

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0501.03 Jacob Baus x2173

HOUSE BILL 26-1276

HOUSE SPONSORSHIP

Velasco and Garcia, Brown, Carter, Clifford, Duran, Froelich, Gilchrist, Goldstein, Jackson, Lindsay, Lukens, Mabrey, Martinez, McCormick, Nguyen, Paschal, Rutinel, Rydin, Sirota, Smith, Stewart K., Stewart R., Story, Titone, Willford, Woodrow, Zokaie

SENATE SPONSORSHIP

(None),

House Committees

Judiciary
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO PROTECT THE SAFETY OF INDIVIDUALS**
102 **WHO ARE IMMIGRANTS IN COLORADO.**

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>.)

Under current law, the division of criminal justice (division) in the department of public safety (department) is required to create an annual report including information about law enforcement agency activity. The bill requires a law enforcement agency that participates in, or dedicates peace officers or resources to, a multijurisdictional or coordinated investigation or task force to submit that information to the division for

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.*

inclusion in the report. The division is required to submit the information to the general assembly's judiciary committees. A law enforcement agency is subject to a civil penalty for intentional failure to report the information as required.

Under current law, a state agency or political subdivision employee who intentionally violates provisions concerning the treatment of a person's personal identifying information is subject to a civil penalty. The bill extends the civil penalty liability to the state agency or political subdivision.

The bill requires a state agency or political subdivision that is served a subpoena by federal immigration authorities to send a copy of the subpoena to the department for the department to upload to its website. If the state agency or political subdivision fulfills the subpoena, the state agency or political subdivision is required to notify the person who is subject to the subpoena.

The bill prohibits a governmental entity or an airport from engaging with federal immigration authorities to transport individuals detained by federal immigration authorities. A governmental entity that violates these requirements is subject to a civil penalty.

The bill authorizes a public health agency to inspect or examine a facility that houses or detains individuals who are noncitizens for purposes of civil immigration proceedings.

Under current law, the department of public health and environment is authorized to inspect facilities that house or detain individuals who are noncitizens for purposes of civil immigration proceedings. The bill expands the inspection authority, including the frequency of inspections and items that are subject to inspection. A facility that refuses to allow the inspection is subject to a license revocation or a civil penalty.

The bill authorizes the department of public health and environment to require facilities that house or detain individuals who are noncitizens for purposes of civil immigration proceedings to require the facility to comply with requirements, including health and safety standards and paying for environmental impact studies. A facility that fails to comply is subject to a civil penalty. The bill requires the department of public health and environment to submit an annual report to the attorney general concerning facilities' compliance with these new requirements.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-31-903, **amend**

3 (1), (3), and (5); and **add** (2.5) as follows:

1 **24-31-903. Division of criminal justice report - penalties.**

2 (1) ~~Beginning July 1, 2023,~~ The division of criminal justice in the
3 department of public safety shall create an annual report including all of
4 the information that is reported to the division pursuant to ~~subsection (2)~~
5 SUBSECTIONS (2) AND (2.5) of this section, ~~aggregated and broken down~~
6 IN TOTAL AND DISAGGREGATED by the law enforcement agency that
7 employs peace officers, along with the underlying data.

8 (2.5) (a) ON OR BEFORE JULY 15, 2026, AND ON OR BEFORE JULY
9 15 EACH YEAR THEREAFTER, A LAW ENFORCEMENT AGENCY THAT
10 PARTICIPATES IN A FEDERAL MULTIJURISDICTIONAL OR COORDINATED
11 INVESTIGATION OR TASK FORCE THAT RESULTS IN AN IMMIGRATION
12 ENFORCEMENT CONSEQUENCE, OR THAT DEDICATES PEACE OFFICERS OR
13 RESOURCES TO A FEDERAL MULTIJURISDICTIONAL OR COORDINATED
14 INVESTIGATION OR TASK FORCE THAT RESULTS IN AN IMMIGRATION
15 ENFORCEMENT CONSEQUENCE, SHALL SUBMIT A REPORT TO THE DIVISION
16 OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY. THE REPORT
17 MUST CONTAIN INFORMATION REGARDING EACH FEDERAL
18 MULTIJURISDICTIONAL OR COORDINATED INVESTIGATION OR TASK FORCE
19 THAT RESULTS IN AN IMMIGRATION ENFORCEMENT CONSEQUENCE THE
20 AGENCY PARTICIPATED IN. THE REPORT MUST INCLUDE THE FOLLOWING
21 INFORMATION REGARDING THE PERIOD FROM JULY 1 THROUGH JUNE 30
22 IMMEDIATELY PRECEDING THE REPORT SUBMISSION:

