A BILL FOR AN ACT

CONCERNING PROTECTING PERSONS LAWFULLY PRESENT IN COLORADO WHO ARE ENGAGED IN AN ACT THAT IS PROTECTED 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...
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.

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

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

ARTICLE 78.5

Protect Colorado Constitutional Rights

24-78.5-101. Protecting Colorado constitutional rights - definitions. (1) The state or a state agency, or an employee or personnel of the state or a state agency while acting in an official capacity, shall not knowingly assist or aid:

(a) A federal agency in arresting a Colorado citizen or a person lawfully present in Colorado for committing an act in Colorado that is a Colorado constitutional right; or

(b) A federal agency in violating a Colorado constitutional right of a Colorado citizen or a person lawfully present in Colorado.

(2) Nothing in this section prohibits the state, a state agency, or an employee or personnel of the state or a state agency from participating in an investigation until the state, state agency, or employee or personnel of the state or a state agency recognizes that the action being investigated is a Colorado constitutional right.

(3) For purposes of this section:
(a) "COLORADO CONSTITUTIONAL RIGHT" MEANS A RIGHT ENUMERATED IN THE COLORADO CONSTITUTION THAT HAS NOT BEEN DECLARED UNCONSTITUTIONAL BY A FEDERAL COURT OR A COLORADO APPELLATE COURT.

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

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