



Town of Waterford, Connecticut, Police Commission Special Meeting Agenda

Training Room at the Waterford Police Department

1/30/2025 5:00 pm

1. Call to order and establish a quorum
2. Pledge of Allegiance
3. Public input
4. Discussion of the Connecticut Trust Act and its impact on Connecticut Law Enforcement
5. Adjournment



To: Interested Parties

From: Janelle Medeiros, Special Counsel for Civil Rights

Date: January 15, 2025

Re: ***The Connecticut Trust Act (Conn. Gen. Stat. § 54-192h)***

Many of Connecticut's immigrant families are understandably concerned about how anticipated changes in federal immigration policy might affect them. It is the policy of the State of Connecticut to value, honor, and respect our immigrants and refugees: they are our neighbors, family members, and friends. They are coworkers, bosses, parents, caretakers, and business owners. The entire State of Connecticut benefits when our immigrant community feels safe. After all, fostering trust between immigrant communities and law enforcement was a main reason why the Connecticut legislature enacted the Trust Act.

This preliminary guidance memorandum, which is not intended to be exhaustive, attempts to provide guidance to Connecticut's immigrant community as to the Connecticut Trust Act and to reaffirm the Connecticut Office of the Attorney General's deep commitment to respecting, honoring, and protecting Connecticut's immigrants.

1. The Trust Act maintains Connecticut's sovereignty by preventing deputization of local and state law enforcement for immigration enforcement.

The United States of America is a republic with a limited federal government, reserving many powers to the sovereign states. As one of those sovereign states, Connecticut retains the right to decide how and when it will assist the federal government in carrying out federal functions, including, but not limited to, immigration law.¹

The Connecticut Trust Act codifies this fundamental principle of our federal system. It establishes the State's policy that local and state law enforcement resources should be focused on and allocated to local and state issues, rather than deputizing them to serve and carry out immigration enforcement for the federal government. When residents feel safe interacting with law enforcement, they are more likely to make reports when they are witnesses to crimes in our communities or are personally victimized by harassment, intimidation, violence, or otherwise illegal conduct.

¹ A state's right to refuse to enforce federal immigration policies stems from the Tenth Amendment's "anti-commandeering doctrine," which bars the federal government from requiring states and municipalities to adopt or enforce federal policies. See *New York v. United States*, 505 U.S. 144 (1992); *Printz v. United States*, 521 U.S. 898 (1997); *Murphy v. National Collegiate Athletic Association*, 138 S.Ct. 1461 (2018).

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A. What does the Connecticut Trust Act do?

The Connecticut Trust Act was enacted in 2013, during the Obama Administration, to establish clear guidance about when state and local law enforcement would respond to requests from federal Immigration and Customs Enforcement (“ICE”) for information or assistance with an ICE detainer.² ICE detainer requests are just that: requests. They do not carry the weight of a warrant, and they impose no legal obligation for local law enforcement to detain, arrest, or jail someone.

Violations of federal immigration law may be criminal or civil in nature. Removal proceedings are civil, although some conduct that makes a person removable may also warrant criminal prosecution under federal law. *See Padilla v. Kentucky*, 559 U.S. 356, 365 (2010); *INS v. Lopez-Mendoza*, 468 U.S. 1032, 1038-39 (1984). Detailed explanations about the differences between detainers and warrants, or administrative and judicial warrants, or criminal and civil violations, should be directed to a qualified immigration attorney.

In 2019, the Trust Act was expanded to close loopholes and further limit the expenditure of state resources on federal immigration enforcement. It also encourages effective and appropriate communication between law enforcement and immigration authorities. Today, the Trust Act provides the following, in pertinent part:³

- Prohibits law enforcement,⁴ bail commissioner or intake, assessment or referral specialists, or employees of a school police or security department, from unnecessarily sharing certain information with ICE unless required to do so by law;⁵

² ICE uses civil immigration detainers to enlist state and local law enforcement to detain individuals before ICE transfers them into the federal deportation system. Detainers are written requests from ICE that can request state or local law enforcement: (1) notify ICE before they release an individual from custody; or (2) detain an individual for an additional 48 business hours after his or her release from custody. *See, generally*, <https://www.ice.gov/immigration-detainers>. When state and local officials arrest based upon an administrative warrant or enforce detainer hold requests, they arrest or hold people solely based on these civil immigration documents.

³ The General Statutes should be consulted directly for legal guidance on their scope.

⁴ “Law Enforcement” as used in Conn. Gen. Stat. § 54-192h means Department of Correction officials, municipal and state police, judicial marshals, and probation officers. C.G.S. § 54-192h(a)(9). Also covered by certain sections are bail commissioner or intake, assessment or referral specialists, and school police and security officers. The latter includes police and security departments of any public school, local or regional school district, and the University of Connecticut and all campuses thereof, and Connecticut State Colleges and Universities. C.G.S. § 54-192h(a)(11); C.G.S. § 10a-1.

