

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

ENGROSSED

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

LLS NO. 17-0362.01 Michael Dohr x4347

HOUSE BILL 17-1230

HOUSE SPONSORSHIP

Salazar and Esgar, Duran, Herod, Melton, Winter, Foote, Mitsch Bush, Buckner, Arndt, Becker K., Benavidez, Bridges, Coleman, Danielson, Exum, Garnett, Ginal, Gray, Hamner, Hansen, Hooton, Jackson, Kennedy, Lebsock, Lee, Lontine, Michaelson Jenet, Pabon, Pettersen, Rosenthal, Singer, Valdez, Weissman, Young

SENATE SPONSORSHIP

Guzman and Kagan, Court, Aguilar, Fields, Jones, Kefalas, Merrifield, Moreno, Williams A.

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, or religious affiliation of a Colorado resident to the federal government without determining it is for a legal and constitutional purpose;
- ! Aiding or assisting the federal government in creating,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
March 22, 2017

- maintaining, or updating a registry for the purpose of identifying Colorado residents based on race, ethnicity, national origin, immigration status, 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, 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, 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, such as the internment of communities.
5 Colorado is called to lead again against the potential overreach of the
6 federal government. In 1942, the Granada War Relocation Center (Camp
7 Amache) served as an internment camp for Japanese Americans in
8 Granada, Colorado. Despite the national spread of anti-Japanese
9 sentiment, Colorado Governor Ralph Carr stood apart from the hatred and
10 prejudice experienced by Japanese Americans. In a famous speech,
11 Governor Carr stated: ". . . the Japanese are protected by the same
12 Constitution that protects us. An American citizen of Japanese descent
13 has the same rights as any other citizen. . . . If you harm them, you must
14 first harm me. I was brought up in small towns where I knew the shame
15 and dishonor of race hatred. I grew to despise it because it threatened the
16 happiness of you and you and you." The Colorado general assembly is
17 aware that history often repeats itself. History has demonstrated that the
18 demonization of communities leading to internment camps and the
19 deprivation of human rights, constitutional rights, and civil rights are

1 often rooted in the overreach of federal policies. The Colorado general
2 assembly rejects any federal attempts to demonize Colorado communities;
3 rejects any attempts to detain or intern Coloradans because of their race,
4 ethnicity, national origin, immigration status, or religious affiliation; and
5 rejects any attempts to access data or information about Coloradans for
6 illegal or unconstitutional purposes. Through its constitutional reservation
7 of powers, Colorado will prohibit the use of state and local law
8 enforcement and state and local resources to engage in discriminatory and
9 unconstitutional behavior that is repugnant to Colorado values. In
10 asserting its constitutional reservation of powers, the Colorado general
11 assembly affirms its obligation to prevail over federal overreach that may
12 result in Coloradans being harmed.

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

15 **ARTICLE 76.6**

16 **Ralph Carr Freedom Defense Act**

17 **24-76.6-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 76.6
18 IS THE "RALPH CARR FREEDOM DEFENSE ACT".

19 **24-76.6-102. Compliance with legal and constitutional federal**
20 **requests.** (1) (a) BEFORE A STATE OR A POLITICAL SUBDIVISION OF THE
21 STATE COMPLIES WITH A REQUEST FROM THE FEDERAL GOVERNMENT OR
22 ANY FEDERAL AGENCY TO DIVULGE AN INHERENT CHARACTERISTIC, AS
23 DEFINED IN SUBSECTION (1)(b) OF THIS SECTION, OF A COLORADO
24 RESIDENT, THE STATE OR POLITICAL SUBDIVISION OF THE STATE, TO THE
25 EXTENT THAT IT KNOWS THE BASIS FOR THE REQUEST, SHALL DETERMINE
26 THAT THE REQUEST IS FOR A LEGAL AND CONSTITUTIONAL PURPOSE.