23 (I) THE PURPOSE OF THE FEDERAL MULTIJURISDICTIONAL OR
24 COORDINATED INVESTIGATION OR TASK FORCE THE LAW ENFORCEMENT
25 AGENCY PARTICIPATED IN OR DEDICATED PEACE OFFICERS OR RESOURCES
26 TO;

27 (II) EACH FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT

1 AGENCY THAT PARTICIPATED IN, OR DEDICATED PEACE OFFICERS OR
2 RESOURCES TO, THE FEDERAL MULTIJURISDICTIONAL OR COORDINATED
3 INVESTIGATION OR TASK FORCE;

4 (III) THE TOTAL NUMBER OF ARRESTS MADE BY A PARTICIPATING
5 AGENCY DURING THE REPORTING PERIOD AS A RESULT OF THE FEDERAL
6 MULTIJURISDICTIONAL OR COORDINATED INVESTIGATION OR TASK FORCE
7 THE LAW ENFORCEMENT AGENCY PARTICIPATED IN OR DEDICATED PEACE
8 OFFICERS OR RESOURCES TO; AND

9 (IV) THE TOTAL NUMBER OF PEOPLE DETAINED FOR IMMIGRATION
10 PURPOSES OR CRIMINAL VIOLATIONS FOR OFFENSES RELATED TO AN
11 INDIVIDUAL'S IMMIGRATION STATUS BY A PARTICIPATING AGENCY AS A
12 RESULT OF THE FEDERAL MULTIJURISDICTIONAL OR COORDINATED
13 INVESTIGATION OR TASK FORCE THE LAW ENFORCEMENT AGENCY
14 PARTICIPATED IN OR DEDICATED PEACE OFFICERS OR RESOURCES TO.

15 (b) (I) ON OR BEFORE JANUARY 15, 2027, AND ON OR BEFORE
16 JANUARY 15 EACH YEAR THEREAFTER, THE DIVISION OF CRIMINAL JUSTICE
17 IN THE DEPARTMENT OF PUBLIC SAFETY SHALL SUBMIT A REPORT TO THE
18 JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
19 SENATE, OR THEIR SUCCESSOR COMMITTEES, CONCERNING THE
20 INFORMATION RECEIVED PURSUANT TO SUBSECTION (2.5)(a) OF THIS
21 SECTION.

22 (II) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
23 REQUIREMENT TO SUBMIT THE REPORT IN THIS SUBSECTION (2.5)
24 CONTINUES INDEFINITELY.

25 (c) AS USED IN THIS SUBSECTION (2.5), UNLESS THE CONTEXT
26 OTHERWISE REQUIRES:

27 (I) "IMMIGRATION ENFORCEMENT CONSEQUENCE" MEANS A CIVIL

1 IMMIGRATION DETENTION, REMOVAL OR DEPORTATION PROCEEDINGS, OR
2 OFFENSES RELATED TO IMMIGRATION STATUS, INCLUDING VIOLATIONS OF
3 8 U.S.C. SEC. 1253, 1301 ET SEQ., 1304(e), 1306(a) OR (b), 1324, 1325, OR
4 1326, OR VIOLATIONS OF 18 U.S.C. SEC. 1028A OR 1546.

5 (II) "LAW ENFORCEMENT AGENCY" HAS THE MEANING SET FORTH
6 IN SECTION 16-2.5-402.

7 (III) "PARTICIPATING AGENCY" MEANS A FEDERAL, STATE, OR
8 LOCAL LAW ENFORCEMENT AGENCY THAT PARTICIPATED IN, OR
9 DEDICATED PEACE OFFICERS OR RESOURCES TO, A FEDERAL
10 MULTIJURISDICTIONAL OR COORDINATED INVESTIGATION OR TASK FORCE.

11 (3) The Colorado state patrol and local law enforcement agencies,
12 PURSUANT TO SUBSECTION (2) OF THIS SECTION, AND LAW ENFORCEMENT
13 AGENCIES, PURSUANT TO SUBSECTION (2.5) OF THIS SECTION, shall not
14 report the name, address, social security number, or other unique personal
15 identifying information of the subject of the use of force, victim of the
16 official misconduct, eyewitness or subject in a showup, or persons
17 contacted, searched, or subjected to a property seizure. Notwithstanding
18 any provision of law to the contrary, the data reported pursuant to this
19 section is available to the public pursuant to subsection (4) of this section.

