



# House of Representatives

General Assembly

**File No. 757**

January Session, 2025

Substitute House Bill No. 7212

*House of Representatives, April 23, 2025*

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING THE TRUST ACT AND PROHIBITED STATE CONTRACTS.**

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

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 Section 54-192h of the general statutes is repealed and the  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

3 (a) For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

69 (7) "Judicial officer" means any judge of the state or federal judicial  
70 branches and any federal magistrate judge. "Judicial officer" does not  
71 mean an immigration judge;

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

74 an agent of;

75 (9) "Law enforcement officer" means:

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

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

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

83 (D) Each judicial marshal, state marshal and adult or juvenile  
84 probation officer;

85 (E) Each state's attorney, assistant state's attorney, supervising state's  
86 attorney, special deputy assistant state's attorney and each officer,  
87 employee or other person otherwise paid by or acting as an agent of the  
88 Division of Criminal Justice; and

89 (F) Each officer, employee or other person otherwise paid by or acting  
90 as an agent of the Board of Pardons and Paroles;

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

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

98 (12) "Public agency" has the same meaning as provided in section 1-  
99 200.

100 (b) (1) No law enforcement officer, bail commissioner or intake,  
101 assessment or referral specialist, or employee of a school police or

102 security department shall:

103 (A) Arrest or detain an individual pursuant to a civil immigration  
104 detainer unless (i) the detainer is accompanied by a warrant issued or  
105 signed by a judicial officer, (ii) the individual has been convicted of a  
106 class A or B felony offense, or (iii) the individual is identified as a  
107 possible match in the federal Terrorist Screening Database or similar  
108 database;

109 (B) Expend or use time, money, facilities, property, equipment,  
110 personnel or other resources to communicate with a federal  
111 immigration authority regarding the custody status or release of an  
112 individual targeted by a civil immigration detainer, except as provided  
113 in subsection [(e)] (f) of this section;

114 (C) Arrest or detain an individual based on an administrative  
115 warrant;

116 (D) Give a federal immigration authority access to interview an  
117 individual who is in the custody of a law enforcement agency unless the  
118 individual (i) has been convicted of a class A or B felony offense, (ii) is  
119 identified as a possible match in the federal Terrorist Screening  
120 Database or similar database, or (iii) is the subject of a court order issued  
121 under 8 USC 1225(d)(4)(B); or

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

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

130 (c) (1) No public agency or officer, employee or other person  
131 otherwise paid by or acting as an agent of a public agency shall use  
132 interpretation services provided by a federal immigration authority.

133       (2) Except as provided in subdivision (3) of this subsection, no public  
134 agency or officer, employee or other person otherwise paid by or acting  
135 as an agent of a public agency shall disclose, for the purpose of  
136 enforcement of federal immigration law, or in response to a request or  
137 inquiry of any kind referencing a person's immigration status: (A) A  
138 person's address; (B) a person's workplace or hours of work; (C) a  
139 person's school or school hours; or (D) the date, time or location of a  
140 person's hearings, proceedings or appointments with the public agency  
141 that are not matters of public record.

142       (3) A public agency or officer, employee or other person otherwise  
143 paid by or acting as an agent of a public agency may disclose  
144 information prohibited from disclosure under subdivision (2) of this  
145 subsection or subsection (e) or (f) of this section, only (A) if required to  
146 do so by a judicial warrant or subpoena signed by a judicial officer, or  
147 (B) to the extent that such information is publicly available and such  
148 disclosure is under the same terms and conditions as available to the  
149 general public.

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

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

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

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

165 (3) Otherwise required by law.

