

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 25-0206.01 Alana Rosen x2606

SENATE BILL 25-009

SENATE SPONSORSHIP

Roberts and Danielson, Simpson

HOUSE SPONSORSHIP

Weinberg and Joseph, Duran

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING RECOGNITION OF CERTAIN TRIBAL COURT ORDERS.**

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/>.)

American Indian Affairs Interim Study Committee. Current law does not expressly allow for the state to recognize an arrest warrant issued by a Tribal court of a federally recognized Tribe with a reservation within the exterior boundaries of the state (Tribal court). The bill clarifies that a state court shall give full faith and credit to an arrest warrant issued by a Tribal court. Upon issuance of a Tribal court arrest warrant, a peace officer in the state may apprehend the person identified in the Tribal warrant. Unless otherwise agreed upon by the law enforcement agency in

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

the arresting jurisdiction and the law enforcement authority of the Tribal jurisdiction, the Tribe shall arrange transport of the person to the Tribe's detention facility.

Current law does not expressly allow for the recognition of Tribal court commitment orders. The bill clarifies that any commitment order entered by a Tribal court that concerns a person under the Tribal court's jurisdiction is recognized to the same extent as a commitment order entered by a state court. A health-care provider may communicate with the officers of the Tribal court regarding a patient under the health-care provider's care pursuant to a commitment order to the same extent that the health-care provider may communicate with officers of the court pursuant to a commitment order entered by a state court.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 7 to article
3 of title 16 as follows:

4 PART 7

5 RECOGNITION OF

6 TRIBAL COURT ARREST WARRANTS

7 **16-3-701. Definitions.** AS USED IN THIS PART 7, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

- 9 _____
- 10 (1) "STATE" MEANS THE STATE OF COLORADO.
- 11 (2) "TRIBAL COURT" MEANS ANY COURT OR OTHER FEDERALLY OR
12 TRIBALLY ESTABLISHED TRIBUNAL OF A FEDERALLY RECOGNIZED TRIBE _____
13 DULY ESTABLISHED PURSUANT TO FEDERAL LAW OR TRIBAL LAW,
14 INCLUDING THE COURTS OF INDIAN OFFENSES, UTE MOUNTAIN UTE
15 AGENCY, ORGANIZED PURSUANT TO 25 CFR PART 11.
- 16 (3) "TRIBE" MEANS THE SOUTHERN UTE INDIAN TRIBE, THE UTE
17 MOUNTAIN UTE TRIBE, OR A FEDERALLY RECOGNIZED TRIBE
18 ACKNOWLEDGED BY THE "FEDERALLY RECOGNIZED INDIAN TRIBE LIST
19 ACT OF 1994", PUB.L. 103-454, 108 STAT. 4791.

1 **16-3-702. Recognition of Tribal court orders - arrest warrants**
2 **- full faith and credit.** A STATE COURT SHALL GIVE FULL FAITH AND
3 CREDIT TO AN ARREST WARRANT ISSUED BY A TRIBAL COURT OF A
4 FEDERALLY RECOGNIZED TRIBE.

5 **16-3-703. Recognition of Tribal court orders - arrest warrants**
6 **- process. (1)** UPON ISSUANCE OF A TRIBAL COURT ARREST WARRANT, A
7 PEACE OFFICER IN THE STATE MAY APPREHEND THE PERSON IDENTIFIED IN
8 THE TRIBAL WARRANT IF THE PEACE OFFICER VERIFIES THE VALIDITY OF
9 THE WARRANT AND CONFIRMS THAT THE WARRANT PERMITS EXTRADITION.
10 THE LAW ENFORCEMENT AGENCY IN THE ARRESTING JURISDICTION MAY
11 SURRENDER A PERSON ARRESTED PURSUANT TO A TRIBAL ARREST
12 WARRANT TO THE LAW ENFORCEMENT AGENCY OF THE TRIBAL
13 JURISDICTION IF THE LAW ENFORCEMENT AGENCY OF THE TRIBAL
14 JURISDICTION IS AVAILABLE TO TAKE CUSTODY OF THE PERSON. IF THE
15 LAW ENFORCEMENT AGENCY OF THE TRIBAL JURISDICTION IS NOT
16 AVAILABLE TO TAKE CUSTODY OF THE PERSON, THE LAW ENFORCEMENT
17 AGENCY IN THE ARRESTING JURISDICTION SHALL HOLD THE PERSON IN THE
18 COUNTY DETENTION FACILITY OF THE LAW ENFORCEMENT AGENCY IN THE
19 ARRESTING JURISDICTION. IF THE ARREST WARRANT IS NON-EXTRADITABLE
20 OR IF THE BOND ON THE ARREST WARRANT IS A PERSONAL RECOGNIZANCE
21 BOND, THE LAW ENFORCEMENT AGENCY IN THE ARRESTING JURISDICTION
22 MUST IMMEDIATELY RELEASE THE PERSON FROM STATE CUSTODY.

