

Second Regular Session  
Sixty-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 06-0289.01 Jane Ritter

HOUSE BILL 06-1134

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**A BILL FOR AN ACT**

101 **CONCERNING ENFORCEMENT OF IMMIGRATION LAWS BY LAW**  
102 **ENFORCEMENT AGENCIES IN COLORADO.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Requires the executive director of the department of public safety, the sheriff of each Colorado county, and the governing body of each city or town in the state maintaining a paid police department to seek to enter into a memorandum of understanding with the United States bureau of immigration and customs enforcement to train and subsequently authorize Colorado state patrol officers, sheriffs, undersheriffs, deputy sheriffs, and police officers ("law enforcement officers") to identify, process, and,

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.*

when appropriate, detain a person suspected of an immigration offense when the law enforcement officer encounters the person during routine law-enforcement activity.

Authorizes law enforcement officers to perform any actions outlined in the memorandum of understanding.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4 (a) Illegal immigration to the United States is an issue of  
5 nationwide concern, affecting an increasing number of states, including  
6 interior states such as Colorado;

7 (b) Data from the United States Census Bureau place new  
8 immigration for the five-year period of 2000-2005 as the highest in  
9 American history, with almost half of the new arrivals estimated to be  
10 illegal aliens;

11 (c) The issues created by illegal immigration to Colorado are of  
12 increasing concern for cities and counties throughout the state;

13 (d) Illegal aliens are transported via the major interstate highways  
14 in the state, creating an issue that crosses city, county, and state lines;

15 (e) Criminal activity as a result of illegal immigration is increasing  
16 in Colorado, and the percentage of illegal aliens in city and county jails  
17 and state prisons is increasing; and

18 (f) Illegal immigration is a matter of statewide concern in  
19 Colorado.

20 (2) The general assembly, therefore, determines that it is in the  
21 state's interest to work collaboratively with the federal Bureau of  
22 Immigration and Customs Enforcement to authorize state patrol officers,  
23 sheriffs, undersheriffs, deputy sheriffs, and police officers to participate

1 in immigration enforcement activities.

2 **SECTION 2.** 24-33.5-104, Colorado Revised Statutes, is  
3 amended BY THE ADDITION OF A NEW SUBSECTION to read:

4 **24-33.5-104. Duties of executive director.** (2) ON OR BEFORE  
5 JANUARY 1, 2007, THE EXECUTIVE DIRECTOR SHALL SEEK TO ENTER INTO  
6 A MEMORANDUM OF UNDERSTANDING BETWEEN THE COLORADO STATE  
7 PATROL AND THE UNITED STATES BUREAU OF IMMIGRATION AND CUSTOMS  
8 ENFORCEMENT TO PARTICIPATE IN A PROGRAM TO ENHANCE COOPERATION  
9 AND COMMUNICATION BETWEEN FEDERAL AND STATE LAW ENFORCEMENT  
10 AGENCIES IN THE AREA OF IMMIGRATION ENFORCEMENT. PURSUANT TO  
11 THE MEMORANDUM OF UNDERSTANDING, THE UNITED STATES BUREAU OF  
12 IMMIGRATION AND CUSTOMS ENFORCEMENT MAY TRAIN AND  
13 SUBSEQUENTLY AUTHORIZE COLORADO STATE PATROL OFFICERS TO  
14 IDENTIFY, PROCESS, AND, WHEN APPROPRIATE, DETAIN A PERSON  
15 SUSPECTED OF AN IMMIGRATION OFFENSE WHEN THE COLORADO STATE  
16 PATROL OFFICER ENCOUNTERS THE PERSON DURING ROUTINE  
17 LAW-ENFORCEMENT ACTIVITY.

