



JOE PELLE
Sheriff

Boulder County Sheriff's Office

MEMORANDUM

April 16, 2015

Statement of Support for House Bill 15-1356 By Sheriff Joe Pelle

Over the past year and a half, the state of the law concerning local holds for immigration detainees and administrative warrants changed dramatically. Federal court decisions in Oregon and Pennsylvania put local jurisdictions at great liability risk for honoring these federal hold requests. The courts ruled that these non-judicial orders are simply requests, without the power of law. Local jails now face tremendous liability for holding someone on an ICE request, and will have no protection from the federal government for civil rights violations based on one of these requests.

Secondly, anyone detained in a Colorado jail has a right to bail or bond. Statutes intended to inform potential bonding agents about an issue with an immigration hold can act to discourage bail or bond, whether or not the immigration hold is ever acted upon.

The IMPACT bill, House Bill 15-1356, clarifies the current state of the law regarding immigration holds, and administrative warrants, as well as the issues concerning immigration status and the right to bail or bond. This bill, if followed, will protect local jurisdictions, (particularly county jails), from unnecessary liability for civil rights violations. It clarifies the role of the local sheriff in immigration issues, and helps protect the civil liberties of individuals in our custody.

Myself and Sheriff Taylor from Pueblo County worked closely with the Colorado Immigration Rights Coalition to help them draft a bill that was fair, legally correct, and was not over-reaching. CIRC was diligent in their efforts and honored both sides of the issue in their draft. For these reasons I personally support HB-1356. The legislative committee of the County Sheriffs of Colorado also recently voted to support this bill.

Joe Pelle