

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-1208.01 Michael Dohr x4347

HOUSE BILL 18-1417

HOUSE SPONSORSHIP

Pabon and Lontine, Roberts

SENATE SPONSORSHIP

(None),

P

House Committees

State, Veterans, & Military Affairs
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PROTECTING THE CONSTITUTIONAL RIGHTS OF ALL
102 COLORADO RESIDENTS.

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 county law enforcement agencies from detaining individuals for the federal immigration and customs enforcement agency (ICE) or providing notifications of an individual's release date and time to ICE unless ICE has a judicial warrant. The bill prohibits renewal of current intergovernmental service agreements with ICE and prohibits new

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.

1 A FEDERAL JUDGE OR A FEDERAL MAGISTRATE, INCLUDING BUT NOT
2 LIMITED TO A REQUEST TO HOLD, HOUSE, TRANSFER, OR PROVIDE
3 NOTIFICATION ISSUED PURSUANT TO 8 CFR 236 OR 8 CFR 287 BASED ON
4 THE FOLLOWING FEDERAL DEPARTMENT OF HOMELAND SECURITY FORM:

5 (I) ALL I-247 FORMS REQUESTING LAW ENFORCEMENT AGENCY
6 ACTION;

7 (II) I-200 WARRANT FOR ARREST OF ALIEN;

8 (III) I-203 ORDER TO DETAIN OR RELEASE ALIEN; OR

9 (IV) I-205 WARRANT OF REMOVAL/DEPORTATION; AND

10 (b) RESPOND TO REQUESTS FROM THE FEDERAL IMMIGRATION AND
11 CUSTOMS ENFORCEMENT AGENCY FOR NONPUBLICLY AVAILABLE
12 PERSONAL INFORMATION ABOUT AN INDIVIDUAL, INCLUDING BUT NOT
13 LIMITED TO INFORMATION ABOUT THE INDIVIDUAL'S RELEASE DATE AND
14 TIME OF RELEASE, HOME ADDRESS, WORK ADDRESS, PROBATION MEETING
15 DATE AND TIME, COMMUNITY CORRECTIONS MEETING DATE AND TIME, THE
16 INDIVIDUAL'S MEETING DATE AND TIME FOR CRIMINAL COURT-ORDERED
17 CLASSES, TREATMENT, AND APPOINTMENTS, OR INFORMATION RELATED TO
18 WORK RELEASE PROGRAMS UNLESS THE FEDERAL IMMIGRATION AND
19 CUSTOMS ENFORCEMENT AGENCY PRESENTS A VALID WARRANT OR
20 SUBPOENA ISSUED BY A FEDERAL JUDGE OR A FEDERAL MAGISTRATE.
21 NONPUBLICLY AVAILABLE PERSONAL INFORMATION, INCLUDES, BUT IS NOT
22 LIMITED TO, RESPONDING TO A REQUEST ISSUED PURSUANT TO 8 CFR 236
23 OR 8 CFR 287 BASED ON THE FOLLOWING FEDERAL DEPARTMENT OF
24 HOMELAND SECURITY FORM:

25 (I) ALL I-247 FORMS REQUESTING LAW ENFORCEMENT AGENCY
26 ACTION;

27 (II) I-200 WARRANT FOR ARREST OF ALIEN;

1 (III) I-203 ORDER TO DETAIN OR RELEASE ALIEN; OR

2 (IV) I-205 WARRANT OF REMOVAL/DEPORTATION.

3 **24-33.5-2103. Detention contracts with the federal**
4 **immigration and customs enforcement agency.** (1) A CITY, COUNTY,
5 OR LOCAL LAW ENFORCEMENT AGENCY SHALL NOT RENEW AN EXISTING
6 CONTRACT WITH THE FEDERAL GOVERNMENT, A PRIVATE CORPORATION,
7 A CONTRACTOR, OR A VENDOR TO HOUSE OR DETAIN NONCITIZENS FOR
8 PURPOSES OF CIVIL IMMIGRATION CUSTODY. THESE CONTRACTS INCLUDE,
9 BUT ARE NOT LIMITED TO, INTERGOVERNMENTAL SERVICE AGREEMENTS
10 AND BASIC ORDERING AGREEMENTS UNDER 48 CFR 16.703 TO HOUSE
11 NONCITIZENS UNDER LOCAL CUSTODY.