166 [(e)] (f) (1) Upon receiving a civil immigration detainer, a law  
167 enforcement agency shall provide a copy of the detainer to the affected  
168 individual who is the subject of the detainer and inform the individual  
169 whether the law enforcement agency intends to comply with the  
170 detainer. If a law enforcement agency provides ICE with notification  
171 that an individual is being, or will be released on a certain date, the law  
172 enforcement agency shall promptly provide to the individual and to the  
173 individual's attorney or shall make a good faith effort to contact one  
174 other individual who the individual may designate, a copy of such  
175 notification as well as the reason, in writing, that such law enforcement  
176 agency is complying with the detainer.

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

189 (3) (A) Beginning January 1, 2020, the legislative body of any  
190 municipality with a law enforcement agency that has provided ICE  
191 access to an individual during the prior six months shall provide to the  
192 Office of Policy and Management, on an ongoing basis every six months,  
193 data regarding the number and demographic data of individuals to  
194 whom the law enforcement agency has provided ICE access, the date  
195 ICE access was provided to an individual and whether the ICE access  
196 was provided as part of compliance with a civil immigration detainer or  
197 through other means. Data may be provided in the form of statistics or,

198 if statistics are not maintained, as individual records, provided  
199 personally identifiable information is redacted.

200 (B) Beginning January 1, 2026, each public agency shall provide to the  
201 Office of Policy and Management, on an ongoing basis every six months,  
202 data regarding any request for disclosure of information, as described  
203 in subsection (c) of this section, the date the request was made and the  
204 response to the request, including whether any information was  
205 disclosed in response to the request. Data may be provided in the form  
206 of statistics or, if statistics are not maintained, as individual records,  
207 provided personally identifiable information is redacted.

208 (C) Beginning February 1, 2026, and every six months thereafter, the  
209 Office of Policy and Management shall submit a report, in accordance  
210 with the provisions of section 11-4a, to the Attorney General, the  
211 Commissioner of Emergency Services and Public Protection, and the  
212 joint standing committee of the General Assembly having cognizance of  
213 matters relating to the judiciary, which shall include a summary of the  
214 data reported to the Office of Policy and Management pursuant to  
215 subparagraphs (A) and (B) of this subdivision.

216 ~~[(f)]~~ (g) The Office of Policy and Management shall ensure that the  
217 requirements of this section are disseminated to, and appropriate  
218 training is provided for, all [affected law enforcement agencies and  
219 school police or security departments and employees and agents of such  
220 law enforcement agencies and school police or security departments]  
221 public agencies or officers, employees or other persons otherwise paid  
222 by or acting as agents of a public agency. Such training may entail how  
223 law enforcement officers and other officials performing similar duties  
224 will adhere to the provisions of this section and how they will interact  
225 with crime victims, criminal suspects and individuals cooperating with  
226 law enforcement officers.

227 ~~[(g)]~~ (h) No provision of this section shall be construed to provide,  
228 expand or ratify the legal authority of any law enforcement agency to  
229 detain an individual based on a civil immigration detainer request.



230     (i) (1) No person shall be subject to arrest or otherwise detained  
231     pursuant to a civil immigration detainer in a courthouse or while  
232     traveling to or from a courthouse for the purpose of conducting business  
233     with the court, including attending a court proceeding as a party to such  
234     proceeding, a witness in such proceeding or accompanying a family or  
235     household member who is such a party or witness.

236     (2) The provisions of this subsection shall not (A) apply to an arrest  
237     made pursuant to a judicial warrant, or (B) narrow or in any way lessen  
238     any existing common law privilege.

239     (3) Any violation of the provisions of this subsection shall be deemed  
240     contempt of court for purposes of section 51-33.

241     (4) Any person aggrieved by a violation of this subsection may bring  
242     a civil action for equitable relief or damages in the Superior Court. A  
243     civil action brought for damages may be triable by jury.

244     (5) The Attorney General may bring an action against any person who  
245     violates the provisions of this subsection in the superior court for the  
246     judicial district of Hartford for injunction, declaratory judgment or  
247     mandamus.

248     (6) In any action pursuant to this subsection, the court may award  
249     reasonable attorney's fees and costs incurred to the prevailing party.

