

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

SENATE BILL 25-276

BY SENATOR(S) Gonzales J. and Weissman, Ball, Coleman, Cutter, Danielson, Hinrichsen, Jodeh, Kipp, Kolker, Michaelson Jenet, Rodriguez, Sullivan, Wallace, Winter F., Amabile, Daugherty, Exum, Marchman; also REPRESENTATIVE(S) Velasco and Garcia, Carter, Bacon, Brown, Clifford, Froelich, Gilchrist, Hamrick, Joseph, Lindsay, Lukens, Mabrey, Martinez, Mauro, McCormick, Rydin, Sirota, Smith, Stewart R., Story, Titone, Valdez, Willford, Woodrow, Zokaie, Boesenecker, Camacho, Duran, English, Espenoza, Jackson, Lindstedt, Paschal, Ricks, Rutinel, Stewart K., McCluskie.

CONCERNING MEASURES TO PREVENT THE VIOLATION OF THE CIVIL RIGHTS OF PERSONS IN COLORADO BASED ON IMMIGRATION STATUS, AND, IN CONNECTION THEREWITH, REDUCING AN APPROPRIATION.

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

**SECTION 1. Legislative declaration.** (1) The general assembly finds that:

(a) The fourth amendment of the United States constitution guarantees individuals the right to be free from unreasonable searches and seizures, and requires that warrants are supported by probable cause.

*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

Additionally, section 7 of article II of the state constitution addresses the security of persons and their property.

(b) The fifth amendment of the United States constitution guarantees due process of law, ensuring that individuals must not be deprived of life, liberty, or property without fair and proper legal proceedings. Additionally, section 25 of article II of the state constitution also guarantees the right to due process.

(c) The sixth amendment of the United States constitution guarantees the right to a fair and speedy trial, the right to be informed of charges, the right to legal counsel, and the right to confront witnesses in criminal proceedings;

(d) The tenth amendment of the United States constitution affirms the principle of federalism, which reserves for the states or the people the powers that are not delegated to the federal government by the United States constitution. The tenth amendment of the United States constitution divides power between the federal government and the states. The United States constitution reserves to the states or the people the powers that are not delegated to the federal government and are not forbidden to the states. The federal government cannot command the states to administer or enforce a federal regulatory program.

(e) The fourteenth amendment of the United States constitution establishes that all persons within the jurisdiction of the United States are entitled to equal protection under the law and cannot be deprived of due process, regardless of citizenship or immigration status; and

(f) State and local governments must not infringe upon the constitutional rights of individuals or use state and local resources for federal immigration enforcement.

(2) Therefore, the general assembly declares that all persons in Colorado are entitled to protections of and compliance with the United States constitution and the Colorado constitution.

**SECTION 2.** In Colorado Revised Statutes, 23-7-110, **amend** (2) and (4) as follows:

**23-7-110. Tuition classification of students who successfully complete high school or a high school equivalency examination in Colorado.** (2) (a) ~~In addition to satisfying the requirements set forth in subsection (1) of this section, a student seeking tuition classification as an in-state student pursuant to this section who does not have lawful immigration status must submit an affidavit to the institution to which the student is admitted, stating that the student has applied for lawful presence or will apply as soon as he or she is eligible to do so.~~

~~(b) The institution shall not count a student described in subsection (2)(a) of this section as a resident for any purpose other than tuition classification and the purpose described in subsection (2.5) of this section; except that the student~~ A STUDENT SEEKING TUITION CLASSIFICATION AS AN IN-STATE STUDENT PURSUANT TO THIS SECTION WHO DOES NOT HAVE LAWFUL IMMIGRATION STATUS is eligible for the college opportunity fund program pursuant to the provisions of part 2 of article 18 of this title 23 and state student financial assistance pursuant to article 3.3 of this title 23, upon confirmation of the student's uniquely identifying student number provided by the local education provider where the student graduated from high school or successfully completed a high school equivalency examination, as defined in section 22-33-102 (8.5), and may be eligible for institutional or other private financial aid programs. ANY INFORMATION COLLECTED PRIOR TO THE EFFECTIVE DATE OF SENATE BILL 25-276 FOR THE PURPOSE OF DEMONSTRATING STUDENT ELIGIBILITY FOR THE COLLEGE OPPORTUNITY FUND FOR A STUDENT WHO DOES NOT HAVE LAWFUL IMMIGRATION STATUS MUST BE MANAGED IN ACCORDANCE WITH THE DATA PRIVACY POLICY ADOPTED BY THE DEPARTMENT OF HIGHER EDUCATION.

(4) Any information provided to satisfy the criteria specified in this section ~~shall be~~ IS confidential unless disclosure is explicitly required by law. ~~An institution that receives an affidavit described in subsection (2) of this section shall treat the affidavit as an education record of the student under the provisions of the federal "Family Educational Rights and Privacy Act of 1974", 20 U.S.C. sec. 1232g.~~

**SECTION 3.** In Colorado Revised Statutes, 42-2-505, **amend** (1) introductory portion; and **repeal** (1)(d) as follows:

**42-2-505. Identification documents - individuals not lawfully present - rules.** (1) **Documents issued.** An individual who is not lawfully

present in the United States may apply for an identification document in accordance with this part 5. ANY INFORMATION COLLECTED PRIOR TO THE EFFECTIVE DATE OF SENATE BILL 25-276 FOR THE PURPOSE OF DEMONSTRATING ELIGIBILITY FOR AN IDENTIFICATION DOCUMENT IN ACCORDANCE WITH THIS PART 5 FOR AN INDIVIDUAL WHO DOES NOT HAVE LAWFUL IMMIGRATION STATUS IN THE UNITED STATES MUST BE MANAGED IN ACCORDANCE WITH THE DATA PRIVACY POLICY ADOPTED BY THE DEPARTMENT OF REVENUE. The department shall issue an identification document to an applicant who:

~~(d) Affirms in an affidavit signed by the applicant that the applicant has applied to be lawfully present within the United States or will apply to be lawfully present as soon as the applicant is eligible; and~~

**SECTION 4.** In Colorado Revised Statutes, 16-4-102, **add** (2)(e.5) as follows:

**16-4-102. Right to bail - before conviction - definitions.**

(2) (e.5) (I) THE CUSTODIAN OF A JAIL SHALL NOT DELAY A DEFENDANT'S RELEASE FROM CUSTODY FOR THE PURPOSE OF AN IMMIGRATION ENFORCEMENT OPERATION.