12 (2) A CITY, COUNTY, OR LOCAL LAW ENFORCEMENT AGENCY SHALL
13 NOT ENTER INTO A NEW CONTRACT WITH THE FEDERAL GOVERNMENT, A
14 PRIVATE CORPORATION, A CONTRACTOR, OR A VENDOR TO HOUSE OR
15 DETAIN NONCITIZENS FOR PURPOSES OF CIVIL IMMIGRATION CUSTODY.
16 THESE CONTRACTS INCLUDE, BUT ARE NOT LIMITED TO,
17 INTERGOVERNMENTAL SERVICE AGREEMENTS AND BASIC ORDERING
18 AGREEMENTS UNDER 48 CFR 16.703 TO HOUSE NONCITIZENS UNDER
19 LOCAL CUSTODY.

20 **24-33.5-2104. Advisement of rights.** (1) UPON RECEIPT OF A
21 REQUEST BY THE FEDERAL IMMIGRATION AND CUSTOMS ENFORCEMENT
22 AGENCY TO INTERVIEW AN INDIVIDUAL, WHETHER BY PHONE OR IN
23 PERSON, IN LOCAL LAW ENFORCEMENT CUSTODY, THE LAW ENFORCEMENT
24 AGENCY SHALL AS PROMPTLY AS PRACTICABLE ADVISE THE INDIVIDUAL
25 WHO IS THE SUBJECT OF THE INTERVIEW REQUEST THAT THE FEDERAL
26 IMMIGRATION AND CUSTOMS ENFORCEMENT AGENCY HAS REQUESTED AN
27 INTERVIEW AND PROVIDE THE ADVISEMENT OF RIGHTS DESCRIBED IN THIS

1 SUBSECTION (1) TO THE INDIVIDUAL. THE ADVISEMENT OF RIGHTS TO THE
2 INDIVIDUAL MUST BE IN WRITING IN THE INDIVIDUAL'S LANGUAGE OF
3 CHOICE. THE ADVISEMENT OF RIGHTS FORM MUST BE AVAILABLE IN
4 ENGLISH, SPANISH, CHINESE, VIETNAMESE, KOREAN, AND AMHARIC. IF
5 THE INDIVIDUAL DOES NOT SPEAK OR READ ONE OF THESE LANGUAGES,
6 THE LAW ENFORCEMENT AGENCY SHALL USE A PROFESSIONAL
7 TRANSLATION SERVICE TO READ THE FORM TO THE INDIVIDUAL. THE
8 WRITTEN ADVISEMENT OF RIGHTS FORM, AT A MINIMUM, SHALL ADVISE
9 THE INDIVIDUAL THAT:

10 (a) THE INDIVIDUAL ENJOYS CERTAIN LEGAL RIGHTS IF CONTACTED
11 BY THE FEDERAL IMMIGRATION AND CUSTOMS ENFORCEMENT AGENCY
12 WHILE IN CUSTODY OR AFTER HAVING BEEN RELEASED FROM CUSTODY,
13 INCLUDING BUT NOT LIMITED TO:

14 (I) THE RIGHT TO REFUSE TO SPEAK TO THE FEDERAL IMMIGRATION
15 AND CUSTOMS ENFORCEMENT AGENCY AND THE RIGHT TO REMAIN SILENT;
16 AND

17 (II) THE RIGHT TO SPEAK TO AN ATTORNEY BEFORE SPEAKING TO
18 THE FEDERAL IMMIGRATION AND CUSTOMS ENFORCEMENT AGENCY;

19 (b) ANYTHING THE INDIVIDUAL SAYS MAY BE USED AGAINST HIM
20 OR HER IN FEDERAL IMMIGRATION COURT OR IN ANY OTHER COURT OF
21 LAW; AND

22 (c) SILENCE DOES NOT CONSTITUTE A WAIVER OF THE RIGHTS
23 DESCRIBED IN THE FORM.

24 (2) IF THE INDIVIDUAL CONSENTS TO AN INTERVIEW WITH THE
25 FEDERAL IMMIGRATION AND CUSTOMS ENFORCEMENT AGENCY, THE
26 INDIVIDUAL MUST AFFIRM THE CONSENT QUESTION ON THE ADVISEMENT
27 OF RIGHTS FORM AND THE INDIVIDUAL MUST SIGN THE FORM.