20 (5) (a) The Colorado state patrol, ~~and any~~ A local law enforcement
21 agency, OR A LAW ENFORCEMENT AGENCY that fails to meet its reporting
22 requirements pursuant to this section is:

23 (a) (I) Subject to the suspension of its funding by its appropriating
24 authority; and

25 (b) (II) Unless the Colorado state patrol, ~~or~~ local law enforcement
26 agency, OR LAW ENFORCEMENT AGENCY is working with the division of
27 criminal justice to meet its reporting requirements pursuant to this section,

1 not eligible to be awarded grants under the multidisciplinary crime
2 prevention grant program CREATED in section 24-33.5-527; the law
3 enforcement workforce recruitment, retention, and tuition grant program
4 CREATED in section 24-33.5-528; or the state's mission for assistance in
5 recruiting and training (SMART) policing grant program CREATED in
6 section 24-33.5-529.

7 (b) (I) IN ADDITION TO PENALTIES DESCRIBED IN SUBSECTION (5)(a)
8 OF THIS SECTION, IF A LAW ENFORCEMENT AGENCY DESCRIBED IN
9 SUBSECTION (2.5) OF THIS SECTION INTENTIONALLY FAILS TO DISCLOSE A
10 FEDERAL MULTI JURISDICTIONAL OR COORDINATED INVESTIGATION OR
11 TASK FORCE THAT THE LAW ENFORCEMENT AGENCY PARTICIPATED IN, OR
12 A FEDERAL MULTI JURISDICTIONAL OR COORDINATED INVESTIGATION OR
13 TASK FORCE THAT THE LAW ENFORCEMENT AGENCY DEDICATED PEACE
14 OFFICERS OR RESOURCES TO, THE LAW ENFORCEMENT AGENCY IS LIABLE
15 FOR A CIVIL PENALTY OF NOT MORE THAN FIFTY THOUSAND DOLLARS FOR
16 EACH VIOLATION.

17 (II) THE ATTORNEY GENERAL MAY BRING AN ACTION TO ENFORCE
18 THIS SUBSECTION (5)(b), INCLUDING AN ACTION SEEKING A CIVIL PENALTY.

19 (III) ANY CIVIL PENALTY MONEY COLLECTED PURSUANT TO THIS
20 SUBSECTION (5)(b) MUST BE TRANSFERRED TO THE STATE TREASURER,
21 WHO SHALL CREDIT THE MONEY TO THE IMMIGRATION LEGAL DEFENSE
22 FUND ESTABLISHED PURSUANT TO SECTION 8-3.8-101.

23 **SECTION 2.** In Colorado Revised Statutes, 24-74-107, **amend**
24 (1) as follows:

25 **24-74-107. Data privacy breaches - civil penalty - legislative**
26 **declaration.**

27 (1) (a) ~~A state agency employee or political subdivision employee~~

1 ~~who intentionally violates a provision of this article 74 or section~~
2 ~~25-2-108.5 is subject to an injunction and is liable for a civil penalty of~~
3 ~~not more than fifty thousand dollars for each violation.~~ IF A STATE
4 AGENCY EMPLOYEE OR POLITICAL SUBDIVISION EMPLOYEE IS FOUND TO
5 HAVE INTENTIONALLY VIOLATED A PROVISION OF THIS ARTICLE 74 OR
6 SECTION 25-2-108.5, THE STATE AGENCY OR POLITICAL SUBDIVISION THAT
7 EMPLOYS THE EMPLOYEE IS SUBJECT TO A CIVIL PENALTY OF NOT MORE
8 THAN FIFTY THOUSAND DOLLARS IF THE AGENCY OR POLITICAL
9 SUBDIVISION:

10 (I) INTENTIONALLY AUTHORIZED OR ENCOURAGED THE VIOLATION;

11 OR

12 (II) INTENTIONALLY FAILED TO TAKE MEASURES WITHIN THE
13 AGENCY OR POLITICAL SUBDIVISION TO IMPLEMENT POLICIES OR
14 PROCEDURES TO DISCOURAGE OR PREVENT THE VIOLATION FROM
15 OCCURRING.

16 (b) THE ATTORNEY GENERAL MAY BRING AN ACTION TO ENFORCE
17 THIS SUBSECTION (1), INCLUDING AN ACTION SEEKING A CIVIL PENALTY.

