Second Regular Session Sixty-ninth General Assembly STATE OF COLORADO

INTRODUCED

LLS NO. 14-0555.02 Jason Gelender x4330

HOUSE BILL 14-1155

HOUSE SPONSORSHIP

Wright, Humphrey, Lebsock, Everett, Saine, Salazar, Ferrandino, Holbert, Joshi, Rankin, Scott, Sonnenberg

SENATE SPONSORSHIP

Ulibarri,

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

A BILL FOR AN ACT

101	CONCERNING A PROHIBITION AGAINST 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.)

The bill prohibits a state agency, a political subdivision of the state, or an employee of a state agency or political subdivision of the state

acting in his or her official capacity 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. Employees of the department of military and veterans affairs, the civil air patrol, and the Colorado national guard are exempt from the prohibition.

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
5	NO STATE AID TO CERTAIN
6	FEDERAL INVESTIGATIONS
7	24-18-301. National defense authorization act for fiscal year
8	2012 - state aid prohibited. (1) (a) EXCEPT AS DESCRIBED IN
9	SUBSECTION (2) OF THIS SECTION, AND NOTWITHSTANDING ANY OTHER
10	PROVISION OF LAW, AN ENTITY DESCRIBED IN PARAGRAPH (b) OF THIS
11	SUBSECTION (1) SHALL NOT PROVIDE AID TO AN AGENCY OF THE ARMED
12	FORCES OF THE UNITED STATES IN ANY INVESTIGATION, PROSECUTION, OR
13	DETENTION OF ANY PERSON PURSUANT TO SECTION 1021 of the Federal
14	"NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012", H.R.
15	1540, PUB.L. 112-81, AS AMENDED, IF SUCH AID WOULD PLACE THE ENTITY
16	IN VIOLATION OF ANY PROVISION OF THE UNITED STATES CONSTITUTION,
17	THE COLORADO CONSTITUTION, OR ANY LAW OF THIS STATE.
18	(b) The prohibition described in paragraph (a) of this
19	SUBSECTION (1) APPLIES TO:
20	(I) AN AGENCY OF THIS STATE;
21	(II) A POLITICAL SUBDIVISION OF THIS STATE; AND

(III) AN EMPLOYEE OF AN AGENCY OR A POLITICAL SUBDIVISION OF
 THIS STATE ACTING IN HIS OR HER OFFICIAL CAPACITY.

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

6 (a) AN EMPLOYEE OF THE DEPARTMENT OF MILITARY AND 7 VETERANS AFFAIRS CREATED PURSUANT TO SECTION 24-1-127, INCLUDING 8 AN EMPLOYEE OF ANY DIVISION OF THE DEPARTMENT, AN EMPLOYEE OF 9 THE CIVIL AIR PATROL DESCRIBED IN ARTICLE 1 OF TITLE 28, C.R.S., AND 10 AN EMPLOYEE OF THE COLORADO NATIONAL GUARD DESCRIBED IN 11 ARTICLE 3 OF TITLE 28, C.R.S.; OR

12 (b) PARTICIPATION BY AN ENTITY IN A JOINT TASK FORCE, 13 PARTNERSHIP, OR OTHER SIMILAR COOPERATIVE AGREEMENT WITH 14 FEDERAL LAW ENFORCEMENT IF THE JOINT TASK FORCE, PARTNERSHIP, OR 15 OTHER SIMILAR COOPERATIVE AGREEMENT IS NOT FOR THE PURPOSE OF 16 INVESTIGATING, PROSECUTING, OR DETAINING ANY PERSON PURSUANT TO 17 SECTION 1021 OF THE FEDERAL "NATIONAL DEFENSE AUTHORIZATION 18 ACT FOR FISCAL YEAR 2012", H.R. 1540, PUB.L. 112-81, AS AMENDED. 19 **SECTION 2.** Safety clause. The general assembly hereby finds, 20 determines, and declares that this act is necessary for the immediate

21 preservation of the public peace, health, and safety.

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