the Trust Act because it would help my family and my community feel safer during their day to day activities. Since we move to the U.S. it has been difficult for my parents and my sisters to feel safe when we go out together. We were afraid that we couldn't count on law enforcement to protect us because of the different stories of families being separated because police officers would collaborate with ICE. It has been very difficult to feel comfortable in our day to day activities because of the constant thought of what could happen to us. It has been more in the past few years because of the constant hate towards immigrants portrayed by some media outlets and some people. I'm fearful of if I would see my parents come safe from work or if my little sister would make it ok coming back home from school. I believe that the TRUST Act would help my family feel safe talking to community members and asking for help to police officers.

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

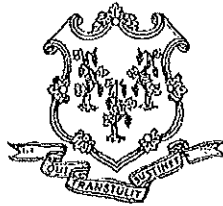
Sincerely,

Kiara Ruesta

**SENATOR ROB SAMPSON**  
SIXTEENTH DISTRICT

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State of Connecticut

SENATE

SENATE REPUBLICAN WHIP

RANKING MEMBER  
GOVERNMENT ADMINISTRATION &  
ELECTIONS COMMITTEE

MEMBER  
FINANCE, REVENUE & BONDING COMMITTEE  
JUDICIARY COMMITTEE

**Testimony of Senator Rob Sampson**  
**Judiciary Committee**  
**March 8th, 2019**

Co-Chairs Winfield and Stafstrom, Vice-Chairs Bergstein and Blumenthal, Ranking Members Kissel and Rebimbas and distinguished members of the Judiciary Committee, thank you for the opportunity to submit testimony on two proposed bills.

First is **Senate Bill No. 992**. Of all the bills submitted this session, none concern me more than this one. If this became law, it would expand an already dangerous and illegal policy into something far worse and will lead to the loss of life of Connecticut citizens. I realize that is a dramatic statement but it would inevitably become true. The existing CT Trust Act already defies federal law by prohibiting the cooperation of state and local law enforcement from cooperating with federal authorities when they come into contact with criminals that are in the country illegally.

Here are some facts from the Federation for American Immigration Reform (FAIR). These points make it clear that the Trust Act itself is a fraud and actually harms those it proclaims to help.

— Sanctuary policies like the Trust Act threaten public safety: According to U.S. Immigration and Customs Enforcement estimates, roughly 2.1 million criminal aliens are living in the U.S., over 1.9 million of which are removable. Criminal aliens are able to live in communities and engage in further criminal activity when state and local law enforcement are prohibited from verifying the immigration status of individuals they have probable cause to believe are illegally present in the country. Americans are best protected by their law enforcement officials when streams of communication and cooperation remain open with regard to enforcement of the law.

— Sanctuary policies like the Trust Act conflict with federal law: In 1996, Congress adopted the Illegal Immigration Reform and Immigrant Responsibility Act to prohibit state and local governments from restricting their employees from sharing and receiving information regarding illegal aliens with the federal government. Sanctuary policies that shield criminal aliens from the administration of federal law conflict with the execution of immigration law as Congress intended.

— Sanctuary policies like the Trust Act are expensive: Illegal immigration is a huge burden to state and local governments, costing U.S. taxpayers an estimated \$116 billion annually. A majority of this expense – \$85 billion – is borne by state and local taxpayers. A 2017 FAIR study found that Connecticut spent \$1.14 billion on costs associated with illegal immigration, including costs pertaining to education, health care, administration of justice and law enforcement, public assistance, and general government services. Furthermore, the total state and local taxes paid by illegal aliens is \$3.52 billion across the entire U.S., so illegal aliens are costing Connecticut a lot more than they are paying in taxes. By giving illegal aliens a place to live and work where



they can go undetected, sanctuary policies encourage further illegal immigration that only serves to increase these costs.

→ Sanctuary policies like the Trust Act put national security at risk: It is no secret that Americans face serious threats from terrorist organizations. With the FBI investigating nearly 1,000 active terrorism cases in the U.S., federal agents are stretched thin and depend heavily on intelligence provided by state and local law enforcement. By impeding cooperation with federal immigration officials, sanctuary cities create an environment where terrorists and other criminal aliens can go undetected and uninterrupted. Days prior to the infamous 9-11 attacks, two of the hijackers were stopped on separate occasions by police. If their backgrounds and immigration status had been checked, their plot might have been uncovered before this tragedy occurred.

→ Sanctuary policies like the Trust Act are unfair to legal immigrants: Tolerating illegal immigration and providing a "safe haven" for illegal aliens is unfair to immigrants who respect our nation's laws. In addition to waiting months or years to come here, legal immigrants abide by the entry, employment, health, and processing laws and regulations set by our government. Besides giving future prospective immigrants little incentive to follow the law, sanctuary policies are an affront to those who do it the right way.

→ Sanctuary policies like the Trust Act do not build trust in the community: Law enforcement does not need sanctuary policies to make immigrants feel comfortable reporting crimes. The claim that this is necessary has never been substantiated and, in fact, has been repudiated by a number of reputable studies. In fact, there is zero empirical evidence of a so-called chilling effect from local law enforcement cooperation with Immigration and Customs Enforcement (ICE).