18 **SECTION 3.** In Colorado Revised Statutes, **add** 24-76.6-105 as
19 follows:

20 **24-76.6-105. Public disclosure of federal subpoena.**

21 (1) WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS
22 SECTION, THE DEPARTMENT OF PUBLIC SAFETY SHALL MAKE AVAILABLE
23 ON A PUBLIC-FACING PAGE ON THE DEPARTMENT'S WEBSITE A COPY OF ALL
24 UNSEALED SUBPOENAS SERVED BY FEDERAL IMMIGRATION AUTHORITIES
25 ON A STATE AGENCY OR POLITICAL SUBDIVISION, AS EACH IS DEFINED IN
26 SECTION 24-74-102. A STATE AGENCY OR POLITICAL SUBDIVISION THAT IS
27 SERVED WITH AN UNSEALED SUBPOENA BY FEDERAL IMMIGRATION

1 AUTHORITIES SHALL PROVIDE A COPY OF THE UNSEALED SUBPOENA WITHIN
2 SEVENTY-TWO HOURS AFTER FULFILLING THE UNSEALED SUBPOENA TO THE
3 DEPARTMENT OF PUBLIC SAFETY FOR DISPLAY ON THE DEPARTMENT'S
4 WEBSITE. THE DEPARTMENT OF PUBLIC SAFETY SHALL UPDATE ITS WEBSITE
5 TO INCLUDE THE COPY OF THE UNSEALED SUBPOENA WITHIN TWENTY-FOUR
6 HOURS AFTER RECEIVING THE COPY OF THE UNSEALED SUBPOENA FROM A
7 STATE AGENCY OR POLITICAL SUBDIVISION. THE DEPARTMENT OF PUBLIC
8 SAFETY SHALL USE EXISTING OR FREELY AVAILABLE TECHNOLOGY TO
9 ACCOMPLISH THE REQUIREMENTS OF THIS SUBSECTION (1).

10 (2) (a) A STATE AGENCY OR POLITICAL SUBDIVISION THAT IS
11 SERVED WITH A SUBPOENA BY FEDERAL IMMIGRATION AUTHORITIES SHALL
12 INFORM THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE AND THE
13 SENATE JUDICIARY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES,
14 WITHIN SEVENTY-TWO HOURS AFTER RECEIVING THE UNSEALED
15 SUBPOENA.

16 (b) IF A STATE AGENCY OR POLITICAL SUBDIVISION FULFILLS A
17 SUBPOENA SERVED UPON THE STATE AGENCY OR POLITICAL SUBDIVISION
18 BY FEDERAL IMMIGRATION AUTHORITIES AND THE SUBPOENA CONTAINS
19 INFORMATION ABOUT, CONCERNING, OR OTHERWISE RELATING TO AN
20 INDIVIDUAL WHO LIVES IN COLORADO, THE STATE AGENCY OR POLITICAL
21 SUBDIVISION SHALL INFORM THE INDIVIDUAL AT THEIR LAST-KNOWN
22 ADDRESS THAT THEIR INFORMATION HAS BEEN SHARED WITH FEDERAL
23 IMMIGRATION AUTHORITIES WITHIN SEVENTY-TWO HOURS AFTER
24 FULFILLING THE SUBPOENA.

25 **SECTION 4.** In Colorado Revised Statutes, **add** 24-76.7-104 as
26 follows:

27 **24-76.7-104. Transportation for deportation purposes**

1 **prohibited - civil penalty.**

2 (1) A GOVERNMENTAL ENTITY SHALL NOT:

3 (a) TRANSPORT BY ANY MEANS, INCLUDING BY MUNICIPAL BUS OR
4 TRAIN, INDIVIDUALS DETAINED BY FEDERAL IMMIGRATION AUTHORITIES
5 FOR THE PURPOSE OF DEPORTATION;

6 (b) PROVIDE AN ITEM OF ITS FLEET, INCLUDING A MUNICIPAL BUS
7 OR TRAIN, TO A GOVERNMENTAL ENTITY FOR THE TRANSPORT OF
8 INDIVIDUALS DETAINED BY FEDERAL IMMIGRATION AUTHORITIES FOR THE
9 PURPOSE OF DEPORTATION; OR

10 (c) ENTER INTO, RENEW, OR EXTEND ANY AGREEMENT WITH A
11 GOVERNMENTAL ENTITY FOR THE TRANSPORT BY ANY MEANS, INCLUDING
12 BY MUNICIPAL BUS OR TRAIN, OF INDIVIDUALS DETAINED BY FEDERAL
13 IMMIGRATION AUTHORITIES FOR THE PURPOSE OF DEPORTATION.

