

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0501.03 Jacob Baus x2173

HOUSE BILL 26-1276

HOUSE SPONSORSHIP

Velasco and Garcia, Brown, Carter, Clifford, Duran, Froelich, Gilchrist, Goldstein, Jackson, Lindsay, Lukens, Mabrey, Martinez, McCormick, Nguyen, Paschal, Rutinel, Rydin, Sirota, Smith, Stewart K., Stewart R., Story, Titone, Willford, Woodrow, Zokaie

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO PROTECT THE SAFETY OF INDIVIDUALS**
102 **WHO ARE IMMIGRANTS IN COLORADO.**

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>.)

Under current law, the division of criminal justice (division) in the department of public safety (department) is required to create an annual report including information about law enforcement agency activity. The bill requires a law enforcement agency that participates in, or dedicates peace officers or resources to, a multijurisdictional or coordinated investigation or task force to submit that information to the division for

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.

inclusion in the report. The division is required to submit the information to the general assembly's judiciary committees. A law enforcement agency is subject to a civil penalty for intentional failure to report the information as required.

Under current law, a state agency or political subdivision employee who intentionally violates provisions concerning the treatment of a person's personal identifying information is subject to a civil penalty. The bill extends the civil penalty liability to the state agency or political subdivision.

The bill requires a state agency or political subdivision that is served a subpoena by federal immigration authorities to send a copy of the subpoena to the department for the department to upload to its website. If the state agency or political subdivision fulfills the subpoena, the state agency or political subdivision is required to notify the person who is subject to the subpoena.

The bill prohibits a governmental entity or an airport from engaging with federal immigration authorities to transport individuals detained by federal immigration authorities. A governmental entity that violates these requirements is subject to a civil penalty.

The bill authorizes a public health agency to inspect or examine a facility that houses or detains individuals who are noncitizens for purposes of civil immigration proceedings.

Under current law, the department of public health and environment is authorized to inspect facilities that house or detain individuals who are noncitizens for purposes of civil immigration proceedings. The bill expands the inspection authority, including the frequency of inspections and items that are subject to inspection. A facility that refuses to allow the inspection is subject to a license revocation or a civil penalty.

The bill authorizes the department of public health and environment to require facilities that house or detain individuals who are noncitizens for purposes of civil immigration proceedings to require the facility to comply with requirements, including health and safety standards and paying for environmental impact studies. A facility that fails to comply is subject to a civil penalty. The bill requires the department of public health and environment to submit an annual report to the attorney general concerning facilities' compliance with these new requirements.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-31-903, **amend**

3 (1), (3), and (5); and **add** (2.5) as follows:

1 **24-31-903. Division of criminal justice report - penalties.**

2 (1) ~~Beginning July 1, 2023,~~ The division of criminal justice in the
3 department of public safety shall create an annual report including all of
4 the information that is reported to the division pursuant to ~~subsection (2)~~
5 SUBSECTIONS (2) AND (2.5) of this section, ~~aggregated and broken down~~
6 IN TOTAL AND DISAGGREGATED by the law enforcement agency that
7 employs peace officers, along with the underlying data.

8 (2.5) (a) ON OR BEFORE JULY 15, 2026, AND ON OR BEFORE JULY
9 15 EACH YEAR THEREAFTER, A LAW ENFORCEMENT AGENCY THAT
10 PARTICIPATES IN A MULTIJURISDICTIONAL OR COORDINATED
11 INVESTIGATION OR TASK FORCE, OR THAT DEDICATES PEACE OFFICERS OR
12 RESOURCES TO A MULTIJURISDICTIONAL OR COORDINATED INVESTIGATION
13 OR TASK FORCE, SHALL SUBMIT A REPORT TO THE DIVISION OF CRIMINAL
14 JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY. THE REPORT MUST
15 CONTAIN INFORMATION REGARDING EACH MULTIJURISDICTIONAL OR
16 COORDINATED INVESTIGATION OR TASK FORCE THE AGENCY PARTICIPATED
17 IN. THE REPORT MUST INCLUDE THE FOLLOWING INFORMATION REGARDING
18 THE PERIOD FROM JULY 1 THROUGH JUNE 30 IMMEDIATELY PRECEDING
19 THE REPORT SUBMISSION:

20 (I) THE PURPOSE OF THE MULTIJURISDICTIONAL OR COORDINATED
21 INVESTIGATION OR TASK FORCE THE LAW ENFORCEMENT AGENCY
22 PARTICIPATED IN OR DEDICATED PEACE OFFICERS OR RESOURCES TO;