(II) FOR PURPOSES OF THIS SUBSECTION (2)(e.5):

(A) "IMMIGRATION ENFORCEMENT OPERATION" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-76.6-101; EXCEPT THAT "IMMIGRATION ENFORCEMENT OPERATION" DOES NOT INCLUDE ANY CONDUCT CONTEMPLATED BY, OR IN COMPLIANCE WITH, SECTION 24-76.6-102 (4).

(B) "JAIL" MEANS A CORRECTIONAL FACILITY, AS DEFINED IN SECTION 17-1-102; LOCAL JAIL, AS DEFINED IN SECTION 17-1-102; MULTIJURISDICTIONAL JAIL, AS DESCRIBED IN SECTION 17-26.5-101; OR MUNICIPAL JAIL, AS DESCRIBED IN SECTION 31-15-401 (1)(j).

**SECTION 5.** In Colorado Revised Statutes, 18-1-410.6, **amend** (2), (3)(a), and (4) introductory portion as follows:

**18-1-410.6. Relief from improperly entered guilty pleas for certain misdemeanor and municipal offenses - legislative declaration.**

(2) Therefore, the general assembly declares that noncitizen defendants must have the opportunity to meaningfully challenge an unconstitutionally entered guilty plea for certain class 1 misdemeanors, class 2 misdemeanors, CLASS 3 MISDEMEANORS, TRAFFIC MISDEMEANORS, PETTY OFFENSES, and municipal offenses.

(3) (a) Notwithstanding a limitation contained in section 16-5-402, a municipal ordinance, or a municipal court rule of procedure, at any time following the entry of a guilty plea, a criminal defendant may challenge the guilty plea on the grounds set forth in subsection (4) of this section to a:

(I) Class 1, ~~or class 2,~~ OR CLASS 3 misdemeanor AS CLASSIFIED AT THE TIME THE GUILTY PLEA WAS ENTERED that is not defined in section 24-4.1-302 (1); ~~or title 42, and committed before March 1, 2022;~~ or

(II) Municipal offense that is not substantially similar to an offense defined in section 24-4.1-302 (1); ~~or title 42, and committed before March 1, 2022.~~

(III) TRAFFIC MISDEMEANOR; OR

(IV) PETTY OFFENSE.

(4) A defendant moving to vacate a guilty plea to a class 1, ~~or class 2,~~ OR CLASS 3 misdemeanor AS CLASSIFIED AT THE TIME THE GUILTY PLEA WAS ENTERED; A TRAFFIC MISDEMEANOR; A PETTY OFFENSE; or a municipal offense, must, in good faith, allege the following:

**SECTION 6.** In Colorado Revised Statutes, 24-74-101, **amend** (1)(a), (1)(b), (1)(d), (1)(e), and (2) as follows:

**24-74-101. Legislative declaration.** (1) The general assembly hereby finds and declares that:

(a) State agencies AND POLITICAL SUBDIVISIONS increasingly collect residents' personal information to be able to provide a variety of services, including education, ~~healthcare~~ HEALTH CARE, financial assistance, and regulatory and enforcement activities designed to ensure the safety of Colorado residents;

(b) Colorado residents have a reasonable expectation that state agencies AND POLITICAL SUBDIVISIONS will not disclose this information with outside actors for unintended purposes;

(d) All Coloradans should feel welcome to ~~be the recipients of state~~ RECEIVE STATE AND LOCAL services without fear of abuse of their privacy or data;

(e) Any role that a state agency OR POLITICAL SUBDIVISION plays in enforcing federal immigration laws can undermine public trust and deter persons from accessing these services offered by state agencies AND POLITICAL SUBDIVISIONS;

(2) The general assembly further finds and declares that it is necessary to adopt this article 74 to protect individual rights and to further the preservation of the peace, health, and safety of Colorado residents. THEREFORE, THE MATTERS IN THIS ARTICLE 74 ARE DECLARED TO BE MATTERS OF STATEWIDE CONCERN.

**SECTION 7.** In Colorado Revised Statutes, 24-74-102, **amend** (3), (4), and (5); and **add** (1.5), (1.6), and (1.8) as follows:

**24-74-102. Definitions.** As used in this article 74, unless the context otherwise requires:

(1.5) "POLITICAL SUBDIVISION" MEANS A GOVERNING SUBDIVISION OF THE STATE, INCLUDING A COUNTY OR MUNICIPALITY, OR A BOARD, COMMISSION, INSTITUTION, DEPARTMENT, OR AGENCY OF THE POLITICAL SUBDIVISION. "COUNTY" INCLUDES A HOME RULE COUNTY. "MUNICIPALITY" INCLUDES A HOME RULE MUNICIPALITY. "POLITICAL SUBDIVISION" DOES NOT INCLUDE A HOSPITAL OR MEDICAL FACILITY CREATED BY, AND OPERATED UNDER, THE DENVER HEALTH AND HOSPITAL AUTHORITY CREATED PURSUANT TO SECTION 25-29-103; THE UNIVERSITY OF COLORADO HOSPITAL AUTHORITY CREATED PURSUANT TO SECTION 23-21-503; A COUNTY HOSPITAL ESTABLISHED PURSUANT TO SECTION 25-3-301; OR A SPECIAL DISTRICT HOSPITAL PURSUANT TO TITLE 32.

(1.6) "POLITICAL SUBDIVISION EMPLOYEE" MEANS A PERSON IN THE SERVICE OF A POLITICAL SUBDIVISION WHILE ACTING IN THE PERSON'S EMPLOYMENT CAPACITY. "POLITICAL SUBDIVISION EMPLOYEE" INCLUDES AN

OFFICER OR EMPLOYEE, WHETHER ELECTED OR APPOINTED AND WHETHER FULL-TIME, PART-TIME, OR TEMPORARY. "POLITICAL SUBDIVISION EMPLOYEE" ALSO INCLUDES AN AGENT OF A POLITICAL SUBDIVISION WHEN ACTING ON BEHALF OF, OR AT THE DIRECTION OF, A POLITICAL SUBDIVISION IN THEIR CAPACITY AS AN AGENT OF A POLITICAL SUBDIVISION.

(1.8) "PUBLIC INSTITUTION OF HIGHER EDUCATION" MEANS A STATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN SECTION 23-18-102, LOCAL DISTRICT COLLEGE, OR AREA TECHNICAL COLLEGE.