⁵ Conn. Gen. Stat. § 54-192h(b)(1)(B), (c), (d).

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- Clarifies that local and state law enforcement are not required by law to arrest, transport, or detain people for ICE;⁶
- Prevents local and state agencies with detention facilities – like jails, courthouses, and prisons – from allowing ICE to roam their facilities;⁷
- Prevents law enforcement, bail commissioner or intake, assessment or referral specialists, or employees of a school police or security department from performing the functions of a federal immigration authority, regardless of whether pursuant to any agreement, contract, or policy, whether formal or informal⁸;
- Prohibits law enforcement from arresting or detaining an individual based solely on an administrative warrant or a civil immigration detainer, *unless* it is accompanied by a valid **judicial warrant**, the individual has been convicted of an A or B felony,⁹ or the individual is on a terrorist watch list. A civil immigration detainer is an **administrative request, not a criminal or judicial warrant**, even if signed by an immigration judge;¹⁰
- Limits communication between Connecticut law enforcement and ICE to the disclosure of non-confidential information¹¹ of any person that interacts with law enforcement to ICE without consent (*except* if required by law, such as to assist with a terrorism investigation);¹²

⁶ Conn. Gen. Stat. § 54-192h(b)(1)(A), (C).

⁷ Conn. Gen. Stat. § 54-192h(b)(1)(D).

⁸ This includes agreements pursuant to Section 287 (g) of the Immigration and Nationality Act (“INA”). Conn. Gen. Stat. § 54-192h(b)(1)(E).

⁹ Class A and B felonies are the most serious and dangerous crimes. These types of felonies include murder, manslaughter, assault, kidnapping, and crimes against pregnant people, children, elderly adults and people with disabilities.

¹⁰ Conn. Gen. Stat. § 54-192h(b)(1)(A), (C).

¹¹ “Confidential Information” as used in Conn. Gen. Stat. § 54-129h means: any information obtained and maintained by a law enforcement agency relating to (A) an individual’s (i) sexual orientation, or (ii) status as a victim of domestic violence or sexual assault, (B) whether such individual is a (i) crime witness, or (ii) recipient of public assistance, or (C) an individual’s income tax or other financial records.

¹² Conn. Gen. Stat. § 54-192h(d).

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- Restricts federal authorities' access to interview an individual in custody unless they have a valid judicial order (*except* if person has been convicted of an A or B felony, or is on a terrorist watch list);¹³
- Requires local governments to report to the Office of Policy and Management, on a biannual basis, when they grant ICE access to an individual to track such conduct and provide accountability for law enforcement;¹⁴
- Requires law enforcement to inform individuals that ICE has requested their detention and provide them a copy of the detainer, if they receive a civil immigration detainer.¹⁵

Many of Connecticut's towns, cities, and municipalities have similar ordinances and provisions expanding on the protections of the Trust Act.¹⁶ It is important that residents have access to accurate information about their rights and prerogatives. Attached to this memorandum are helpful resources aimed at providing clear, straightforward guidance for anyone who may be concerned about immigrant rights in Connecticut. The Office of the Attorney General is committed to disseminating this information wherever possible, in partnership with government, advocates, and service providers.

B. What the Trust Act does NOT do:

Residents should be careful about misinformation and false narratives concerning the breadth of the Trust Act and similar statutes, ordinances, or provisions. The Connecticut Trust Act does not, and cannot, protect residents from all actions directed at them by the federal government. The Trust Act:

- Does **not** protect individuals who have been convicted of A and B felonies—Connecticut's most serious criminal offenses. The Trust Act does not restrict law enforcement from arresting or detaining such individuals based on a civil immigration detainer, regardless of whether it is accompanied by a judicial warrant.¹⁷
- Does **not** entirely prohibit law enforcement from complying with an ICE detainer by communicating with ICE about individuals who are in custody. If a person is otherwise in custody, law enforcement may communicate with ICE about their release so long as

¹³ Conn. Gen. Stat. § 54-192h(b)(1)(D).

¹⁴ Conn. Gen. Stat. § 54-192h(e)(3).

¹⁵ Conn. Gen. Stat. § 54-192h(e)(1).

¹⁶ See generally, <https://www.ilrc.org/resources/national-map-local-entanglement-ice>.

¹⁷ Conn. Gen. Stat. § 54-192h(b)(1)(A), (C).

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they show a detainer to the person prior to communicating with federal immigration authorities.¹⁸ The Trust Act strikes a balance between limiting communication with ICE officials and protecting essential trust between law enforcement and our communities.