23 (II) EACH FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT
24 AGENCY THAT PARTICIPATED IN, OR DEDICATED PEACE OFFICERS OR
25 RESOURCES TO, THE MULTIJURISDICTIONAL OR COORDINATED
26 INVESTIGATION OR TASK FORCE;

27 (III) THE TOTAL NUMBER OF ARRESTS MADE BY A PARTICIPATING

1 AGENCY DURING THE REPORTING PERIOD AS A RESULT OF THE
2 MULTIJURISDICTIONAL OR COORDINATED INVESTIGATION OR TASK FORCE
3 THE LAW ENFORCEMENT AGENCY PARTICIPATED IN OR DEDICATED PEACE
4 OFFICERS OR RESOURCES TO; AND

5 (IV) THE TOTAL NUMBER OF PEOPLE DETAINED FOR IMMIGRATION
6 PURPOSES OR CRIMINAL VIOLATIONS FOR OFFENSES RELATED TO AN
7 INDIVIDUAL'S IMMIGRATION STATUS BY A PARTICIPATING AGENCY AS A
8 RESULT OF THE MULTIJURISDICTIONAL OR COORDINATED INVESTIGATION
9 OR TASK FORCE THE LAW ENFORCEMENT AGENCY PARTICIPATED IN OR
10 DEDICATED PEACE OFFICERS OR RESOURCES TO.

11 (b) (I) ON OR BEFORE JANUARY 15, 2027, AND ON OR BEFORE
12 JANUARY 15 EACH YEAR THEREAFTER, THE DIVISION OF CRIMINAL JUSTICE
13 IN THE DEPARTMENT OF PUBLIC SAFETY SHALL SUBMIT A REPORT TO THE
14 JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
15 SENATE, OR THEIR SUCCESSOR COMMITTEES, CONCERNING THE
16 INFORMATION RECEIVED PURSUANT TO SUBSECTION (2.5)(a) OF THIS
17 SECTION.

18 (II) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
19 REQUIREMENT TO SUBMIT THE REPORT IN THIS SUBSECTION (2.5)
20 CONTINUES INDEFINITELY.

21 (c) AS USED IN THIS SUBSECTION (2.5), UNLESS THE CONTEXT
22 OTHERWISE REQUIRES:

23 (I) "LAW ENFORCEMENT AGENCY" HAS THE MEANING SET FORTH
24 IN SECTION 16-2.5-402.

25 (II) "PARTICIPATING AGENCY" MEANS A FEDERAL, STATE, OR
26 LOCAL LAW ENFORCEMENT AGENCY THAT PARTICIPATED IN, OR
27 DEDICATED PEACE OFFICERS OR RESOURCES TO, A MULTIJURISDICTIONAL

1 OR COORDINATED INVESTIGATION OR TASK FORCE.

2 (3) The Colorado state patrol and local law enforcement agencies,
3 PURSUANT TO SUBSECTION (2) OF THIS SECTION, AND LAW ENFORCEMENT
4 AGENCIES, PURSUANT TO SUBSECTION (2.5) OF THIS SECTION, shall not
5 report the name, address, social security number, or other unique personal
6 identifying information of the subject of the use of force, victim of the
7 official misconduct, eyewitness or subject in a showup, or persons
8 contacted, searched, or subjected to a property seizure. Notwithstanding
9 any provision of law to the contrary, the data reported pursuant to this
10 section is available to the public pursuant to subsection (4) of this section.

11 (5) (a) The Colorado state patrol, ~~and any~~ A local law enforcement
12 agency, OR A LAW ENFORCEMENT AGENCY that fails to meet its reporting
13 requirements pursuant to this section is:

14 (a) (I) Subject to the suspension of its funding by its appropriating
15 authority; and

16 (b) (II) Unless the Colorado state patrol, ~~or~~ local law enforcement
17 agency, OR LAW ENFORCEMENT AGENCY is working with the division of
18 criminal justice to meet its reporting requirements pursuant to this section,
19 not eligible to be awarded grants under the multidisciplinary crime
20 prevention grant program CREATED in section 24-33.5-527; the law
21 enforcement workforce recruitment, retention, and tuition grant program
22 CREATED in section 24-33.5-528; or the state's mission for assistance in
23 recruiting and training (SMART) policing grant program CREATED in
24 section 24-33.5-529.

