A BILL FOR AN ACT

CONCERNING THE AUTHORITY OF LAW ENFORCEMENT OFFICERS TO ARREST UNLAWFULLY PRESENT ALIENS.

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.)

A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe that the person is an alien who:

Is subject to a removal order issued by an immigration court or to a detainer or notice of action issued by the federal department of homeland security; or
Has been indicted for or been convicted of one or more aggravated felonies, as defined by 8 U.S.C. sec. 1101(a)(43), as amended; or

Has willfully failed to register with the federal government pursuant to 8 U.S.C. sec. 1301.

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

SECTION 1. 16-3-102, Colorado Revised Statutes, is amended to read:

16-3-102. Arrest by peace officer. (1) A peace officer may arrest a person when:

(a) He has a warrant commanding that such person be arrested; or

(b) Any crime has been or is being committed by such person in his presence; or

(c) He has probable cause to believe that an offense was committed and has probable cause to believe that the offense was committed by the person to be arrested; OR

(d) He has probable cause to believe that the person to be arrested is an alien who:

(I) Is subject to:

(A) A removal order issued by an immigration court; or

(B) A detainer or notice of action issued by the federal Department of Homeland Security; or

(II) Has been indicted for or been convicted of one or more aggravated felonies, as defined by 8 U.S.C. sec. 1101 (a) (43), as amended; or

(III) Has willfully failed to register with the federal government pursuant to 8 U.S.C. sec. 1301.
(2) (a) The terms of paragraph (d) of subsection (1) of this section regarding immigration shall be construed to have the meanings given to them under federal immigration law.

(b) Paragraph (d) of subsection (1) of this section shall be implemented in a manner consistent with federal laws regulating immigration, protecting the civil rights of all persons, and respecting the privileges and immunities of United States citizens.

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