

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0339.01 Michael Dohr x4347

SENATE BILL 25-047

SENATE SPONSORSHIP

Baisley,

HOUSE SPONSORSHIP

Brooks and Richardson,

Senate Committees
State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING REVERSING CERTAIN ACTIONS BY THE GENERAL**
102 **ASSEMBLY RELATED TO MEASURES INTENDED TO LIMIT**
103 **ENFORCEMENT OF FEDERAL IMMIGRATION LAW.**

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://leg.colorado.gov>.)

In 2006, the general assembly passed Senate Bill 06-090, which:

- Prohibited 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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

- person within the state;
- Required a peace officer who has probable cause to believe that a person is not legally present in the United States to report the person to the federal immigration and customs enforcement office;
- Required each local government to provide notice to peace officers of the duty to report and to provide written confirmation of the notice and reporting statistics to the general assembly; and
- Prohibited a local government that violates this provision from receiving any grants administered by the department of local affairs.

Senate Bill 06-090 was repealed in 2013. The bill recreates and reenacts Senate Bill 06-090.

Current law prohibits:

- A person from being arrested while the person is present at a courthouse, or while going to, attending, or coming from a court proceeding, and provides remedies for a violation;
- A probation officer or probation department employee from providing personal information about an individual to federal immigration authorities; and
- State and local governmental entities from contracting with a private entity for immigration detention services or entering into agreements for immigration detention services.

The bill repeals each of these laws.

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) Data released by the federal Department of Homeland Security
5 annual report for fiscal year 2023 compels the repeal of certain prior
6 legislation giving protected status to undocumented aliens who have
7 criminal records or who are convicted of crimes under Colorado law;

8 (b) Local law enforcement agencies, district attorneys, Colorado
9 jails, and the department of corrections are paying for the living and
10 housing costs of illegal violent criminal offenders at Colorado taxpayers'

1 expense;

2 (c) The state Department of Corrections and county and municipal
3 police agencies routinely release hundreds of criminal aliens back into the
4 community annually without notifying the federal Department of
5 Homeland Security of the release date and time because such notification
6 and cooperation with federal immigration authorities is obstructed by
7 current state law;

8 (d) The release of violent criminal illegal aliens victimizes the
9 very communities they are returned to and creates a feeling of fear within
10 these communities;

11 (e) The state of Colorado, local jurisdictions, and political
12 subdivisions can no longer bear the fiduciary costs related to the violent
13 illegal immigrants that victimize their communities; and

14 (f) Senate Bill 25-_____ does not give Colorado peace officers
15 the authority to contact or detain any individual without probable cause
16 or without a violation of Colorado criminal law, nor does it authorize
17 round-up operations or stop-and-show-your-papers enforcement actions.

18 (2) Therefore, the general assembly determines it is necessary to
19 repeal previous legislation that protected illegal aliens who have criminal
20 records or who are convicted of crimes under Colorado law.

21 **SECTION 2.** In Colorado Revised Statutes, **recreate and**
22 **reenact, with amendments,** article 29 of title 29 as follows:

23 **ARTICLE 29**

24 **Immigration Status**

25 **Cooperation with Federal Officials**

26 **29-29-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY
27 FINDS, DETERMINES, AND DECLARES THAT:

5 (b) THE MATTERS CONTAINED IN THIS ARTICLE 29 HAVE
6 IMPORTANT STATEWIDE RAMIFICATIONS FOR COMPLIANCE WITH AND
7 ENFORCEMENT OF FEDERAL IMMIGRATION LAWS; AND

8 (c) SANCTUARY POLICIES ALLOW ILLEGAL IMMIGRANTS TO RESIDE
9 IN COLORADO AND UNDERMINE FEDERAL IMMIGRATION LAW.

10 (2) THE GENERAL ASSEMBLY THEREFORE DECLares THAT THE
11 MATTERS ADDRESSED IN THIS ARTICLE 29 ARE MATTERS OF STATEWIDE
12 CONCERN.