25 (b) (I) IN ADDITION TO PENALTIES DESCRIBED IN SUBSECTION (5)(a)
26 OF THIS SECTION, IF A LAW ENFORCEMENT AGENCY DESCRIBED IN
27 SUBSECTION (2.5) OF THIS SECTION INTENTIONALLY FAILS TO DISCLOSE A

1 MULTIJURISDICTIONAL OR COORDINATED INVESTIGATION OR TASK FORCE
2 THAT THE LAW ENFORCEMENT AGENCY PARTICIPATED IN, OR A
3 MULTIJURISDICTIONAL OR COORDINATED INVESTIGATION OR TASK FORCE
4 THAT THE LAW ENFORCEMENT AGENCY DEDICATED PEACE OFFICERS OR
5 RESOURCES TO, THE LAW ENFORCEMENT AGENCY IS LIABLE FOR A CIVIL
6 PENALTY OF NOT MORE THAN FIFTY THOUSAND DOLLARS FOR EACH
7 VIOLATION.

8 (II) THE ATTORNEY GENERAL MAY BRING AN ACTION TO ENFORCE
9 THIS SUBSECTION (5)(b), INCLUDING AN ACTION SEEKING A CIVIL PENALTY.

10 (III) ANY CIVIL PENALTY MONEY COLLECTED PURSUANT TO THIS
11 SUBSECTION (5)(b) MUST BE TRANSFERRED TO THE STATE TREASURER,
12 WHO SHALL CREDIT THE MONEY TO THE IMMIGRATION LEGAL DEFENSE
13 FUND ESTABLISHED PURSUANT TO SECTION 8-3.8-101.

14 **SECTION 2.** In Colorado Revised Statutes, 24-74-107, **amend**
15 (1) as follows:

16 **24-74-107. Data privacy breaches - civil penalty - legislative**
17 **declaration.**

18 (1) (a) A state agency employee or political subdivision employee
19 who, AND THE STATE AGENCY OR POLITICAL SUBDIVISION THAT EMPLOYS
20 THE EMPLOYEE WHO, intentionally violates a provision of this article 74
21 or section 25-2-108.5 ~~is~~ ARE EACH subject to an injunction and ~~is~~ ARE
22 EACH liable for a civil penalty of not more than fifty thousand dollars for
23 each violation.

24 (b) THE ATTORNEY GENERAL MAY BRING AN ACTION TO ENFORCE
25 THIS SUBSECTION (1), INCLUDING AN ACTION SEEKING A CIVIL PENALTY.

26 **SECTION 3.** In Colorado Revised Statutes, **add** 24-76.6-105 as
27 follows:

1 **24-76.6-105. Public disclosure of federal subpoena.**

2 (1) WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS
3 SECTION, THE DEPARTMENT OF PUBLIC SAFETY SHALL MAKE AVAILABLE
4 ON A PUBLIC-FACING PAGE ON THE DEPARTMENT'S WEBSITE A COPY OF ALL
5 SUBPOENAS SERVED BY FEDERAL IMMIGRATION AUTHORITIES ON A STATE
6 AGENCY OR POLITICAL SUBDIVISION, AS EACH IS DEFINED IN SECTION
7 24-74-102. A STATE AGENCY OR POLITICAL SUBDIVISION THAT IS SERVED
8 WITH A SUBPOENA BY FEDERAL IMMIGRATION AUTHORITIES SHALL
9 PROVIDE A COPY OF THE SUBPOENA WITHIN SEVENTY-TWO HOURS AFTER
10 RECEIVING THE SUBPOENA TO THE DEPARTMENT OF PUBLIC SAFETY FOR
11 DISPLAY ON THE DEPARTMENT'S WEBSITE. THE DEPARTMENT OF PUBLIC
12 SAFETY SHALL UPDATE ITS WEBSITE TO INCLUDE THE COPY OF THE
13 SUBPOENA WITHIN TWENTY-FOUR HOURS AFTER RECEIVING THE COPY OF
14 THE SUBPOENA FROM A STATE AGENCY OR POLITICAL SUBDIVISION. THE
15 DEPARTMENT OF PUBLIC SAFETY SHALL USE EXISTING OR FREELY
16 AVAILABLE TECHNOLOGY TO ACCOMPLISH THE REQUIREMENTS OF THIS
17 SUBSECTION (1).