- Does **not** restrict federal immigration authorities from enforcing federal immigration law within Connecticut.

While the Trust Act provides essential protections, federal immigration authorities always retain their authority to enforce federal immigration law in Connecticut. Immigration enforcement is a federal prerogative. Though Connecticut is a sovereign state, Connecticut does not and cannot restrict the activities of federal immigration officials.

Community partners and competent, trained immigration attorneys can assist Connecticut residents in understanding their rights and assess individual circumstances.¹⁹ At the conclusion of this document, a list of various helpful resources, including legal resources and community partner information, is provided.

¹⁸ Conn. Gen. Stat. § 54-192h(c), (e).

¹⁹ To practice immigration law, an attorney can be licensed in any state but must have a valid license and be “in good standing.” Attorneys can give legal advice, help file immigration petitions and requests, and represent individuals in court proceedings before an immigration judge.

A directory of national immigration legal services providers by state is available here:
<https://www.immigrationadvocates.org/nonprofit/legaldirectory/>

It is, however, important to protect yourself from fraud. Be wary of scams or attorneys who may not be able to practice law.

You can verify an attorney's credentials with the Connecticut Bar at:
<https://www.jud.ct.gov/attorneyfirminquiry/attorneyfirminquiry.aspx>.

The Department of Justice also keeps a list of attorneys who are not to practice:
<https://www.justice.gov/eoir/list-of-currently-disciplined-practitioners>, and a list of accredited organizations by state and city:
<https://www.justice.gov/eoir/page/file/942306/dl#CONNECTICUT>

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APPENDIX: HELPFUL RESOURCES

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HELPFUL RESOURCES:

State of Connecticut Family Preparedness Plan:

A comprehensive guide to preparing your family for immigration enforcement:

https://portal.ct.gov/governor/immigration-resources-family-preparedness-plan?language=en_US

Know Your Rights Materials:

Informed Immigrant: <https://www.informedimmigrant.com/resources/detention-deportation/know-your-rights/>

IRIS, Integrated Refugee & Immigrant Services: <https://irisct.org/know-your-rights/>

Immigration Legal Resource Center: <https://www.ilrc.org/resources/step-step-family-preparedness-plan#item-4325>

National Immigration Law Center: <https://www.nilc.org/resources/know-your-rights-what-to-do-if-arrested-detained-immigration/>

National Immigration Project of the National Lawyers Guild:
https://nipnlg.org/sites/default/files/2024-12/2024_Trump-what-to-expect.pdf

Legal Services Resources:

United Coalition for Immigrant Services: <https://www.united-coalition.org/>

Immigration Advocates Network Legal Services Directory:
<https://www.immigrationadvocates.org/nonprofit/legaldirectory/>

DOJ list of accredited immigration attorneys by State/City:
<https://www.justice.gov/eoir/page/file/942306/dl#CONNECTICUT>

IRIS, Integrated Refugee & Immigrant Services: <https://irisct.org/our-services/>

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CIRI, Connecticut Institute for Refugees and Immigrants: <https://cirict.org/immigration-legal-services/>

Connecticut Legal Services Immigration: www.ctlegal.org/contact

Greater Hartford Legal Aid: 860-541-5000

New Haven Legal Assistance: 203-946-4811

American Immigration Lawyers Association: 203-946-4811 www.aila.org

Community Partners with Resources for Immigrants:

Building One Community: <https://b1c.org/>

Integrated Refugee & Immigrant Services: <https://irisct.org/>

The Neighbor Fund: <https://www.theneighborfund.org/>

CT Students for a Dream: <https://www.ct4adream.org/>

Connecticut Institute for Refugees and Immigrants: <https://cirict.org/>

Connecticut Immigrant & Refugee Coalition: <https://www.coalitionct.org/>

Catholic Charities: <https://www.ccaoh.org/>

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DEPARTMENT OF EMERGENCY SERVICES & PUBLIC PROTECTION

POLICE OFFICER STANDARDS & TRAINING

GENERAL NOTICE 25 – 02

To: Chief Law Enforcement Officers

From: Thomas Wydra *Thomas Wydra*
Executive Director, POST – Connecticut Police Academy

Date: January 22, 2025

Subject: **An update to General Notice 19-05; concerning Public Act Nos. 19-20 and 19-23, collectively known as the *Trust Act*¹**

Important note: This General Notice serves as an update to and supersedes General Notice 19-05. This General Notice should not be construed as legal advice or formal training. Law enforcement officers should consult with their own legal counsel for advice on how to comply with the requirements of the *Trust Act* and how the *Trust Act* may or may not apply to the specifics of any given case.

