A BILL FOR AN ACT

CONCERNING PROTECTING THE CONSTITUTIONAL RIGHTS OF ALL 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
agreements. The bill requires local law enforcement officers to administer an advisement of rights to an individual prior to an ICE interview, informing the individual that he or she has the right to deny an ICE interview request and that he or she can exercise his or her constitutional rights.

The bill requires the department of human services to develop and publish model policies to ensure that public schools, state-funded colleges and universities, public libraries, public health facilities, shelters, courthouses, probation offices, and entities providing criminal court-ordered classes, treatment, and appointments are places that are accessible to all residents regardless of immigration status. All public schools, state-funded colleges and universities, public libraries, public health facilities, shelters, and courthouses shall adopt the policies or equivalent policies. Probation offices and entities providing criminal court-ordered classes, treatment, and appointments may adopt the policies or equivalent policies.

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

SECTION 1. In Colorado Revised Statutes, add part 21 to article 33.5 of title 24 as follows:

PART 21
CONSTITUTIONAL PROTECTIONS
FOR ALL COLORADANS

24-33.5-2101. Short title. The short title of this part 21 is "VIRGINIA'S LAW".

24-33.5-2102. Responding to federal immigration requests.
(1) County law enforcement agencies, including sheriff's offices, shall not:

(a) Respond to requests from the federal immigration and customs enforcement agency to hold, house, transfer, or provide notification of the release date and time of an individual in local custody, unless the federal immigration and customs enforcement agency presents a valid warrant issued by
A FEDERAL JUDGE OR A FEDERAL MAGISTRATE, INCLUDING BUT NOT LIMITED TO A REQUEST TO HOLD, HOUSE, TRANSFER, OR PROVIDE NOTIFICATION ISSUED PURSUANT TO 8 CFR 236 OR 8 CFR 287 BASED ON THE FOLLOWING FEDERAL DEPARTMENT OF HOMELAND SECURITY FORM:

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

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

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

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

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

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

(II) I-200 WARRANT FOR ARREST OF ALIEN;
(III) I-203 ORDER TO DETAIN OR RELEASE ALIEN; OR
(IV) I-205 WARRANT OF REMOVAL/DEPORTATION.

24-33.5-2103. Detention contracts with the federal immigration and customs enforcement agency. (1) A city, county, or local law enforcement agency shall not renew an existing contract with the federal government, a private corporation, a contractor, or a vendor to house or detain noncitizens for purposes of civil immigration custody. These contracts include, but are not limited to, intergovernmental service agreements and basic ordering agreements under 48 CFR 16.703 to house noncitizens under local custody.

(2) A city, county, or local law enforcement agency shall not enter into a new contract with the federal government, a private corporation, a contractor, or a vendor to house or detain noncitizens for purposes of civil immigration custody. These contracts include, but are not limited to, intergovernmental service agreements and basic ordering agreements under 48 CFR 16.703 to house noncitizens under local custody.

24-33.5-2104. Adviseement of rights. (1) Upon receipt of a request by the federal immigration and customs enforcement agency to interview an individual, whether by phone or in person, in local law enforcement custody, the law enforcement agency shall as promptly as practicable advise the individual who is the subject of the interview request that the federal immigration and customs enforcement agency has requested an interview and provide the adviseement of rights described in this...
SUBSECTION (1) TO THE INDIVIDUAL. THE ADVISEMENT OF RIGHTS TO THE
INDIVIDUAL MUST BE IN WRITING IN THE INDIVIDUAL'S LANGUAGE OF
CHOICE. THE ADVISEMENT OF RIGHTS FORM MUST BE AVAILABLE IN
ENGLISH, SPANISH, CHINESE, VIETNAMESE, KOREAN, AND AMHARIC. IF
THE INDIVIDUAL DOES NOT SPEAK OR READ ONE OF THESE LANGUAGES,
THE LAW ENFORCEMENT AGENCY SHALL USE A PROFESSIONAL
TRANSLATION SERVICE TO READ THE FORM TO THE INDIVIDUAL. THE
WRITTEN ADVISEMENT OF RIGHTS FORM, AT A MINIMUM, SHALL ADVISE
THE INDIVIDUAL THAT:

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

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

AND

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

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

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

(2) IF THE INDIVIDUAL CONSENTS TO AN INTERVIEW WITH THE
FEDERAL IMMIGRATION AND CUSTOMS ENFORCEMENT AGENCY, THE
INDIVIDUAL MUST AFFIRM THE CONSENT QUESTION ON THE ADVISEMENT
OF RIGHTS FORM AND THE INDIVIDUAL MUST SIGN THE FORM.
EVERY INDIVIDUAL WHO RECEIVES A REQUEST TO HOLD, HOUSE, OR TRANSFER FROM THE FEDERAL IMMIGRATION AND CUSTOMS ENFORCEMENT AGENCY SHALL BE PROVIDED THE WRITTEN ADVISEMENT OF RIGHTS AGAIN WHEN THE INDIVIDUAL IS RELEASED FROM JAIL, INCLUDING BUT NOT LIMITED TO NOTIFICATION ISSUED PURSUANT TO 8 CFR 236 OR 8 CFR 287 BASED ON THE FOLLOWING FEDERAL DEPARTMENT OF HOMELAND SECURITY FORM:

(a) ALL I-247 FORMS REQUESTING LAW ENFORCEMENT AGENCY ACTION;
(b) I-200 WARRANT FOR ARREST OF ALIEN;
(c) I-203 ORDER TO DETAIN OR RELEASE ALIEN; OR
(d) I-205 WARRANT OF REMOVAL/DEPORTATION.

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

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

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

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

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

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

SECTION 4. 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.