(3) "State agency" means ~~a department of the executive branch of state government, including any division, office, agency, or other unit created within a department or the governor's office, including institutions of higher education and the Colorado commission on higher education~~ A DEPARTMENT OF THE LEGISLATIVE, JUDICIAL, OR EXECUTIVE BRANCH OF STATE GOVERNMENT, INCLUDING A DIVISION, OFFICE, AGENCY, OR OTHER UNIT CREATED WITHIN A DEPARTMENT OF THE LEGISLATIVE, JUDICIAL, OR EXECUTIVE BRANCH; A BOARD, COMMISSION, OR PUBLIC INSTITUTION OF HIGHER EDUCATION; OR THE COLORADO COMMISSION ON HIGHER EDUCATION.

(4) "State agency employee" means ~~every person in the service of a state agency, including all officers and employees, whether full-time, part-time, or temporary, and whether classified in or exempt from the state personnel system. "State agency employee" also includes all independent contractors of a state agency when acting in their capacity as independent contractors for the state agency~~ A PERSON IN THE SERVICE OF A STATE AGENCY WHILE ACTING IN THE PERSON'S EMPLOYMENT CAPACITY. "STATE AGENCY EMPLOYEE" INCLUDES AN OFFICER OR EMPLOYEE, WHETHER ELECTED OR APPOINTED; FULL-TIME, PART-TIME, OR TEMPORARY; AND CLASSIFIED IN OR EXEMPT FROM THE STATE PERSONNEL SYSTEM. "STATE AGENCY EMPLOYEE" ALSO INCLUDES AN AGENT OF A STATE AGENCY WHEN ACTING ON BEHALF OF, OR AT THE DIRECTION OF, A STATE AGENCY IN THEIR CAPACITY AS AN AGENT OF A STATE AGENCY.

(5) "Third party" means ~~any~~ A person or entity, including ~~any~~ A law enforcement officer or agency, that is not a state agency, a state agency employee, A POLITICAL SUBDIVISION, A POLITICAL SUBDIVISION EMPLOYEE, or otherwise part of the state government OR A POLITICAL SUBDIVISION. "THIRD PARTY" INCLUDES A PRIVATE ENTITY THAT CONTRACTS WITH, AND

COLLECTS OR MANAGES DATA ON BEHALF OF, A STATE AGENCY OR POLITICAL SUBDIVISION.

**SECTION 8.** In Colorado Revised Statutes, **amend** 24-74-103 as follows:

**24-74-103. Personal identifying information shared by state agencies or political subdivisions - limitation - responsibilities - state agency or political subdivision employee.** (1) A state agency employee OR POLITICAL SUBDIVISION EMPLOYEE shall not disclose or make accessible, including through a database or automated network, personal identifying information that is not publicly available information for the purpose of investigating for, participating in, cooperating with, or assisting in federal immigration enforcement, including enforcement of civil immigration laws and 8 U.S.C. sec. 1325 or 1326, except as required by federal or state law, INCLUDING STUDENT VISA SPONSORSHIP REQUIREMENTS FOR PUBLIC INSTITUTIONS OF HIGHER EDUCATION OR REQUIREMENTS THAT ARE NECESSARY TO PERFORM STATE AGENCY OR POLITICAL SUBDIVISION DUTIES, or as required to comply with a court-issued subpoena, warrant, or order.

(2) THIS ARTICLE 74 SHALL NOT INTERFERE WITH CRIMINAL INVESTIGATIONS OR PROCEEDINGS THAT ARE AUTHORIZED BY JUDICIAL PROCESS OR TO RESTRICT A STATE AGENCY EMPLOYEE OR POLITICAL SUBDIVISION EMPLOYEE FROM FULLY INVESTIGATING, PARTICIPATING IN, COOPERATING WITH, OR ASSISTING FEDERAL LAW ENFORCEMENT AGENCIES IN CRIMINAL INVESTIGATIONS.

**SECTION 9.** In Colorado Revised Statutes, 24-74-104, **amend** (1), (2) introductory portion, and (3) as follows:

**24-74-104. Reduce personal identifying information collected by state agencies or political subdivisions.** (1) ~~Beginning January 1, 2022,~~ A state agency employee OR POLITICAL SUBDIVISION EMPLOYEE shall not inquire into, or request information or documents to ascertain, a person's immigration status for the purpose of identifying if the person has complied with federal immigration laws, including civil immigration laws and 8 U.S.C. sec. 1325 or 1326, except as required by state or federal law or as necessary to perform state agency OR POLITICAL SUBDIVISION duties, INCLUDING COLLECTING INFORMATION FOR STUDENT VISA SPONSORSHIP AND STUDENT FINANCIAL AID or to verify a person's eligibility for a

government-funded program for housing or economic development if verification is a necessary condition of the government funding.

(2) ~~Beginning January 1, 2022,~~ A state agency OR POLITICAL SUBDIVISION shall not collect the following, except as required by state or federal law or as necessary to perform state agency OR POLITICAL SUBDIVISION duties, or to verify a person's eligibility for a government-funded program for HEALTH CARE, housing, or economic development if verification is a necessary condition of the government funding:

(3) (a) This section does not apply to INFORMATION IN a database or automated network collecting data or documents that was activated by a state agency on or before December 31, 2021.

(b) THIS SECTION DOES NOT APPLY TO INFORMATION IN A DATABASE OR AUTOMATED NETWORK COLLECTING DATA OR DOCUMENTS THAT WAS ACTIVATED BY A POLITICAL SUBDIVISION, ON OR BEFORE JUNE 30, 2025.

**SECTION 10.** In Colorado Revised Statutes, 24-74-105, **amend** (2) as follows:

**24-74-105. Access to state agency or political subdivision records - limitations.** (2) The attorney general's office shall create a model certification form and ~~provide it to state agencies within sixty days of June 25, 2021~~ MAKE IT AVAILABLE TO STATE AGENCIES AND POLITICAL SUBDIVISIONS.

**SECTION 11.** In Colorado Revised Statutes, **repeal** 24-74-106.

**SECTION 12.** In Colorado Revised Statutes, **amend** 24-74-107 as follows:

**24-74-107. Data privacy breaches - civil penalty - legislative declaration.** (1) ~~Any~~ A state agency employee OR POLITICAL SUBDIVISION EMPLOYEE who intentionally violates ~~the provisions~~ A PROVISION of this article 74 is subject to an injunction and is liable for a civil penalty of not more than fifty thousand dollars for each violation.