18 (2) (a) A STATE AGENCY OR POLITICAL SUBDIVISION THAT IS
19 SERVED WITH A SUBPOENA BY FEDERAL IMMIGRATION AUTHORITIES SHALL
20 INFORM THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE AND THE
21 SENATE JUDICIARY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES,
22 WITHIN SEVENTY-TWO HOURS AFTER RECEIVING THE SUBPOENA.

23 (b) IF A STATE AGENCY OR POLITICAL SUBDIVISION FULFILLS A
24 SUBPOENA SERVED UPON THE STATE AGENCY OR POLITICAL SUBDIVISION
25 BY FEDERAL IMMIGRATION AUTHORITIES AND THE SUBPOENA CONTAINS
26 INFORMATION ABOUT, CONCERNING, OR OTHERWISE RELATING TO AN
27 INDIVIDUAL WHO LIVES IN COLORADO, THE STATE AGENCY OR POLITICAL

1 SUBDIVISION SHALL INFORM THE INDIVIDUAL AT THEIR LAST-KNOWN
2 ADDRESS THAT THEIR INFORMATION HAS BEEN SHARED WITH FEDERAL
3 IMMIGRATION AUTHORITIES WITHIN SEVENTY-TWO HOURS AFTER
4 FULFILLING THE SUBPOENA.

5 **SECTION 4.** In Colorado Revised Statutes, **add** 24-76.7-104 as
6 follows:

7 **24-76.7-104. Transportation for deportation purposes**
8 **prohibited - civil penalty.**

9 (1) A GOVERNMENTAL ENTITY SHALL NOT:

10 (a) TRANSPORT BY ANY MEANS, INCLUDING BY MUNICIPAL BUS OR
11 TRAIN, INDIVIDUALS DETAINED BY FEDERAL IMMIGRATION AUTHORITIES
12 FOR THE PURPOSE OF DEPORTATION;

13 (b) PROVIDE AN ITEM OF ITS FLEET, INCLUDING A MUNICIPAL BUS
14 OR TRAIN, TO A GOVERNMENTAL ENTITY FOR THE TRANSPORT OF
15 INDIVIDUALS DETAINED BY FEDERAL IMMIGRATION AUTHORITIES FOR THE
16 PURPOSE OF DEPORTATION; OR

17 (c) ENTER INTO, RENEW, OR EXTEND ANY AGREEMENT WITH A
18 GOVERNMENTAL ENTITY FOR THE TRANSPORT BY ANY MEANS, INCLUDING
19 BY MUNICIPAL BUS OR TRAIN, OF INDIVIDUALS DETAINED BY FEDERAL
20 IMMIGRATION AUTHORITIES FOR THE PURPOSE OF DEPORTATION.

21 (2) (a) A GOVERNMENTAL ENTITY THAT VIOLATES THIS SECTION IS
22 LIABLE FOR A CIVIL PENALTY OF NOT MORE THAN FIFTY THOUSAND
23 DOLLARS FOR EACH VIOLATION.

24 (b) THE ATTORNEY GENERAL MAY BRING AN ACTION TO ENFORCE
25 THIS SECTION, INCLUDING AN ACTION SEEKING INJUNCTIVE RELIEF OR A
26 CIVIL PENALTY.

27 (c) ANY CIVIL PENALTY MONEY COLLECTED PURSUANT TO THIS

1 SECTION MUST BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL
2 CREDIT THE MONEY TO THE IMMIGRATION LEGAL DEFENSE FUND
3 ESTABLISHED PURSUANT TO SECTION 8-3.8-101.

4 **SECTION 5.** In Colorado Revised Statutes, **add** 24-76.7-105 as
5 follows:

6 **24-76.7-105. Airport for deportation purposes prohibited - civil**
7 **penalty.**

8 (1) AN AIRPORT OPERATED PURSUANT TO PART 1 OR PART 2 OF
9 ARTICLE 4 OF TITLE 41 SHALL NOT ENTER INTO, RENEW, OR EXTEND A
10 CONTRACT, GRANT, OR COOPERATIVE AGREEMENT WITH A COMMERCIAL
11 AIRLINE OR GOVERNMENTAL ENTITY THAT TRANSPORTS INDIVIDUALS
12 DETAINED BY FEDERAL IMMIGRATION AUTHORITIES FOR THE PURPOSE OF
13 DEPORTATION.

14 (2) (a) AN AIRPORT THAT VIOLATES THIS SECTION IS LIABLE FOR A
15 CIVIL PENALTY OF NOT MORE THAN FIFTY THOUSAND DOLLARS FOR EACH
16 VIOLATION.