The *Trust Act* establishes guidance about when state and local law enforcement officers and others may respond to requests from federal immigration authorities for information or assistance with immigration detainees.² Although the provisions set forth in the *Trust Act* apply to law enforcement officers, bail commissioners or judicial intake, assessment or referral specialists, or employees of a school police or security department, this General Notice focuses on municipal and state police.

The *Trust Act* provides as follows:

1. Law enforcement officers are prohibited from arresting or detaining an individual pursuant to an immigration detainer unless:
 - a. the detainer is accompanied by a warrant issued or signed by a judicial officer,
 - b. the individual has been convicted of a class A or B felony, or

¹ The *Trust Act* is codified in General Statutes § 54-192h.

² Under the *Trust Act*, “‘Federal immigration authority’ means any officer, employee or other person otherwise paid by or acting as an agent of ICE or any division thereof or any officer, employee or other person otherwise paid by or acting as an agent of the United States Department of Homeland Security or any successor agency thereto who is charged with enforcement of the civil provisions of the Immigration and Nationality Act.” General Statutes § 54-192h(a)(4).



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POLICE OFFICER STANDARDS & TRAINING

- c. the individual is identified as a possible match in the federal Terrorist Screening Database or similar database.
2. Law enforcement officers are prohibited from giving a federal immigration authority access to interview an individual in custody unless:
 - a. the individual has been convicted of a class A or B felony,
 - b. the individual is identified as a possible match in the federal Terrorist Screening Database or similar database, or
 - c. the individual is the subject of a federal court order, pursuant to 8 U.S.C. § 1255(d)(4)(B), arising from a failure to comply with an immigration officer's subpoena or refusal to testify before an immigration officer.
3. Law enforcement officers are prohibited from arresting or detaining an individual based on an administrative warrant, which are not signed by judicial officers.³
4. Law enforcement officers are prohibited from performing any function of a federal immigration authority.
5. Upon receiving a civil immigration detainer, a law enforcement agency must provide a copy of the detainer to the affected individual who is the subject of the detainer and inform the individual whether the law enforcement agency intends to comply with the detainer. If a law enforcement agency provides a federal immigration authority with information on an individual's release, the law enforcement agency shall provide the individual and the individual's attorney a copy of that notification as well as the reason in writing that the agency is complying with the detainer. If the law enforcement agency cannot reach the individual or individual's attorney, then the law enforcement agency must make a good faith attempt to contact the detained individual's designee to provide said copy and written reason.
6. Law enforcement officers are prohibited from 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 where the law enforcement agency provides a copy of said detainer to the individual, informs the individual of its intent to comply with the detainer, gives the reason in writing for complying with the detainer, and provides a copy to the individual (or the individual's attorney or designee) of the notification made to the federal immigration authority concerning the individual's release date.

³ Under the *Trust Act* "'Administrative warrant' means a warrant, notice to appear, removal order or warrant of deportation issued by an agent of a federal agency charged with the enforcement of immigration laws or the security of the borders, including ICE and the United States Customs and Border Protection, but does not include a warrant issued or signed by a judicial officer."



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7. Before responding to a **request for notification of an individual's release from the agency's custody** of an individual suspected of violating a federal immigration law or who has been issued a final order of removal, a law enforcement officer must first **forward any such request to the head of the law enforcement agency**.
8. The legislative body of municipalities are required to report specified information every six months (beginning on January 1, 2020) to the Office of Policy and Management (OPM), if their law enforcement agency provided ICE access⁴ to an individual, including:
 - a. data on the number and demographic characteristics of individuals to whom the agency provided ICE access,
 - b. the date ICE access was provided, and
 - c. whether the ICE access was provided as part of compliance with a civil immigration detainer or through other means.

The *Trust Act* has not changed processes for entering information into the Automated Fingerprints Identification system (AFIS) of an arrested individual or the accessing of information from the National Crime Information Center (NCIC) concerning an arrested individual.

The *Trust Act* makes clear that, while records relating to ICE access maintained by law enforcement agencies shall be deemed public records under the Freedom of Information Act (FOIA), the *Trust Act* must not be construed to require disclosure of any record that is exempt under FOIA.

The *Trust Act* specifies that confidential information⁵ of an individual may be disclosed to a federal immigration authority if appropriate consent for disclosure is obtained, if disclosure is deemed necessary in furtherance of criminal investigation of terrorism, or if otherwise required by law.

On January 15, 2025, the Connecticut Office of the Attorney General issued a preliminary guidance memorandum on the *Trust Act*, which can be accessed here: [Trust Act Guidance Memo](#).

⁴ "ICE access" is specifically defined under the *Trust Act*. The definition will not be recited here due to its length.

⁵ Under the *Trust Act*, confidential information "means any information obtained and maintained by a law enforcement agency relating to (A) an individual's (i) sexual orientation, or (ii) status as a victim of domestic violence or sexual assault, (B) whether such individual is a (i) crime witness, or (ii) recipient of public assistance, or (C) an individual's income tax or other financial records, including, but not limited to, Social Security numbers."

