## First Regular Session Sixty-ninth General Assembly STATE OF COLORADO

## PREAMENDED

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

LLS NO. 13-0513.01 Richard Sweetman x4333

HOUSE BILL 13-1045

**HOUSE SPONSORSHIP** 

Wright,

Ulibarri,

#### SENATE SPONSORSHIP

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

# A BILL FOR AN ACT

101	CONCERNING PROHIBITING ASSISTANCE BY THE STATE WITH
102	ENFORCEMENT OF CERTAIN PROVISIONS OF THE FEDERAL
103	"NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR
104	2012''.

### **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.)

An agency of this state, a political subdivision of this state, an employee of an agency of this state or of a political subdivision of this state acting in his or her official capacity, and a member of the Colorado National Guard serving in his or her official capacity are prohibited from aiding an agency of the armed forces of the United States in any investigation, prosecution, or detention of any person pursuant to section 1021 of the "National Defense Authorization Act for Fiscal Year 2012", if such aid would place the entity in violation of any provision of the United States constitution, the Colorado constitution, or any law of this state.

1 Be it enacted by the General Assembly of the State of Colorado: 2 **SECTION 1.** In Colorado Revised Statutes, **add** part 3 to article 3 18 of title 24 as follows: 4 PART 3 NO STATE AID TO CERTAIN FEDERAL INVESTIGATIONS 5 24-18-301. National defense authorization act for 2012 - state 6 7 aid prohibited. (1) (a) EXCEPT AS DESCRIBED IN SUBSECTION (2) OF THIS 8 SECTION, AND NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN 9 ENTITY DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (1) SHALL NOT 10 PROVIDE AID TO AN AGENCY OF THE ARMED FORCES OF THE UNITED 11 STATES IN ANY INVESTIGATION, PROSECUTION, OR DETENTION OF ANY 12 PERSON PURSUANT TO SECTION 1021 OF THE FEDERAL "NATIONAL 13 DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012", H.R. 1540, 14 PUB.L. 112-81, AS AMENDED, IF SUCH AID WOULD PLACE THE ENTITY IN 15 VIOLATION OF ANY PROVISION OF THE UNITED STATES CONSTITUTION, THE 16 COLORADO CONSTITUTION, OR ANY LAW OF THIS STATE. 17 (b) THE PROHIBITION DESCRIBED IN PARAGRAPH (a) OF THIS 18 SUBSECTION (1) APPLIES TO: 19 (I) AN AGENCY OF THIS STATE; 20 (II) A POLITICAL SUBDIVISION OF THIS STATE; AND 21 (III) AN EMPLOYEE OF AN AGENCY OR A POLITICAL SUBDIVISION OF 1 THIS STATE ACTING IN HIS OR HER OFFICIAL CAPACITY.

2 (2) NOTWITHSTANDING ANY PROVISION OF THIS SECTION, THE
3 PROHIBITION DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (1) OF THIS
4 SECTION SHALL NOT APPLY TO:

5 (a) AN EMPLOYEE OF THE STATE DEPARTMENT OF MILITARY AND 6 VETERANS AFFAIRS CREATED PURSUANT TO SECTION 24-1-127, INCLUDING 7 AN EMPLOYEE OF ANY DIVISION OF THE DEPARTMENT, ANY EMPLOYEE OF 8 THE CIVIL AIR PATROL DESCRIBED IN ARTICLE 1 OF TITLE 28, C.R.S., AND 9 ANY EMPLOYEE OF THE COLORADO NATIONAL GUARD DESCRIBED IN 10 ARTICLE 3 OF TITLE 28, C.R.S.; OR

(b) PARTICIPATION BY AN ENTITY IN A JOINT TASK FORCE,
PARTNERSHIP, OR OTHER SIMILAR COOPERATIVE AGREEMENT WITH
FEDERAL LAW ENFORCEMENT IF THE JOINT TASK FORCE, PARTNERSHIP, OR
OTHER SIMILAR COOPERATIVE AGREEMENT IS NOT FOR THE PURPOSE OF
INVESTIGATING, PROSECUTING, OR DETAINING ANY PERSON PURSUANT TO
SECTION 1021 OF THE FEDERAL "NATIONAL DEFENSE AUTHORIZATION
ACT FOR FISCAL YEAR 2012", H.R. 1540.

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.

1045