14 (2) (a) A GOVERNMENTAL ENTITY THAT **KNOWINGLY** VIOLATES
15 THIS SECTION IS LIABLE FOR A CIVIL PENALTY OF NOT MORE THAN FIFTY
16 THOUSAND DOLLARS FOR EACH VIOLATION.

17 (b) THE ATTORNEY GENERAL MAY BRING AN ACTION TO ENFORCE
18 THIS SECTION, INCLUDING AN ACTION SEEKING INJUNCTIVE RELIEF OR A
19 CIVIL PENALTY.

20 (c) ANY CIVIL PENALTY MONEY COLLECTED PURSUANT TO THIS
21 SECTION MUST BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL
22 CREDIT THE MONEY TO THE IMMIGRATION LEGAL DEFENSE FUND
23 ESTABLISHED PURSUANT TO SECTION 8-3.8-101.

24 **SECTION 5.** In Colorado Revised Statutes, **add** 24-76.7-105 as
25 follows:

26 **24-76.7-105. Airport for deportation purposes prohibited - civil**
27 **penalty.**

1 (1) AN AIRPORT OPERATED PURSUANT TO PART 1 OR PART 2 OF
2 ARTICLE 4 OF TITLE 41 SHALL NOT TRANSPORT BY ANY MEANS
3 INDIVIDUALS DETAINED BY FEDERAL IMMIGRATION AUTHORITIES FOR THE
4 PURPOSE OF DEPORTATION.

5 (2) (a) AN AIRPORT THAT KNOWINGLY VIOLATES THIS SECTION IS
6 LIABLE FOR A CIVIL PENALTY OF NOT MORE THAN FIFTY THOUSAND
7 DOLLARS FOR EACH VIOLATION.

8 (b) THE ATTORNEY GENERAL MAY BRING AN ACTION TO ENFORCE
9 THIS SECTION, INCLUDING AN ACTION SEEKING INJUNCTIVE RELIEF OR A
10 CIVIL PENALTY.

11 (c) ANY CIVIL PENALTY MONEY COLLECTED PURSUANT TO THIS
12 SECTION MUST BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL
13 CREDIT THE MONEY TO THE IMMIGRATION LEGAL DEFENSE FUND
14 ESTABLISHED PURSUANT TO SECTION 8-3.8-101.

15 **SECTION 6.** In Colorado Revised Statutes, 25-1-506, **amend**
16 (3)(b) introductory portion, (3)(b)(XIV), and (3)(b)(XV); and **add**
17 (3)(b)(XVI) as follows:

18 **25-1-506. County or district public health agency.**

19 (3) (b) In addition to other powers and duties, an agency ~~shall~~
20 ~~have~~ HAS the following duties:

21 (XIV) To collaborate with the state department and the state board
22 in all matters pertaining to public health, the water quality control
23 commission in all matters pertaining to water quality, the air quality
24 control commission and the division of administration of the state
25 department in all matters pertaining to air pollution, and the solid and
26 hazardous waste commission in all matters pertaining to solid and
27 hazardous waste; ~~and~~

1 (XV) To establish or arrange for the establishment of, by January
2 1, 2015, and subject to available appropriations, a local or regional child
3 fatality prevention review team pursuant to section 25-20.5-404; AND

4 (XVI) IN ITS DISCRETION, TO INSPECT OR EXAMINE A FACILITY
5 THAT HOUSES OR DETAINS INDIVIDUALS WHO ARE NONCITIZENS FOR
6 PURPOSES OF CIVIL IMMIGRATION PROCEEDINGS.

7 **SECTION 7.** In Colorado Revised Statutes, 25-1.5-101, **amend**
8 (1)(i)(I)(D); and **add** (1)(dd) as follows:

9 **25-1.5-101. Powers and duties of department - laboratory cash**
10 **fund - office of suicide prevention - suicide prevention coordination**
11 **cash fund - immigration facility inspection and detention cash fund**
12 **- dispensation of payments under contracts with grantees - report -**
13 **rules - definitions.**

14 (1) The department has, in addition to all other powers and duties
15 imposed upon it by law, the powers and duties provided in this section as
16 follows:

17 (i) (I) (D) With respect to ~~any~~ A facility that houses or detains
18 INDIVIDUALS WHO ARE noncitizens for purposes of civil immigration
19 proceedings, ~~such~~ THE inspections and examinations must be made
20 annually, and additional unannounced inspections ~~may~~ AND
21 EXAMINATIONS MUST be conducted after the annual inspection.
22 UNANNOUNCED INSPECTIONS AND EXAMINATIONS MUST BE MADE AT
23 LEAST ONE TIME EVERY THREE MONTHS, AND MAY BE MADE MORE
24 FREQUENTLY, AND THE FACILITY SHALL PAY FOR THE INSPECTIONS AND
25 EXAMINATIONS. THE INSPECTIONS AND EXAMINATIONS MADE PURSUANT
26 TO THIS SUBSECTION (1)(i)(I)(D) MUST INCLUDE A REVIEW OF THE
27 FOLLOWING: ADHERENCE TO FOOD SAFETY STANDARDS AND DRINKING

1 WATER QUALITY STANDARDS, CONFINEMENT CONDITIONS, AND
2 STANDARDS OF CARE PROVIDED TO INDIVIDUALS WHO ARE DETAINED IN
3 THE FACILITY. THE FACILITY SHALL PROVIDE TO A DEPARTMENT
4 REPRESENTATIVE WHO IS CONDUCTING AN INSPECTION OR EXAMINATION
5 PURSUANT TO THIS SUBSECTION (1)(i)(I)(D), OR AN INVESTIGATION
6 RELATED TO AN EPIDEMIC OR COMMUNICABLE DISEASE, ALL ACCESS
7 NECESSARY TO PERFORM THE INSPECTION OR INVESTIGATION, INCLUDING
8 ACCESS TO PEOPLE WHO ARE DETAINED, RECORDS, FACILITY OFFICIALS,
9 AND FACILITY PERSONNEL. IF A FACILITY REFUSES TO ALLOW AN
10 INSPECTION OR EXAMINATION PURSUANT TO THIS SUBSECTION (1)(i)(I)(D)
11 OR INVESTIGATION RELATED TO AN EPIDEMIC OR COMMUNICABLE DISEASE,
12 THE DEPARTMENT MAY REVOKE THE FACILITY'S LICENSE, AND THE
13 FACILITY IS LIABLE FOR A CIVIL PENALTY OF NOT MORE THAN FIFTY
14 THOUSAND DOLLARS FOR EACH REFUSAL. THE ATTORNEY GENERAL MAY
15 BRING AN ACTION TO ENFORCE THIS SUBSECTION (1)(i)(I)(D), INCLUDING
16 AN ACTION SEEKING A CIVIL PENALTY. ANY CIVIL PENALTY MONEY
17 COLLECTED PURSUANT TO THIS SUBSECTION (1)(i)(I)(D) MUST BE
18 TRANSFERRED TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY
19 TO THE IMMIGRATION LEGAL DEFENSE FUND ESTABLISHED PURSUANT TO
20 SECTION 8-3.8-101. THE DEPARTMENT MAY ADOPT RULES IT DETERMINES
21 ARE NECESSARY FOR PURPOSES OF THIS SUBSECTION (1)(i)(I)(D).

22 (dd) (I) WITH RESPECT TO A FACILITY THAT HOUSES OR DETAINS
23 INDIVIDUALS WHO ARE NONCITIZENS FOR PURPOSES OF CIVIL IMMIGRATION
24 PROCEEDINGS, THE POWER TO REQUIRE THE FACILITY TO:

25 (A) PROVIDE TO THE DEPARTMENT A YEARLY REPORT DETAILING
26 THE FOLLOWING: THE OUTCOMES OF PREGNANT INDIVIDUALS IN THE
27 FACILITY, OUTCOMES OF INDIVIDUALS WITH CHRONIC HEALTH CONDITIONS,

1 OUTCOMES OF INDIVIDUALS WITH DISABILITIES, ACCESS TO FOOD FOR
2 INDIVIDUALS WITH DIETARY RESTRICTIONS, AVERAGE TEMPERATURE
3 WITHIN THE FACILITY, HIGHEST AND LOWEST TEMPERATURES RECORDED
4 WITHIN THE FACILITY, INDIVIDUALS' ACCESS TO AN ATTORNEY, AND
5 INDIVIDUALS' ACCESS TO SPACES OF WORSHIP OR SILENT REFLECTION;

6 (B) PAY FOR AN ENVIRONMENTAL IMPACT STUDY AND PASS AN
7 ENVIRONMENTAL IMPACT STUDY. IF THE ENVIRONMENTAL IMPACT STUDY
8 IDENTIFIES A NEGATIVE IMPACT THAT IS OR WILL BE CAUSED BY THE
9 FACILITY, THE FACILITY IS PROHIBITED FROM OPERATING UNTIL THE
10 NEGATIVE IMPACT IS CORRECTED. THE FACILITY SHALL PAY FOR ANY COST
11 INCURRED RELATED TO PERMITTING OR AGENCY REVIEW AS REQUIRED BY
12 LAW.