→ State and local cooperation with ICE will not reduce the number of non-citizens reporting crimes or coming forward with testimony about being criminalized: There are already a number of programs that allow state and local police to encourage victim and witness cooperation by granting lawful status to illegal aliens who aid in the prosecution of criminals. If illegal aliens provide helpful information to police, they may qualify for a "U," "T," "S" or "VAWA" nonimmigrant visa, which, in-turn, would allow them to apply for permanent legal status in the U.S.

It's an unfortunate but common political tactic for those on the left like to cleverly and dishonestly lump persons in the country illegally with all immigrants including those that have gone through the proper process and are welcomed into America. However, this proposed **Senate Bill No. 992** takes that one step further and treats dangerous criminals, those that are currently and purposely carved out of the existing Trust Act for the significant and necessary purpose of our public safety, as if they have an extreme immunity from prosecution.

Is it really good public policy or even rational to suggest that we should prevent the federal authorities from detaining someone in the country illegally who?

- is a convicted felon;
- has an active criminal arrest warrant;
- is a known gang member or on a terrorist/national security threat list;
- has already been ordered deported by an immigration judge; or
- "presents an unacceptable risk to public safety, as determined by the law enforcement officer"


Of course it doesn't but that is exactly what **Senate Bill No. 992** proposes to do. This is foolish and dangerous policy which also violates federal law. It would make Connecticut even more of a sanctuary state than California and places the interest not just of illegal aliens, but specifically, the most dangerous illegal aliens already in custody, ahead of the safety of the vast majority of U.S. citizens and legal immigrants in Connecticut. Urge the committee not to even take up this frightening proposal.

Conversely, I would like to thank the committee for considering Senate Bill No. 993 which mirrors my submitted proposal Senate Bill No. 650. Senate Bill No. 993 would repeal the Trust Act from our law completely. This will ensure that local and state officials are fully cooperating with federal officials in the enforcement of federal immigration law as is our obligation under the US Constitution. Also, despite claims to the contrary, it does not target every illegal immigrant living in our state, only those who have outstanding immigration warrants. Senate Bill No. 993 aligns the interests of our localities with the interests of the federal government and upholds our obligation to our constituents as far as public safety.

In closing, I believe that the federal government has failed us on the issue of illegal immigration. I have repeatedly urged our congressional delegation to advocate for more border security to prevent the flow of illegal aliens into the country and also a plan to address the millions of illegal aliens who are already here. I would suggest a mechanism for providing work permits and documentation to those willing to come out of the shadows so they can live without fear of prosecution as our friends and neighbors and also for the immediate prosecution and deportation for those who have come here to engage in criminal behavior, drug trafficking, gang activity, and also the sadly often ignored, very real issue of human trafficking. The federal government has an obligation to create and enact a working immigration policy that allows us to continue our legacy as an open and welcoming melting pot of a society, but also keeps us safe from those with bad intentions. Connecticut should discontinue its practice of defying current federal immigration law and instead lead the country in demanding our federal government address this problem.

I appreciate the committee's interest in this important area of public policy. Please pass Senate Bill No. 993 and do not take up Senate Bill No. 992.

Sincerely,



State Senator Rob Sampson

16<sup>th</sup> Senate District

Peterson, Bobbye

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**From:** Eleanor Sasso <easasso7@icloud.com>  
**Sent:** Thursday, March 07, 2019 11:07 PM  
**To:** JudTestimony  
**Subject:** Proposed Senate Bill No. 992

I am AGAINST the **Proposed Senate Bill No. 992** which will remove the few requirements of Connecticut law enforcement regarding their responsibilities outlined in a 2013 Law, The Trust Act. This will seriously undermine their ability to protect state residents from criminals and their actions.

**Connecticut Democrats believe that these exemptions need to go and want to expand the TRUST Act** with raised Senate Bill No. 992, **which would do away with these exemptions and place more restrictions on law enforcement** in Connecticut, in order to prevent the cops from cooperating in any way whatsoever with immigration authorities unless they obtain the **express written consent of the suspect in question**.

If Senate Bill No. 992 became law, it would expand an already dangerous and illegal policy into something far worse and will lead to the loss of life of Connecticut citizens. The existing CT Trust Act already defies federal law by prohibiting the cooperation of state and local law enforcement from cooperating with federal authorities when they come into contact with criminals that are in the country illegally.

This is foolish and dangerous policy which also violates federal law. It would make Connecticut even more of a sanctuary state than California and places the interest not just of illegal aliens, but specifically, the most dangerous illegal aliens already in custody, ahead of the safety of the vast majority of U.S. citizens and legal immigrants in Connecticut.

I ABSOLUTELY OPPOSE THIS TERRIBLE LEGISLATION!

I would support Senate Bill No. 993 that would repeal the Trust Act from our law completely. This will ensure that local and state officials are fully cooperating with federal officials in the enforcement of federal immigration law as is our obligation under the US Constitution. Also, despite claims to the contrary, it does not target every illegal immigrant living in our state, only those who have outstanding immigration warrants. Senate Bill No. 993 aligns the interests of our localities with the interests of the federal government and upholds our obligation to our constituents as far as public safety.

Eleanor Sasso  
70 Musket Ridge Rd  
Wilton, Ct. 06897  
A very concerned politically active citizen of Wilton, Ct. for 40 years.

Dear Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee:

My name is Rachel Schmidt and I live in New Haven.