1 (3) EVERY INDIVIDUAL WHO RECEIVES A REQUEST TO HOLD,
2 HOUSE, OR TRANSFER FROM THE FEDERAL IMMIGRATION AND CUSTOMS
3 ENFORCEMENT AGENCY SHALL BE PROVIDED THE WRITTEN ADVISEMENT
4 OF RIGHTS AGAIN WHEN THE INDIVIDUAL IS RELEASED FROM JAIL,
5 INCLUDING BUT NOT LIMITED TO NOTIFICATION ISSUED PURSUANT TO 8
6 CFR 236 OR 8 CFR 287 BASED ON THE FOLLOWING FEDERAL DEPARTMENT
7 OF HOMELAND SECURITY FORM:

8 (a) ALL I-247 FORMS REQUESTING LAW ENFORCEMENT AGENCY
9 ACTION;

10 (b) I-200 WARRANT FOR ARREST OF ALIEN;

11 (c) I-203 ORDER TO DETAIN OR RELEASE ALIEN; OR

12 (d) I-205 WARRANT OF REMOVAL/DEPORTATION.

13 **SECTION 2.** In Colorado Revised Statutes, **add** 26-1-141 as
14 follows:

15 **26-1-141. Safe spaces for noncitizens - policy.** (1) THE STATE
16 DEPARTMENT, IN CONSULTATION WITH THE APPROPRIATE STAKEHOLDERS,
17 SHALL DEVELOP AND PUBLISH BY JUNE 1, 2019, MODEL POLICIES FOR THE
18 PREMISES OF PUBLIC SCHOOLS, STATE-FUNDED COLLEGES AND
19 UNIVERSITIES, PUBLIC LIBRARIES, PUBLIC HEALTH FACILITIES, SHELTERS,
20 COURTHOUSES, PROBATION OFFICES, AND ENTITIES PROVIDING CRIMINAL
21 COURT-ORDERED CLASSES, TREATMENT, AND APPOINTMENTS, TO ENSURE
22 THAT THESE SPACES REMAIN SAFE AND ACCESSIBLE TO ALL COLORADO
23 RESIDENTS, REGARDLESS OF IMMIGRATION STATUS. THE POLICIES MUST
24 LIMIT IMMIGRATION ENFORCEMENT ON THOSE PREMISES AND LIMIT
25 ASSISTANCE WITH IMMIGRATION ENFORCEMENT TO THE GREATEST EXTENT
26 POSSIBLE CONSISTENT WITH FEDERAL AND STATE LAW, INCLUDING
27 REQUIRING A VALID WARRANT ISSUED BY A FEDERAL JUDGE OR

1 MAGISTRATE BEFORE ALLOWING THE FEDERAL IMMIGRATION AND
2 CUSTOMS ENFORCEMENT AGENCY ACCESS TO THE PREMISES LISTED
3 ABOVE.

4 (2) THE STAKEHOLDER PROCESS MUST INCLUDE A MINIMUM OF
5 TWO MEETINGS OF REPRESENTATIVES OF GOVERNMENT AGENCIES,
6 NONPROFIT AGENCIES, AND SERVICE AGENCIES, OR FOLLOW THE STATE
7 DEPARTMENT'S EXISTING STAKEHOLDER ENGAGEMENT PROTOCOL.

8 (3) ALL PUBLIC SCHOOLS, PUBLIC LIBRARIES, STATE-FUNDED
9 COLLEGES AND UNIVERSITIES, PUBLIC HEALTH FACILITIES, SHELTERS, AND
10 COURTHOUSES SHALL ADOPT THE POLICIES OR AN EQUIVALENT POLICY BY
11 SEPTEMBER 1, 2019.

12 (4) ALL PROBATION OFFICES AND ENTITIES PROVIDING CRIMINAL
13 COURT-ORDERED CLASSES, TREATMENT, AND APPOINTMENTS MAY ADOPT
14 THE POLICIES OR AN EQUIVALENT POLICY.

15 **SECTION 3. Severability.** If any provision of this act or the
16 application thereof to any person or circumstance is held invalid, such
17 invalidity does not affect other provisions or applications of the act that
18 can be given effect without the invalid provision or application, and to
19 this end the provisions of this act are declared to be severable.

20 **SECTION 4. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, and safety.