13 **29-29-102. Definition.** AS USED IN THIS ARTICLE 29, UNLESS THE
14 CONTEXT OTHERWISE REQUIRES, "LOCAL GOVERNMENT" MEANS A TOWN,
15 CITY, CITY AND COUNTY, OR COUNTY

16 **29-29-103. Cooperation with federal officials regarding**
17 **immigration status.** (1) A LOCAL GOVERNMENT, WHETHER ACTING
18 THROUGH ITS GOVERNING BODY OR BY AN INITIATIVE, REFERENDUM, OR
19 ANY OTHER PROCESS, MAY NOT ENACT AN ORDINANCE OR POLICY THAT
20 LIMITS OR PROHIBITS A PEACE OFFICER, LOCAL OFFICIAL, OR LOCAL
21 GOVERNMENT EMPLOYEE FROM COMMUNICATING OR COOPERATING WITH
22 FEDERAL OFFICIALS WITH REGARD TO THE IMMIGRATION STATUS OF A
23 PERSON WITHIN THIS STATE.

24 (2) (a) (I) A PEACE OFFICER WHO HAS PROBABLE CAUSE TO
25 BELIEVE THAT AN ARRESTEE FOR A CRIMINAL OFFENSE IS NOT LEGALLY
26 PRESENT IN THE UNITED STATES MAY REPORT THE ARRESTEE TO THE
27 UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE IF THE

1 ARRESTEE IS NOT HELD AT A DETENTION FACILITY. IF THE ARRESTEE IS
2 HELD AT A DETENTION FACILITY AND THE COUNTY SHERIFF REASONABLY
3 BELIEVES THAT THE ARRESTEE IS NOT LEGALLY PRESENT IN THE UNITED
4 STATES, THE SHERIFF MAY REPORT THE ARRESTEE TO THE UNITED STATES
5 IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE.

6 (II) THIS SUBSECTION (2) DOES NOT APPLY TO A PERSON WHO IS
7 ARRESTED FOR A SUSPECTED ACT OF DOMESTIC VIOLENCE, AS DEFINED IN
8 SECTION 18-6-800.3, UNTIL THE PERSON IS CONVICTED OF A DOMESTIC
9 VIOLENCE OFFENSE.

10 (b) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT THE
11 STATE ATTORNEY GENERAL AND ALL APPROPRIATE STATE AND LOCAL LAW
12 ENFORCEMENT AGENCIES MAY VIGOROUSLY PURSUE ALL FEDERAL MONEY
13 TO WHICH THE STATE MAY BE ENTITLED FOR THE REIMBURSEMENT OF
14 MONEY SPENT TO ENFORCE FEDERAL IMMIGRATION LAWS.

15 **SECTION 3.** In Colorado Revised Statutes, 13-1-114, **amend**
16 (1)(c) and (1)(d); and **repeal** (1)(e) as follows:

17 **13-1-114. Powers of court.** (1) Every court has power:

18 (c) To compel obedience to its lawful judgments, orders, and
19 process and to the lawful orders of its judge out of court in action or
20 proceeding pending therein; AND

21 (d) To control, in furtherance of justice, the conduct of its
22 ministerial officers. **and**

23 (e) ~~To preserve access to courthouses and court proceedings,~~
24 ~~prevent interruption of court proceedings, and enforce protection from~~
25 ~~civil arrest at a courthouse or on its environs pursuant to section~~
26 ~~13-1-403.~~

27 **SECTION 4.** In Colorado Revised Statutes, **repeal** part 4 of

1 article 1 of title 13, article 76.6 of title 24, and article 76.7 of title 24.

2 **SECTION 5. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly; except
5 that, if a referendum petition is filed pursuant to section 1 (3) of article V
6 of the state constitution against this act or an item, section, or part of this
7 act within such period, then the act, item, section, or part will not take
8 effect unless approved by the people at the general election to be held in
9 November 2026 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.