I write to you today to express my support for Senate Bill 992: An Act Concerning the TRUST Act. This bill would update Connecticut's TRUST Act to further protect Connecticut residents from the rogue actions of Immigration and Customs Enforcement (ICE), which exploits state and local systems to target and attack our communities.

Reinforcing the TRUST Act would make our communities safer, for citizens and non-citizens alike because it would keep our neighbor's families and our communities intact and foster trust to see the state committed to the public interest of humane treatment of all people.

More importantly, Connecticut needs to show the public that it will respect and the U.S. Constitution. By requiring a judicial warrant whenever ICE wants to detain a member of our community, Connecticut will not be doing anything more than doing its duty in upholding the U.S. Constitution. We all depend on the protection of the 4<sup>th</sup> Amendment, and if each state can choose when to respect or violate that protection, it is meaningless and we are all in jeopardy of having our rights violated. This leads to the further erosion of public confidence in the state government.

Furthermore, we need our police and judicial marshals to focus on crime that threatens the safety of our communities—the immigration status of my neighbors in no way threatens my ability to walk down my street and not be mugged or assaulted, protect my house from break-ins, or my identity to be stolen. We are paying taxes to have law enforcement protect our safety—not to give an unjustified subsidy to ICE to help them in their work to hunt down and detain individuals, separate families, and abuse detainees behind closed doors.

In the article published last March in the journal *Criminology*, "*Does Undocumented Immigration Increase Violent Crime?*" the study showed that the higher the levels of undocumented immigrants in a community, you see lower rates of violent crime. This is also corroborated by looking at the crime statistics across each state—native born, AKA U.S. Citizens, are BY FAR the most likely to commit violent crime against other U.S. Citizens. So why are we sharing our precious time and resources helping ICE enforce policies that may actually violate the U.S. Constitution as well as make our communities weaker and by tearing already vulnerable families apart?

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

Sincerely,

Rachel Schmidt  
Legal Assistant in Immigration Law

**Peterson, Bobbye**

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**From:** msimeone <visiondr@comcast.net>  
**Sent:** Thursday, March 07, 2019 10:40 PM  
**To:** JudTestimony  
**Subject:** SB 992

Dear members of the Joint Judiciary Committee:

I am attaching the following crime statistics site since I, like most of your constituents, need to work each and every day and we can't show up at the Capital to express our view on this issue. We work hard to support our families and help support Connecticut's financial solvency. You can do your part by defeating this bill that will cost Connecticut in numerous ways - increased costs of law enforcement, increased crime victims and emergency services to name just a few.

There is no logical reason for coddling criminals in our State. They should be handed over to federal officials immediately.

Dr. Michael A. Simeone, OD  
137 W. Broad St  
Pawcatuck, CT 06379

<https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/criminal-alien-statistics>

Members of the Judiciary Committee, Chairs Winfield and Stafstrom:

I'm writing to express my support for Senate Bill 992, "Improve the Connecticut TRUST Act - 2019," and Senate Bill 948, "An Act Concerning Maximum Term of Imprisonment for a Misdemeanor Offense."

I support these bills because I care about the quality of life, health and well-being in Connecticut's immigrant communities. Both of these bills will improve the quality of life, health and well-being in Connecticut's immigrant communities. I support these bills because it is my observation that immigrants are being deported—or threatened with deportation—for frivolous reasons, situations where deportation as a punishment simply does not fit the crime; and this situation reduces the quality of life, health and well-being in Connecticut's immigrant communities. I support these bills because both would clarify and reduce the circumstances under which immigrants living in Connecticut can be deported.

I ask you to support SB 992 because it draws an appropriate and reasonable line between Connecticut law enforcement officers and federal Immigration and Customs Enforcement (ICE) officers. It prevents Connecticut officers from detaining any individuals based on ICE detainers or allowing ICE officers to enter Connecticut prisons unless they present an appropriate warrant. It prevents Connecticut officers from sharing confidential information about individuals in their custody with ICE officers, unless clearly mandated by federal law. It ensures that any individual wrongly detained by Connecticut officers based on an ICE detainer has the right to request legal recourse. And it increases transparency and accountability by making communications between Connecticut officers and ICE officers a matter of public record. None of these provisions prevents ICE officers from performing their duties. None of these provisions prevents Connecticut officers from assisting ICE officers when legally appropriate. These provisions simply clarify the circumstances under which Connecticut officers can work with ICE officers. As such, these provisions will greatly reduce the fear and anxiety with which so many immigrants currently live. They will create a foundation for better, stronger relationships between Connecticut's law enforcement officers and immigrant communities; and they will reduce the number of unnecessary deportations that are currently tearing families and communities apart. All these outcomes will greatly improve the quality of life, health and well-being in Connecticut's immigrant communities.

I ask you to support SB 948 because it will likewise reduce the number of unnecessary deportations. Currently, Class A Misdemeanors in Connecticut qualify as aggravated felonies under federal law due to their one-year maximum sentence. A Class A Misdemeanor conviction creates drastic, disproportionate consequences for non-citizens because aggravated felonies at the federal level expose the convicted person to mandatory detention and deportation. For example, a green card holder with a single, low-level, nonviolent offense can be subject to mandatory detention and deportation. If SB 948 becomes law, it would reduce the one-year maximum sentence for Class A Misdemeanors to 364 days, and such misdemeanors would no longer qualify as federal aggravated felonies. This is eminently fair. Non-citizens who commit minor crimes need to be held accountable for those crimes like anyone else. But the punishment of detention and deportation for misdemeanors is a drastic and disproportionate consequence. It has no place in a decent and just society.