250     (7) No action or proceeding may be commenced pursuant to this  
251     subsection against the Judicial Branch or any court employee or official  
252     acting lawfully pursuant to their duty to maintain safety and order in  
253     the courts.

254     (j) Any municipality which violates any provision of this section shall  
255     be subject to an action by any aggrieved person for injunction,  
256     declaratory judgment, mandamus or a civil action for damages. Such  
257     action may be brought in the superior court for the judicial district of  
258     Hartford, or for the judicial district in which the person resides. Actions  
259     for injunction, declaratory judgment or mandamus under this  
260     subsection may be prosecuted by any aggrieved person or by the

261 Attorney General in the name of the state upon the Attorney General's  
262 own complaint or upon the complaint of any person. Any aggrieved  
263 person who prevails in an action under this subsection shall be entitled  
264 to recover court costs and reasonable attorney's fees. An action under  
265 this subsection shall be privileged with respect to assignment for trial.

266 Sec. 2. (NEW) (*Effective October 1, 2025, and applicable to contracts*  
267 *entered into on or after said date*) (a) As used in this section:

268 (1) "State agency" means any office, department, board, council,  
269 commission, institution or other agency in the executive, legislative or  
270 judicial branch of state government;

271 (2) "State contract" means an agreement or a combination or series of  
272 agreements between a state agency and a person, firm or corporation  
273 having a total value of more than one thousand dollars in a calendar or  
274 fiscal year, for (A) a project for the construction, alteration or repair of  
275 any public building or public work, (B) services, including, but not  
276 limited to, consulting and professional services, (C) the procurement of  
277 supplies, materials or equipment, (D) a lease, or (E) a licensing  
278 arrangement. "State contract" does not include a contract between a state  
279 agency or a quasi-public agency and a political subdivision of the state;

280 (3) "Principals and key personnel" means officers, directors,  
281 shareholders, members, partners and managerial employees; and

282 (4) "Federal immigration authority" has the same meaning as  
283 provided in section 54-192h of the general statutes, as amended by this  
284 act.

285 (b) On and after October 1, 2025, no state agency shall execute a state  
286 contract unless such contract contains the representation described in  
287 this section.

288 (c) Any principal or key personnel of the person, firm or corporation  
289 submitting a bid or proposal for a state contract shall represent that the  
290 principals and key personnel of the person, firm or corporation, and any  
291 agent of such person, firm or corporation will not cooperate or contract

292 with any federal immigration authority for purposes of the detention,  
293 holding or transportation of an individual who is subject to the  
294 protections afforded by the provisions of section 54-192h of the general  
295 statutes, as amended by this act. For purposes of this subsection,  
296 "individual" does not include an individual described in subparagraph  
297 (A) of subdivision (1) of subsection (b) of section 54-192h of the general  
298 statutes, as amended by this act.

299 (d) Any bidder or proposer that does not agree to the representations  
300 required under this section shall be rejected and the state agency shall  
301 award the contract to the next highest ranked proposer or the next  
302 lowest responsible qualified bidder or seek new bids or proposals.

303 (e) Each state agency shall include in the bid specifications or request  
304 for proposals for a state contract a notice of the representation  
305 requirements of this section.

306 (f) The Commissioner of Administrative Services shall enter into a  
307 memorandum of understanding concerning the sharing of information  
308 to enable the Commissioner of Administrative Services to verify any  
309 representation made under this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2025	54-192h
Sec. 2	October 1, 2025, and applicable to contracts entered into on or after said date	New section

**Statement of Legislative Commissioners:**

In Section 1(i)(1), "a civil arrest" was changed to "arrest" for consistency and in Section 2(c), the language was rearranged for clarity.

