

**Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 06-0558.01 Kristen Forrestal

SENATE BILL 06-090

SENATE SPONSORSHIP

Wiens, and Johnson

HOUSE SPONSORSHIP

Harvey,

Senate Committees
Judiciary

House Committees
State, Veterans, & Military Affairs

HOUSE
Amended 3rd Reading
April 13, 2006

HOUSE
Amended 2nd Reading
April 12, 2006

A BILL FOR AN ACT

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

SENATE
3rd Reading Unamended
March 10, 2006

SENATE
Amended 2nd Reading
March 9, 2006

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.

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) (I) A PEACE OFFICER WHO HAS PROBABLE CAUSE THAT AN
12 ARRESTEE FOR A CRIMINAL OFFENSE IS NOT LEGALLY PRESENT IN THE
13 UNITED STATES SHALL REPORT SUCH ARRESTEE TO THE UNITED
14 STATES IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE IF THE
15 ARRESTEE IS NOT HELD AT A DETENTION FACILITY. IF THE ARRESTEE IS
16 HELD AT A DETENTION FACILITY AND THE COUNTY SHERIFF REASONABLY
17 BELIEVES THAT THE ARRESTEE IS NOT LEGALLY PRESENT IN THE UNITED
18 STATES, THE SHERIFF SHALL REPORT SUCH ARRESTEE TO THE FEDERAL
19 IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE.

20 (II) THIS SUBSECTION (2) SHALL NOT APPLY TO ARRESTEES WHO
21 ARE ARRESTED FOR A SUSPECTED ACT OF DOMESTIC VIOLENCE AS DEFINED
22 BY SECTION 18-6-800.3, C.R.S., UNTIL SUCH TIME AS THE ARRESTEE IS
23 CONVICTED OF A DOMESTIC VIOLENCE OFFENSE.

24 (b) THE GOVERNING BODY OF EACH LOCAL GOVERNMENT SHALL
25 PROVIDE NOTICE IN WRITING TO PEACE OFFICERS OF THE DUTY TO
26 COOPERATE WITH STATE AND FEDERAL OFFICIALS WITH REGARDS TO
27 ENFORCEMENT OF STATE AND FEDERAL LAWS REGARDING IMMIGRATION

1 AND COMPLY WITH PARAGRAPH (a) OF THIS SUBSECTION (2). EACH
2 GOVERNING BODY SHALL PROVIDE WRITTEN CONFIRMATION TO THE
3 GENERAL ASSEMBLY THAT IT HAS PROVIDED SUCH NOTICE AND SHALL
4 ANNUALLY, ON OR BEFORE MARCH 1 OF EACH YEAR, REPORT TO THE
5 LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY THE NUMBER OF
6 REPORTS MADE TO THE UNITED STATES IMMIGRATION AND CUSTOMS
7 ENFORCEMENT OFFICE PURSUANT TO THIS ARTICLE.

8 (c) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT THE
9 STATE ATTORNEY GENERAL AND ALL APPROPRIATE STATE AND LOCAL LAW
10 ENFORCEMENT AGENCIES SHOULD VIGOROUSLY PURSUE ALL FEDERAL
11 MONEYS TO WHICH THE STATE MAY BE ENTITLED FOR THE
12 REIMBURSEMENT OF MONEYS SPENT TO ENFORCE FEDERAL IMMIGRATION
13 LAWS.

14 (3) A LOCAL GOVERNMENT THAT VIOLATES SUBSECTION (1) OF
15 THIS SECTION OR PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION
16 SHALL NOT BE ELIGIBLE TO RECEIVE LOCAL GOVERNMENT FINANCIAL
17 ASSISTANCE THROUGH GRANTS ADMINISTERED BY THE DEPARTMENT OF
18 LOCAL AFFAIRS UNTIL SUCH TIME AS THE ORDINANCE OR POLICY IS NO
19 LONGER IN EFFECT.

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