(2) ANY CIVIL PENALTY MONEY COLLECTED PURSUANT TO

SUBSECTION (1) OF THIS SECTION FOR IMMIGRATION-RELATED VIOLATIONS MUST BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL CREDIT IT TO THE IMMIGRATION LEGAL DEFENSE FUND ESTABLISHED PURSUANT TO SECTION 8-3.8-101.

(3) FOR PURPOSES OF AN ACTION FOR A TEMPORARY RESTRAINING ORDER OR PRELIMINARY INJUNCTION BROUGHT PURSUANT TO THIS SECTION, THE GENERAL ASSEMBLY FINDS AND DECLARES THAT VIOLATION OF THIS ARTICLE 74 POSES A REAL, IMMEDIATE, AND IRREPARABLE INJURY FOR WHICH THERE IS NO PLAIN, SPEEDY, AND ADEQUATE REMEDY AT LAW, AND THE PUBLIC INTEREST IS SERVED BY COMPLIANCE WITH THIS ARTICLE 74.

**SECTION 13.** In Colorado Revised Statutes, **add** article 74.1 to title 24 as follows:

**ARTICLE 74.1**  
**Policies Regarding Data and Access**

**24-74.1-101. Definitions.** AS USED IN THIS ARTICLE 74.1, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "EMPLOYEE" MEANS A PERSON IN THE SERVICE OF A PUBLIC CHILD CARE CENTER, PUBLIC SCHOOL, LOCAL EDUCATION PROVIDER, PUBLIC INSTITUTION OF HIGHER EDUCATION, PUBLIC HEALTH-CARE FACILITY, OR PUBLICLY SUPPORTED LIBRARY WHILE ACTING IN THE PERSON'S EMPLOYMENT CAPACITY. "EMPLOYEE" INCLUDES AN OFFICER OR EMPLOYEE, WHETHER ELECTED OR APPOINTED AND WHETHER FULL-TIME, PART-TIME, OR TEMPORARY. "EMPLOYEE" ALSO INCLUDES AN AGENT OF A PUBLIC CHILD CARE CENTER, PUBLIC SCHOOL, LOCAL EDUCATION PROVIDER, PUBLIC INSTITUTION OF HIGHER EDUCATION, PUBLIC HEALTH-CARE FACILITY, OR PUBLICLY SUPPORTED LIBRARY WHEN ACTING IN THEIR CAPACITY AS AN AGENT OF A PUBLIC CHILD CARE CENTER, PUBLIC SCHOOL, LOCAL EDUCATION PROVIDER, PUBLIC INSTITUTION OF HIGHER EDUCATION, PUBLIC HEALTH-CARE FACILITY, OR PUBLICLY SUPPORTED LIBRARY. "EMPLOYEE" DOES NOT INCLUDE A PERSON ACTING IN A VOLUNTEER CAPACITY.

(2) "FEDERAL IMMIGRATION ENFORCEMENT" MEANS AN EFFORT TO INVESTIGATE, ENFORCE, OR ASSIST IN THE INVESTIGATION OR ENFORCEMENT OF A FEDERAL CIVIL IMMIGRATION LAW OR A FEDERAL CRIMINAL IMMIGRATION LAW THAT PENALIZES A PERSON'S PRESENCE IN, ENTRY OR REENTRY TO, OR EMPLOYMENT IN THE UNITED STATES.

(3) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22, A CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF TITLE 22, OR A BOARD OF COOPERATIVE SERVICES CREATED AND OPERATING PURSUANT TO ARTICLE 5 OF TITLE 22 THAT OPERATES ONE OR MORE PUBLIC SCHOOLS.

(4) "PUBLIC CHILD CARE CENTER" MEANS A CHILD CARE CENTER AS DEFINED IN SECTION 26.5-5-303 THAT IS LICENSED PURSUANT TO PART 3 OF ARTICLE 5 OF TITLE 26.5 AND HAS RECEIVED MONEY IN THE LAST FIVE STATE FISCAL YEARS, IN ANY AMOUNT, FROM THE STATE.

(5) "PUBLIC HEALTH-CARE FACILITY" MEANS A HEALTH-CARE FACILITY THAT IS LICENSED OR CERTIFIED PURSUANT TO SECTION 25-1.5-103 (1)(a)(I)(A) OR ARTICLE 3 OF TITLE 25, OR AN ESSENTIAL COMMUNITY PROVIDER AS DEFINED IN SECTION 25.5-8-103 (6), AND THAT RECEIVES MONEY, IN ANY AMOUNT, FROM THE STATE.

(6) "PUBLIC INSTITUTION OF HIGHER EDUCATION" MEANS A STATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN SECTION 23-18-102; LOCAL DISTRICT COLLEGE, AS DEFINED IN SECTION 23-71-102; AREA TECHNICAL COLLEGE, AS DEFINED IN SECTION 23-60-103; OR PRIVATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN SECTION 23-18-102, THAT RECEIVES COLLEGE OPPORTUNITY FUNDING FOR AN ELIGIBLE UNDERGRADUATE STUDENT.

(7) "PUBLIC SCHOOL" MEANS A SCHOOL OF A SCHOOL DISTRICT; A DISTRICT CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22; AN INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF TITLE 22; AN APPROVED FACILITY SCHOOL, AS DEFINED IN SECTION 22-2-402; THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND, AS DESCRIBED PURSUANT TO SECTION 22-80-102; OR A SCHOOL OPERATED BY A BOARD OF COOPERATIVE SERVICES CREATED AND OPERATING PURSUANT TO ARTICLE 5 OF TITLE 22.

(8) "PUBLICLY SUPPORTED LIBRARY" HAS THE SAME MEANING SET FORTH IN SECTION 24-90-103.