As a society we need to stop instilling fear and anxiety into our immigrant communities. We need to treat immigrants fairly under the law. We need to treat immigrants with the dignity they deserve. We need to treat immigrants as our neighbors and not as easily disposable people. SB 992 and SB 948 offer common sense changes to our criminal justice statues that will appropriately curtail unnecessary and unfair deportations and thereby enhance the quality of life, health and well-being in Connecticut's immigrant communities.

Respectfully submitted,

Rev. Josh Pawelek  
60 Wagon Rd.,  
Glastonbury, CT 06033

Minister,  
Unitarian Universalist Society: East  
Manchester, CT 06042

**Peterson, Bobbye**

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**From:** Ralph Stein <steinralph07@gmail.com>  
**Sent:** Friday, March 08, 2019 8:39 AM  
**To:** JudTestimony  
**Subject:** SB992 and 948

I respectfully submit my support for these two bills. SB 992 would remedy many of the flaws of the TRUST act that have left people vulnerable to ICE. It is particularly important that the protections of the US Constitution be reinforced in Connecticut law.

I also support SB 948, since it would keep people accused of class A misdemeanors from being subject to immediate deportation.

We must protect all inhabitants of our state from violations of their civil and constitutional rights. Such universal application of the law was fundamental to the founding of our nation. Erosion of those universal rights leaves us all more vulnerable.

Thank you,  
Ralph Stein  
18 Briarcliff Mnr  
Bethel, CT



**Peterson, Bobbye**

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**From:** Bev Sutherland <bevsutherland@gmail.com>  
**Sent:** Thursday, March 07, 2019 9:12 PM  
**To:** JudTestimony  
**Subject:** Proposed Senate Bill No. 992

I am totally opposed to the Senate Bill No. 992...our local and state enforcement officers have been keeping our communities safe as they cooperate according to the protections that the Trust Act provided. Please do NOT allow this to change as it would tie our law enforcements hands and crime will easily increase crime.

Beverley Sutherland  
15 Nod Hill Road  
Wilton, CT. 06897

**Peterson, Bobbye**

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**From:** diane szymaszek <deesmaz@gmail.com>  
**Sent:** Friday, March 08, 2019 9:07 AM  
**To:** JudTestimony  
**Subject:** support of bill SB992

Dear Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee:

My name is Diane Szymaszek. I live at Meriden.

I write to you today) to express my support for Senate Bill 992: An Act Concerning the TRUST Act. This bill would update Connecticut's TRUST Act to further protect Connecticut residents from the rogue actions of Immigration and Customs Enforcement (ICE), which exploits state and local systems to target and attack our communities.

I have seen first hand families being ripped apart and it is heart breaking. I can only imagine what that must feel like. An individual goes to court for a minor offense and is picked up by ICE and treated inhumanely. Family members are not even allowed to say goodbye or even get close to their loved one. The people affected by this that are being deported are members of our communities and have family members who are U.S. citizens. We need to make Connecticut law consistent with the US Constitution by requiring a judicial warrant whenever ICE wants to detain a member of our community

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

Sincerely,

Diane Szymaszek  
238 Metacomet Dr.  
Meriden, CT 06450

March 7, 2019

Dear Judiciary Committee Members,

I'm writing in support of SB 992: An Act Concerning the TRUST. It would limit communication between local police and federal immigration agencies and update Connecticut's TRUST Act to further protect Connecticut residents from the rogue actions of Immigration and Customs Enforcement (ICE);

And in support of SB 948: The 364 Day Misdemeanor Sentencing Reform Bill, which would reduce the maximum length of all misdemeanor convictions in Connecticut from 365 days to 364 days in order to limit harmful consequences for Connecticut's immigrants.

There have been many cases of parents snatched from their children as they have reported to various court appearances, thus punishing the very people who are complying with the requirements of the law. This is unjust.

The General Assembly has taken steps in the past to protect immigrant families who have been living in our state – some for decades – contributing to the fabric of our society through their work and participation in their communities. Especially under the Trump Administration's vicious crackdown on these neighbors, Connecticut must step up to provide more protection for them.

Sincerely,

Melinda Tuhus  
103 Carmalt Rd.  
Hamden, CT 06517  
203.623.2186

**Judiciary Committee Public Hearing**  
**08 March 2019**  
**Testimony SUPPORTING SB 992: An Act Concerning the TRUST Act**

Dear Senator Winfield, Representative Stafstrom, and members of the Judiciary Committee:

My name is Veronica Ubaldo and I live in Bridgeport, CT. I am originally from Mexico but have been living and working in the United States for over 20 years, and I became an American citizen in 2015. I am here today to express my support for Senate Bill 992: An Act Concerning the TRUST Act. I feel very strongly about the expansion of the Trust Act because I know firsthand what can happen to a family when local law enforcement and in my case, probation officers, believe it is their job to turn people over to Immigration.