17 (b) THE ATTORNEY GENERAL MAY BRING AN ACTION TO ENFORCE
18 THIS SECTION, INCLUDING AN ACTION SEEKING INJUNCTIVE RELIEF OR A
19 CIVIL PENALTY.

20 (c) ANY CIVIL PENALTY MONEY COLLECTED PURSUANT TO THIS
21 SECTION MUST BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL
22 CREDIT THE MONEY TO THE IMMIGRATION LEGAL DEFENSE FUND
23 ESTABLISHED PURSUANT TO SECTION 8-3.8-101.

24 **SECTION 6.** In Colorado Revised Statutes, 25-1-506, **amend**
25 (3)(b) introductory portion, (3)(b)(XIV), and (3)(b)(XV); and **add**
26 (3)(b)(XVI) as follows:

27 **25-1-506. County or district public health agency.**

1 (3) (b) In addition to other powers and duties, an agency ~~shall~~
2 ~~have~~ HAS the following duties:

3 (XIV) To collaborate with the state department and the state board
4 in all matters pertaining to public health, the water quality control
5 commission in all matters pertaining to water quality, the air quality
6 control commission and the division of administration of the state
7 department in all matters pertaining to air pollution, and the solid and
8 hazardous waste commission in all matters pertaining to solid and
9 hazardous waste; ~~and~~

10 (XV) To establish or arrange for the establishment of, by January
11 1, 2015, and subject to available appropriations, a local or regional child
12 fatality prevention review team pursuant to section 25-20.5-404; AND

13 (XVI) IN ITS DISCRETION, TO INSPECT OR EXAMINE A FACILITY
14 THAT HOUSES OR DETAINS INDIVIDUALS WHO ARE NONCITIZENS FOR
15 PURPOSES OF CIVIL IMMIGRATION PROCEEDINGS.

16 **SECTION 7.** In Colorado Revised Statutes, 25-1.5-101, **amend**
17 (1)(i)(I)(D); and **add** (1)(dd) as follows:

18 **25-1.5-101. Powers and duties of department - laboratory cash**
19 **fund - office of suicide prevention - suicide prevention coordination**
20 **cash fund - dispensation of payments under contracts with grantees**
21 **- report - rules - definitions.**

22 (1) The department has, in addition to all other powers and duties
23 imposed upon it by law, the powers and duties provided in this section as
24 follows:

25 (i) (I) (D) With respect to ~~any~~ A facility that houses or detains
26 INDIVIDUALS WHO ARE noncitizens for purposes of civil immigration
27 proceedings, ~~such~~ THE inspections and examinations must be made

1 annually, and additional unannounced inspections ~~may~~ AND
2 EXAMINATIONS MUST be conducted after the annual inspection.
3 UNANNOUNCED INSPECTIONS AND EXAMINATIONS MUST BE MADE AT
4 LEAST ONE TIME EVERY THREE MONTHS, AND MAY BE MADE MORE
5 FREQUENTLY, AND THE FACILITY SHALL PAY FOR THE INSPECTIONS AND
6 EXAMINATIONS. THE INSPECTIONS AND EXAMINATIONS MADE PURSUANT
7 TO THIS SUBSECTION (1)(i)(I)(D) MUST INCLUDE A REVIEW OF THE
8 FOLLOWING: ADHERENCE TO FOOD SAFETY STANDARDS AND DRINKING
9 WATER QUALITY STANDARDS, CONFINEMENT CONDITIONS, AND
10 STANDARDS OF CARE PROVIDED TO INDIVIDUALS WHO ARE DETAINED IN
11 THE FACILITY. THE FACILITY SHALL PROVIDE TO A DEPARTMENT
12 REPRESENTATIVE WHO IS CONDUCTING AN INSPECTION OR EXAMINATION
13 PURSUANT TO THIS SUBSECTION (1)(i)(I)(D) ALL ACCESS NECESSARY TO
14 PERFORM THE INSPECTION, INCLUDING ACCESS TO PEOPLE WHO ARE
15 DETAINED, RECORDS, FACILITY OFFICIALS, AND FACILITY PERSONNEL. IF A
16 FACILITY REFUSES TO ALLOW AN INSPECTION OR EXAMINATION, THE
17 DEPARTMENT MAY REVOKE THE FACILITY'S LICENSE, AND THE FACILITY IS
18 LIABLE FOR A CIVIL PENALTY OF NOT MORE THAN FIFTY THOUSAND
19 DOLLARS FOR EACH REFUSAL. THE ATTORNEY GENERAL MAY BRING AN
20 ACTION TO ENFORCE THIS SUBSECTION (1)(i)(I)(D), INCLUDING AN ACTION
21 SEEKING A CIVIL PENALTY. ANY CIVIL PENALTY MONEY COLLECTED
22 PURSUANT TO THIS SUBSECTION (1)(i)(I)(D) MUST BE TRANSFERRED TO
23 THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE
24 IMMIGRATION LEGAL DEFENSE FUND ESTABLISHED PURSUANT TO SECTION
25 8-3.8-101. THE DEPARTMENT MAY ADOPT RULES IT DETERMINES ARE
26 NECESSARY FOR PURPOSES OF THIS SUBSECTION (1)(i)(I)(D).

