

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

**REVISED**

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

LLS NO. 06-0558.01 Kristen Forrestal

**SENATE BILL 06-090**

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**SENATE SPONSORSHIP**

**Wiens,** and Johnson

**HOUSE SPONSORSHIP**

**Harvey,**

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**Senate Committees**  
Judiciary

**House Committees**  
State, Veterans, & Military Affairs

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**A BILL FOR AN ACT**

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

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**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.*

HOUSE  
Amended 2nd Reading  
April 12, 2006

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.

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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) A LOCAL GOVERNMENT MAY BILL THE DEPARTMENT OF LOCAL  
9 AFFAIRS FOR THE COSTS ASSOCIATED WITH COMPLYING WITH THIS  
10 SUBSECTION (2), AND ANY SUCH PAYMENTS FROM THE DEPARTMENT SHALL  
11 BE FROM FUNDS OTHERWISE APPROPRIATED TO THE GENERAL FUND FROM  
12 THE LIMITED GAMING FUND CREATED IN SECTION 12-47.1-701, C.R.S.

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

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