

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

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 18-0208.02 Jerry Barry x4341

**SENATE BILL 18-220**

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**SENATE SPONSORSHIP**

**Neville T.,** Baumgardner, Cooke, Coram, Crowder, Gardner, Grantham, Hill, Holbert, Lambert, Lundberg, Marble, Scott, Smallwood, Sonnenberg, Tate

**HOUSE SPONSORSHIP**

**Ransom,** Beckman, Buck, Everett, Humphrey, Leonard, Lewis, Neville P., Reyher, Saine, Van Winkle, Williams D., Wist

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**Senate Committees**

State, Veterans, & Military Affairs

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING A PROHIBITION ON SANCTUARY POLICIES.**

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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>.)*

The bill specifies that the state and any political subdivision of the state (jurisdiction) shall not:

- ! Prohibit or restrict any jurisdiction, official, or employee from sending to, or receiving from, federal immigration agencies information regarding the citizenship or immigration status of any individual;
- ! Prohibit or restrict a jurisdiction from doing any of the following with respect to information regarding the

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.*

SENATE  
3rd Reading Unamended  
April 17, 2018

SENATE  
Amended 2nd Reading  
April 16, 2018



1           (2) THE GENERAL ASSEMBLY FINDS THAT:

2           (a) ALTHOUGH ILLEGAL IMMIGRATION IS MAINLY A QUESTION OF  
3 FEDERAL LAW, THE EFFECTS AND COST TO TAXPAYERS OF ILLEGAL  
4 IMMIGRATION ARE FELT BY PERSONS THROUGHOUT THE COUNTRY AND IN  
5 COLORADO;

6           (b) TO PROTECT THE SECURITY, SAFETY, AND WELL-BEING OF  
7 PERSONS WITHIN THE UNITED STATES, FEDERAL LAWS PROHIBIT STATE  
8 AND LOCAL GOVERNMENTS FROM RESTRICTING OR OBSTRUCTING THE  
9 EXCHANGE OF INFORMATION, OR FROM PUNISHING PERSONS FOR  
10 COOPERATING OR EXCHANGING INFORMATION, WITH FEDERAL  
11 IMMIGRATION AUTHORITIES, AND STATE AND LOCAL GOVERNMENTS THAT  
12 VIOLATE SUCH LAWS RISK LOSING FEDERAL GRANTS OR ELIGIBILITY FOR  
13 FEDERAL GRANTS;

14           (c) THE COLORADO DEPARTMENT OF CORRECTIONS HAS REPORTED  
15 THAT IN FISCAL YEAR 2016, THE STATE CORRECTIONS SYSTEM RECEIVED  
16 A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE IN THE  
17 AMOUNT OF \$2,077,720 IN RECOGNITION OF THE COSTS OF INCARCERATING  
18 2,039 CRIMINAL ALIEN INMATES, OR 14.7% OF ALL DEPARTMENT OF  
19 CORRECTIONS INMATES. SINCE THE REPORTED AVERAGE COST PER  
20 OFFENDER WAS \$37,958 ANNUALLY IN THE STATE CORRECTIONS SYSTEM  
21 IN 2016, THE TRUE COST OF INCARCERATION FOR 2,039 CRIMINAL ALIEN  
22 INMATES WAS AN ESTIMATED \$77,396,362, WHICH MEANS THAT THE  
23 FEDERAL GRANT COVERED ONLY 2.7% OF THE TRUE INCARCERATION  
24 COSTS AND LEAVES COLORADO WITH A NET, UNREIMBURSED COST TO  
25 COLORADO TAXPAYERS OF \$75,318,642 IN FISCAL YEAR 2016.

26           (d) FEDERAL LAW ALSO EXPRESSLY PROHIBITS THE PHYSICAL  
27 HARBORING OF PERSONS KNOWN TO BE UNLAWFULLY PRESENT IN THE

1 UNITED STATES, SO IT IS INAPPROPRIATE AND CONTRARY TO THE PUBLIC  
2 SAFETY AND WELFARE FOR ANY STATE OR A LOCAL GOVERNMENT TO  
3 ENCOURAGE, ENDORSE, OR IN ANY WAY SUPPORT ANY PUBLIC OR PRIVATE  
4 ORGANIZATION SEEKING TO OFFER SO-CALLED "SANCTUARY PROTECTION"  
5 TO PERSONS NOT LAWFULLY PRESENT IN THE UNITED STATES;

6 (e) AS JUSTICE KENNEDY STATED IN THE MAJORITY OPINION IN  
7 *ARIZONA V. UNITED STATES*, 567 U.S. 387 (2012), "THE SUPREMACY  
8 CLAUSE PROVIDES A CLEAR RULE THAT FEDERAL LAW 'SHALL BE THE  
9 SUPREME LAW OF THE LAND'; . . . UNDER THIS PRINCIPLE, CONGRESS HAS  
10 THE POWER TO PREEMPT STATE LAW . . . STATE LAW MUST GIVE WAY TO  
11 FEDERAL LAW IN AT LEAST TWO OTHER CIRCUMSTANCES. FIRST, THE  
12 STATES ARE PRECLUDED FROM REGULATING CONDUCT IN A FIELD THAT  
13 CONGRESS . . . HAS DETERMINED MUST BE REGULATED BY ITS EXCLUSIVE  
14 GOVERNANCE . . . SECOND, STATE LAWS ARE PREEMPTED WHEN THEY  
15 CONFLICT WITH FEDERAL LAW." [CITATIONS OMITTED].