13 (C) PROHIBIT THE HOUSING OR DETENTION OF A MINOR IN THE
14 SAME ROOM AS A NONFAMILIAL ADULT; AND

15 (D) ON THE FACILITY'S SITE AND AT ALL TIMES, STAFF THE
16 FACILITY WITH MEDICAL PROFESSIONALS AND MENTAL HEALTH
17 PROFESSIONALS WHO ARE ACCESSIBLE TO INDIVIDUALS WHO ARE
18 NONCITIZENS AND DETAINED FOR PURPOSES OF CIVIL IMMIGRATION
19 PROCEEDINGS.

20 (II) (A) IF A FACILITY FAILS TO COMPLY WITH A REQUIREMENT
21 IMPOSED BY THE DEPARTMENT PURSUANT TO THIS SUBSECTION (1)(dd),
22 THE DEPARTMENT MAY REVOKE THE FACILITY'S LICENSE. IF THE
23 DEPARTMENT DOES NOT REVOKE THE FACILITY'S LICENSE, THE FACILITY IS
24 LIABLE FOR A CIVIL PENALTY OF NOT MORE THAN FIFTY THOUSAND
25 DOLLARS FOR EACH VIOLATION.

26 (B) THE ATTORNEY GENERAL MAY BRING AN ACTION TO ENFORCE
27 THIS SUBSECTION (1)(dd), INCLUDING AN ACTION SEEKING A CIVIL

1 PENALTY.

2 (C) ANY CIVIL PENALTY MONEY COLLECTED PURSUANT TO THIS
3 SUBSECTION (1)(dd) MUST BE TRANSFERRED TO THE STATE TREASURER,
4 WHO SHALL CREDIT THE MONEY TO THE IMMIGRATION LEGAL DEFENSE
5 FUND ESTABLISHED PURSUANT TO SECTION 8-3.8-101.

6 (III) ON OR BEFORE JANUARY 15, 2027, AND ON OR BEFORE
7 JANUARY 15 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT
8 A REPORT TO THE ATTORNEY GENERAL REGARDING FACILITIES'
9 COMPLIANCE WITH THIS SUBSECTION (1)(dd) AND INFORMATION
10 COLLECTED PURSUANT TO SUBSECTION (1)(dd)(I)(A) OF THIS SECTION.
11 THE DEPARTMENT SHALL MAKE THE REPORT AVAILABLE ON A
12 PUBLIC-FACING PAGE ON THE DEPARTMENT'S WEBSITE.

13 (IV) THIS SUBSECTION (1)(dd) APPLIES TO LOCAL, COUNTY, OR
14 PRIVATE DETENTION FACILITIES THAT HOUSE OR DETAIN INDIVIDUALS WHO
15 ARE NONCITIZENS FOR PURPOSES OF CIVIL IMMIGRATION PROCEEDINGS,
16 INCLUDING ANY FACILITY THAT IS OPERATED ON BEHALF OF OR PURSUANT
17 TO A CONTRACT WITH FEDERAL IMMIGRATION AUTHORITIES. THIS
18 SUBSECTION (1)(dd) DOES NOT APPLY TO DETENTION FACILITIES OPERATED
19 DIRECTLY BY THE FEDERAL GOVERNMENT.

20 (V) THE DEPARTMENT MAY ADOPT RULES IT DETERMINES ARE
21 NECESSARY FOR PURPOSES OF THIS SUBSECTION (1)(dd).

22 (VI) (A) THE IMMIGRATION FACILITY INSPECTION AND DETENTION
23 CASH FUND IS CREATED IN THE STATE TREASURY. THE IMMIGRATION
24 FACILITY INSPECTION AND DETENTION CASH FUND CONSISTS OF PAYMENTS
25 MADE BY THE FACILITY TO THE DEPARTMENT FOR UNANNOUNCED
26 INSPECTIONS AND EXAMINATIONS, AS REQUIRED PURSUANT TO
27 SUBSECTION (1)(i)(I)(D) OF THIS SECTION. THE DEPARTMENT SHALL

1 TRANSFER ALL PAYMENTS COLLECTED PURSUANT TO SUBSECTION
2 (1)(i)(I)(D) OF THIS SECTION TO THE STATE TREASURER, WHO SHALL
3 CREDIT THE PAYMENTS TO THE IMMIGRATION FACILITY INSPECTION AND
4 DETENTION CASH FUND.