27 (b) "INHERENT CHARACTERISTIC" MEANS THE RACE, ETHNICITY,

1 NATIONAL ORIGIN, IMMIGRATION STATUS, OR RELIGIOUS AFFILIATION OF
2 A COLORADO RESIDENT.

3 (2) THE STATE OR A POLITICAL SUBDIVISION OF THE STATE SHALL
4 NOT AID OR ASSIST THE FEDERAL GOVERNMENT OR A FEDERAL AGENCY IN
5 CREATING, MAINTAINING, OR UPDATING A REGISTRY FOR THE PURPOSE OF
6 IDENTIFYING COLORADO RESIDENTS BASED ON RACE, ETHNICITY,
7 NATIONAL ORIGIN, IMMIGRATION STATUS, OR RELIGIOUS AFFILIATION;
8 EXCEPT THAT THE STATE OR A POLITICAL SUBDIVISION OF THE STATE MAY
9 AID OR ASSIST THE UNITED STATE CENSUS BUREAU, MAY PROVIDE
10 INFORMATION RELATED TO INVESTIGATIONS OF A HATE BIAS CRIME, MAY
11 PROVIDE INFORMATION REQUESTED TO ADDRESS BIAS-BASED DELIVERY OF
12 GOVERNMENT SERVICES, MAY CONTINUE TO PROVIDE INFORMATION USED
13 FOR NATIONAL STATISTICAL PURPOSES SUCH AS FINGERPRINT DATA AND
14 NATIONAL INCIDENT-BASED REPORTING DATA, AND MAY PROVIDE ANY
15 INFORMATION AVAILABLE TO THE PUBLIC UNDER THE "COLORADO OPEN
16 RECORDS ACT", PART 2 OF ARTICLE 72 OF THIS TITLE 24.

17 (3) THE STATE OR A POLITICAL SUBDIVISION OF THE STATE SHALL
18 NOT AID OR ASSIST THE FEDERAL GOVERNMENT OR A FEDERAL AGENCY IN
19 MARKING OR OTHERWISE PLACING A PHYSICAL OR ELECTRONIC IDENTIFIER
20 ON A PERSON BASED ON HIS OR HER RACE, ETHNICITY, NATIONAL ORIGIN,
21 IMMIGRATION STATUS, OR RELIGIOUS AFFILIATION.

22 **24-76.6-103. Noncompliance with national internment or**
23 **detention - definition.** (1) AS USED IN THIS SECTION, "INTERNMENT"
24 MEANS HOLDING OR IMPRISONING A PERSON WITHOUT PROBABLE CAUSE OR
25 DUE PROCESS BASED ON HIS OR HER RACE, ETHNICITY, NATIONAL ORIGIN,
26 IMMIGRATION STATUS, OR RELIGIOUS AFFILIATION FOR LONGER THAN
27 FORTY-EIGHT HOURS.

1 (2) (a) THE STATE OR A POLITICAL SUBDIVISION OF THE STATE
2 SHALL NOT ASSIST OR AID THE FEDERAL GOVERNMENT OR A FEDERAL
3 AGENCY IN INTERNING PERSONS BASED ON THEIR RACE, ETHNICITY,
4 NATIONAL ORIGIN, IMMIGRATION STATUS, OR RELIGIOUS AFFILIATION.

5 (b) THE STATE OR A POLITICAL SUBDIVISION OF THE STATE SHALL
6 NOT ASSIST OR AID THE FEDERAL GOVERNMENT OR A FEDERAL AGENCY IN
7 ARRESTING OR DETAINING PERSONS FOR A NONCRIMINAL OFFENSE BASED
8 ON THEIR RACE, ETHNICITY, NATIONAL ORIGIN, IMMIGRATION STATUS, OR
9 RELIGIOUS AFFILIATION.

10 (3) STATE OR LOCAL LANDS OR RESOURCES SHALL NOT BE USED
11 FOR THE INTERNMENT OF PERSONS BASED ON THEIR RACE, ETHNICITY,
12 NATIONAL ORIGIN, IMMIGRATION STATUS, OR RELIGIOUS AFFILIATION.

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