In mid-June of 2015 my husband at the time and the father of my four girls, was detained by ICE in the office of his probation officer. He had been on probation for almost 2 years, after what seemed like a series of unfortunate events. He suffered a serious accident at work, when a sledgehammer was dropped from a second floor and hit him on the head. After that he started suffering from seizures, and started to become depressed because he was not able to work as a result of his injury. One day, he got into a minor car accident, and, nervous about what would happen because he was undocumented, he fled the scene. He never did any jail time, but was given almost 2 years of probation.

He complied with his probation and never missed any of the meetings. On what was supposed to be his last probation meeting, his probation officer, Kallie Bruni, called him in at 3pm. I remember he didn't want to go. He must've known something was up, but my daughter Edna and I told him to go because he had been doing so well and this was supposed to be the last one. I honestly believed that his probation officer was there to help him. I had no idea what had happened, until he called me 6 hours later and told me that Immigration grabbed him while he was walking into Kallie Bruni's office. We tried to fight for him to be released, but he kept getting moved around to different detention centers, making it nearly impossible to communicate with him. He was moved between more than 5 detention centers all across the country, and he was deported back to Mexico before we could do anything to stop it.

That left me to raise four kids on my own, having to balance being a full-time mom with a full time employee. At the same time, I was having to manage my daughters' reactions to what had happened, who were 22, 19, 15 and 10 at the time. My oldest daughter, Edna, was trying to finish college, and had to stop studying and get a job in order to help me pay the bills. My two middle daughters, Nancy and Sofia, became very angry at the system because they knew their father was doing what was being asked of him, and they began fighting a lot and acting out in different ways. My youngest daughter, Victoria, I was just trying to keep safe. As a single mom, working 50 hours a week, which I still do, it was really hard to try to figure out how I felt about everything, I was working so hard to make sure everyone else was ok.

This was the worst experience of my life. I cannot explain to you how it felt to have what felt like my perfect family of over 20 years, just suddenly come crumbling down. I had to start all over again to keep my girls safe.

This experience has made me start to question a lot of things including my own belief in the trustworthiness of law enforcement and the criminal justice system and who the laws in this country are trying to protect. I love this country, and have chosen to raise my kids here for a reason. But I don't believe it is fair that a person who has made a mistake, and has paid for it by

loyally complying with all of his probation, should be targeted for deportation. How is this ok? People say that these laws are there to protect community members and it is a question of public safety, but if we are truly concerned with public safety, why target someone for deportation who has followed everything they were supposed to do up until his last day of probation? My husband was not perfect, but he was a good man, an amazing father and even though he made mistakes he lived up to them and tried to be better and to follow the rules. It is situations like mine that make people afraid to show up for court and to complete their probation, and I do not believe people should have to choose between showing up for court and possibly being targeted by Immigration, or not going to court and having to deal with the criminal consequences of that.

That's why our community needs you to support the Trust Act and the 364 Sentencing Bill. We need to be able to tell our friends and family members that they can go to court and the probation office and not have to worry about getting deported. People should not be punished by permanent separation from their families for making a mistake, especially after they have already paid for it. Please remember my story and thank you for your time.

Sincerely,

Veronica Ubaldo  
Member of Make the Road CT

# The Jerome N. Frank Legal Services Organization

YALE LAW SCHOOL

**Testimony in Support: S.B. 992, An Act Concerning the Trust Act and  
Testimony in Opposition: S.B. 993, An Act Concerning Local and State Cooperation in the  
Enforcement of Federal Immigration Law**

Iva Velickovic, Law Student Intern

Worker and Immigrant Rights Advocacy Clinic at the Yale Law School

On Behalf of the Connecticut Immigrant Rights Alliance

Judiciary Committee

March 8, 2019

Senator Winfield, Representative Stafstrom, and distinguished members of the Judiciary Committee,

My name is Iva Velickovic, and I am a J.D. candidate at Yale Law School and a member of the Worker and Immigrant Rights Advocacy Clinic. I respectfully submit this testimony on behalf of the Connecticut Immigrant Rights Alliance (CIRA), a coalition of immigrant rights, labor, and faith organizations and individuals that works to improve the lives of immigrants in Connecticut. Today, I testify in strong support of S.B. 992, which will restore trust and cooperation between Connecticut's immigrant communities and its law enforcement agencies, and in opposition of S.B. 993, which seeks to roll back Connecticut's already-limited protections against the use of state resources for federal immigration enforcement.

## **Testimony in Support, S.B. 992**

U.S. Immigration and Customs Enforcement (ICE) issues civil immigration detainers to request that state or local law enforcement agencies hold individuals in their custody for an additional 48 hours beyond their scheduled release while ICE determines whether to assume custody of these individuals. These civil immigration detainers are not judicial warrants, which must meet constitutional requirements of probable cause and be signed by a judge. ICE detainers are mere administrative requests signed in-house by ICE employees. These requests are not compulsory on local law enforcement agencies, and in fact, courts have held that even voluntary compliance is unlawful. ICE civil immigration detainers alone provide no legal basis for detaining any individual. Enforcing an ICE detainer unlawfully conscripts state actors into carrying out federal immigration enforcement, exposing local law enforcement agencies to great liability and wasting valuable state resources on unlawful detentions.