**24-74.1-102. Limitations within policies.** (1) BEGINNING JULY 1, 2025, A PUBLIC CHILD CARE CENTER, PUBLIC SCHOOL, LOCAL EDUCATION PROVIDER, PUBLIC INSTITUTION OF HIGHER EDUCATION, PUBLIC HEALTH-CARE FACILITY, PUBLICLY SUPPORTED LIBRARY, OR AN EMPLOYEE THEREOF, SHALL NOT COLLECT THE FOLLOWING, EXCEPT AS REQUIRED BY FEDERAL OR STATE LAW, AS NECESSARY TO PERFORM DUTIES, OR TO VERIFY A PERSON'S ELIGIBILITY FOR A GOVERNMENT-FUNDED PROGRAM IF VERIFICATION IS A NECESSARY CONDITION OF GOVERNMENT FUNDING OR PARTICIPATION:

(a) PLACE OF BIRTH;

(b) IMMIGRATION OR CITIZENSHIP STATUS; OR

(c) INFORMATION FROM PASSPORTS, PERMANENT RESIDENT CARDS, ALIEN REGISTRATION CARDS, OR EMPLOYMENT AUTHORIZATION DOCUMENTS.

(2) IT IS NOT A VIOLATION OF THIS SECTION TO RELEASE A RECORD PURSUANT TO:

(a) A SUBPOENA ISSUED BY A FEDERAL JUDGE OR FEDERAL MAGISTRATE;

(b) AN ORDER ISSUED BY A FEDERAL JUDGE OR FEDERAL MAGISTRATE;

(c) A WARRANT ISSUED BY A FEDERAL JUDGE OR FEDERAL MAGISTRATE;

(d) THE CONSENT OF THE STUDENT, PATIENT, OR PATRON THROUGH A VALID RELEASE OF INFORMATION; OR

(e) THE CONSENT OF THE CHILD'S, STUDENT'S, PATIENT'S, OR PATRON'S PARENT OR GUARDIAN THROUGH A VALID RELEASE OF INFORMATION.

(3) (a) NO LATER THAN SEPTEMBER 1, 2025, EACH PUBLIC CHILD CARE CENTER, PUBLIC SCHOOL, LOCAL EDUCATION PROVIDER, PUBLIC INSTITUTION OF HIGHER EDUCATION, PUBLIC HEALTH-CARE FACILITY, AND

PUBLICLY SUPPORTED LIBRARY SHALL ADOPT AND IMPLEMENT A POLICY FOR EMPLOYEES AND A POLICY FOR CHILDREN, STUDENTS, PATIENTS, PATRONS, PARENTS, GUARDIANS, RELATIVES, AND THE GENERAL PUBLIC, OR AMEND AN EXISTING POLICY, THAT ALIGNS WITH THE REQUIREMENTS OF THIS ARTICLE 74.1 FOR INFORMATION AND ACCESS. EACH POLICY MUST INCLUDE, AT A MINIMUM:

(I) PROCEDURES TO PROVIDE, AS REQUIRED BY STATE AND FEDERAL LAW, ANY PERSONAL IDENTIFYING INFORMATION ABOUT A CHILD OR STUDENT WHO WAS OR IS ENROLLED IN THE PUBLIC CHILD CARE CENTER, PUBLIC SCHOOL, LOCAL EDUCATION PROVIDER, OR PUBLIC INSTITUTION OF HIGHER EDUCATION; A PATIENT WHO SOUGHT, RECEIVED, IS SEEKING, OR IS RECEIVING SERVICES FROM THE PUBLIC HEALTH-CARE FACILITY; OR A PATRON WHO ACCESSED OR IS ACCESSING SERVICES, OR WAS OR IS PRESENT, AT A PUBLICLY SUPPORTED LIBRARY;

(II) PROCEDURES TO PROVIDE, AS REQUIRED BY STATE AND FEDERAL LAW, ANY PERSONAL IDENTIFYING INFORMATION ABOUT A PARENT, GUARDIAN, OR RELATIVE OF A CHILD, STUDENT, PATIENT, OR PATRON;

(III) PROCEDURES TO PROVIDE ACCESS, OR CONSENT TO ACCESS, AS REQUIRED BY STATE AND FEDERAL LAW, TO A PART OF THE PUBLIC CHILD CARE CENTER'S, PUBLIC SCHOOL'S, LOCAL EDUCATION PROVIDER'S, PUBLIC INSTITUTION OF HIGHER EDUCATION'S, PUBLIC HEALTH-CARE FACILITY'S, OR PUBLICLY SUPPORTED LIBRARY'S FACILITY, AUXILIARY FACILITY, PROPERTY, OR GROUNDS THAT IS NOT ACCESSIBLE TO THE PUBLIC;

(IV) PROCEDURES TO PROPERLY RELEASE INFORMATION REQUIRED BY STATE AND FEDERAL LAW THAT IS OTHERWISE PROTECTED IF FEDERAL IMMIGRATION AUTHORITIES HAVE:

(A) A SUBPOENA ISSUED BY A FEDERAL JUDGE OR MAGISTRATE;

(B) AN ORDER ISSUED BY A FEDERAL JUDGE OR FEDERAL MAGISTRATE TO ALLOW ACCESS; OR

(C) A WARRANT ISSUED BY A FEDERAL JUDGE OR FEDERAL MAGISTRATE;

(V) THE DESIGNATION OF A RESPONSIBLE EMPLOYEE TO BE NOTIFIED

IF INFORMATION OR ACCESS IS REQUESTED FOR FEDERAL IMMIGRATION ENFORCEMENT;

(VI) INFORMATION THAT MUST BE REQUESTED OF AND DOCUMENTED REGARDING THE FEDERAL IMMIGRATION ENFORCEMENT, INCLUDING THE FIRST AND LAST NAME OF THE PERSON LEADING THE FEDERAL IMMIGRATION ENFORCEMENT, EMPLOYER, BADGE NUMBER, AND A COPY OF THE SUBPOENA ISSUED BY A FEDERAL JUDGE OR MAGISTRATE, WARRANT ISSUED BY A FEDERAL JUDGE OR MAGISTRATE, OR ORDER ISSUED BY A FEDERAL JUDGE OR MAGISTRATE TO ALLOW ACCESS; AND

(VII) PROCEDURES TO COMMUNICATE INFORMATION, AS APPROPRIATE, ABOUT A FEDERAL IMMIGRATION AUTHORITY'S REQUEST FOR INFORMATION OR ACCESS TO THE CHILD, STUDENT, PATIENT, OR PATRON WHO WAS THE SUBJECT OF THE REQUEST, OR PARENT, GUARDIAN, OR RELATIVE OF THE CHILD, STUDENT, PATIENT, OR PATRON.

