

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 11-0019.02 Michael Dohr

SENATE BILL 11-054

SENATE SPONSORSHIP

Lambert, Lundberg, Harvey, Grantham, Scheffel, Mitchell, Cadman, Kopp, Renfroe, King K., Brophy, King S., Spence

HOUSE SPONSORSHIP

Balmer, Acree, Barker, Baumgardner, Brown, Conti, Holbert, Joshi, Kerr J., Nikkel, Swalm, Waller

Senate Committees
State, Veterans & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY OF LAW ENFORCEMENT OFFICERS TO**
102 **ARREST UNLAWFULLY PRESENT ALIENS.**

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://www.leg.state.co.us/billsummaries>.)

A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe that the person is an alien who:

- ! Is subject to a removal order issued by an immigration court or to a detainer or notice of action issued by the federal department of homeland security; or

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.

- ! Has been indicted for or been convicted of one or more aggravated felonies, as defined by 8 U.S.C. sec. 1101(a) (43), as amended; or
- ! Has willfully failed to register with the federal government pursuant to 8 U.S.C. sec. 1301.

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

2 **SECTION 1.** 16-3-102, Colorado Revised Statutes, is amended
3 to read:

4 **16-3-102. Arrest by peace officer.** (1) A peace officer may
5 arrest a person when:

6 (a) ~~He~~ THE PEACE OFFICER has a warrant commanding that such
7 person be arrested; or

8 (b) Any crime has been or is being committed by such person in
9 ~~his~~ THE PEACE OFFICER'S presence; or

10 (c) ~~He~~ THE PEACE OFFICER has probable cause to believe that an
11 offense was committed and has probable cause to believe that the offense
12 was committed by the person to be arrested; OR

13 (d) THE PEACE OFFICER HAS PROBABLE CAUSE TO BELIEVE THAT
14 THE PERSON TO BE ARRESTED IS AN ALIEN WHO:

15 (I) IS SUBJECT TO:

16 (A) A REMOVAL ORDER ISSUED BY AN IMMIGRATION COURT; OR

17 (B) A DETAINER OR NOTICE OF ACTION ISSUED BY THE FEDERAL
18 DEPARTMENT OF HOMELAND SECURITY; OR

19 (II) HAS BEEN INDICTED FOR OR BEEN CONVICTED OF ONE OR MORE
20 AGGRAVATED FELONIES, AS DEFINED BY 8 U.S.C. SEC. 1101 (a) (43), AS
21 AMENDED; OR

22 (III) HAS WILLFULLY FAILED TO REGISTER WITH THE FEDERAL
23 GOVERNMENT PURSUANT TO 8 U.S.C. SEC. 1301.

1 (2) (a) THE TERMS OF PARAGRAPH (d) OF SUBSECTION (1) OF THIS
2 SECTION REGARDING IMMIGRATION SHALL BE CONSTRUED TO HAVE THE
3 MEANINGS GIVEN TO THEM UNDER FEDERAL IMMIGRATION LAW.

4 (b) PARAGRAPH (d) OF SUBSECTION (1) OF THIS SECTION SHALL BE
5 IMPLEMENTED IN A MANNER CONSISTENT WITH FEDERAL LAWS
6 REGULATING IMMIGRATION, PROTECTING THE CIVIL RIGHTS OF ALL
7 PERSONS, AND RESPECTING THE PRIVILEGES AND IMMUNITIES OF UNITED
8 STATES CITIZENS.

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