In 2013, Connecticut was a trailblazer for enacting the Trust Act, which limited local enforcement of civil immigration detainers received from federal immigration agents. Under the 2013 Trust Act, in order to hold an individual pursuant to an ICE detainer, a law enforcement officer must determine that the individual: (1) has a felony conviction; (2) is subject to pending state charges where bond has not been posted; (3) has an outstanding arrest warrant in this state; (4) is a known gang member (as identified by the National Crime Information Center or by Department of Correction (DOC) "Security Risk Group" designation); (5) is on a federal terrorist watch list; (6) is subject to a final order of removal; or (7) has been determined to pose an

unacceptable risk to public safety as determined by the officer.<sup>1</sup> The law grants local law enforcement officers broad discretion in determining whether individuals with detainers fall into one of these categories; if they do, the officer can hold that person for up to 48 hours beyond their scheduled release, excluding weekends and holidays.

The 2013 Trust Act falls far short of many of the policies adopted by other states and municipalities in years since. Many states have surpassed Connecticut in restricting enforcement of such detainers. More than 760 state and local jurisdictions currently refuse to hold individuals based solely on ICE civil immigration detainers. In 2017 alone, five states—Illinois, Oregon, Washington, New York, and California—imposed statewide policies limiting local involvement in immigration enforcement. For example, Illinois law specifically bans all detention based solely on ICE detainer requests, unless there is also a judicial warrant for the individual's arrest.

S.B. 992 would eliminate the broad exceptions of the 2013 Trust Act and bring the state's law enforcement practices in line with those of other states by allowing officers to detain an individual only if ICE also has a judicial warrant for the individual's arrest. This would hold ICE to the same standard as other local and federal law enforcement agencies, including the FBI.

S.B. 992's broad limitation on ICE detainer enforcement complies with federal law and ensures that state and local law enforcement agencies are not involved in the unconstitutional detention of Connecticut residents. Over the past two decades, federal courts have made clear that ICE detainers are simply requests, and that local authorities are not required to comply with such requests.<sup>2</sup> Multiple federal courts have held that ICE does not have the statutory authority to require local and state law enforcement agencies to detain individuals without probable cause, and that their doing so violates the Fourth Amendment of the U.S. Constitution.<sup>3</sup>

S.B. 992 is also consistent with federal reporting requirements. Under 8 U.S.C. § 1373, state and local governments cannot prohibit officials from sending information about immigration status to federal immigration authorities. In 1999, the Second Circuit Court of Appeals interpreted Section 1373 to bar states from issuing policies that “single[] out a particular federal policy for non-cooperation” by barring the sharing of specific, narrow information about individuals in state custody.<sup>4</sup> The Tenth Amendment would shelter general policies limiting disclosure, the Second Circuit suggested, notwithstanding Section 1373's requirements. Applying the “safe harbor” described by the Second Circuit, New York City, New Haven, Hartford, East Haven, and other jurisdictions within and without the Second Circuit have adopted general confidentiality policies that include, but are not limited to, immigration information. To our knowledge, no court has held that these policies violate federal law.

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<sup>1</sup> An Act Concerning Civil Immigration Detainers, No. 13-155, 2013 Conn. Acts 652 (Reg. Sess.) (codified at CONN. GEN. STAT. § 54-192h).

<sup>2</sup> See, e.g., *Galarza v. Szalczyk*, 745 F.3d 634 (3d Cir. 2014) (finding that reading federal regulations to require detention on the basis of an ICE detainer alone would violate the Tenth Amendment's anti-commandeering principle).

<sup>3</sup> See, e.g., *Jimenez-Moreno v. Napolitano*, No. 1:11-cv-054542, 213 F. Supp. 3d 999 (N.D. Ill. Sept. 30, 2016); *Miranda-Olivares v. Clackamas County*, No. 3:12-cv-02317-ST, 2014 WL 1414305 (D. Or. Apr. 11, 2014).

<sup>4</sup> *City of New York v. United States*, 179 F.3d 29, 36–37 (2d Cir. 1999).

Consistent with the Second Circuit's opinion and the New York City, New Haven, Hartford, East Haven, and other policies adopted since then, S.B. 992 limits local law enforcement from sharing confidential information in certain circumstances and defines "confidential information" more broadly than the policy challenged in the 1999 Second Circuit litigation. Moreover, the legality of Section 1373 is itself in question: in 2018, a federal district court in New York held that section 1373 violates the Tenth Amendment to the U.S. Constitution because it commandeers state government resources to enforce federal laws.<sup>5</sup>

We do not know how many ICE detainers are received and honored by local and state law enforcement agencies in Connecticut each year. The 2013 Trust Act codified the terms of a settlement in *Brizuela v. Feliciano*, No. 3:12-cv-226-JBA (D.Conn.), a class action lawsuit brought on behalf of persons held by the DOC on the basis of immigration detainers, extending these protections to law enforcement agencies across the state. The settlement instituted additional safeguards, including notice to those targeted by ICE detainers, the release of monthly data by the DOC, and a dispute resolution mechanism reviewed by the U.S. District Court. These safeguards expired last month; there is no current, public data on how many ICE civil immigration detainers other state and local agencies honor.

