

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0803.01 Michael Dohr x4347

HOUSE BILL 24-1128

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HOUSE SPONSORSHIP

Holtorf,

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Baisley,

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House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

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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.

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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 that:

- 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Senate Bill 06-090 was repealed in 2013. This bill recreates and reenacts the 2006 bill.

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.

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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) 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) It is alarming that border crossing statistics in the report show  
9 that during federal fiscal years 2021, 2022, and 2023, over 1.7 million  
10 "gotaways" were reported in addition to 7.5 million direct encounters by

1 federal border control agents. The "gotaways" likely include thousands of  
2 aliens, classified as "special interest aliens" when apprehended because  
3 they come from nations, such as Iran and Yemen, known to tolerate  
4 terrorist organizations and activities within their own borders.

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

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

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

16 **ARTICLE 29**

17 **Immigration Status - Cooperation with Federal Officials**

18 **29-29-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
19 FINDS, DETERMINES, AND DECLARES THAT:

20 (a) SANCTUARY POLICIES ARE LOCAL GOVERNMENT ORDINANCES  
21 OR POLICIES THAT PROHIBIT LOCAL OFFICIALS, INCLUDING PEACE OFFICERS,  
22 FROM COMMUNICATING OR COOPERATING WITH FEDERAL OFFICIALS WITH  
23 REGARD TO THE IMMIGRATION STATUS OF ANY PERSON WITHIN THE STATE;

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

27 (c) SANCTUARY POLICIES ALLOW ILLEGAL IMMIGRANTS TO RESIDE

1 IN COLORADO AND UNDERMINE FEDERAL IMMIGRATION LAW.

2 (2) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT THE  
3 MATTERS ADDRESSED IN THIS ARTICLE 29 ARE MATTERS OF STATEWIDE  
4 CONCERN.

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

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

9 **29-29-103. Cooperation with federal officials regarding**  
10 **immigration status.** (1) A LOCAL GOVERNMENT, WHETHER ACTING  
11 THROUGH ITS GOVERNING BODY OR BY AN INITIATIVE, REFERENDUM, OR  
12 ANY OTHER PROCESS, SHALL NOT ENACT AN ORDINANCE OR POLICY THAT  
13 LIMITS OR PROHIBITS A PEACE OFFICER, LOCAL OFFICIAL, OR LOCAL  
14 GOVERNMENT EMPLOYEE FROM COMMUNICATING OR COOPERATING WITH  
15 FEDERAL OFFICIALS WITH REGARD TO THE IMMIGRATION STATUS OF A  
16 PERSON WITHIN THIS STATE.

17 (2) (a) (I) A PEACE OFFICER WHO HAS PROBABLE CAUSE THAT AN  
18 ARRESTEE FOR A CRIMINAL OFFENSE IS NOT LEGALLY PRESENT IN THE  
19 UNITED STATES SHALL REPORT THE ARRESTEE TO THE UNITED STATES  
20 IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE IF THE ARRESTEE IS  
21 NOT HELD AT A DETENTION FACILITY. IF THE ARRESTEE IS HELD AT A  
22 DETENTION FACILITY AND THE COUNTY SHERIFF REASONABLY BELIEVES  
23 THAT THE ARRESTEE IS NOT LEGALLY PRESENT IN THE UNITED STATES,  
24 THE SHERIFF SHALL REPORT THE ARRESTEE TO THE UNITED STATES  
25 IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE.

26 (II) THIS SUBSECTION (2) DOES NOT APPLY TO A PERSON WHO IS  
27 ARRESTED FOR A SUSPECTED ACT OF DOMESTIC VIOLENCE, AS DEFINED IN

1 SECTION 18-6-800.3, UNTIL THE PERSON IS CONVICTED OF A DOMESTIC  
2 VIOLENCE OFFENSE.

3 (b) THE GOVERNING BODY OF EACH LOCAL GOVERNMENT SHALL  
4 PROVIDE NOTICE IN WRITING TO PEACE OFFICERS OF THE DUTY TO  
5 COOPERATE WITH STATE AND FEDERAL OFFICIALS WITH REGARD TO  
6 ENFORCEMENT OF STATE AND FEDERAL LAWS REGARDING IMMIGRATION  
7 AND COMPLY WITH SUBSECTION (2)(a) OF THIS SECTION. EACH GOVERNING  
8 BODY OF A LOCAL GOVERNMENT SHALL PROVIDE WRITTEN CONFIRMATION  
9 TO THE GENERAL ASSEMBLY THAT IT HAS PROVIDED THE NOTICE AND  
10 SHALL ANNUALLY, ON OR BEFORE MARCH 1 OF EACH YEAR, REPORT TO  
11 THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY THE NUMBER OF  
12 REPORTS MADE TO THE UNITED STATES IMMIGRATION AND CUSTOMS  
13 ENFORCEMENT OFFICE PURSUANT TO THIS ARTICLE 29.

14 (c) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT THE  
15 STATE ATTORNEY GENERAL AND ALL APPROPRIATE STATE AND LOCAL LAW  
16 ENFORCEMENT AGENCIES SHALL VIGOROUSLY PURSUE ALL FEDERAL  
17 MONEY TO WHICH THE STATE MAY BE ENTITLED FOR THE REIMBURSEMENT  
18 OF MONEY SPENT TO ENFORCE FEDERAL IMMIGRATION LAWS.

19 (3) A LOCAL GOVERNMENT THAT VIOLATES SUBSECTION (1) OR  
20 (2)(b) OF THIS SECTION IS NOT ELIGIBLE TO RECEIVE LOCAL GOVERNMENT  
21 FINANCIAL ASSISTANCE THROUGH GRANTS ADMINISTERED BY THE  
22 DEPARTMENT OF LOCAL AFFAIRS UNTIL THE ORDINANCE OR POLICY IS NO  
23 LONGER IN EFFECT.

24 **SECTION 3.** In Colorado Revised Statutes, **repeal** part 4 of  
25 article 1 of title 13, article 76.6 of title 24, and article 76.7 of title 24.

26 **SECTION 4.** In Colorado Revised Statutes, 13-1-114, **amend**  
27 (1)(c) and (1)(d); and **repeal** (1)(e) as follows:

1           **13-1-114. Powers of court.** (1) Every court has power:  
2           (c) To compel obedience to its lawful judgments, orders, and  
3 process and to the lawful orders of its judge out of court in action or  
4 proceeding pending therein; AND  
5           (d) To control, in furtherance of justice, the conduct of its  
6 ministerial officers. ~~and~~  
7           (e) ~~To preserve access to courthouses and court proceedings,~~  
8 ~~prevent interruption of court proceedings, and enforce protection from~~  
9 ~~civil arrest at a courthouse or on its environs pursuant to section~~  
10 ~~13-1-403.~~

11           **SECTION 5. Act subject to petition - effective date.** This act  
12 takes effect at 12:01 a.m. on the day following the expiration of the  
13 ninety-day period after final adjournment of the general assembly; except  
14 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
15 of the state constitution against this act or an item, section, or part of this  
16 act within such period, then the act, item, section, or part will not take  
17 effect unless approved by the people at the general election to be held in  
18 November 2024 and, in such case, will take effect on the date of the  
19 official declaration of the vote thereon by the governor.