**JUD**      *Joint Favorable Subst.*

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

## **OFA Fiscal Note**

### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 26 \$</b>	<b>FY 27 \$</b>
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below
Judicial Dept. (Probation)	GF - Potential Cost	Minimal	Minimal
Department of Administrative Services	GF - Cost	250,000	100,000
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Cost	40,710	40,710
Various State Agencies	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

### **Municipal Impact:**

<b>Municipalities</b>	<b>Effect</b>	<b>FY 26 \$</b>	<b>FY 27 \$</b>
All Municipalities	Potential Cost	See Below	See Below

## **Explanation**

The bill, which expands the state's civil immigration detainer laws in various ways, results in 1) a potential revenue gain to the General Fund for fines and civil causes of action, 2) a potential cost to municipalities for penalties related to violations, 3) a cost to the Department of Administrative Services (DAS) of \$250,000 in FY 26 and \$100,000 in FY 27 for expenses related to contract changes and \$40,710 annually to the Office of the State Comptroller (OSC) for associated fringe benefits, and 4) a potential cost to various state agencies related to contract changes.

<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 40.71% of payroll in FY 26.

These impacts are detailed by section below.

**Section 1** prohibits the civil arrest or detention of anyone pursuant to a civil immigration detainer in a courthouse or while the person is traveling to or from a courthouse. Violations will be considered contempt of court which results in a potential cost to the Judicial Department for probation and a potential revenue gain to the General Fund from fines.<sup>2</sup> On average, the marginal cost for supervision in the community is less than \$600<sup>3</sup> each year for adults.

This section also allows the Office of the Attorney General to file a civil cause of action for violations resulting in a potential revenue gain to the state to the extent violations occur.

This section also may result in a potential cost to municipalities beginning in FY 26 to the extent they violate the Trust Act as the bill would subject them to civil action.

**Section 2** requires state contracts to include a representation that the principals and key personnel of the person seeking the contract will not cooperate with any federal immigration authority. Adding this requirement to state contracts results in a one-time cost of \$150,000 in FY 26 to the Department of Administrative Services (DAS) to develop the specific requirement and add this requirement to contracts. It also results in an ongoing cost of \$140,710 (\$100,000 base salary with \$40,710 in associated fringe benefits) in FY 26 and FY 27 for an additional contract specialist to answer questions from prospective contractors and provide appropriate training to various state agencies concerning the requirement.

This section also results in a potential cost to various state agencies to the extent these requirements increase the administrative burden to

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<sup>2</sup> From FY 20 – FY 24, 9 charges were recorded under CGS § 51-33.

<sup>3</sup> Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

manage contracts, delay the signing of contracts, or result in higher contract bids being accepted.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the number of violations.

**OLR Bill Analysis****sHB 7212*****AN ACT CONCERNING THE TRUST ACT AND PROHIBITED STATE CONTRACTS.*****SUMMARY**

This bill expands the state's civil immigration detainer laws (see BACKGROUND) in various ways that pertain to law enforcement officers, public agencies, disclosures, data reporting, court attendance, municipal violations, and state contracts.

Regarding the changes that affect law enforcement, the bill categorizes several additional persons as law enforcement officers (e.g., juvenile probation officers, state's attorneys, and Division of Criminal Justice and Board of Pardons and Paroles (BOPP) officers and employees). In doing so, it prohibits these additional persons from performing certain acts outlined in existing law, such as using state time and resources to communicate with a federal immigration authority.

The bill also generally prohibits public agencies from (1) taking various actions related to civil immigration detainer laws, such as using federal interpretation services, and (2) making certain disclosures for the purpose of enforcing federal immigration law (e.g., date, time, or location of a person's agency proceedings), with certain exceptions (e.g., if there is a judicial warrant).

It also establishes data reporting requirements for public agencies to the Office of Policy and Management (OPM); and a corresponding required data report from OPM to certain government officials and the Judiciary Committee. It expands the current requirement for OPM to provide training and information on the immigration detainer law to all public agencies, not just law enforcement agencies, school police or security departments, and employees and agents of these entities.