S.B. 992 includes critical data collection and reporting provisions to strengthen transparency and accountability regarding law enforcement practices statewide. The bill requires agencies to report data on the extent they allow ICE to access individuals in local custody, and the amount of resources spent on providing such access, to the Office of Policy and Management beginning in January 2020. Such data collection and reporting would provide accurate information regarding how frequently state and local law enforcement agencies enforce ICE civil immigration detainers and the cost of such enforcement.

Additionally, S.B. 992 will standardize law enforcement practices across agencies in the state. The exceptions defined in the 2013 Trust Act are not currently implemented uniformly. In November 2013, the Governor and the DOC Commissioner announced revisions to DOC Administrative Directive 9.3, voluntarily limiting the situations in which the DOC would enforce ICE detainer requests to a set of categories that is much narrower than the 2013 Trust Act. Per the directive, a detained individual shall only be held on the basis of an ICE detainer if the person: (1) has a prior violent felony conviction; (2) is identified as a possible match in the terrorist screening database; or (3) is subject to a final order of deportation accompanied by a judicial warrant. In all other cases, DOC officers exercise their discretion to not enforce ICE detainers. The voluntary restriction of exceptions by DOC demonstrates that the 2013 Trust Act's exceptions were overly broad to begin with. S.B. 992 would standardize practices across all state and local law enforcement agencies in Connecticut, ensuring that DOC, the State Police, judicial marshals, and local law enforcement agencies (among others) all follow the same protocol.

S.B. 992 will hold ICE to the same constitutionally-required standards as every other federal agency. When any other agency seeks custody of an individual detained by state or local law

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<sup>5</sup> See *State of New York v. Dep't of Justice*, 343 F. Supp. 3d 213, 234–35 (S.D.N.Y. 2018) ("[Section] 1373 is unconstitutional under the anticommandeering principles of the Tenth Amendment. Section 1373 unequivocally dictates what a state legislature may and may not do. Section 1373's prohibition on states and localities from restricting their officials from communicating with immigration authorities constitutes a direct order[ ] to states and localities in violation of the anticommandeering rule.") (internal quotations omitted).



enforcement, they must produce a judicial warrant to provide a legal basis for the continued detention. Requiring that ICE produce a judicial warrant to provide a legal basis for an individual's continued detention, as S.B. 992 does, merely holds ICE to the same standards as every other law enforcement agency in the country.

### **Testimony in Opposition, S.B. 993**

On behalf of CIRA, we testify in strong opposition to S.B. 993. S.B. 993 would require state and local law enforcement agencies to comply with all ICE civil immigration detainers, without any judicial warrants, effectively overruling the 2013 Trust Act. This bill would allow ICE to use Connecticut resources as an extension of its own power, conscripting our state and local law enforcement officers as federal immigration enforcement authorities. In addition to being a misuse of Connecticut taxpayer funds, such a policy would force state and local law enforcement agencies to take on liability for constitutional challenges to the warrantless arrest and detention of such individuals.<sup>6</sup> ICE does not reimburse law enforcement agencies for the costs associated with such detentions, and local law enforcement agencies bear the risk of any injury or other harm for which an individual might later seek relief. Such a requirement would also undo years of effort to build trust between immigrant communities and law enforcement agencies in our state.

There is no more urgent time for Connecticut to update the 2013 Trust Act with S.B. 992. By ending all enforcement of ICE detainers and keeping critical private personal information confidential from ICE, this bill would make Connecticut a leader once again in the protection of immigrant rights and send a clear message that our state prioritizes public safety, community support, and trust.

Respectfully,

Iva Velickovic,  
Law Student Intern

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<sup>6</sup> Such challenges to detention have already arisen in Connecticut and elsewhere. In Connecticut, when two residents sued ICE for damages based on their brief detention pursuant to ICE detainers, ICE agreed to terminate deportation proceedings against both men in exchange for a release of claims. *See Villanueva-Ojanama v. United States*, No. 3:13-cv-1617-JCH (D. Conn. 2014).

**Peterson, Bobbye**

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**From:** Sari Weatherwax <sariweatherwax@gmail.com>  
**Sent:** Thursday, March 07, 2019 9:40 PM  
**To:** JudTestimony  
**Subject:** Bill # 992

ABSOLUTELY vote NO on bill 992!!!! Sari Weatherwax, Wilton , Connecticut



Legislative Testimony  
765 Asylum Avenue, First Floor  
Hartford, CT 06105  
860-523-9146  
[www.acluct.org](http://www.acluct.org)

**Written Testimony Opposing Senate 993,  
An Act Concerning Local and State Cooperation in  
the Enforcement of Federal Immigration Law**

Senator Winfield, Representative Stafstrom, and distinguished members of the Judiciary Committee:

My name is David McGuire, and I am executive director of the American Civil Liberties Union of Connecticut (ACLU-CT). I am here to testify in opposition to Senate Bill 993, An Act Concerning Local and State Cooperation in the Enforcement of Federal Immigration Law.

The ACLU-CT fights to protect justice and equality for all Connecticut residents, including undocumented people living in our state. The Trump Administration's federal deportation machine is tearing apart families and communities in Connecticut. Our state's safety, health, and values are better served by opting out of participation in this cruel system. We therefore oppose this unnecessary bill that would ignore public safety and health by mandating state and local law enforcement to feed the federal government's deportation machine.

