



## State of Connecticut

### DIVISION OF PUBLIC DEFENDER SERVICES

Office of Chief Public Defender  
55 Farmington Avenue, 8<sup>th</sup> Floor  
Hartford, Connecticut 06105  
(860) 509-6405 Telephone  
(860) 509-6495 Fax

Deborah Del Prete Sullivan  
Legal Counsel, Director  
[deborah.d.sullivan@pds.ct.gov](mailto:deborah.d.sullivan@pds.ct.gov)

Testimony of Deborah Del Prete Sullivan, Legal Counsel, Director  
Office of Chief Public Defender

JUDICIARY COMMITTEE  
Public Hearing - March 9, 2026

#### Raised Bill 5439

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

The Office of Chief Public Defender (OCPD) **strongly opposes** *Raised Bill 7211 - An Act Concerning Civil Immigration Detainers for Persons Who Are Charged with the Commission of a Class A, B or C Felony or a Family Violence Crime*. This proposal is similar to *Raised Bill 7211*, with the same title, raised in the 2025 legislative session. No action was taken by the Committee on that bill in 2025. This office requests that **no action** be taken on this bill, R.B. 5439, also.

This bill would drastically change current law regarding detention of persons who are arrested for an offense and substantially impact upon their rights to due process and the assistance of counsel. Current law already provides for communication between ICE and local law enforcement where there is a valid judicial warrant. Review by our Judiciary prior to the detention or continued detention of any individual is a constitutional principle that should still remain in a civilized society. Additionally, current law already provides for detention of persons convicted of a class A or B offense.

This bill takes a giant step backwards and impacts persons "*arrested*" under state law. These individuals are *presumed innocent* pursuant to both the federal and state constitutions. The changes as proposed in this bill are a wholesale and unnecessary expansion of law - especially within the context of Civil Immigration Detainers. Rather than the pursuit of strengthening the Trust Act, this is a clear attempt at weakening the provisions of the Trust Act. It mandates

March 9, 2026

Judiciary Committee Public Hearing

Page 2 of 2

Testimony of Deborah Del Prete Sullivan, Legal Counsel

Raised Bill 5439

An Act Concerning Civil Immigration Detainers for Persons Who Are Charged with the Commission of a Class A, B or C Felony or a Family Violence Crime.

detention of anyone for up to 48 hours upon the “arrest” for a class A, B, or C felony, or any family violence offense including *misdemeanors*, such as a disorderly conduct and breach of peace, and other non-violent offenses.

In addition to impacting upon persons presumed innocent, the bill violates a person’s right to counsel as guaranteed under the state and federal constitutions if a person is not arraigned and counsel appointed when arrested. Pursuant to the bill, anyone arrested, without a warrant, will be automatically detained and not arraigned without the assistance of counsel. And in those cases wherein a warrant, based upon probable cause, has been served upon a person, they could be detained up to 48 hours without being arraigned for the state charges first. During that time, while being held on state charges, the persons, especially those who are indigent and need a public defender appointed, will have no access to counsel. Without adherence to current time frames for arraignment (48 hours) and in recognition of the constitutional right to counsel upon arrest, the detention contemplated by this bill may violate current Connecticut law as well as current federal constitutional law. The right to counsel is guaranteed to everyone, including persons who are indigent, a most vulnerable population who are without the financial resources to retain private counsel.

Therefore, the Office of Chief Public Defender opposes this bill and requests this Committee take no action on this bill. Thank you.