18 **SECTION 3.** 24-33.5-212, Colorado Revised Statutes, is  
19 amended BY THE ADDITION OF A NEW SUBSECTION to read:

20 **24-33.5-212. Powers and duties of officers.** (5) IN ADDITION TO  
21 THE OTHER POWERS AND DUTIES LISTED IN THIS SECTION, IF THE  
22 EXECUTIVE DIRECTOR ENTERS INTO A MEMORANDUM OF UNDERSTANDING  
23 WITH THE UNITED STATES BUREAU OF IMMIGRATION AND CUSTOMS  
24 ENFORCEMENT PURSUANT TO SECTION 24-33.5-104 (2), OFFICERS OF THE  
25 COLORADO STATE PATROL SHALL HAVE THE POWER TO IDENTIFY, PROCESS,  
26 AND, WHEN APPROPRIATE, DETAIN A PERSON SUSPECTED OF AN  
27 IMMIGRATION OFFENSE WHEN THE COLORADO STATE PATROL OFFICER

1 ENCOUNTERS THE PERSON DURING ROUTINE LAW-ENFORCEMENT ACTIVITY.

2 **SECTION 4.** Part 5 of article 10 of title 30, Colorado Revised  
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
4 read:

5 **30-10-524. Sheriff to participate in immigration enforcement.**

6 ON OR BEFORE JANUARY 1, 2007, THE SHERIFF OF EACH COUNTY SHALL  
7 SEEK TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE  
8 SHERIFF'S OFFICE AND THE UNITED STATES BUREAU OF IMMIGRATION AND  
9 CUSTOMS ENFORCEMENT TO PARTICIPATE IN A PROGRAM TO ENHANCE  
10 COOPERATION AND COMMUNICATION BETWEEN FEDERAL AND STATE LAW  
11 ENFORCEMENT AGENCIES IN THE AREA OF IMMIGRATION ENFORCEMENT.  
12 PURSUANT TO THE MEMORANDUM OF UNDERSTANDING, THE UNITED  
13 STATES BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT MAY  
14 TRAIN AND SUBSEQUENTLY AUTHORIZE A SHERIFF, AN UNDERSHERIFF, OR  
15 A DEPUTY SHERIFF TO IDENTIFY, PROCESS, AND, WHEN APPROPRIATE,  
16 DETAIN A PERSON SUSPECTED OF AN IMMIGRATION OFFENSE WHEN THE  
17 SHERIFF, UNDERSHERIFF, OR DEPUTY SHERIFF ENCOUNTERS THE PERSON  
18 DURING ROUTINE LAW-ENFORCEMENT ACTIVITY.

19 **SECTION 5.** Part 4 of article 15 of title 31, Colorado Revised  
20 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
21 read:

22 **31-15-403. Police to participate in immigration enforcement.**

23 ON OR BEFORE JANUARY 1, 2007, THE GOVERNING BODY OF EACH  
24 MUNICIPALITY IN THE STATE SHALL SEEK TO ENTER INTO A MEMORANDUM  
25 OF UNDERSTANDING BETWEEN THE GOVERNING BODY AND THE UNITED  
26 STATES BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT TO  
27 PARTICIPATE IN A PROGRAM TO ENHANCE COOPERATION AND

1 COMMUNICATION BETWEEN FEDERAL AND STATE LAW ENFORCEMENT  
2 AGENCIES IN THE AREA OF IMMIGRATION ENFORCEMENT. PURSUANT TO  
3 THE MEMORANDUM OF UNDERSTANDING, THE UNITED STATES BUREAU OF  
4 IMMIGRATION AND CUSTOMS ENFORCEMENT MAY TRAIN AND  
5 SUBSEQUENTLY AUTHORIZE A POLICE OFFICER WHO IS EMPLOYED BY THE  
6 MUNICIPAL POLICE DEPARTMENT TO IDENTIFY, PROCESS, AND, WHEN  
7 APPROPRIATE, DETAIN A PERSON SUSPECTED OF AN IMMIGRATION OFFENSE  
8 WHEN THE POLICE OFFICER ENCOUNTERS THE PERSON DURING ROUTINE  
9 LAW-ENFORCEMENT ACTIVITY.

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