

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0761.01 Jacob Baus x2173

HOUSE BILL 22-1147

HOUSE SPONSORSHIP

Luck, Neville, Pelton, Ransom

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING SHERIFFS' AUTHORITY IN RELATION TO THE FEDERAL
102 GOVERNMENT.

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>.)

The bill requires a federal government employee who is not designated as a peace officer in Colorado to receive permission from the sheriff, or the sheriff's designee, before executing an arrest or search warrant within the sheriff's jurisdiction, with exceptions.

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

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 7 to article
3 3 of title 16 as follows:

4 PART 7
5 SHERIFF AUTHORIZATION REQUIRED TO
6 EXECUTE WARRANTS

7 **16-3-701. Legislative declaration.** (1) THE GENERAL ASSEMBLY
8 FINDS THAT:

9 (a) THE SHERIFF SERVES AT THE WILL OF THE PEOPLE, IS AN
10 ELECTED POSITION, AND IS THEREFORE THE LAW ENFORCEMENT OFFICER
11 MOST DIRECTLY ACCOUNTABLE TO THE PEOPLE;

12 (b) THE SHERIFF IS THE CHIEF LAW ENFORCEMENT OFFICER IN A
13 COUNTY;

14 (c) THE SHERIFF HAS A RANGE OF HISTORICAL AUTHORITIES THAT
15 ARE NECESSARY AND PROPER TO MAINTAIN PEACE AND ORDER IN A
16 COUNTY;

17 (d) THE SHERIFF MUST NOT BE COMPELLED BY THE FEDERAL
18 GOVERNMENT TO ENFORCE A LAW OR ASSIST THE FEDERAL GOVERNMENT
19 WITH THE ENFORCEMENT OF A LAW; AND

20 (e) THE SHERIFF HAS THE AUTHORITY TO ARREST A FEDERAL
21 GOVERNMENT EMPLOYEE FOR COMMISSION OF CRIMINAL OFFENSES WHILE
22 ACTING UNDER THE COLOR OF LAW.

23 (2) THE GENERAL ASSEMBLY DECLARES THAT IT IS NECESSARY FOR
24 FEDERAL LAW ENFORCEMENT TO PROVIDE NOTICE BEFORE EXECUTING A
25 WARRANT WITHIN THE SHERIFF'S JURISDICTION.

26 **16-3-702. Sheriff authorization to execute warrant required**
27 **- exceptions.** (1) (a) NOTWITHSTANDING ANY LAW TO THE CONTRARY, A

1 FEDERAL GOVERNMENT EMPLOYEE WHO IS NOT DESIGNATED AS A PEACE
2 OFFICER PURSUANT TO PART 1 OF ARTICLE 2.5 OF THIS TITLE 16 SHALL
3 RECEIVE AUTHORIZATION FROM THE SHERIFF, OR THE SHERIFF'S DESIGNEE,
4 BEFORE EXECUTING AN ARREST WARRANT OR SEARCH WARRANT WITHIN
5 THE SHERIFF'S JURISDICTION.

6 (b) THE FEDERAL GOVERNMENT EMPLOYEE MUST PROVIDE THE
7 FOLLOWING INFORMATION IN THE EMPLOYEE'S AUTHORIZATION REQUEST
8 TO THE SHERIFF, OR THE SHERIFF'S DESIGNEE:

9 (I) A COPY OF THE WARRANT;

10 (II) THE NAME OF THE PERSON WHO IS SUBJECT TO ARREST OR
11 WHOSE PROPERTY IS SUBJECT TO SEARCH AND SEIZURE;

12 (III) THE PROBABLE CAUSE FOR THE ARREST OR SEARCH AND
13 SEIZURE;

14 (IV) THE LOCATION OF THE PROPERTY TO BE SEARCHED AND THE
15 ITEMS TO BE SEIZED, IF APPLICABLE; AND

16 (V) THE TIME WHEN AND THE PLACE WHERE THE FEDERAL
17 GOVERNMENT EMPLOYEE INTENDS TO EXECUTE THE WARRANT.

18 (c) THE FEDERAL GOVERNMENT EMPLOYEE SHALL MAKE THE
19 AUTHORIZATION REQUEST TO THE SHERIFF, OR THE SHERIFF'S DESIGNEE, IN
20 WRITING.

21 (d) THE FEDERAL GOVERNMENT EMPLOYEE MAY EXECUTE THE
22 WARRANT ONLY IF THE SHERIFF, OR THE SHERIFF'S DESIGNEE, SIGNS THE
23 AUTHORIZATION REQUEST.

24 (2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, A
25 FEDERAL GOVERNMENT EMPLOYEE MAY EXECUTE AN ARREST OR SEARCH
26 AND SEIZURE WITHOUT THE SHERIFF'S, OR THE SHERIFF'S DESIGNEE'S,
27 PERMISSION IF:

1 (a) THE ARREST OR SEARCH AND SEIZURE OCCURS ON FEDERAL
2 LAND;

3 (b) A CRIME HAS BEEN OR IS BEING COMMITTED BY THE ARRESTED
4 PERSON IN THE PRESENCE OF THE FEDERAL GOVERNMENT EMPLOYEE
5 MAKING THE ARREST;

6 (c) THE PERSON WHO IS SUBJECT TO THE ARREST OR WHOSE
7 PROPERTY IS SUBJECT TO THE SEARCH AND SEIZURE IS THE SHERIFF, AN
8 EMPLOYEE OF THE SHERIFF'S OFFICE, OR AN ELECTED COUNTY OFFICER; OR

9 (d) THE FEDERAL GOVERNMENT EMPLOYEE HAS PROBABLE CAUSE
10 TO BELIEVE THAT THE PERSON WHO IS SUBJECT TO THE ARREST OR WHOSE
11 PROPERTY IS SUBJECT TO THE SEARCH AND SEIZURE HAS A RELATIONSHIP
12 WITH THE SHERIFF, OR THE SHERIFF'S DESIGNEE, WHICH IS LIKELY TO
13 RESULT IN THE PERSON BEING INFORMED OF IMPENDING ARREST OR
14 SEARCH AND SEIZURE.

15 **SECTION 2. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly; except
18 that, if a referendum petition is filed pursuant to section 1 (3) of article V
19 of the state constitution against this act or an item, section, or part of this
20 act within such period, then the act, item, section, or part will not take
21 effect unless approved by the people at the general election to be held in
22 November 2022 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.