Senate Bill 993 would undermine justice, equality, safety, and community by requiring the state's unnecessary participation in the federal government's deportation program. By weakening Connecticut's TRUST Act to require state and local law enforcement to serve federal Immigration and Customs Enforcement (ICE) detainers without a valid federal judicial warrant, this bill focuses local law enforcement on the federal government's deportation agenda, not on local priorities.

It is important to be clear about the TRUST Act that this bill would undermine. Connecticut's TRUST Act is constitutional, and it furthers public health and safety in our state. The federal government's threats against places that have chosen to side with public health and safety by declining to participate in the federal government's deportation machine are baseless and unconstitutional. Multiple courts have ruled against the federal government's attempts to force local and state governments to serve its deportation goals. Furthermore, this bill's

requirement for state and local law enforcement to serve ICE detainers without a valid federal judicial warrant is not reflective of the law. ICE detainer requests are just that: requests. They do not carry the weight of a warrant, and they provide no legal obligation or even justification for local law enforcement to detain, arrest, or jail someone. When local police decide to serve the federal government's deportation agenda instead of local communities, they risk becoming a lawless taxi service and jailer for ICE.

The law is clear: if ICE wishes to detain or deport someone, it can expend its own resources and time doing so. In fact, the federal government has proposed giving ICE billions of dollars to do just that. Local and state law enforcement are under no obligation to assist with this process. Local and state police do not need to arrest, transport, or detain people for ICE, nor do local jails, courthouses, or prisons need to allow ICE to roam their facilities. Yet this bill would require them to do so without any legal justification.

This bill would require local and state police to use their time and resources to help the federal government with arresting, detaining, and deporting Connecticut community members. This would unnecessarily undermine trust in Connecticut's justice system and jeopardize health and safety. Indiscriminate arrests and practices such as detaining people at courthouses sow fear in immigrant communities and make it harder for local law enforcement to earn trust. As the U.S. Conference of Mayors and Major Cities Chiefs Association said in a recent joint statement, in their view, building this trust is "essential to reducing crime and helping victims." No Connecticut resident should have to be afraid that police will arrest and jail them for deportation them if they call for help after being the victim or witness of a crime or go to a hospital with police stationed in the lobby. This kind of fear and distrust jeopardizes everyone's safety and health.

The Connecticut residents being targeted by the federal government's deportation agenda are our neighbors, family members, and friends. They are coworkers, bosses, parents, caretakers, and business owners. They are people like Malik Naveed Bin Rehman and Zahida Altaf of New Britain, Joel Colindres of New Fairfield, Sujitno Sajuti of West Hartford, Nury Chavvaria of Norwalk, Hugh Williams of Waterbury, and many more. The pain and fear that the federal government's deportation agenda is wreaking on immigrant communities is undeniable, and Connecticut should take every step possible to ensure that local and state law enforcement are not parties to this harmful machine.

We strongly urge this committee to oppose this harmful bill.

**Peterson, Bobbye**

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**From:** Debra Cohen <debracohen51@gmail.com>  
**Sent:** Tuesday, March 19, 2019 9:41 PM  
**To:** JudTestimony  
**Subject:** SB 992: An Act Concerning the TRUST Act

**Judiciary Committee Public Hearing  
March 26, 2019  
Testimony SUPPORTING SB 992: An Act Concerning the TRUST Act**

Members of the Judiciary Committee:

My name is Debra Cohen. I live in Wethersfield.

I urge your support of SB 992 because it strengthens an already existing CT Trust Act which aims to limit the overreach of Immigration and Customs Enforcement in its calls to local law enforcement agencies for detention as it pertains to immigration enforcement. SB 992 will help protect immigrant families in our state by prohibiting state and local law enforcement throughout CT from collaborating with ICE unless ICE presents a judicial warrant.

Fear of ICE detention is an understandable deterrent to the reporting of crimes, suffered either by an undocumented resident or someone else in the community whose victimization has been witnessed by an undocumented resident. The woman who has suffered domestic assault, the man who has witnessed a robbery or shooting or the child who is experiencing bullying, but whose fear of detention surpasses all else, are prevented from reaching out to the very people who are sworn to protect them. Unless they can be sure that their reports will not be followed up with questions about their documentation or the lack thereof, participation in a system that should protect the safety of everyone poses just as great a danger. Fear prevents people from accessing care and redress when they are victimized and it prevents them from stepping up to help other victims of crime.

As recently as last week, the ACLU reported eight law enforcement agencies here in CT that are sharing license plate information with ICE. I live in Wethersfield, one of the towns cited in this unholy alliance and it troubles me that my town's police department has been complicit in endangering the futures of who knows how many residents or travelers through our town. Marshalls and other court officers have been known to call ICE with information about undocumented residents who are appearing in court for a variety of reasons, before any warrant has been provided by ICE agents. This serves to make our courts not halls of justice but mere turf for bounty hunters.

It is not the job of local law enforcement agencies to do the work of ICE nor is it their responsibility to detain or report people when no warrant has been provided by ICE. The fact that this occurs and will continue to occur until all law enforcement is held accountable to strict rules means that the CT Trust Act, as it stands now, is nothing more than a suggestion rather than standard practice.

I urge support of SB 992 because it establishes as standard practice, clarity and transparency to already existing legislation meant to protect the rights of people whose circumstances most of us can only imagine. I believe this is both a legal and a moral issue.

Thank you for your time.