(b) A PUBLIC CHILD CARE CENTER, PUBLIC SCHOOL, LOCAL EDUCATION PROVIDER, PUBLIC INSTITUTION OF HIGHER EDUCATION, PUBLIC HEALTH-CARE FACILITY, OR PUBLICLY SUPPORTED LIBRARY SHALL MAKE ITS POLICIES REQUIRED PURSUANT TO THIS SECTION AVAILABLE THROUGH ITS TRADITIONAL MEANS, INCLUDING UPON REQUEST, A HANDBOOK, A WEBSITE, A PATIENT PORTAL, OR ANY OTHER MEANS THAT THE PUBLIC CHILD CARE CENTER, PUBLIC SCHOOL, LOCAL EDUCATION PROVIDER, PUBLIC INSTITUTION OF HIGHER EDUCATION, PUBLIC HEALTH-CARE FACILITY, OR PUBLICLY SUPPORTED LIBRARY USES TO COMMUNICATE WITH EMPLOYEES, CHILDREN, STUDENTS, PATIENTS, PATRONS, PARENTS, GUARDIANS, AND RELATIVES.

(4) THIS SECTION DOES NOT PREEMPT 8 U.S.C. SEC. 1373.

(5) MATTERS IN THIS ARTICLE 74.1 ARE DECLARED TO BE MATTERS OF STATEWIDE CONCERN.

**24-74.1-103. Remedy.** (1) A PUBLIC CHILD CARE CENTER, PUBLIC SCHOOL, LOCAL EDUCATION PROVIDER, PUBLIC INSTITUTION OF HIGHER EDUCATION, PUBLIC HEALTH-CARE FACILITY, OR PUBLICLY SUPPORTED LIBRARY THAT IS FOUND TO HAVE INTENTIONALLY VIOLATED SECTION 24-74.1-102 (1), (2), OR (3)(a) IS SUBJECT TO AN INJUNCTION AND IS LIABLE FOR A CIVIL PENALTY OF NOT MORE THAN FIFTY THOUSAND DOLLARS FOR EACH VIOLATION.

(2) A CIVIL PENALTY COLLECTED PURSUANT TO SUBSECTION (1) OF THIS SECTION MUST BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL CREDIT IT TO THE IMMIGRATION LEGAL DEFENSE FUND ESTABLISHED PURSUANT TO SECTION 8-3.8-101.

(3) FOR PURPOSES OF AN ACTION FOR A TEMPORARY RESTRAINING ORDER OR PRELIMINARY INJUNCTION BROUGHT PURSUANT TO THIS SECTION, THE GENERAL ASSEMBLY FINDS AND DECLARES THAT VIOLATION OF THIS ARTICLE 74.1 POSES A REAL, IMMEDIATE, AND IRREPARABLE INJURY FOR WHICH THERE IS NO PLAIN, SPEEDY, AND ADEQUATE REMEDY AT LAW, AND THE PUBLIC INTEREST IS SERVED BY COMPLIANCE WITH THIS ARTICLE 74.1.

**SECTION 14.** In Colorado Revised Statutes, 24-76.6-101, **amend** (1) and (3); and **add** (1.5), (2.3), and (2.7) as follows:

**24-76.6-101. Definitions.** As used in this article 76.6, unless the context otherwise requires:

(1) "Civil immigration detainer" means a ~~written request issued by~~ FOR federal immigration enforcement ~~authorities pursuant to 8 CFR 287.7~~ to law enforcement officers TO ARREST OR DETAIN AN INDIVIDUAL OR to maintain custody of an individual beyond the time when the individual is eligible for release from custody, including ~~any~~ A request for law enforcement agency action, warrant for arrest of alien, order to detain or release alien, or warrant of ~~removal/deportation~~ REMOVAL OR DEPORTATION on ~~any~~ A form promulgated by federal immigration enforcement. ~~authorities.~~

(1.5) "DETENTION FACILITY" MEANS A CORRECTIONAL FACILITY, AS DEFINED IN SECTION 17-1-102; LOCAL JAIL, AS DEFINED IN SECTION 17-1-102; MULTIJURISDICTIONAL JAIL, AS DEFINED IN SECTION 17-26.5-101; OR MUNICIPAL JAIL, AS DESCRIBED IN SECTION 31-15-401 (1)(j).

(2.3) "GOVERNMENTAL ENTITY" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-76.7-101.

(2.7) "IMMIGRATION ENFORCEMENT OPERATION" MEANS AN OPERATION IN WHICH THE PRIMARY OBJECTIVE IS THE IDENTIFICATION OR APPREHENSION OF A PERSON OR PERSONS TO:

(a) SUBJECT THEM TO CIVIL IMMIGRATION DETENTION, REMOVAL, OR DEPORTATION PROCEEDINGS, OR REMOVAL OR DEPORTATION FROM THE UNITED STATES; OR

(b) CRIMINALLY PROSECUTE THEM FOR OFFENSES RELATED TO THEIR IMMIGRATION STATUS.

(3) "Law enforcement officer" means a peace officer ~~employed by the Colorado state patrol, a municipal police department, a town marshal's office, or a county sheriff's office~~ DESCRIBED IN ARTICLE 2.5 OF TITLE 16, WHILE ACTING IN THE PEACE OFFICER'S EMPLOYMENT CAPACITY, WHETHER ELECTED OR APPOINTED OR WHETHER EMPLOYED FULL-TIME, PART-TIME, OR TEMPORARILY.

**SECTION 15.** In Colorado Revised Statutes, 24-76.6-102, **amend** (1)(b) and (2); and **add** (2.5) as follows:

**24-76.6-102. Civil immigration detainers - legislative declaration.** (1) The general assembly finds and declares that:

(b) Requests for civil immigration detainers, OR ANY OTHER REQUESTS TO ARREST OR DETAIN A PERSON FOR IMMIGRATION ENFORCEMENT, are not warrants under Colorado law. A warrant is a written order by a judge directed to a law enforcement officer commanding the arrest of the person named, as defined in section 16-1-104 (18). None of the civil immigration detainer requests received from the federal immigration authorities are reviewed, approved, or signed by a judge as required by Colorado law. The continued detention of an inmate at the request of federal immigration authorities beyond when he or she would otherwise be released constitutes a warrantless arrest, which is unconstitutional, *People v. Burns*, 615 P.2d 686, 688 (Colo. 1980).