23 **(2) Court Process. (a)** DISTRICT COURTS SHALL FOLLOW THE
24 PROCESS OUTLINED IN THIS SUBSECTION (2) FOR EXTRADITION CASES
25 ARISING FROM A TRIBAL COURT ORDER.

26 **(b)** IF A PERSON IS ARRESTED ON A TRIBAL COURT ARREST
27 WARRANT AND THE LAW ENFORCEMENT AGENCY IN THE ARRESTING

1 JURISDICTION DOES NOT SURRENDER THE PERSON IMMEDIATELY TO THE
2 LAW ENFORCEMENT AGENCY OF THE TRIBAL JURISDICTION AS DESCRIBED
3 IN SUBSECTION (1) OF THIS SECTION, A PEACE OFFICER OF THE LAW
4 ENFORCEMENT AGENCY WITH CUSTODY OF THE PERSON SHALL BRING THE
5 PERSON BEFORE A JUDGE IN THE NEAREST DISTRICT COURT THE NEXT DAY
6 THE COURT IS IN SESSION. THE DISTRICT COURT SHALL APPOINT THE
7 PERSON COURT-APPOINTED COUNSEL IF THE PERSON IS ELIGIBLE AND
8 INFORM THE PERSON OF THE EXISTENCE OF THE ARREST WARRANT, THE
9 NATURE OF THE ARREST WARRANT, AND THE PERSON'S RIGHTS, INCLUDING
10 THE RIGHT TO COUNSEL, THE RIGHT TO REMAIN SILENT, THE RIGHT TO
11 CONTEST THE LEGALITY OF THE EXTRADITION REQUEST, AND THE RIGHT TO
12 WAIVE EXTRADITION AND KNOWINGLY, INTELLIGENTLY, AND
13 VOLUNTARILY AGREE TO RETURN TO THE TRIBAL JURISDICTION.

14 (c)(I) THE ARRESTED PERSON IDENTIFIED IN SUBSECTION (2)(b) OF
15 THIS SECTION MAY, IN THE PRESENCE OF A DISTRICT COURT JUDGE, SIGN A
16 WAIVER OF EXTRADITION VERIFYING THAT THE PERSON CONSENTS TO THE
17 RETURN TO THE TRIBAL JURISDICTION. BEFORE THE PERSON SIGNS THE
18 WAIVER OF EXTRADITION, THE DISTRICT COURT JUDGE SHALL INFORM THE
19 PERSON OF THE PERSON'S RIGHT TO TEST THE LEGALITY OF THE
20 EXTRADITION REQUEST.

21 (II) IF A PERSON REQUESTS A HEARING TO TEST THE LEGALITY OF
22 THE EXTRADITION REQUEST, THE DISTRICT COURT SHALL HOLD THE
23 HEARING WITHIN SEVEN DAYS AFTER THE PERSON FACING EXTRADITION
24 REQUESTS THE HEARING UNLESS THE DISTRICT COURT GRANTS THE PERSON
25 MORE TIME TO PREPARE FOR THE HEARING. THE DISTRICT COURT SHALL
26 NOT PLACE A BURDEN ON THE STATE AT THE HEARING. THE DISTRICT
27 COURT SHALL NOT CONSIDER THE PERSON'S GUILT OR INNOCENCE DURING

1 THE HEARING. AT THE HEARING, THE DISTRICT COURT SHALL ORDER THE
2 PERSON EXTRADITED UNLESS THE PERSON CHALLENGING THE
3 EXTRADITION SHOWS BY A PREPONDERANCE OF THE EVIDENCE THAT:

4 (A) THE LAW ENFORCEMENT AGENCY IN THE ARRESTING
5 JURISDICTION DID NOT VERIFY THE VALIDITY OF THE ARREST WARRANT
6 AND DID NOT CONFIRM THAT THE WARRANT PERMITTED EXTRADITION
7 PRIOR TO THE PERSON'S ARREST, RESULTING IN AN UNCONSTITUTIONAL
8 ILLEGAL SEIZURE PURSUANT TO THE STATE CONSTITUTION OR THE UNITED
9 STATES CONSTITUTION;

10 (B) EXTRADITION OF THE PERSON WOULD VIOLATE THE STATE
11 CONSTITUTION OR THE UNITED STATES CONSTITUTION; OR

12 (C) THE PERSON APPEARING BEFORE THE COURT IS NOT THE
13 PERSON NAMED IN THE ARREST WARRANT.