It prohibits the detention or arrest, pursuant to a detainer request, of anyone in a courthouse or enroute to or from a courthouse. Among other things, it creates a penalty for violators and gives an aggrieved person and the attorney general the right to file a civil cause of action. It also creates a civil cause of action by any aggrieved person or the attorney general against any municipality that violates the state's civil immigration laws.

Lastly, starting October 1, 2025, the bill prohibits state agencies from executing state contracts unless the contract contains a representation that the principals and key personnel of the person seeking the contract will not cooperate with any federal immigration authority. The bill provides for (1) a hierarchy for awarding bids to proposers based on whether the required representation has been made and (2) for the Department of Administrative Services (DAS) commissioner to enter into a memorandum of understanding regarding information sharing to enable verification of the bill's representations.

EFFECTIVE DATE: October 1, 2025, except the section on state contracts is also applicable to contracts entered into on or after that date.

## **LAW ENFORCEMENT OFFICERS**

### ***Law Enforcement Officers Defined***

The bill expands the definition of the term "law enforcement officer" to include the persons listed below. In doing so, it prohibits them from conducting certain acts outlined in existing law (see below). Under the bill, the following persons are now categorized as law enforcement officers:

1. juvenile probation officers;
2. state's attorneys, assistant state's attorneys, supervising state's attorneys, and special deputy assistant state's attorneys; and
3. officers, employees, or other persons otherwise paid by or acting as an agent of the Division of Criminal Justice or BOPP.



***Law Enforcement Officers Prohibited Acts***

Under existing law and the bill, law enforcement officers (including bail commissioners, adult probation officers, and the officers above that the bill adds, among others) and school police or security department employees are prohibited from doing the following:

1. arresting or detaining an individual pursuant to a civil immigration detainer unless the (a) detainer is accompanied by a warrant issued or signed by a judicial officer (i.e. any state or federal judge or federal magistrate judge, but not an immigration judge), (b) individual has been convicted of a Class A or B felony, or (c) individual is identified as a possible match in the federal Terrorist Screening Database or a similar database;
2. using time or resources to communicate with a federal immigration authority regarding the custody status or release of an individual targeted by a civil immigration detainer, except if the law enforcement agency notifies the affected individual, in writing, of its intent to comply with the detainer and the reason for doing so;
3. arresting or detaining an individual based on an administrative warrant (i.e. a non-judicial warrant, removal order, or similar document issued by a federal immigration enforcement agent);
4. giving a federal immigration authority access to interview an individual who is in a law enforcement agency's custody unless the individual (a) has been convicted of a class A or B felony offense; (b) is identified as a possible match in the federal Terrorist Screening Database or similar database; or (c) is the subject of a U.S. district court order issued under the court's subpoena power compelling the person to appear before an immigration officer, among other things; or
5. performing any formal or informal function of a federal immigration authority.

**PUBLIC AGENCIES*****Public Agency Defined***

For the purposes of the bill's provisions on civil immigration detainers that prohibit certain acts by public agencies, "public agency" or "agency" means:

1. any executive, administrative, or legislative office of the state or any of its political subdivisions, any state or town agency, and any department, institution, bureau, board, commission, authority, or official of the state or of any city, town, borough, municipal corporation, school district, regional district, or other district or other political subdivision of the state, including any committee of, or created by, any such office, subdivision, agency, department, institution, bureau, board, commission, authority, or official, and also includes any judicial office (e.g., the Division of Public Defender Services), official, or body or committee thereof but only with respect to its or their administrative functions;
2. any person to the extent the person is deemed to be the functional equivalent of a public agency according to law; or
3. any "implementing agency," which is one of the following agencies designated by a municipality under the Economic Development and Manufacturing Assistance Act: (a) an economic development commission, redevelopment agency, sewer authority or sewer commission, public works commission, water authority or water commission, port authority or port commission, harbor authority or harbor commission, or parking authority or parking commission; (b) a nonprofit development corporation; or (c) any other agency designated and authorized by a municipality to undertake a project and approved by the Department of Economic and Community Development commissioner.

