

Second Regular Session  
Sixty-fifth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

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.*

SENATE  
3rd Reading Unamended  
March 10, 2006

SENATE  
Amended 2nd Reading  
March 9, 2006



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 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 THE ARRESTEE IS NOT HELD AT A DETENTION FACILITY. IF THE  
16 ARRESTEE IS HELD AT A DETENTION FACILITY AND THE COUNTY SHERIFF  
17 REASONABLY BELIEVES THAT THE ARRESTEE IS NOT LEGALLY PRESENT IN  
18 THE UNITED STATES, THE SHERIFF SHALL REPORT SUCH ARRESTEE TO THE  
19 FEDERAL 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.

23 (b) THE GOVERNING BODY OF EACH LOCAL GOVERNMENT SHALL  
24 PROVIDE NOTICE IN WRITING TO PEACE OFFICERS OF THE DUTY TO  
25 COOPERATE WITH STATE AND FEDERAL OFFICIALS WITH REGARDS TO  
26 ENFORCEMENT OF STATE AND FEDERAL LAWS REGARDING IMMIGRATION  
27 AND COMPLY WITH PARAGRAPH (a) OF THIS SUBSECTION (2). EACH

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

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

12 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2011.

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