(2) (a) A law enforcement officer shall not arrest or detain an individual on the basis of a civil immigration detainer. ~~request.~~ FOR THE PURPOSE OF THIS SUBSECTION (2), "DETAIN" INCLUDES THE DENIAL OR DELAY OF RELEASE FROM CUSTODY FOR IMMIGRATION ENFORCEMENT OPERATIONS OR FOR IMMIGRATION ENFORCEMENT PURPOSES.

(b) IF AN INDIVIDUAL HAS POSTED BOND AND THE BOND HAS BEEN PROCESSED, THE CONTINUED DETAINMENT OF THE INDIVIDUAL ON THE BASIS

OF A CIVIL IMMIGRATION DETAINER IS A NEW, WARRANTLESS ARREST.

(2.5) A LAW ENFORCEMENT OFFICER SHALL NOT COMMAND OR REQUEST A PRIVATE CITIZEN TO ASSIST IN THE ARREST OR DETAINMENT OF AN INDIVIDUAL ON THE BASIS OF A CIVIL IMMIGRATION DETAINER.

**SECTION 16.** In Colorado Revised Statutes, 24-76.6-103, **amend** (1) as follows:

**24-76.6-103. Limitations on providing personal information by probation offices.** (1) (a) A probation officer, ~~or~~ probation department employee, PRETRIAL OFFICER, OR PRETRIAL SERVICES OFFICE EMPLOYEE shall not provide personal information about an individual to federal immigration authorities.

(b) FOR PURPOSES OF THIS SUBSECTION (1), "PRETRIAL OFFICER" OR "PRETRIAL SERVICES OFFICE EMPLOYEE" INCLUDES AN AGENT OF A PRETRIAL SERVICES OFFICE WHEN ACTING ON BEHALF OF, OR AT THE DIRECTION OF, A PRETRIAL SERVICES OFFICE IN THEIR CAPACITY AS AN AGENT OF A PRETRIAL SERVICES OFFICE.

**SECTION 17.** In Colorado Revised Statutes, 28-3-103, **add** (10) as follows:

**28-3-103. General provisions.** (10) A MILITARY FORCE FROM ANOTHER STATE, TERRITORY, OR DISTRICT SHALL NOT ENTER THE STATE WITHOUT THE PERMISSION OF THE GOVERNOR; EXCEPT THAT THIS SUBSECTION (10) DOES NOT APPLY TO A MILITARY FORCE FROM ANOTHER STATE, TERRITORY, OR DISTRICT THAT IS ON FEDERAL ORDERS AND ACTING AS A PART OF THE ARMED FORCES.

**SECTION 18.** In Colorado Revised Statutes, 6-1-1303, **add** (17.4) as follows:

**6-1-1303. Definitions.** As used in this part 13, unless the context otherwise requires:

(17.4) "PRECISE GEOLOCATION DATA" MEANS INFORMATION DERIVED FROM TECHNOLOGY THAT ACCURATELY IDENTIFIES THE PRESENT OR PAST LOCATION OF A DEVICE THAT LINKS OR IS LINKABLE TO AN INDIVIDUAL

WITHIN A RADIUS OF ONE THOUSAND EIGHT HUNDRED FIFTY FEET.

(a) "PRECISE GEOLOCATION DATA" INCLUDES:

(I) GLOBAL POSITIONING SYSTEM (GPS) COORDINATES WITHIN A RADIUS OF ONE THOUSAND EIGHT HUNDRED FIFTY FEET; OR

(II) ANY DATA DERIVED FROM A DEVICE AND THAT IS USED OR INTENDED TO BE USED TO LOCATE A CONSUMER WITHIN A GEOGRAPHIC AREA WITHIN A RADIUS OF ONE THOUSAND EIGHT HUNDRED FIFTY FEET.

(b) "PRECISE GEOLOCATION DATA" DOES NOT INCLUDE THE CONTENT OF COMMUNICATIONS OR ANY DATA GENERATED BY OR CONNECTED TO ADVANCED UTILITY METERING INFRASTRUCTURE SYSTEMS OR EQUIPMENT FOR USE BY A UTILITY.

**SECTION 19.** In Colorado Revised Statutes, 6-1-1303, **amend** (24)(c) and (24)(d); **repeal as it will become effective October 1, 2025,** (17.5); and **add** (24)(e) as follows:

**6-1-1303. Definitions.** As used in this part 13, unless the context otherwise requires:

(17.5) ~~[Editor's note: Subsection (17.5) is effective October 1, 2025.]~~ "Precise geolocation data":

~~(a) Means information derived from technology, including global positioning system level latitude and longitude coordinates or other mechanisms, that directly identifies the specific location of an individual with precision and accuracy within a radius of one thousand seven hundred fifty feet; and~~

~~(b) Does not include:~~

~~(I) The content of communications regarding location; or~~

~~(II) Any data generated by or connected to advanced utility metering infrastructure systems or equipment for use by a utility.~~

(24) "Sensitive data" means:

(c) Personal data from a known child; or

(d) Biological data; OR

(e) PRECISE GEOLOCATION DATA.

**SECTION 20.** In Colorado Revised Statutes, 6-1-1308, **amend** (7) as follows:

**6-1-1308. Duties of controllers. (7) Duty regarding sensitive data.** A controller shall not process OR SELL a consumer's sensitive data without first obtaining the consumer's consent or, in the case of the processing of personal data concerning a known child, without first obtaining consent from the child's parent or lawful guardian.

**SECTION 21.** In Colorado Revised Statutes, 8-3.8-101, **amend** (2) as follows:

**8-3.8-101. Immigration legal assistance - fund - report - definitions. (2) (a)** There is established in the state treasury the immigration legal defense fund. The money in the fund is continuously appropriated to the administrator. Pursuant to subsection (5)(b) of this section, the administrator is authorized to make grants from the fund to qualifying organizations to represent indigent individuals appearing before an immigration court in Colorado who lack private counsel.

(b) THE STATE TREASURER SHALL CREDIT ANY CIVIL PENALTY MONEY TRANSFERRED TO THE STATE TREASURER PURSUANT TO SECTION 24-74-107 OR 24-74.1-103 AND INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF THE CIVIL PENALTY MONEY IN THE FUND TO THE FUND.