14 (d) (I) **Eligibility for bail.** UNLESS THE TRIBAL COURT WITH
15 JURISDICTION OVER THE ARREST WARRANT REQUESTS THE PERSON BE
16 HELD WITHOUT BAIL, THE DISTRICT COURT MAY SET BAIL ON THE
17 EXTRADITION CASE. IF THE DISTRICT COURT RELEASES THE PERSON ON
18 BAIL, THE DISTRICT COURT SHALL ALSO SET A REVIEW HEARING DATE AND
19 A DEADLINE FOR THE PERSON TO TRAVEL TO THE TRIBAL COURT'S
20 JURISDICTION AND ANSWER THE ARREST WARRANT. IN SETTING THE
21 AMOUNT AND CONDITIONS OF BAIL, THE DISTRICT COURT SHALL CONSIDER
22 THE CONDITIONS NECESSARY TO ENSURE THE PERSON'S APPEARANCE
23 BEFORE THE DISTRICT COURT AND TO CONSIDER THE COMMUNITY'S
24 SAFETY. WHEN SETTING BAIL, THE DISTRICT COURT SHALL CONSIDER THE
25 AMOUNT OF BAIL ON THE TRIBAL COURT ARREST WARRANT.

26 (II) IF THE DISTRICT COURT RECEIVES NOTICE ON OR BEFORE THE
27 REVIEW HEARING FROM THE TRIBAL COURT THAT THE PERSON HAS

1 APPEARED BEFORE THE TRIBAL COURT, THE DISTRICT COURT SHALL
2 DISMISS THE EXTRADITION CASE.

3 (III) IF THE PERSON APPEARS BEFORE THE DISTRICT COURT BUT HAS
4 NOT APPEARED BEFORE THE TRIBAL COURT AS ORDERED, THE DISTRICT
5 COURT SHALL REVOKE THE EXTRADITION BOND AND ORDER THE PERSON
6 EXTRADITED.

7 (IV) IF THE PERSON FAILS TO APPEAR BEFORE THE DISTRICT COURT,
8 THE DISTRICT COURT SHALL ISSUE AN ARREST WARRANT AND ORDER
9 FORFEITURE OF THE EXTRADITION BOND AS SET FORTH IN SECTION
10 16-4-111 (3).

11 (3) Extradition process. (a) THE DISTRICT COURT SHALL GIVE
12 THE EXTRADITION ORDERS TO THE PERSON, THE PERSON'S COUNSEL, THE
13 PROSECUTION, THE LAW ENFORCEMENT AGENCY WITH CUSTODY OF THE
14 PERSON, THE TRIBAL COURT, AND THE TRIBAL LAW ENFORCEMENT
15 AGENCY.

16 (b) IF THE DISTRICT COURT DETERMINES THAT THE PERSON MUST
17 BE HELD WITHOUT BAIL PENDING EXTRADITION, THE DISTRICT COURT
18 SHALL ORDER THE LAW ENFORCEMENT AGENCY WITH CUSTODY OF THE
19 PERSON TO NOTIFY THE REQUESTING TRIBAL COURT WHEN ANY OTHER
20 LOCAL HOLDS ARE RESOLVED AND THE PERSON MAY BE TRANSPORTED TO
21 THE TRIBAL COURT'S JURISDICTION.

22 (c) WHEN THE LAW ENFORCEMENT AGENCY WITH CUSTODY OF THE
23 PERSON NOTIFIES THE TRIBAL JURISDICTION THAT A PERSON IS AVAILABLE
24 FOR EXTRADITION, THE LAW ENFORCEMENT AGENCY SHALL NOTIFY THE
25 DISTRICT COURT OF THE DATE AND TIME OF THE NOTICE.

