

**First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

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

LLS NO. 11-0600.01 Michael Dohr

**HOUSE BILL 11-1140**

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**HOUSE SPONSORSHIP**

**Balmer,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

Local Government  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING MEASURES TO STRENGTHEN THE ENFORCEMENT OF LAWS**  
102      **AGAINST ILLEGAL ALIENS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill prohibits a local government that refuses to participate in the United States department of homeland security's immigration and customs enforcement agency's secure communities initiative from:

- !      Receiving a local government grant or a direct allocation from the local government severance tax fund or local

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.*

government mineral impact fund; and  
! Receiving the local government's allocation from the  
cigarette tax revenues.

The money that is not distributed or allocated is redirected proportionately to all eligible local governments.

A person who transports or moves a known unlawful alien in Colorado in a vehicle, in furtherance of the alien's unlawful presence, or who conceals, harbors, or shields a known unlawful alien from detection in any place in Colorado commits a class 1 misdemeanor or, if 10 or more unauthorized aliens are involved, a class 6 felony. A law enforcement official or agency must impound or immobilize a person's vehicle if it is used to unlawfully transport, move, conceal, harbor, or shield a known unlawful alien, subject to exemptions for child protective services workers and emergency responders.

The director of the Colorado bureau of investigation will implement the secure communities program in consultation with the state associations that represent sheriffs and the chiefs of police and any other interested law enforcement organizations.

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

2           **SECTION 1. Legislative declaration.** The general assembly  
3 finds that there is a compelling interest in the cooperative enforcement of  
4 federal immigration laws throughout Colorado, because illegal aliens put  
5 a considerable strain on local, state, and federal resources. The  
6 provisions of this act are intended to work together to discourage and  
7 deter the unlawful entry and presence of aliens.

8           **SECTION 2.** Article 29 of title 29, Colorado Revised Statutes, is  
9 amended BY THE ADDITION OF A NEW SECTION to read:

10           **29-29-104. Cooperation with federal officials regarding**  
11 **immigration status.** (1) EACH LOCAL GOVERNMENT IN THE STATE SHALL  
12 PARTICIPATE IN THE UNITED STATES DEPARTMENT OF HOMELAND  
13 SECURITY'S IMMIGRATION AND CUSTOMS ENFORCEMENT AGENCY'S SECURE  
14 COMMUNITIES INITIATIVE. IN IMPLEMENTING THE SECURE COMMUNITIES  
15 INITIATIVE, EACH LOCAL GOVERNMENT SHALL COMPLY WITH THE

1 PROVISIONS OF SECTION 29-29-103 (2) (a) (II). THE DEPARTMENT OF  
2 PUBLIC SAFETY SHALL PUBLISH AND UPDATE A LIST OF ALL OF THE LOCAL  
3 GOVERNMENTS THAT ARE PARTICIPATING IN THE SECURE COMMUNITIES  
4 INITIATIVE.

5 (2) A LOCAL GOVERNMENT THAT VIOLATES SUBSECTION (1) OF  
6 THIS SECTION SHALL NOT BE ELIGIBLE TO RECEIVE GRANTS OR DIRECT  
7 DISTRIBUTIONS FROM THE LOCAL GOVERNMENT SEVERANCE TAX FUND  
8 CREATED IN SECTION 39-29-110, C.R.S., OR THE LOCAL GOVERNMENT  
9 MINERAL IMPACT FUND CREATED IN SECTION 34-63-102, C.R.S., UNTIL  
10 SUCH TIME AS IT PARTICIPATES IN THE UNITED STATES DEPARTMENT OF  
11 HOMELAND SECURITY'S IMMIGRATION AND CUSTOMS ENFORCEMENT  
12 AGENCY'S SECURE COMMUNITIES INITIATIVE. THE SHARE OF A LOCAL  
13 GOVERNMENT'S DIRECT DISTRIBUTION THAT IS PROHIBITED PURSUANT TO  
14 THIS SUBSECTION (2) SHALL BE DISTRIBUTED PROPORTIONATELY, BASED  
15 ON THE ELIGIBLE LOCAL GOVERNMENT'S DIRECT DISTRIBUTION SHARE, TO  
16 EACH REMAINING LOCAL GOVERNMENT THAT IS ELIGIBLE FOR THE  
17 DISTRIBUTION.

18 (3) A LOCAL GOVERNMENT THAT VIOLATES SUBSECTION (1) OF  
19 THIS SECTION SHALL NOT BE ELIGIBLE TO RECEIVE ITS ALLOCATION FROM  
20 GROSS STATE CIGARETTE TAX REVENUES PURSUANT TO SECTION  
21 39-22-623, C.R.S., UNTIL SUCH TIME AS IT PARTICIPATES IN THE UNITED  
22 STATES DEPARTMENT OF HOMELAND SECURITY'S IMMIGRATION AND  
23 CUSTOMS ENFORCEMENT AGENCY'S SECURE COMMUNITIES INITIATIVE.  
24 THE SHARE OF A LOCAL GOVERNMENT'S DIRECT ALLOCATION THAT IS  
25 PROHIBITED PURSUANT TO THIS SUBSECTION (3) SHALL BE DISTRIBUTED  
26 PROPORTIONATELY, BASED ON THE ELIGIBLE LOCAL GOVERNMENT'S  
27 DIRECT ALLOCATION SHARE, TO EACH REMAINING LOCAL GOVERNMENT

1 THAT IS ELIGIBLE FOR THE ALLOCATION.

2 (4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE  
3 PROHIBITION ON SANCTUARY CITIES AS PROVIDED FOR IN SECTION  
4 29-29-103.

5 [REDACTED]

6 **SECTION 3.** 24-33.5-404, Colorado Revised Statutes, is  
7 amended to read:

8 **24-33.5-404. Duties of the director.** (1) The director shall be the  
9 chief administrative officer of the bureau and shall also be an agent. He  
10 shall supervise and direct the administration and all other activities of the  
11 bureau. The director shall prescribe rules, ~~and regulations,~~ not  
12 inconsistent with law, for the operation of the bureau and the conduct of  
13 its personnel and the distribution and performance of their duties.

14 (2) THE DIRECTOR SHALL IMPLEMENT THE UNITED STATES  
15 DEPARTMENT OF HOMELAND SECURITY'S IMMIGRATION AND CUSTOMS  
16 ENFORCEMENT AGENCY'S SECURE COMMUNITIES INITIATIVE IN  
17 CONSULTATION WITH THE STATE ASSOCIATION THAT REPRESENTS COUNTY  
18 SHERIFFS, THE STATE ASSOCIATION THAT REPRESENTS CHIEFS OF POLICE,  
19 AND OTHER INTERESTED LAW ENFORCEMENT ORGANIZATIONS.

20 **SECTION 4. Effective date.** (1) This act shall take effect upon  
21 passage; except that Section 2 of this act shall take effect thirty days after  
22 the United States department of homeland security's immigration and  
23 customs enforcement agency's secure communities initiative is made  
24 available to each local government in the state.

25 (2) Within ten days of the United States department of homeland  
26 security's immigration and customs enforcement agency's secure  
27 communities initiative being made available to each local government in

1 the state, the executive director of the department of public safety shall  
2 notify the revisor of statutes in writing.

3 **SECTION 5. Safety clause.** The general assembly hereby finds,  
4 determines, and declares that this act is necessary for the immediate  
5 preservation of the public peace, health, and safety.