

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 06-0558.01 Kristen Forrestal

SENATE BILL 06-090

SENATE SPONSORSHIP

Wiens, and Johnson

HOUSE SPONSORSHIP

Harvey,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING LOCAL GOVERNMENT COOPERATION WITH FEDERAL**
102 **OFFICIALS REGARDING THE IMMIGRATION STATUS OF PERSONS**
103 **IN THIS STATE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Prohibits a local government from passing any ordinance or policy that would prohibit a police officer, local official, or local government employee from cooperating with federal officials with regard to the immigration status of a person within the state. Requires a police officer, local official, or local government employee who has probable cause to believe that a person is not legally present in the United States to report

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.

SENATE
3rd Reading Unamended
March 10, 2006

SENATE
Amended 2nd Reading
March 9, 2006

the person to the federal immigration and customs enforcement office. Requires each local government to provide notice to local officials of the duty to report and to provide written confirmation of such notice and reporting statistics to the general assembly. Prohibits a local government that violates this provision from receiving any grants administered by the department of local affairs.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Title 29, Colorado Revised Statutes, is amended BY
3 THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 28**

5 **Immigration Status - Cooperation With Federal Officials**

6 **29-28-101. Legislative declaration.** (1) THE GENERAL
7 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

8 (a) SANCTUARY POLICIES ARE LOCAL GOVERNMENT ORDINANCES
9 OR POLICIES THAT PROHIBIT LOCAL OFFICIALS, INCLUDING PEACE OFFICERS,
10 FROM COMMUNICATING OR COOPERATING WITH FEDERAL OFFICIALS WITH
11 REGARD TO THE IMMIGRATION STATUS OF ANY PERSON WITHIN THE STATE;

12 (b) THE MATTERS CONTAINED IN THIS ARTICLE HAVE IMPORTANT
13 STATEWIDE RAMIFICATIONS FOR COMPLIANCE WITH AND ENFORCEMENT OF
14 FEDERAL IMMIGRATION LAWS;

15 (c) SANCTUARY POLICIES ALLOW IILEGAL IMMIGRANTS TO RESIDE
16 WITHIN COLORADO AND TO UNDERMINE FEDERAL IMMIGRATION LAW.

17

18 (2) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT THE
19 MATTERS ADDRESSED IN THIS ARTICLE ARE MATTERS OF STATEWIDE
20 CONCERN.

21 **29-28-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
22 CONTEXT OTHERWISE REQUIRES:

1 (1) "LOCAL GOVERNMENT" MEANS A TOWN, CITY, CITY AND
2 COUNTY, OR COUNTY.

3 **29-28-103. Cooperation with federal officials regarding**
4 **immigration status.** (1) NO LOCAL GOVERNMENT, WHETHER ACTING
5 THROUGH ITS GOVERNING BODY OR BY AN INITIATIVE, REFERENDUM, OR
6 ANY OTHER PROCESS, SHALL ENACT ANY ORDINANCE OR POLICY THAT
7 LIMITS OR PROHIBITS A PEACE OFFICER, LOCAL OFFICIAL, OR LOCAL
8 GOVERNMENT EMPLOYEE FROM COMMUNICATING OR COOPERATING WITH
9 FEDERAL OFFICIALS WITH REGARD TO THE IMMIGRATION STATUS OF ANY
10 PERSON WITHIN THIS STATE.

11 (2) (a) A PEACE OFFICER WHO REASONABLY BELIEVES THAT AN
12 ARRESTEE FOR A CRIMINAL OFFENSE IS NOT LEGALLY PRESENT IN THE
13 UNITED STATES SHALL REPORT SUCH ARRESTEE FOR A CRIMINAL OFFENSE
14 TO THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT
15 OFFICE. IF A COUNTY SHERIFF OR PEACE OFFICER AT THE DETENTION
16 FACILITY WHERE THE ARRESTEE IS BEING HELD REPORTS THE ARRESTEE TO
17 THE FEDERAL IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE ON
18 BEHALF OF THE ARRESTING OFFICER, THE ARRESTING OFFICER SHALL BE
19 DEEMED TO BE IN COMPLIANCE WITH THIS SUBSECTION.

20 (b) THE GOVERNING BODY OF EACH LOCAL GOVERNMENT SHALL
21 PROVIDE NOTICE IN WRITING TO PEACE OFFICERS OF THE DUTY TO
22 COOPERATE WITH STATE AND FEDERAL OFFICIALS WITH REGARDS TO
23 ENFORCEMENT OF STATE AND FEDERAL LAWS REGARDING IMMIGRATION
24 AND COMPLY WITH PARAGRAPH (a) OF THIS SUBSECTION (2). EACH
25 GOVERNING BODY SHALL PROVIDE WRITTEN CONFIRMATION TO THE
26 GENERAL ASSEMBLY THAT IT HAS PROVIDED SUCH NOTICE AND SHALL
27 ANNUALLY, ON OR BEFORE MARCH 1 OF EACH YEAR, REPORT TO THE

1 GENERAL ASSEMBLY THE NUMBER OF REPORTS MADE TO THE UNITED
2 STATES IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE PURSUANT TO
3 THIS ARTICLE.

4 (3) A LOCAL GOVERNMENT THAT VIOLATES SUBSECTION (1) OF
5 THIS SECTION OR PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION
6 SHALL NOT BE ELIGIBLE TO RECEIVE LOCAL GOVERNMENT FINANCIAL
7 ASSISTANCE THROUGH GRANTS ADMINISTERED BY THE DEPARTMENT OF
8 LOCAL AFFAIRS.

9 **SECTION 2. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, and safety.