***Public Agencies Prohibited Acts***

***Use of Interpretation Services Prohibited.*** The bill prohibits public agencies or officers, employees, or other persons otherwise paid by or acting as an agent of a public agency from using interpretation services provided by a federal immigration authority.

***Prohibited Disclosure.*** The bill generally prohibits public agencies or officers, employees, or other persons otherwise paid by or acting as an agent of a public agency from disclosing the information listed below, for the purpose of enforcing federal immigration law, or in response to a request or inquiry referencing a person's immigration status:

1. a person's address, workplace, work hours, school, or school hours; or
2. the date, time, or location of a person's hearings, proceedings, or appointments with the public agency that are not matters of public record.

***Disclosure Exceptions.*** Under the bill, a public agency or officer, employee, or other person otherwise paid by or acting as an agent of a public agency may disclose information prohibited from disclosure by the bill or by existing law only under the following circumstances:

1. if required to do so by a judicial warrant or subpoena signed by a judicial officer; or
2. to the extent that the information is publicly available, and the disclosure is under the same terms and conditions as available to the general public (such as Freedom of Information Act requests).

## **DATA REPORTING AND INFORMATION DISSEMINATION**

### ***Public Agency Data Reporting***

Starting January 1, 2026, on an ongoing basis every six months, the bill requires each public agency to provide OPM data regarding the following:

1. any request for disclosure of information, as described above;

2. the date the request was made; and
3. the response to the request, including whether any information was disclosed in response to the request.

Existing law already requires the legislative body of any municipality with a law enforcement agency that has provided U.S. Immigration and Customs Enforcement (ICE) access to an individual during the prior six months to provide certain data to OPM, on an ongoing basis every six months. This includes data on the number of individuals to whom ICE access was granted, their demographic data, and the dates on which access was granted.

As under existing law for municipal data reporting, reported public agency data may be provided to OPM as statistics or, if statistics are not maintained, as individual records, so long as personally identifiable information is redacted.

### ***OPM's Data Report***

Starting February 1, 2026, and every six months after that, the bill requires OPM to submit a report to the attorney general, Department of Emergency Services and Public Protection commissioner, and Judiciary Committee, which must include a summary of the data reported to OPM by (1) the legislative body of any municipality with a law enforcement agency, as required under existing law and (2) public agencies, as required under the bill.

### ***OPM's Training and Dissemination of Information***

Current law requires OPM to ensure that the requirements of the Trust Act (i.e. the state's laws on cooperation with federal immigration enforcement authorities) are disseminated to, and appropriate training is provided for, all affected law enforcement agencies, school police or security departments, and employees and agents of these entities.

The bill expands this by instead requiring the training and dissemination of the information to all public agencies or officers, employees, or other persons otherwise paid by or acting as agents of a

public agency.

### **COURT ATTENDANCE**

The bill prohibits the civil arrest or detention of anyone pursuant to a civil immigration detainer in a courthouse or while the person is traveling to or from a courthouse to conduct business with the court. This includes (1) attending a court proceeding as a party to or witness in the proceeding or (2) accompanying a family or household member who is a party or witness. It does not apply to an arrest made pursuant to a judicial warrant, or narrow or lessen any existing common law privilege.

Any violation of this prohibition is deemed contempt of court, punishable by a fine up to \$100, up to six months in prison, or both. Anyone aggrieved by a violation may bring a civil action for equitable relief or damages in the Superior Court, which may be triable by jury. The attorney general may also bring an action against any violator for injunction, declaratory judgment, or mandamus in the Superior Court for the Hartford judicial district. In any action brought under this provision, the court may award reasonable attorney's fees and costs incurred to the prevailing party.

However, an action may not be commenced against the judicial branch or any court employee or official acting lawfully pursuant to their duty to maintain safety and order in the courts.