16 (f) IN STRIKING DOWN THREE ARIZONA LAWS CONCERNING  
17 IMMIGRANTS BASED ON FEDERAL SUPREMACY, JUSTICE KENNEDY  
18 FURTHER FOUND "THE FEDERAL POWER TO DETERMINE IMMIGRATION  
19 POLICY IS WELL SETTLED. IMMIGRATION POLICY CAN AFFECT TRADE,  
20 INVESTMENT, TOURISM, AND DIPLOMATIC RELATIONS FOR THE ENTIRE  
21 NATION, AS WELL AS THE PERCEPTIONS AND EXPECTATIONS OF ALIENS IN  
22 THIS COUNTRY WHO SEEK THE FULL PROTECTION OF ITS LAWS."

23 (3) THE GENERAL ASSEMBLY, THEREFORE, DECLARES THAT IT IS IN  
24 THE BEST INTERESTS OF COLORADO TO PROHIBIT ITS STATE AND LOCAL  
25 GOVERNMENTS FROM CREATING OR ENFORCING POLICIES OR ORDINANCES  
26 THAT OBSTRUCT OR RESTRICT COMMUNICATION OR COOPERATION WITH  
27 FEDERAL IMMIGRATION AGENCIES OR PERSONNEL.

1           **24-33.5-2102. Definitions.** AS USED IN THIS PART 21, UNLESS THE  
2 CONTEXT OTHERWISE REQUIRES:

3           (1) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC SAFETY.

4           (2) "JURISDICTION" MEANS THE STATE OR A POLITICAL  
5 SUBDIVISION THEREOF ORGANIZED PURSUANT TO LAW, INCLUDING ANY  
6 COUNTY; CITY AND COUNTY; CITY; MUNICIPALITY; SCHOOL DISTRICT,  
7 SPECIAL DISTRICT, OR ANY OTHER DISTRICT; AGENCY; INSTRUMENTALITY;  
8 LAW ENFORCEMENT AGENCY; AND ANY STATE INSTITUTION OF HIGHER  
9 EDUCATION.

10           **24-33.5-2103. Compliance with federal immigration law -**  
11 **restrictions on jurisdictions regulating official and employee**  
12 **communications relating to immigration status - notice to officials**  
13 **and employees - reports on compliance. (1) Compliance with federal**  
14 **immigration law on communications and cooperation. A**  
15 JURISDICTION:

16           (a) SHALL NOT, IN VIOLATION OF 8 U.S.C. SEC. 1373 (a), PROHIBIT,  
17 OR IN ANY WAY RESTRICT, ANY JURISDICTION, OFFICIAL, OR EMPLOYEE  
18 FROM SENDING TO, OR RECEIVING FROM, FEDERAL IMMIGRATION AGENCIES  
19 INFORMATION REGARDING THE CITIZENSHIP OR IMMIGRATION STATUS,  
20 LAWFUL OR UNLAWFUL, OF ANY INDIVIDUAL;

21           (b) SHALL NOT, IN VIOLATION OF 8 U.S.C. SEC. 1373 (b) OR 8  
22 U.S.C. SEC. 1644, PROHIBIT, OR IN ANY WAY RESTRICT, THE STATE OR  
23 POLITICAL SUBDIVISION OF THIS STATE FROM DOING ANY OF THE  
24 FOLLOWING WITH RESPECT TO INFORMATION REGARDING THE  
25 IMMIGRATION STATUS, LAWFUL OR UNLAWFUL, OF ANY INDIVIDUAL:

26           (I) SENDING THE INFORMATION TO, OR REQUESTING THE  
27 INFORMATION FROM, FEDERAL IMMIGRATION AGENCIES;

1 (II) MAINTAINING THE INFORMATION; OR  
2 (III) EXCHANGING THE INFORMATION WITH ANY OTHER FEDERAL,  
3 STATE, OR POLITICAL SUBDIVISION OF THIS STATE; AND

4 (c) SHALL NOT, IN VIOLATION OF 8 U.S.C. SEC. 1324, ENCOURAGE  
5 THE PHYSICAL HARBORING OF AN ILLEGAL IMMIGRANT.

6 (2) **Finding of sanctuary jurisdiction.** A JURISDICTION IS  
7 DEEMED TO HAVE CREATED A SANCTUARY JURISDICTION POLICY FOR  
8 PURPOSES OF THIS SECTION IF IT:

9 (a) VIOLATES THE PROVISIONS OF SUBSECTION (1) OF THIS  
10 SECTION;

11 (b) IS NOTIFIED BY THE FEDERAL DEPARTMENT OF JUSTICE OR THE  
12 FEDERAL DEPARTMENT OF HOMELAND SECURITY THAT IT IS NOT IN  
13 COMPLIANCE WITH FEDERAL IMMIGRATION LAW; OR

14 (c) HAS BEEN DENIED FEDERAL GRANT MONEY OR BEEN FOUND  
15 INELIGIBLE TO RECEIVE FEDERAL GRANT MONEY BASED ON LACK OF  
16 COMPLIANCE WITH FEDERAL IMMIGRATION LAW.