26 (d) (I) UPON RECEIVING A VALID ORDER FROM A DISTRICT COURT
27 AUTHORIZING THE EXTRADITION OF THE PERSON AND NOTIFICATION FROM

1 THE LAW ENFORCEMENT AGENCY WITH CUSTODY OF THE PERSON THAT
2 THERE ARE NO LOCAL HOLDS PREVENTING TRANSPORT, THE TRIBE SHALL
3 ARRANGE TRANSPORT OF THE PERSON TO THE TRIBE'S DETENTION FACILITY
4 WITHOUT UNDUE DELAY UNLESS OTHERWISE AGREED UPON BY THE LAW
5 ENFORCEMENT AGENCY WITH CUSTODY OF THE PERSON AND THE LAW
6 ENFORCEMENT AUTHORITY OF THE TRIBAL JURISDICTION. THE TRIBE
7 SHALL TAKE CUSTODY OF THE PERSON WITHIN SEVENTY-TWO HOURS
8 AFTER RECEIPT OF THE EXTRADITION ORDER AND NOTICE THAT THE
9 PERSON IS AVAILABLE FOR TRANSPORT.

10 (II) NOTWITHSTANDING SUBSECTION (3)(d)(I) OF THIS SECTION TO
11 THE CONTRARY, IF A TRIBE IS NOT ABLE TO TAKE CUSTODY OF THE PERSON
12 WITHIN SEVENTY-TWO HOURS AFTER RECEIPT OF THE EXTRADITION ORDER
13 AND NOTICE THAT THE PERSON IS AVAILABLE FOR TRANSPORT, THE
14 DISTRICT COURT MAY, UPON A FINDING OF GOOD CAUSE, ADJUST THE TIME
15 FRAME AS NECESSARY FOR THE TRIBE TO TAKE CUSTODY OF THE PERSON.

16 (e) IF A DISTRICT COURT ORDERS EXTRADITION AND THE DISTRICT
17 COURT RECEIVES INFORMATION THAT THE TRIBAL JURISDICTION HAS
18 CUSTODY OF THE PERSON OR THE PERSON HAS APPEARED BEFORE THE
19 TRIBAL COURT, THE DISTRICT COURT SHALL DISMISS THE EXTRADITION
20 CASE AND ORDER THE EXTRADITION BOND RELEASED.

21 (f) EXCEPT FOR A DISTRICT COURT'S FINDING OF GOOD CAUSE TO
22 HOLD A PERSON LONGER THAN SEVENTY-TWO HOURS PURSUANT TO
23 SUBSECTION (3)(d)(II) OF THIS SECTION, THE LAW ENFORCEMENT AGENCY
24 WITH CUSTODY OF THE PERSON SHALL RELEASE THE PERSON IF THE TRIBE
25 HAS NOT TAKEN CUSTODY OF THE PERSON WITHIN THE TIME FRAME SET
26 FORTH IN SUBSECTION (3)(d)(I) OF THIS SECTION. A PERSON WHO HAS
27 BEEN HELD IN EXCESS OF THE TIME LIMIT SET FORTH IN SUBSECTION

1 (3)(d)(I) OF THIS SECTION MAY FILE A MOTION FOR RELEASE, AND UPON
2 RECEIPT OF THE MOTION, THE COURT SHALL CONDUCT AN IMMEDIATE
3 HEARING. IF THE COURT DETERMINES AT THE HEARING THAT THE PERSON
4 HAS BEEN HELD IN EXCESS OF THE TIME LIMIT SET FORTH IN SUBSECTION
5 (3)(d)(I) OF THIS SECTION, THE COURT SHALL ORDER THE PERSON'S
6 IMMEDIATE RELEASE.

7 **SECTION 2.** In Colorado Revised Statutes, **add** 27-65-132 as
8 follows:

9 **27-65-132. Recognition of Tribal court commitment orders -**
10 **applicability - process - definitions.** (1) AS USED IN THIS SECTION,
11 UNLESS THE CONTEXT OTHERWISE REQUIRES:

12 (a) "BEHAVIORAL HEALTH COMMITMENT ORDER" OR
13 "COMMITMENT ORDER" INCLUDES:

14 (I) EMERGENCY MENTAL HEALTH HOLDS AS DESCRIBED IN SECTION
15 27-65-106 OR AS DESCRIBED IN TRIBAL CODES;

16 (II) CERTIFICATION FOR SHORT-TERM TREATMENT AS DESCRIBED
17 IN SECTION 27-65-109 OR AS DESCRIBED IN TRIBAL CODES;

18 (III) LONG-TERM CARE AND TREATMENT OF PERSONS WITH
19 MENTAL HEALTH DISORDERS AS DESCRIBED IN SECTION 27-65-110 OR AS
20 DESCRIBED IN TRIBAL CODES;

21 (IV) AN EMERGENCY COMMITMENT AS DESCRIBED IN SECTION
22 27-81-111 OR AS DESCRIBED IN TRIBAL CODES;

23 (V) AN INVOLUNTARY COMMITMENT OF A PERSON WITH A
24 SUBSTANCE USE DISORDER AS DESCRIBED IN SECTION 27-81-112 OR AS
25 DESCRIBED IN TRIBAL CODES; OR

26 (VI) A COMMITMENT ORDER PERMITTED BY FEDERAL, STATE, OR
27 TRIBAL LAW.