### **VIOLATIONS BY MUNICIPALITIES**

The bill subjects any municipality that violates the Trust Act to an action by, or on behalf of, any aggrieved person for an injunction, declaratory judgment, mandamus, or civil action for damages. Under the bill, an aggrieved person who prevails in court is entitled to recover court costs and reasonable attorney's fees.

This action may be brought in the Superior Court for the Hartford judicial district, or for the judicial district where the person lives. With respect to assignment for trial, an action under this provision must be privileged.

Actions for an injunction, declaratory judgment, or mandamus under the bill may be brought by any aggrieved person or by the attorney general in the name of the state upon his own complaint or upon the complaint of any person.

## **STATE CONTRACTS**

### ***Required Representation in State Contracts***

Starting on October 1, 2025, the bill prohibits any office, department, board, council, commission, institution, or other agency in the state government's executive, legislative, or judicial branch ("state agencies") from executing a state contract unless the contract contains the representations described below.

**State Contract.** Under the bill, a "state contract" is an agreement or a combination or series of agreements between a state agency and a person, firm, or corporation having a total value of more than \$1,000 in a calendar or fiscal year, for any of the following:

1. a project for the construction, alteration, or repair of any public building or public work;
2. services, including consulting and professional services;
3. the procurement of supplies, materials, or equipment;
4. a lease; or
5. a licensing arrangement.

It does not include a contract between a state agency or a quasi-public agency and a political subdivision of the state.

**Specific Representation.** Under the bill, any principal or key personnel of the person, firm, or corporation submitting a bid or proposal for a state contract must represent that the principals and key personnel of the person, firm, or corporation, and any agent of the person, firm, or corporation, will not cooperate with any federal immigration authority or engage in any contract for purposes of the detention, holding, or transportation of an individual who is subject to the protections afforded by the Trust Act.

**Individual.** For purposes of this representation, “individual” does not include a person who (1) has a civil immigration detainer request accompanied by a judicial warrant, (2) has been convicted of a class A or B felony offense, or (3) is identified as a possible match in the federal Terrorist Screening Database or similar database.

**Principals and Key Personnel.** Under the bill, “principals and key personnel” are officers, directors, shareholders, members, partners, and managerial employees.

**Federal Immigration Authority.** “Federal immigration authority” means any officer, employee, or other person otherwise paid by or acting as an agent of ICE or any of its divisions or any officer, employee, or other person otherwise paid by or acting as an agent of the U.S. Department of Homeland Security (DHS) or any successor agency who is charged with enforcement of the civil provisions of the Immigration and Nationality Act.

### **State Agency Requirements**

The bill requires the state agency to (1) reject any bidder or proposer that does not agree to the required representations and (2) award the contract to the next highest ranked proposer or the next lowest responsible qualified bidder or seek new bids or proposals.

Additionally, each state agency must include a notice of the bill’s representation requirements in the bid specifications or request for proposals for a state contract.

### **Department of Administrative Services MOU**

The bill requires the DAS commissioner to enter into a memorandum of understanding (MOU) concerning the sharing of information to enable the commissioner to verify any representation made under the bill. (Presumably, the commissioner must enter into an MOU with any public agency that is accepting bids for a state contract.)

## **BACKGROUND**

### **Civil Immigration Detainer**

A “civil immigration detainer” is a request from a federal immigration authority to a local or state law enforcement agency. Under the law, this includes a request to do any of the following:

1. detain an individual suspected of violating a federal immigration law or who has been issued a final order of removal;
2. facilitate the (a) arrest of an individual by a federal immigration authority, or (b) transfer of an individual to the custody of a federal immigration authority;
3. provide notification of the release date and time of an individual in custody; and
4. notify a law enforcement officer, through a form used by DHS or any successor agency, of the federal immigration authority’s intent to take custody of an individual.

#### **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 29      Nay 12      (04/08/2025)