

Second Regular Session
Sixty-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. R02-0091.01 Kevin Wilson

SJR02-034

SENATE SPONSORSHIP

Lamborn

HOUSE SPONSORSHIP

Mitchell

Senate Committees
Judiciary

House Committees

SENATE JOINT RESOLUTION 02-034

101 CONCERNING URGING COLORADO COURTS TO DISREGARD THE
102 PURPORTED AUTHORITY OF THE RECENT RULING OF THE
103 INTERNATIONAL COURT OF JUSTICE.

1 WHEREAS, The United States of America is a sovereign nation
2 and the world leader in self-determination and the rule of law; and

3 WHEREAS, The American people elect representatives to
4 establish the laws and policies of the United States and of their respective
5 states; and

6 WHEREAS, The American court system determines the legality
7 and constitutionality of the laws and policies that are passed by these
8 elected representatives; and

9 WHEREAS, The United States Supreme Court is the highest court
10 in the land and its decisions cannot be appealed to another court; and

11 WHEREAS, In 1966, the United States Supreme Court in the case
12 of *Miranda v. Arizona*, 384 U.S. 436 (1966), protected the rights of those

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 accused and imprisoned by establishing the requirement that any person
2 who is arrested be specifically and clearly informed of his or her rights,
3 including the right to remain silent and the right to legal representation;
4 and

5 WHEREAS, This statement of legal rights has become known
6 commonly as the "Miranda rights" and has become the worldwide
7 standard for citizen protection for all democratic, sovereign nations; and

8 WHEREAS, In June, the International Court of Justice in The
9 Hague ruled that the United States should change the Miranda rights to
10 include extra protections for foreign persons arrested in the United States;
11 and

12 WHEREAS, In addition, the International Court of Justice ruled
13 that the United States should retroactively apply these additional Miranda
14 rights to foreign citizens who have already been legally convicted in a
15 United States court of law and are serving their sentences; and

16 WHEREAS, Many legal professionals fear that retroactive
17 application of these suggested rights would clog the American court
18 system with dubious appeals and would thus place an inordinate financial
19 burden the American taxpayers; and

20 WHEREAS, A spokesperson for the International Union of Police
21 Associations has stated that this ruling may place an unfair burden on
22 police officers; and

23 WHEREAS, Some prosecutors and police officers worry that, as
24 a result of the decision of the International Court of Justice, judges would
25 dismiss valid, provable cases on issues that many persons may view as
26 legal technicalities; and

27 WHEREAS, As a sovereign nation and the world leader in
28 self-determination and the rule of law, the United States' laws and
29 policies are in no way subject to and should not be affected by decisions
30 of the International Court of Justice; now, therefore,

31 *Be It Resolved by the Senate of the Sixty-third General Assembly*
32 *of the State of Colorado, the House of Representatives concurring herein:*

33 That we, the members of the Sixty-third General Assembly, urge
34 the Colorado state judicial department to disregard the purported
35 authority of the International Court of Justice and its recent ruling
36 regarding the legal rights of foreign persons.