
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)