State Laws Affecting Undocumented Immigrants

By: Marybeth Sullivan, Senior Legislative Attorney
January 31, 2024 | 2024-R-0040

Issue

Over the last 12 years, has the Connecticut legislature passed any laws that extend benefits, privileges, or protections to undocumented immigrants? To what extent is the state required to cooperate with federal immigration laws? (This report updates OLR Report [2022-R-0195](#).)

Summary

Since 2012, the Connecticut General Assembly has passed various pieces of legislation that, among other things, provide benefits to undocumented immigrants. Specifically, legislation passed in areas related to civil immigration law, criminal defense and crime victims, public medical assistance, motor vehicle operation, postsecondary education, public health awareness, and student and family records.

With some narrow exceptions, Title IV of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) ([P.L. 104-193](#)) prohibits undocumented immigrants from receiving state and locally funded benefits that are partially funded by the federal government. However, each state retains the authority to make undocumented immigrants eligible for any benefits paid exclusively with state or local funds.

A state's cooperation with federal immigration law is guided by the "anti-commandeering doctrine," which is based on U.S. Supreme Court rulings dating back to 1992 involving the [Tenth Amendment](#) to the U.S. Constitution. Under this doctrine, the federal government cannot require states and municipalities to adopt or enforce federal policies. The doctrine has implications for states' enforcement of the federal Immigration and Nationality Act (INA), which establishes the rules of legal immigration, naturalization, deportation, and related enforcement.

Connecticut Legislation Benefiting Undocumented Immigrants

Civil Immigration Laws

Civil Immigration Detainers. A civil immigration detainer is a request from a federal immigration authority to a local or state law enforcement agency for the agency to take certain actions, such as facilitating the arrest of an individual suspected of violating a federal immigration law.

In 2013, the legislature established procedures that state and local law enforcement officers must follow when they receive a civil immigration detainer for a person in their custody. Specifically, the law (1) prohibits detaining the person unless the officer determines that specified public safety risk factors exist (e.g., the person has a felony conviction or an outstanding arrest warrant) and (2) requires law enforcement officers, upon determining whether to detain or release the person, to immediately notify U.S. Immigration and Customs Enforcement (ICE). If the person is to be detained, the officer must inform ICE that he or she will be held for up to 48 hours (excluding Saturdays, Sundays, and federal holidays). If ICE fails to take custody of the person within 48 hours, then the officer must release the individual. The act prohibits holding a person for longer than 48 hours solely on the basis of a civil immigration detainer under any circumstances ([PA 13-155](#)).

In 2019, the legislature made several changes to this law, including the following:

1. expanding the definition of a civil immigration detainer and generally prohibiting law enforcement officers (including local law enforcement officers), school police or security department employees, and certain other individuals from arresting or detaining someone pursuant to such a detainer unless it is accompanied by a judicial warrant;
2. establishing new procedures for responding to these types of detainers (e.g., a local law enforcement officer must give a copy of the detainer to the affected individual); and
3. limiting the disclosure of certain confidential information to a federal immigration authority.

The new law also requires (1) municipalities to report specified information every six months to the Office of Policy Management (OPM) if their law enforcement agency provided ICE access (e.g., authorized a federal immigration authority to interview an individual in their custody) and (2) OPM to ensure that law enforcement agencies and school police or security departments receive appropriate training ([PA 19-20](#), as amended by [PA 19-23](#), codified at [CGS § 54-192h](#)).

Special Juvenile Immigration Status. The legislature passed a law in 2014 that established a framework allowing a party in certain probate court cases to petition the court to make specified findings that a person may use to apply for federal Special Juvenile Immigration Status (SJIS). SJIS

allows abused, neglected, or abandoned immigrant children to stay in the United States legally ([PA 14-104](#), codified at [CGS §§ 45a-608n & -608o](#)).

Additionally, in 2018, the legislature passed a law allowing the probate court to issue such findings for certain SJIS applicants under age 21, instead of under age 18 as under prior law. This change enabled 18-, 19-, and 20-year-olds who are eligible to apply for SJIS under federal law to petition the probate court in certain circumstances for the findings they need to make that application (i.e., that they are dependent on the court) ([PA 18-92](#), codified at [CGS §§ 45a-608n, -616 & -617](#)).

Criminal Defense and Crime Victims

Misdemeanor Sentencing. Under federal law, non-citizens who commit certain types of crimes are subject to removal from the United States or changes to their immigration status. In some situations, immigration consequences are triggered if the crime is punishable by at least one year in prison.