27 (dd) (I) WITH RESPECT TO A FACILITY THAT HOUSES OR DETAINS

1 INDIVIDUALS WHO ARE NONCITIZENS FOR PURPOSES OF CIVIL IMMIGRATION
2 PROCEEDINGS, THE POWER TO REQUIRE THE FACILITY TO:

3 (A) PROVIDE TO THE DEPARTMENT A YEARLY REPORT DETAILING
4 THE FOLLOWING: THE OUTCOMES OF PREGNANT INDIVIDUALS IN THE
5 FACILITY, OUTCOMES OF INDIVIDUALS WITH CHRONIC HEALTH CONDITIONS,
6 OUTCOMES OF INDIVIDUALS WITH DISABILITIES, ACCESS TO FOOD FOR
7 INDIVIDUALS WITH DIETARY RESTRICTIONS, AVERAGE TEMPERATURE
8 WITHIN THE FACILITY, HIGHEST AND LOWEST TEMPERATURES RECORDED
9 WITHIN THE FACILITY, INDIVIDUALS' ACCESS TO AN ATTORNEY, AND
10 INDIVIDUALS' ACCESS TO SPACES OF WORSHIP OR SILENT REFLECTION;

11 (B) PAY FOR AND PASS AN ENVIRONMENTAL IMPACT STUDY. IF THE
12 ENVIRONMENTAL IMPACT STUDY IDENTIFIES A NEGATIVE IMPACT THAT IS
13 OR WILL BE CAUSED BY THE FACILITY, THE FACILITY IS PROHIBITED FROM
14 OPERATING UNTIL THE NEGATIVE IMPACT IS CORRECTED. THE FACILITY
15 SHALL PAY FOR ANY COST INCURRED RELATED TO PERMITTING OR AGENCY
16 REVIEW AS REQUIRED BY LAW.

17 (C) PROHIBIT THE HOUSING OR DETENTION OF A MINOR IN THE
18 SAME ROOM AS A NONFAMILIAL ADULT; AND

19 (D) ON THE FACILITY'S SITE AND AT ALL TIMES, STAFF THE
20 FACILITY WITH MEDICAL PROFESSIONALS AND MENTAL HEALTH
21 PROFESSIONALS WHO ARE ACCESSIBLE TO INDIVIDUALS WHO ARE
22 NONCITIZENS AND DETAINED FOR PURPOSES OF CIVIL IMMIGRATION
23 PROCEEDINGS.

24 (II) (A) IF A FACILITY FAILS TO COMPLY WITH A REQUIREMENT
25 IMPOSED BY THE DEPARTMENT PURSUANT TO THIS SUBSECTION (1)(dd),
26 THE DEPARTMENT MAY REVOKE THE FACILITY'S LICENSE. IF THE
27 DEPARTMENT DOES NOT REVOKE THE FACILITY'S LICENSE, THE FACILITY IS

1 LIABLE FOR A CIVIL PENALTY OF NOT MORE THAN FIFTY THOUSAND
2 DOLLARS FOR EACH VIOLATION.

3 (B) THE ATTORNEY GENERAL MAY BRING AN ACTION TO ENFORCE
4 THIS SUBSECTION (1)(dd), INCLUDING AN ACTION SEEKING A CIVIL
5 PENALTY.

6 (C) ANY CIVIL PENALTY MONEY COLLECTED PURSUANT TO THIS
7 SUBSECTION (1)(dd) MUST BE TRANSFERRED TO THE STATE TREASURER,
8 WHO SHALL CREDIT THE MONEY TO THE IMMIGRATION LEGAL DEFENSE
9 FUND ESTABLISHED PURSUANT TO SECTION 8-3.8-101.

