

**Minutes**  
**Criminal Practice Commission**  
**Immigration Subcommittee**  
**September 27, 2010**  
**2:00 PM**  
**Supreme Court – Conference Room**

The Criminal Practice Commission's Immigration Committee met in the Supreme Court conference room, located at 231 Capitol Avenue, Hartford, on Monday September 27, 2010.

Committee members in attendance: Mr. William Carbone, Hon. David Gold (co-chair), Atty. Daniel B. Horwitch, Hon. Joette Katz (co-chair), Mr. Gary A. Roberge, Atty. Elisa Villa and Prof. Michael Wishnie

Also in attendance: Atty. Leonard Boyle, Atty. Anthony Collins, Ms. Bonnie Doyle, Atty. John Hughes, Hon. Aaron Ment, Mr. Anuj Nadadur and Ms. Rebecca Scholtz

The meeting was called to order at 2:02 by Justice Katz.

1. Justice Katz welcomed the members of the committee and the attendees.
2. The minutes from the April 26, 2010 meeting were reviewed and unanimously approved.
3. Professor Wishnie introduced his students in attendance: Bonnie Doyle, Anuj Nadadur and Rebecca Scholtz.
4. Ms. Doyle summarized the recommendations contained in the memorandum entitled "Probation & Immigration Status-Related Inquiry" and the contents of the memorandum entitled "Analysis of Reports of Foreign Probation Cases." A discussion ensued regarding the statistics contained in the second memorandum.

Mr. Carbone presented a proposal on behalf of the Court Support Services Division (CSSD) regarding CSSD's policy of forwarding information to Immigration and Customs Enforcement (ICE). Mr. Carbone explained a program that they use called the Judicial Electronic Bridge and one of its components, the Municipal Judicial Electronic Bridge. The program is accessible to all law enforcement agencies, including ICE. Under the proposal, CSSD will not forward names to

ICE. Instead it would be incumbent on ICE to search the database for whatever names they are looking for. Mr. Carbone will provide a draft policy proposal prior to the next meeting.

5. Mr. Nadadur provided a summary of the memorandum entitled “State Judicial Assistance for Undocumented Victims of Crimes.” A discussion ensued regarding the memorandum’s recommendations. It was determined that a representative from the Office of Victim Services (OVS) should be invited to the next committee meeting. Professor Wishnie will draft an invitation to OVS and forward it to Justice Katz.

6. Ms. Scholtz summarized the memorandum entitled “*Padilla v. Kentucky* – Implications and Recommendations.” A discussion ensued regarding the implications of the United States Supreme Court decision in *Padilla*.

The Committee proceeded to address the recommendations contained in the memorandum:

a) Regarding Connecticut Practice Book § 37-3:

The Committee unanimously agreed to propose that § 37-3 (2) be amended to state: That the defendant is entitled to the services of an attorney; this attorney has the constitutional obligation to provide effective assistance, including regarding potential immigration consequences.

The Committee rejected the proposed language contained in (1) and (2) (b).

b) Regarding Connecticut Practice Book § 39-4:

There was insufficient support within the Committee to address the proposed changes.

c) Regarding Connecticut Practice Book § 39-19:

The Committee unanimously agreed to propose that § 39-19 be amended to add: “That the plea may carry immigration consequences and that he or she has discussed these possible consequences with his or her attorney.”

The Committee agreed that the proposed additional language in the unnumbered paragraph was not necessary.

d) Regarding Connecticut Practice Book § 39-27:

The Committee unanimously agreed to propose that § 39-27 (2) be amended to add the following language: “or because the defendant was improperly advised or not advised at all of specific immigration consequences of the plea.”

The Committee unanimously agreed to not propose changes to § 39-27 (4).

e) Regarding Connecticut General Statute § 54-1j:

Following discussion, it was determined that this was an issue for the legislature to address, not the Judicial Branch. The proposed changes were withdrawn.

As the implications of the *Padilla* decision are directed on defense attorneys, the Committee will propose that the Criminal Practice Commission suggest that this is an area that should also be addressed by the Chief Public Defender.

7. The next meeting of the committee is scheduled for Monday, November 15, 2010 at 2:00 PM in the Supreme Court attorney conference room at 231 Capitol Avenue, Hartford.

The meeting adjourned at 4:07 PM.