In 2021, as part of the “Clean Slate Act,” the legislature reduced the maximum sentence for misdemeanors from one year to 364 days, thereby removing the deportation trigger for convictions for a class A misdemeanor or certain unclassified misdemeanors ([PA 21-32](#), § 35, codified at [CGS § 53a-36a](#)).

Petition for Return of Records for Immigration Matters. In another part of the 2021 “Clean Slate Act,” the legislature passed a provision that allows an attorney to petition the Superior Court for the return of his or her client's erased records if (1) the client is the subject of an immigration matter and (2) federal law may require disclosure of criminal history information. This applies to Connecticut convictions erased under existing law or the act's new procedures ([PA 21-32](#), § 3, codified at [CGS § 54-142a](#)).

Public Medical Assistance

Assistance for Unborn Children. Generally, certain immigrants, including undocumented immigrants, are not eligible for Medicaid or the Children's Health Insurance Program (CHIP, known as “HUSKY B” in Connecticut). However, under federal law, states may use the “unborn child option” to extend CHIP coverage by considering an unborn child as a low-income child who is eligible for prenatal care. In states that use this option, the unborn child receives CHIP coverage for prenatal care regardless of the mother's immigration status. In 2021 the legislature passed a law requiring the Department of Social Services (DSS) to provide CHIP coverage through this option beginning April 1, 2022 ([PA 21-176](#), § 4, codified at [CGS § 17b-292b](#)). A subsequent act lowered the income limit for this coverage from 318% of the federal poverty level (FPL) to 258% of FPL, generally aligning it with the income limit for pregnant women under the state's Medicaid plan ([PA 21-2](#), June Special Session, § 344, codified at [CGS § 17b-292b](#)).

Assistance for Children. In 2021, the legislature established a requirement for DSS to provide state-funded medical assistance, within available appropriations, to certain children regardless of their immigration status. Laws enacted in 2022 and 2023 have expanded this requirement.

[PA 21-176](#) requires the DSS commissioner to provide state-funded medical assistance, within available appropriations, by January 1, 2023, to certain children ages 8 and under, regardless of their immigration status. This applies to children who (1) are not eligible for Medicaid, CHIP, or affordable employer-sponsored insurance and (2) have household incomes up to 201% of FPL without an asset limit (aligning with HUSKY A limits under Medicaid) or over 201% and up to 323% of FPL (generally aligning with HUSKY B limits under CHIP).

[PA 22-118](#), §§ 232 & 233, expanded eligibility for the program required under PA 21-176 to cover children ages 12 years old, rather than ages 8 and under, and allows eligible children to receive the assistance until they are 19 years old.

[PA 23-204](#), §§ 283 to 285 (codified at [CGS §§ 17b-261\(l\) & -292\(a\)](#)), further expanded this program by again raising the age of children eligible for coverage from 12 to 15 years old, beginning July 1, 2024. The act also requires the DSS commissioner to study the costs and benefits of extending coverage to anyone 25 and younger who would qualify for Medicaid if not for their immigration status and lacks other coverage. The commissioner must report her findings and an implementation plan to the Appropriations and Human Services committees by January 1, 2025.

Postpartum Care. Beginning April 1, 2023, DSS must provide state-funded medical assistance, within available appropriations, for postpartum care for 12 months after birth to women who (1) do not qualify for Medicaid due to immigration status and (2) have household incomes up to 263% of the federal poverty level ([PA 21-176](#), § 2, codified at [CGS § 17b-257e](#)).

Motor Vehicle Operation

Drive-Only Licenses. The Department of Motor Vehicles (DMV) commissioner must issue driver's licenses "for driving purposes only" to individuals who cannot provide DMV with proof of legal U.S. residence or a social security number. The license only allows the holder to drive; it cannot be used for federal identification purposes (e.g., boarding a plane) or as proof of identity to vote. The act specifies the types of proof needed to obtain this license and the restrictions on its use. It prohibits the commissioner from issuing such a license to a person convicted of a felony in Connecticut ([PA 13-89](#), codified at [CGS §§ 14-36m & -36\(e\)](#)).

Postsecondary Education

In-State Tuition Eligibility. In 2011, the legislature made undocumented immigrants eligible for in-state tuition rates if they meet the following criteria: (1) reside in Connecticut; (2) attended any educational institution in the state and completed at least four years of high school here; (3) graduated from a high school or the equivalent in Connecticut; (4) registered as an entering student, or is currently a student, at UConn, a Connecticut State University, a community-technical college, or Charter Oak State College; and (5) filed an affidavit with the college stating that they have applied to legalize their immigration status or will do so as soon as they are eligible to apply ([PA 11-43](#)). In 2015, the legislature reduced the Connecticut high school enrollment requirement from four to two years ([PA 15-82](#), codified at [CGS § 10a-29](#)).

