

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 06-0558.01 Kristen Forrestal

SENATE BILL 06-090

SENATE SPONSORSHIP

Wiens, and Johnson

HOUSE SPONSORSHIP

Harvey,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING LOCAL GOVERNMENT COOPERATION WITH FEDERAL
102 OFFICIALS REGARDING THE IMMIGRATION STATUS OF PERSONS
103 IN THIS STATE.

Bill Summary

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

Prohibits a local government from passing any ordinance or policy that would prohibit a police officer, local official, or local government employee from cooperating with federal officials with regard to the immigration status of a person within the state. Requires a police officer, local official, or local government employee who has probable cause to believe that a person is not legally present in the United States to report

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.

the person to the federal immigration and customs enforcement office. Requires each local government to provide notice to local officials of the duty to report and to provide written confirmation of such notice and reporting statistics to the general assembly. Prohibits a local government that violates this provision from receiving any grants administered by the department of local affairs.

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

2 **SECTION 1.** Title 29, Colorado Revised Statutes, is amended BY
3 THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 28**

5 **Immigration Status - Cooperation With Federal Officials**

6 **29-28-101. Legislative declaration.** (1) THE GENERAL
7 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

8 (a) SANCTUARY POLICIES ARE LOCAL GOVERNMENT ORDINANCES
9 OR POLICIES THAT PROHIBIT LOCAL OFFICIALS, INCLUDING POLICE
10 OFFICERS, FROM COMMUNICATING OR COOPERATING WITH FEDERAL
11 OFFICIALS WITH REGARD TO THE IMMIGRATION STATUS OF ANY PERSON
12 WITHIN THE STATE;

13 (b) THE MATTERS CONTAINED IN THIS ARTICLE HAVE IMPORTANT
14 STATEWIDE RAMIFICATIONS FOR COMPLIANCE WITH AND ENFORCEMENT OF
15 FEDERAL IMMIGRATION LAWS;

16 (c) SANCTUARY POLICIES ALLOW IILEGAL IMMIGRANTS TO RESIDE
17 WITHIN COLORADO, WHICH CONTRIBUTES TO THE HIGH COSTS OF HEALTH
18 CARE AND PUTS A FINANCIAL STRAIN ON THE PUBLIC HEALTH BENEFITS
19 PROGRAMS ESTABLISHED IN THIS STATE;

20 (d) SANCTUARY POLICIES ALLOW THE CHILDREN OF ILLEGAL
21 IMMIGRANTS TO TAKE PART IN K-12 EDUCATION IN THIS STATE, COSTING
22 THE STATE MONEY TO SUPPORT PEOPLE WHO HAVE BROKEN THE LAW TO

1 MAINTAIN STATE RESIDENCE.

2 (2) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT THE
3 MATTERS ADDRESSED IN THIS ARTICLE ARE MATTERS OF STATEWIDE
4 CONCERN.

5 **29-28-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
6 CONTEXT OTHERWISE REQUIRES:

7 (1) "LOCAL GOVERNMENT" MEANS A TOWN, CITY, CITY AND
8 COUNTY, OR COUNTY.

9 **29-28-103. Cooperation with federal officials regarding**
10 **immigration status.** (1) NO LOCAL GOVERNMENT, WHETHER ACTING
11 THROUGH ITS GOVERNING BODY OR BY AN INITIATIVE, REFERENDUM, OR
12 ANY OTHER PROCESS, SHALL ENACT ANY ORDINANCE OR POLICY THAT
13 LIMITS OR PROHIBITS A POLICE OFFICER, LOCAL OFFICIAL, OR LOCAL
14 GOVERNMENT EMPLOYEE FROM COMMUNICATING OR COOPERATING WITH
15 FEDERAL OFFICIALS WITH REGARD TO THE IMMIGRATION STATUS OF ANY
16 PERSON WITHIN THIS STATE.

17 (2) (a) A POLICE OFFICER, LOCAL OFFICIAL, OR LOCAL
18 GOVERNMENT EMPLOYEE WHO HAS PROBABLE CAUSE TO BELIEVE THAT A
19 PERSON IS NOT LEGALLY PRESENT IN THE UNITED STATES SHALL REPORT
20 SUCH PERSON TO THE UNITED STATES IMMIGRATION AND CUSTOMS
21 ENFORCEMENT OFFICE.

22 (b) THE GOVERNING BODY OF EACH LOCAL GOVERNMENT SHALL
23 PROVIDE NOTICE IN WRITING TO LOCAL OFFICIALS OF THE DUTY TO COMPLY
24 WITH PARAGRAPH (a) OF THIS SUBSECTION (2). EACH GOVERNING BODY
25 SHALL PROVIDE WRITTEN CONFIRMATION TO THE GENERAL ASSEMBLY
26 THAT IT HAS PROVIDED SUCH NOTICE AND SHALL ANNUALLY, ON OR
27 BEFORE MARCH 1 OF EACH YEAR, REPORT TO THE GENERAL ASSEMBLY THE

1 NUMBER OF REPORTS MADE TO THE UNITED STATES IMMIGRATION AND
2 CUSTOMS ENFORCEMENT OFFICE PURSUANT TO THIS ARTICLE.

3 (3) A LOCAL GOVERNMENT THAT VIOLATES THIS SECTION SHALL
4 NOT BE ELIGIBLE TO RECEIVE LOCAL GOVERNMENT FINANCIAL ASSISTANCE
5 THROUGH GRANTS ADMINISTERED BY THE DEPARTMENT OF LOCAL
6 AFFAIRS.

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