5 (B) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
6 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
7 IMMIGRATION FACILITY INSPECTION AND DETENTION CASH FUND TO THE
8 IMMIGRATION FACILITY INSPECTION AND DETENTION CASH FUND.

9 (C) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
10 ASSEMBLY, THE DEPARTMENT MAY EXPEND MONEY FROM THE FUND FOR
11 THE PURPOSE OF CONDUCTING UNANNOUNCED INSPECTIONS AND
12 EXAMINATIONS, AS REQUIRED PURSUANT TO SUBSECTION (1)(i)(I)(D) OF
13 THIS SECTION.

14 (VII) AS USED IN THIS SUBSECTION (1)(dd), UNLESS THE CONTEXT
15 OTHERWISE REQUIRES:

16 (A) "MEDICAL PROFESSIONAL" MEANS AN ADVANCED PRACTICE
17 REGISTERED NURSE REGISTERED PURSUANT TO SECTION 12-255-111, A
18 PHYSICIAN ASSISTANT LICENSED PURSUANT TO SECTION 12-240-113, OR
19 A MEDICAL DOCTOR OR DOCTOR OF OSTEOPATHY LICENSED PURSUANT TO
20 ARTICLE 240 OF TITLE 12.

21 (B) "MENTAL HEALTH PROFESSIONAL" MEANS A MENTAL HEALTH
22 PROFESSIONAL LICENSED OR CERTIFIED PURSUANT TO ARTICLE 245 OF
23 TITLE 12, AN ADVANCED PRACTICE REGISTERED NURSE REGISTERED
24 PURSUANT TO SECTION 12-255-111 WITH TRAINING IN SUBSTANCE USE
25 DISORDERS OR MENTAL HEALTH, OR A PHYSICIAN ASSISTANT LICENSED
26 PURSUANT TO SECTION 12-240-113 WITH TRAINING IN SUBSTANCE USE
27 DISORDERS OR MENTAL HEALTH. "MENTAL HEALTH PROFESSIONAL" DOES

1 NOT MEAN AN UNLICENSED PSYCHOTHERAPIST AS DEFINED IN SECTION
2 12-245-202.

3 **SECTION 8.** In Colorado Revised Statutes, 8-3.8-101, **amend**
4 (2)(b) as follows:

5 **8-3.8-101. Immigration legal assistance - fund - report -**
6 **definitions.**

7 (2) (b) The state treasurer shall credit any civil penalty money
8 transferred to the state treasurer pursuant to section *24-31-903 (5)(b)*,
9 *24-74-107*, *or 24-74.1-103*, *24-76.7-104 (2)*, *24-76.7-105 (2)*, *OR*
10 *25-1.5-101 (1)(i)(I)(D) OR (1)(dd)* and interest and income derived from
11 the deposit and investment of the civil penalty money in the fund to the
12 fund.

13 **SECTION 9.** In Colorado Revised Statutes, **add 24-76.6-104 as**
14 **follows:**

15 **24-76.6-104. Limitation on access in detention facilities.** A LAW
16 ENFORCEMENT OFFICER, OR ANY EMPLOYEE OR AGENT OF A DETENTION
17 FACILITY, SHALL NOT ALLOW FEDERAL IMMIGRATION AUTHORITIES ACCESS
18 TO A PART OF THE DETENTION FACILITY THAT IS NOT ACCESSIBLE TO THE
19 PUBLIC UNLESS THE FEDERAL IMMIGRATION AUTHORITIES HAVE A
20 WARRANT ISSUED BY A FEDERAL JUDGE OR FEDERAL MAGISTRATE TO
21 ALLOW ACCESS OR THE FEDERAL IMMIGRATION AUTHORITIES HAVE A WRIT
22 ISSUED BY A JUDGE CONCERNING THE TRANSFER OF AN INMATE TO OR
23 FROM FEDERAL CUSTODY.

24 **SECTION 10. Severability.** If any provision of this act or the
25 application of this act to any person or circumstance is held invalid, the
26 invalidity does not affect other provisions or applications of the act that
27 can be given effect without the invalid provision or application, and to

1 this end the provisions of this act are declared to be severable.

2 **SECTION 11. Safety clause.** The general assembly finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, or safety or for appropriations for
5 the support and maintenance of the departments of the state and state
6 institutions.