Institutional Aid Eligibility. In 2018, the legislature extended eligibility for institutional financial aid to attend a state public institution of higher education (i.e., UConn and the Connecticut State Colleges and Universities) to certain students who lack legal immigration status to the extent allowed by federal law. Institutional financial aid consists of funds a higher education institution sets aside from anticipated tuition revenue to fund tuition waivers and remissions, grants for educational expenses, and student employment. The institution must provide this aid to full- or part-time students enrolled in a degree-granting program or a precollege remedial program and demonstrating substantial financial need.

Specifically, undocumented students are eligible for institutional aid if they meet the following criteria: (1) the requirements for in-state student classification described above; (2) are age 30 or younger as of June 15, 2012; (3) were age 16 or younger upon arrival in the United States and have continuously lived in the country since that time; (4) have no felony convictions in any state; and (5) filed an affidavit about their intent to legalize their immigration status with the institution they are attending ([PA 18-2](#), codified at [CGS § 10a-161d](#)).

Public Health Awareness

Medical Orders for Life-Sustaining Treatment. The Department of Public Health (DPH) oversees a “medical orders for life-sustaining treatment” (MOLST) pilot program. In 2017, the legislature passed a law addressing various matters related to the program. Among various other things, it requires regulations to ensure that each physician, advanced practice registered nurse, or physician assistant who intends to write a MOLST receives training on certain matters, including awareness of factors that may affect the use of a MOLST, such as immigrant status, race, ethnicity, age, and gender, among other things ([PA 17-70](#), codified at [CGS §§ 19a-580h & -580i](#)).

Office of Health Equity. In 2014, the legislature passed a law renaming the Office of Multicultural Health within DPH as the Office of Health Equity. The law specified that the office's

work must focus on population groups with adverse health status or outcomes, and that these groups may be based on immigrant status, as well as race, ethnicity, age, gender, socioeconomic position, sexual minority status, language, disability, homelessness, mental illness, or geographic area of residence ([PA 14-231](#), § 5, codified at [CGS § 19a-4j](#)).

Student and Family Records

In 2021, the legislature passed a law that generally prohibits certain education authorities from disclosing to any federal immigration authority any confidential information about an individual, including information about his or her admission or financial application or immigration status. These education authorities are officers, employees, or agents of a local or regional board of education or Connecticut higher education institution.

Under the act, this information may be disclosed only if it is (1) authorized in writing by the individual or by his or her parent or guardian if the individual is a minor or not legally competent to consent to the disclosure, (2) necessary for a criminal terrorism investigation, or (3) otherwise required by state or federal law or to comply with a judicial warrant or court order issued by a state or federal judge or magistrate ([PA 21-2](#), June Special Session, § 263, codified at [CGS § 10a-11i](#)).

Intersection of State and Federal Law

PRWORA

PRWORA, in part, prohibits undocumented immigrants from receiving most state and local public benefits that are partially funded by the federal government ([8 U.S.C. § 1621](#)). However, there are exceptions to this prohibition.

For example, other laws, regulations, and guidance governing individual federal public benefit programs prohibit the uniform application to PRWORA across all programs. Furthermore, PRWORA includes specified exceptions to its general ineligibility rule, which allow unauthorized noncitizens to receive some specific types of federal benefits, such as immunizations, treatment for emergency medical conditions under Medicaid, and housing or financial assistance ([8 U.S.C. § 1611\(b\)](#)).

PRWORA also gives each state the authority to make undocumented immigrants eligible for any benefits paid with state or local funds ([8 U.S.C. § 1621\(d\)](#)).

Anti-Commandeering Doctrine

Relevant Case Law. The U.S. Supreme Court bases the anti-commandeering doctrine on the [Tenth Amendment](#) of the U.S. Constitution and Congress's enumerated Constitutional powers. It views the doctrine as a constraint on federal law's power over the states, issuing at least three

different rulings since 1992 establishing and expanding upon the doctrine. This doctrine has implications for states' enforcement of federal immigration law.

The Court's body of case law on this doctrine has produced the following principles, among others:

1. the federal government cannot commandeer a state into enacting a certain law (*New York v. United States*, [505 U.S. 144](#) (1992));
2. Congress cannot compel the states to enforce federal law and to do so in a particular way (*Printz v. United States*, [521 U.S. 898](#) (1997)); and
3. just as Congress cannot issue direct orders to state legislatures, it cannot prohibit them from acting, as both constitute coercion (*Murphy v. National Collegiate Athletic Association*, [138 S.Ct. 1461](#) (2018)).

Applicability to Federal Immigration Law. The federal Immigration and Nationality Act (INA, [8 U.S.C. § 1101 et seq.](#)) establishes the rules for legal immigration, naturalization, deportation, and enforcement. Since INA is federal law, the anti-commandeering doctrine, particularly the *Printz* ruling, applies to states' enforcement of it. Several INA provisions expressly allow states to assist federal authorities in their enforcement, but under *Printz* and the Tenth Amendment, states are not required to do so.

