

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0026.01 Michael Dohr x4347

HOUSE BILL 18-1110

HOUSE SPONSORSHIP

Lebsock,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PROTECTING PERSONS LAWFULLY PRESENT IN
102 COLORADO WHO ARE ENGAGED IN AN ACT THAT IS PROTECTED
103 BY THE COLORADO CONSTITUTION FROM A FEDERAL AGENCY.

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 prohibits the state or a state agency, or an employee or personnel of the state or a state agency while acting in an official capacity, from aiding or assisting a federal agency in:

- ! Arresting a Colorado citizen or person lawfully present in Colorado for committing an act in Colorado that is a

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.

Colorado constitutional right; or
! Violating a Colorado constitutional right of a Colorado citizen or a person lawfully present in Colorado.

The bill does not prohibit the state, an agency of the state, or an employee or personnel of the state or a state agency from participating in an investigation until it is recognized that the action being investigated is a Colorado constitutional right.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 78.5 to
3 title 24 as follows:

4 **ARTICLE 78.5**

5 **Protect Colorado Constitutional Rights**

6 **24-78.5-101. Protecting Colorado constitutional rights -**
7 **definitions.** (1) THE STATE OR A STATE AGENCY, OR AN EMPLOYEE OR
8 PERSONNEL OF THE STATE OR A STATE AGENCY WHILE ACTING IN AN
9 OFFICIAL CAPACITY, SHALL NOT KNOWINGLY ASSIST OR AID:

10 (a) A FEDERAL AGENCY IN ARRESTING A COLORADO CITIZEN OR A
11 PERSON LAWFULLY PRESENT IN COLORADO FOR COMMITTING AN ACT IN
12 COLORADO THAT IS A COLORADO CONSTITUTIONAL RIGHT; OR

13 (b) A FEDERAL AGENCY IN VIOLATING A COLORADO
14 CONSTITUTIONAL RIGHT OF A COLORADO CITIZEN OR A PERSON LAWFULLY
15 PRESENT IN COLORADO.

16 (2) NOTHING IN THIS SECTION PROHIBITS THE STATE, A STATE
17 AGENCY, OR AN EMPLOYEE OR PERSONNEL OF THE STATE OR A STATE
18 AGENCY FROM PARTICIPATING IN AN INVESTIGATION UNTIL THE STATE,
19 STATE AGENCY, OR EMPLOYEE OR PERSONNEL OF THE STATE OR A STATE
20 AGENCY RECOGNIZES THAT THE ACTION BEING INVESTIGATED IS A
21 COLORADO CONSTITUTIONAL RIGHT.

22 (3) FOR PURPOSES OF THIS SECTION:

1 (a) "COLORADO CONSTITUTIONAL RIGHT" MEANS A RIGHT
2 ENUMERATED IN THE COLORADO CONSTITUTION THAT HAS NOT BEEN
3 DECLARED UNCONSTITUTIONAL BY A FEDERAL COURT OR A COLORADO
4 APPELLATE COURT.

5 (b) "KNOWINGLY" MEANS THAT THE STATE, STATE AGENCY, OR
6 EMPLOYEE OR PERSONNEL OF THE STATE IS AWARE THAT THE ACT IS A
7 COLORADO CONSTITUTIONAL RIGHT.

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