

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 11-0600.01 Michael Dohr

HOUSE BILL 11-1140

HOUSE SPONSORSHIP

Balmer,

SENATE SPONSORSHIP

Harvey,

House Committees

Local Government
Appropriations

Senate Committees

A BILL FOR AN ACT

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

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.*

HOUSE
3rd Reading Unamended
March 22, 2011

HOUSE
Amended 2nd Reading
March 21, 2011

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.

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., UNLESS THE LOCAL GOVERNMENT USES THE
22 ALLOCATION FOR VETERANS SERVICES UNTIL SUCH TIME AS IT
23 PARTICIPATES IN THE UNITED STATES DEPARTMENT OF HOMELAND
24 SECURITY'S IMMIGRATION AND CUSTOMS ENFORCEMENT AGENCY'S SECURE
25 COMMUNITIES INITIATIVE. THE SHARE OF A LOCAL GOVERNMENT'S DIRECT
26 ALLOCATION THAT IS PROHIBITED PURSUANT TO THIS SUBSECTION (3)
27 SHALL BE DISTRIBUTED PROPORTIONATELY, BASED ON THE ELIGIBLE LOCAL

1 GOVERNMENT'S DIRECT ALLOCATION SHARE, TO EACH REMAINING LOCAL
2 GOVERNMENT THAT IS ELIGIBLE FOR THE ALLOCATION.

3 (4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE
4 PROHIBITION ON SANCTUARY CITIES AS PROVIDED FOR IN SECTION
5 29-29-103.

6

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

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

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

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

26 (2) Within ten days of the United States department of homeland
27 security's immigration and customs enforcement agency's secure

1 communities initiative being made available to each local government in
2 the state, the executive director of the department of public safety shall
3 notify the revisor of statutes in writing.

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