For an in-depth discussion of state and local efforts to limit immigration enforcement activity (e.g., limiting arrests for federal immigration violations, police inquiries into immigration status, or information sharing with federal immigration authorities), please see the Congressional Research Service's 2019 report, linked below.

Additional Resources

The following Congressional Research Service publications provide additional information on this topic:

- ["Unauthorized Immigrants' Eligibility for Federal and State Benefits: Overview and Resources."](#) November 29, 2022.
- ["Immigration Enforcement & the Anti-Commandeering Doctrine: Recent Litigation on State Information-Sharing Restrictions."](#) March 10, 2020.
- ["'Sanctuary' Jurisdictions: Federal, State, and Local Policies and Related Litigation."](#) May 3, 2019.

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STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION
Police Officer Standards and Training Council
Connecticut Police Academy

GENERAL NOTICE 19 – 05

To: Chief Law Enforcement Officers
Training Officers
Protective Services
Resident Troopers

From: Karen Boisvert 
Academy Administrator

Date: December 24, 2019

Subject: AN ACT CONCERNING THE TRUST ACT. (Public Act No. 19-20, 19-23)
Effective October 1, 2019

NOTE: This General Notice should not be construed as legal advice about the Trust Act. It is merely a summary of the Act. Law Enforcement Officers with specific legal questions about the Act should refer such questions to their own municipal counsel.

Public Acts 19-20 and 19-23, also known as the “Trust Act,” created new guidelines for how Connecticut Law Enforcement works and cooperates with U.S. Immigration and Customs Enforcement (ICE).

Public Acts 19-20 and 19-23 (in pertinent part)¹:

1. Apply generally to law enforcement officers, bail commissioners or judicial intake, assessment or referral specialists, or employees of a school police or security department;
2. Prohibit law enforcement officers from **arresting or detaining** an individual pursuant to an immigration detainer **unless**:
 - (i) the detainer is accompanied by a warrant issued or signed by a judicial officer,
 - (ii) the individual has been convicted of a class A or B felony, **or**
 - (iii) the individual is identified as a possible match in the federal Terrorist Screening Database or similar database;

¹ The public acts are more expansive than what is captured in this summary and should be consulted directly.

3. Prohibit law enforcement officers from giving federal immigration authority access to interview an individual in custody unless:
 - (i) the individual has been convicted of a class A or B felony;
 - (ii) the individual is identified as a possible match in the federal Terrorist Screening Database or similar database; or
 - (iii) is the subject of a US District Court order to comply with an immigration officer's subpoena.
4. Upon receiving a civil immigration detainer, a law enforcement agency must provide a copy of the detainer to the affected individual who is the subject of the detainer and inform the individual whether the law enforcement agency intends to comply with the detainer. The acts specify that if a law enforcement agency provides a federal immigration authority with information on an individual's release, the law enforcement agency shall provide the individual and individual's attorney a copy of that notification. If the law enforcement agency cannot reach the individual or individual's attorney, then the law enforcement agency must make a good faith attempt to contact the detained individual's designee. The law enforcement agency must send the copy along with the reason in writing that the agency is complying with the detainer.
5. Specify that before responding to a request for notification of an individual's release from the agency's custody of an individual suspected of violating a federal immigration law or who has been issued a final order of removal, a law enforcement officer must first forward any such request to the head of the law enforcement agency;
6. Prohibit 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;
7. Specify that, while records relating to ICE access maintained by law enforcement agencies shall be deemed public records under the Freedom of Information Act, the Trust Act must not be construed to require disclosure of any record that is exempt under the Freedom of Information Act (FOIA)
8. Require, beginning January 1, 2020, the legislative body of municipalities to report specified information every six months to the Office of Policy and Management (OPM), if their law enforcement agency provided ICE access to an individual, including
 - a. data on the number and demographic characteristics of individuals to whom the agency provided ICE access,
 - b. the date ICE access was provided, and
 - c. whether the ICE access was provided as part of compliance with a civil immigration detainer or through other means.

The Trust Act has not changed processes for entering information into Automated Fingerprints Identification system (AFIS) of an arrested individual or the accessing of information from the National Crime Information Center (NCIC) concerning an arrested individual.

The Public Acts are available for viewing at:

PA 19-20- <https://www.cga.ct.gov/2019/act/Pa/pdf/2019PA-00020-R00SB-00992-PA.PDF>

PA 19-23- <https://www.cga.ct.gov/2019/act/Pa/pdf/2019PA-00023-R00SB-01115-PA.PDF>

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