**SECTION 22.** In Colorado Revised Statutes, 13-1-402, **add** (6) as follows:

**13-1-402. Definitions.** As used in this part 4, unless the context otherwise requires:

(6) "RELATED FACILITY" MEANS THE FOLLOWING FACILITIES, FACILITIES WHERE THE FOLLOWING PROGRAMS OR SERVICES ARE PROVIDED,

OR FACILITIES WHERE THE FOLLOWING PROVIDERS PROVIDE PROGRAMS OR SERVICES IN RELATION TO A COURT PROCEEDING, INCLUDING:

(a) A BEHAVIORAL HEALTH ENTITY, AS DEFINED IN SECTION 27-50-101;

(b) A BEHAVIORAL HEALTH PROGRAM, AS DEFINED IN SECTION 27-50-101;

(c) A BEHAVIORAL HEALTH PROVIDER, AS DEFINED IN SECTION 27-50-101;

(d) A BEHAVIORAL HEALTH SAFETY NET PROVIDER, AS DEFINED IN SECTION 27-50-101;

(e) A BEHAVIORAL HEALTH SAFETY NET SERVICE, AS DEFINED IN SECTION 27-50-101;

(f) A COMPREHENSIVE COMMUNITY BEHAVIORAL HEALTH PROVIDER, AS DEFINED IN SECTION 27-50-101;

(g) AN ESSENTIAL BEHAVIORAL HEALTH SAFETY NET PROVIDER, AS DEFINED IN SECTION 27-50-101;

(h) A HOSPITAL THAT IS OPERATED BY THE DEPARTMENT OF HUMAN SERVICES;

(i) A PSYCHIATRIC HOSPITAL THAT IS OPERATED BY THE DEPARTMENT OF HUMAN SERVICES;

(j) A DETENTION OR COMMITMENT FACILITY THAT IS OPERATED BY THE DEPARTMENT OF HUMAN SERVICES;

(k) A TREATMENT PROVIDER PROVIDING SERVICES ORDERED PURSUANT TO A TREATMENT PLAN REQUIRED PURSUANT TO SECTIONS 19-3-507 AND 19-3-508;

(l) ANY FOSTER CARE, QUALIFIED RESIDENTIAL TREATMENT PROGRAM, OR OTHER OUT-OF-HOME PLACEMENT DEFINED IN SECTION 19-1-103; AND

(m) A NURSING HOME.

**SECTION 23.** In Colorado Revised Statutes, 13-1-403, **amend** (1) as follows:

**13-1-403. Prohibition of civil arrest - writ of protection - procedure.** (1) A person ~~shall not be~~ IS NOT subject to civil arrest while the person is present at a courthouse or on its environs; or while going to, attending, or coming from a court proceeding; OR WHILE THE PERSON IS RECEIVING TREATMENT IN A RELATED FACILITY.

**SECTION 24.** In Colorado Revised Statutes, 22-2-117, **amend** (1)(b)(XI) and (1)(b)(XII); and **add** (1)(b)(XIII) as follows:

**22-2-117. Additional power - state board - waiver of requirements - rules.** (1) (b) The state board shall not waive any of the requirements specified in any of the following statutory provisions:

(XI) Any provision of section 22-1-145 relating to the use of a student's chosen name, as defined in section 22-1-145 (1), in a public school; ~~or~~

(XII) The wearing of cultural or religious objects at school graduation ceremonies pursuant to section 22-1-142.5; OR

(XIII) A PROVISION OF ARTICLE 74.1 OF TITLE 24 CONCERNING THE POLICIES TO COMPLY WITH INFORMATION AND ACCESS.

**SECTION 25.** In Colorado Revised Statutes, 22-30.5-104, **amend** (6)(c) introductory portion, (6)(c)(X), and (6)(c)(XI); and **add** (6)(c)(XII) as follows:

**22-30.5-104. Charter school - requirements - authority - rules - definitions.** (6) (c) A school district, on behalf of a charter school, may apply to the state board for a waiver of a state statute or state rule that is not an automatic waiver. Notwithstanding ~~any provision of~~ this subsection (6), ~~to the contrary,~~ the state board ~~may~~ SHALL not waive ~~any~~ A statute or rule relating to:

(X) Any provision of section 22-1-145 relating to the use of a

student's chosen name, as defined in section 22-1-145 (1), in a public school; or

(XI) The wearing of cultural or religious objects at school graduation ceremonies pursuant to section 22-1-142.5; OR

(XII) A PROVISION OF ARTICLE 74.1 OF TITLE 24 CONCERNING THE POLICIES TO COMPLY WITH INFORMATION AND ACCESS.

**SECTION 26.** In Colorado Revised Statutes, 22-30.5-507, **amend** (7)(b) introductory portion, (7)(b)(X), and (7)(b)(XI); and **add** (7)(b)(XII) as follows:

**22-30.5-507. Institute charter school - requirements - authority - rules - definitions.** (7) (b) An institute charter school may apply to the state board, through the institute, for a waiver of state statutes and state rules that are not automatic waivers. The state board may waive state statutory requirements or rules promulgated by the state board; except that the state board ~~may~~ SHALL not waive any statute or rule relating to:

(X) Any provision of section 22-1-145 relating to the use of a student's chosen name, as defined in section 22-1-145 (1), in a public school; or

(XI) The wearing of cultural or religious objects at school graduation ceremonies pursuant to section 22-1-142.5; OR

(XII) A PROVISION OF ARTICLE 74.1 OF TITLE 24 CONCERNING THE POLICIES TO COMPLY WITH INFORMATION AND ACCESS.

**SECTION 27. Appropriation - adjustments to 2025 long bill.**  
(1) To implement this act, the cash funds appropriation from various sources of cash funds, made in the annual general appropriation act for the 2025-26 state fiscal year to the department of labor and employment for use by the division of unemployment insurance for program costs is decreased by \$54,900, and the related FTE is decreased by 0.6 FTE.

(2) To implement this act, the general fund appropriations made in the annual general appropriation act for the 2025-26 state fiscal year to the department of personnel for use by the division of central services for

personal services related to the Colorado state archives is decreased by \$3,393, and the related FTE is decreased by 0.1 FTE.

**SECTION 28. Severability.** If any provision of this act or the application of this act to any person or circumstance is held invalid, the 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 29. Safety clause.** The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.

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James Rashad Coleman, Sr.  
PRESIDENT OF  
THE SENATE

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Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Esther van Mourik  
SECRETARY OF  
THE SENATE

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Vanessa Reilly  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

(Date and Time)

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Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO