

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 18-0956.01 Michael Dohr x4347

HOUSE BILL 18-1273

HOUSE SPONSORSHIP

Salazar and Esgar,

SENATE SPONSORSHIP

Merrifield,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PROTECTION FOR COLORADO RESIDENTS FROM FEDERAL**
102 **GOVERNMENT OVERREACH BASED ON A PERSON'S STATUS.**

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 a state or political subdivision from:

- ! Providing the race, ethnicity, national origin, immigration status, sexual orientation, gender identity, or religious affiliation of a Colorado resident to the federal government without determining that it is for a legal and constitutional purpose;

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.

HOUSE
Amended 3rd Reading
April 18, 2018

HOUSE
Amended 2nd Reading
April 16, 2018

- ! Aiding or assisting the federal government in creating, maintaining, or updating a registry for the purpose of identifying Colorado residents based on race, ethnicity, national origin, immigration status, sexual orientation, gender identity, or religious affiliation;
- ! Aiding or assisting the federal government or a federal agency in marking or otherwise placing a physical or electronic identifier on a person based on his or her race, ethnicity, national origin, immigration status, sexual orientation, gender identity, or religious affiliation; and
- ! Aiding or assisting, including using state or local lands or resources, the federal government in interning, arresting, or detaining a person based on his or her race, ethnicity, national origin, immigration status, sexual orientation, gender identity, or religious affiliation.

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 hereby finds and declares that Colorado has been a beacon of hope
4 against inhumane practices. The Colorado general assembly is aware that
5 history often repeats itself. History has demonstrated that the
6 demonization of communities leading to internment camps and the
7 deprivation of human rights, constitutional rights, and civil rights is often
8 rooted in the overreach of federal policies. The Colorado general
9 assembly rejects any federal attempts to demonize Colorado communities;
10 rejects any attempts to detain or intern Coloradans because of their race,
11 ethnicity, national origin, immigration status, sexual orientation, gender
12 identity, or religious affiliation; and rejects any attempts to access data or
13 information about Coloradans for illegal or unconstitutional purposes.
14 Through its constitutional reservation of powers, Colorado will prohibit
15 the use of state and local law enforcement and state and local resources
16 to engage in discriminatory and unconstitutional behavior that is
17 repugnant to Colorado values. In asserting its constitutional reservation

1 of powers, the Colorado general assembly affirms its obligation to prevail
2 over federal overreach that may result in Coloradans being harmed.

3 **SECTION 2.** In Colorado Revised Statutes, **add** article 76.6 to
4 title 24 as follows:

5 **ARTICLE 76.6**

6 **Colorado Freedom Defense Act**

7 **24-76.6-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 76.6
8 IS THE "MINORU YASUI FREEDOM DEFENSE ACT".

9 **24-76.6-102. Compliance with legal and constitutional federal**
10 **requests - definition.** (1) (a) BEFORE THE STATE OR A POLITICAL
11 SUBDIVISION OF THE STATE COMPLIES WITH A REQUEST FROM THE FEDERAL
12 GOVERNMENT OR ANY FEDERAL AGENCY TO DIVULGE AN INHERENT
13 CHARACTERISTIC, AS DEFINED IN SUBSECTION (1)(b) OF THIS SECTION, OF
14 A COLORADO RESIDENT, THE STATE OR POLITICAL SUBDIVISION OF THE
15 STATE, TO THE EXTENT THAT IT KNOWS THE BASIS FOR THE REQUEST,
16 SHALL DETERMINE THAT THE REQUEST IS FOR A LEGAL AND
17 CONSTITUTIONAL PURPOSE.

18 (b) "INHERENT CHARACTERISTIC" MEANS THE RACE, ETHNICITY,
19 NATIONAL ORIGIN, IMMIGRATION STATUS, SEXUAL ORIENTATION, GENDER
20 IDENTITY, PHYSICAL DISABILITY, INTELLECTUAL AND DEVELOPMENTAL
21 DISABILITY, OR RELIGIOUS AFFILIATION OF A COLORADO RESIDENT.

22 (2) THE STATE OR A POLITICAL SUBDIVISION OF THE STATE SHALL
23 NOT AID OR ASSIST THE FEDERAL GOVERNMENT OR A FEDERAL AGENCY IN
24 CREATING, MAINTAINING, OR UPDATING A REGISTRY FOR THE PURPOSE OF
25 IDENTIFYING COLORADO RESIDENTS BASED ON RACE, ETHNICITY,
26 NATIONAL ORIGIN, IMMIGRATION STATUS, SEXUAL ORIENTATION, GENDER
27 IDENTITY, PHYSICAL DISABILITY, INTELLECTUAL AND DEVELOPMENTAL

1 DISABILITY, OR RELIGIOUS AFFILIATION; EXCEPT THAT THE STATE OR A
2 POLITICAL SUBDIVISION OF THE STATE MAY AID OR ASSIST THE UNITED
3 STATE CENSUS BUREAU, MAY PROVIDE INFORMATION RELATED TO
4 INVESTIGATIONS OF A HATE BIAS CRIME, MAY PROVIDE INFORMATION
5 REQUESTED TO ADDRESS BIAS-BASED DELIVERY OF GOVERNMENT
6 SERVICES, MAY CONTINUE TO PROVIDE INFORMATION USED FOR NATIONAL
7 STATISTICAL PURPOSES SUCH AS FINGERPRINT DATA AND NATIONAL
8 INCIDENT-BASED REPORTING DATA, AND MAY PROVIDE ANY INFORMATION
9 AVAILABLE TO THE PUBLIC UNDER THE "COLORADO OPEN RECORDS ACT",
10 PART 2 OF ARTICLE 72 OF THIS TITLE 24.

11 (3) THE STATE OR A POLITICAL SUBDIVISION OF THE STATE SHALL
12 NOT AID OR ASSIST THE FEDERAL GOVERNMENT OR A FEDERAL AGENCY IN
13 MARKING OR OTHERWISE PLACING A PHYSICAL OR ELECTRONIC IDENTIFIER
14 ON A PERSON BASED ON HIS OR HER RACE, ETHNICITY, NATIONAL ORIGIN,
15 IMMIGRATION STATUS, SEXUAL ORIENTATION, GENDER IDENTITY,
16 PHYSICAL DISABILITY, INTELLECTUAL AND DEVELOPMENTAL DISABILITY,
17 OR RELIGIOUS AFFILIATION.

18 **24-76.6-103. Noncompliance with national internment or**
19 **detention - definition.** (1) AS USED IN THIS SECTION, "INTERNMENT"
20 MEANS HOLDING OR IMPRISONING A PERSON WITHOUT PROBABLE CAUSE OR
21 DUE PROCESS BASED ON HIS OR HER RACE, ETHNICITY, NATIONAL ORIGIN,
22 IMMIGRATION STATUS, SEXUAL ORIENTATION, GENDER IDENTITY,
23 PHYSICAL DISABILITY, INTELLECTUAL AND DEVELOPMENTAL DISABILITY,
24 OR RELIGIOUS AFFILIATION FOR LONGER THAN FORTY-EIGHT HOURS.

25 (2) (a) THE STATE OR A POLITICAL SUBDIVISION OF THE STATE
26 SHALL NOT ASSIST OR AID THE FEDERAL GOVERNMENT OR A FEDERAL
27 AGENCY IN INTERNING PERSONS BASED ON THEIR RACE, ETHNICITY,

1 NATIONAL ORIGIN, IMMIGRATION STATUS, SEXUAL ORIENTATION, GENDER
2 IDENTITY, PHYSICAL DISABILITY, INTELLECTUAL AND DEVELOPMENTAL
3 DISABILITY, OR RELIGIOUS AFFILIATION.

4 (b) THE STATE OR A POLITICAL SUBDIVISION OF THE STATE SHALL
5 NOT ASSIST OR AID THE FEDERAL GOVERNMENT OR A FEDERAL AGENCY IN
6 ARRESTING OR DETAINING PERSONS FOR A NONCRIMINAL OFFENSE BASED
7 ON THEIR RACE, ETHNICITY, NATIONAL ORIGIN, IMMIGRATION STATUS,
8 SEXUAL ORIENTATION, GENDER IDENTITY, PHYSICAL DISABILITY,
9 INTELLECTUAL AND DEVELOPMENTAL DISABILITY, OR RELIGIOUS
10 AFFILIATION.

11 (3) STATE OR LOCAL LANDS OR RESOURCES SHALL NOT BE USED
12 FOR THE INTERNMENT OF PERSONS BASED ON THEIR RACE, ETHNICITY,
13 NATIONAL ORIGIN, IMMIGRATION STATUS, SEXUAL ORIENTATION, GENDER
14 IDENTITY, PHYSICAL DISABILITY, INTELLECTUAL AND DEVELOPMENTAL
15 DISABILITY, OR RELIGIOUS AFFILIATION.

16 **SECTION 3. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.