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(b) "STATE" MEANS THE STATE OF COLORADO.

(c) "TRIBAL COURT" MEANS ANY COURT OR OTHER FEDERALLY OR TRIBALLY ESTABLISHED TRIBUNAL OF A FEDERALLY RECOGNIZED TRIBE == DULY ESTABLISHED PURSUANT TO FEDERAL LAW OR TRIBAL LAW, INCLUDING THE COURTS OF INDIAN OFFENSES, UTE MOUNTAIN UTE AGENCY, ORGANIZED PURSUANT TO 25 CFR PART 11.

(d) "TRIBE" MEANS THE SOUTHERN UTE INDIAN TRIBE, THE UTE MOUNTAIN UTE TRIBE, OR A FEDERALLY RECOGNIZED TRIBE ACKNOWLEDGED BY THE "FEDERALLY RECOGNIZED INDIAN TRIBE LIST ACT OF 1994", PUB.L. 103-454, 108 STAT. 4791.

(2) THE STATE, COUNTY, OR MUNICIPAL LAW ENFORCEMENT AGENCIES; STATE COURTS; HOSPITALS; BEHAVIORAL HEALTH FACILITIES; HEALTH-CARE PROVIDERS; AND OTHERS WITHIN THE STATE RESPONSIBLE FOR PROVIDING SERVICES TO THE PERSON SUBJECT TO A BEHAVIORAL HEALTH COMMITMENT ORDER SHALL RECOGNIZE A COMMITMENT ORDER ENTERED BY THE TRIBAL COURT OF A FEDERALLY RECOGNIZED TRIBE == AND THAT CONCERNS A PERSON UNDER THE TRIBAL COURT'S JURISDICTION TO THE SAME EXTENT AS A COMMITMENT ORDER ENTERED BY A STATE COURT.

(3) A HEALTH-CARE PROVIDER MAY COMMUNICATE WITH THE OFFICERS OF A TRIBAL COURT REGARDING A PATIENT UNDER THE HEALTH-CARE PROVIDER'S CARE PURSUANT TO A TRIBAL COURT COMMITMENT ORDER DESCRIBED IN SUBSECTION (2) OF THIS SECTION, TO THE SAME EXTENT THAT THE HEALTH-CARE PROVIDER CAN COMMUNICATE WITH OFFICERS OF A COURT PURSUANT TO A STATE COURT COMMITMENT ORDER. COMMUNICATIONS MAY INCLUDE THE NATURE OF THE TREATMENT

1 NEEDED AND PROVIDED, A PATIENT'S MEDICAL AND MENTAL HEALTH
2 STATUS, THE EXTENT TO WHICH THE PATIENT POSES A DANGER TO THE
3 PATIENT'S SELF OR THE COMMUNITY, AND, IF NECESSARY, THE NEED FOR
4 ADDITIONAL TREATMENT.

5 (4) IF A TRIBAL COURT ISSUES AN ORDER RESCINDING THE TRIBAL
6 COURT'S ORIGINAL BEHAVIORAL COMMITMENT ORDER, THE STATE,
7 COUNTY, OR MUNICIPAL LAW ENFORCEMENT AGENCIES; STATE COURTS;
8 HOSPITALS; BEHAVIORAL HEALTH FACILITIES; HEALTH-CARE PROVIDERS;
9 AND OTHERS WITHIN THE STATE RESPONSIBLE FOR PROVIDING SERVICES TO
10 THE PERSON SUBJECT TO A BEHAVIORAL HEALTH COMMITMENT ORDER
11 SHALL RECOGNIZE THE ORDER RESCINDING THE TRIBAL COURT'S ORIGINAL
12 BEHAVIORAL HEALTH COMMITMENT ORDER AND RELEASE THE PERSON
13 SUBJECT TO THE BEHAVIORAL HEALTH COMMITMENT ORDER.

14 (5) THIS SECTION APPLIES TO PEOPLE SUBJECT TO TRIBAL COURT
15 BEHAVIORAL HEALTH COMMITMENT ORDERS.

16 **SECTION 3. Safety clause.** The general assembly finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, or safety or for appropriations for
19 the support and maintenance of the departments of the state and state
20 institutions. _____