10 (III) ON OR BEFORE JANUARY 15, 2027, AND ON OR BEFORE
11 JANUARY 15 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT
12 A REPORT TO THE ATTORNEY GENERAL REGARDING FACILITIES'
13 COMPLIANCE WITH THIS SUBSECTION (1)(dd) AND INFORMATION
14 COLLECTED PURSUANT TO SUBSECTION (1)(dd)(I)(A) OF THIS SECTION.
15 THE DEPARTMENT SHALL MAKE THE REPORT AVAILABLE ON A
16 PUBLIC-FACING PAGE ON THE DEPARTMENT'S WEBSITE.

17 (IV) THIS SUBSECTION (1)(dd) APPLIES TO LOCAL, COUNTY, OR
18 PRIVATE DETENTION FACILITIES THAT HOUSE OR DETAIN INDIVIDUALS WHO
19 ARE NONCITIZENS FOR PURPOSES OF CIVIL IMMIGRATION PROCEEDINGS,
20 INCLUDING ANY FACILITY THAT IS OPERATED ON BEHALF OF OR PURSUANT
21 TO A CONTRACT WITH FEDERAL IMMIGRATION AUTHORITIES. THIS
22 SUBSECTION (1)(dd) DOES NOT APPLY TO DETENTION FACILITIES OPERATED
23 DIRECTLY BY THE FEDERAL GOVERNMENT.

24 (V) THE DEPARTMENT MAY ADOPT RULES IT DETERMINES ARE
25 NECESSARY FOR PURPOSES OF THIS SUBSECTION (1)(dd).

26 (VI) AS USED IN THIS SUBSECTION (1)(dd), UNLESS THE CONTEXT
27 OTHERWISE REQUIRES:

1 (A) "MEDICAL PROFESSIONAL" MEANS AN ADVANCED PRACTICE
2 REGISTERED NURSE REGISTERED PURSUANT TO SECTION 12-255-111, A
3 PHYSICIAN ASSISTANT LICENSED PURSUANT TO SECTION 12-240-113, OR
4 A MEDICAL DOCTOR OR DOCTOR OF OSTEOPATHY LICENSED PURSUANT TO
5 ARTICLE 240 OF TITLE 12.

6 (B) "MENTAL HEALTH PROFESSIONAL" MEANS A MENTAL HEALTH
7 PROFESSIONAL LICENSED OR CERTIFIED PURSUANT TO ARTICLE 245 OF
8 TITLE 12, AN ADVANCED PRACTICE REGISTERED NURSE REGISTERED
9 PURSUANT TO SECTION 12-255-111 WITH TRAINING IN SUBSTANCE USE
10 DISORDERS OR MENTAL HEALTH, OR A PHYSICIAN ASSISTANT LICENSED
11 PURSUANT TO SECTION 12-240-113 WITH TRAINING IN SUBSTANCE USE
12 DISORDERS OR MENTAL HEALTH. "MENTAL HEALTH PROFESSIONAL" DOES
13 NOT MEAN AN UNLICENSED PSYCHOTHERAPIST AS DEFINED IN SECTION
14 12-245-202.

15 **SECTION 8.** In Colorado Revised Statutes, 8-3.8-101, **amend**
16 (2)(b) as follows:

17 **8-3.8-101. Immigration legal assistance - fund - report -**
18 **definitions.**

19 (2) (b) The state treasurer shall credit any civil penalty money
20 transferred to the state treasurer pursuant to section *24-31-903 (5)(b)*,
21 24-74-107, ~~or~~ 24-74.1-103, *24-76.7-104 (2)*, *24-76.7-105 (2)*, OR
22 *25-1.5-101 (1)(i)(I)(D)* OR *(1)(dd)* and interest and income derived from
23 the deposit and investment of the civil penalty money in the fund to the
24 fund.

25 **SECTION 9. Severability.** If any provision of this act or the
26 application of this act to any person or circumstance is held invalid, the
27 invalidity does not affect other provisions or applications of the act that

1 can be given effect without the invalid provision or application, and to
2 this end the provisions of this act are declared to be severable.

3 **SECTION 10. Safety clause.** The general assembly finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, or safety or for appropriations for
6 the support and maintenance of the departments of the state and state
7 institutions.