17 (3) **Federal court orders.** NOTHING IN THIS SECTION REQUIRES A  
18 JURISDICTION, AN OFFICIAL, OR AN EMPLOYEE TO VIOLATE AN APPLICABLE  
19 COURT RULING REGARDING THE ENFORCEMENT OF ANY PROVISION OF  
20 FEDERAL IMMIGRATION LAW FROM THE UNITED STATES DISTRICT COURT  
21 FOR THE DISTRICT OF COLORADO, THE UNITED STATES TENTH CIRCUIT  
22 COURT OF APPEALS, OR THE UNITED STATES SUPREME COURT.

23 (4) **Notice to officials, employees, and law enforcement**  
24 **officers.** THE GOVERNING BODY OF A JURISDICTION SHALL PROVIDE  
25 WRITTEN NOTICE TO EACH ELECTED OFFICIAL, EMPLOYEE, AND LAW  
26 ENFORCEMENT OFFICER OF THE JURISDICTION OF HIS OR HER DUTY TO  
27 COMPLY WITH ALL FEDERAL LAWS RELATED TO IMMIGRATION, INCLUDING

1 8 U.S.C. SEC. 1373, 8 U.S.C. SEC. 1324, AND 8 U.S.C. SEC. 1644, AS  
2 SPECIFIED IN SUBSECTION (1) OF THIS SECTION.

3 (5) **Compliance reports.** ON OR BEFORE JANUARY 1, 2020, AND  
4 ON OR BEFORE JANUARY 1 OF EACH YEAR THEREAFTER THROUGH  
5 JANUARY 1, 2030, THE GOVERNING BODY OF EACH COUNTY, CITY AND  
6 COUNTY, OR MUNICIPALITY HAVING A POPULATION OF AT LEAST  
7 TWENTY-FIVE THOUSAND PEOPLE SHALL SUBMIT A WRITTEN REPORT AND  
8 AN AFFIRMATION OF COMPLIANCE TO THE DEPARTMENT THAT INDICATES  
9 THAT THE JURISDICTION:

10 (a) IS IN COMPLIANCE WITH THE REQUIREMENTS OF SUBSECTION (1)  
11 OF THIS SECTION;

12 (b) HAS NOT BEEN NOTIFIED BY THE FEDERAL GOVERNMENT THAT  
13 IT IS NOT IN COMPLIANCE WITH FEDERAL IMMIGRATION LAW; AND

14 (c) HAS NOT BEEN DENIED FEDERAL GRANT MONEY OR BEEN  
15 FOUND INELIGIBLE TO RECEIVE FEDERAL GRANT MONEY AS DESCRIBED IN  
16 SUBSECTION (2) OF THIS SECTION.

17 (6) **Annual report.** ON OR BEFORE APRIL 1, 2020, AND ON OR  
18 BEFORE APRIL 1 OF EACH YEAR THEREAFTER, THE DEPARTMENT SHALL  
19 COMPILE THE COMPLIANCE REPORTS AND AFFIRMATIONS RECEIVED  
20 PURSUANT TO SUBSECTION (5) OF THIS SECTION. THE DEPARTMENT SHALL  
21 SUBMIT AN ANNUAL REPORT BASED ON THIS INFORMATION TO THE  
22 GENERAL ASSEMBLY, INCLUDING A LIST OF THOSE JURISDICTIONS THAT DID  
23 NOT SUBMIT A COMPLIANCE REPORT OR AN AFFIRMATION OF COMPLIANCE.  
24 NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I),  
25 THE REQUIREMENT TO SUBMIT THE REPORT TO THE GENERAL ASSEMBLY  
26 REQUIRED IN THIS SECTION CONTINUES THROUGH 2030.

27 **SECTION 3. Effective date.** This act takes effect July 1, 2019.

1           **SECTION 4. Refer to people under referendum.** At the  
2 election held on November 6, 2018, the secretary of state shall submit this  
3 act by its ballot title to the registered electors of the state for their  
4 approval or rejection. Each elector voting at the election may cast a vote  
5 either "Yes/For" or "No/Against" on the following ballot title: "Shall  
6 there be a prohibition on governmental jurisdictions in Colorado  
7 obstructing federal immigration law enforcement, and, in connection  
8 therewith, requiring such jurisdictions to affirm annually that they have  
9 not violated federal immigration laws or been informed by any federal  
10 agency that they are in violation of federal immigration laws?" Except as  
11 otherwise provided in section 1-40-123, Colorado Revised Statutes, if a  
12 majority of the electors voting on the ballot title vote "Yes/For", then the  
13 act will become part of the Colorado Revised Statutes.