

STATE OF COLORADO

Colorado General Assembly

Natalie Castle, Director
Legislative Council Staff

Colorado Legislative Council
200 E. Colfax Ave., Room 029
Denver, Colorado 80203-1716
Telephone 303-866-3521
Facsimile 303-866-3855
Email lcs.ga@coleg.gov



Ed DeCecco, Director
Office of Legislative Legal Services

Office of Legislative Legal Services
200 E. Colfax Ave., Room 091
Denver, Colorado 80203-1716
Telephone 303-866-2045
Email olls.ga@coleg.gov

MEMORANDUM

To: Suzanne Taheri and Michael Fields

From: Legislative Council Staff and Office of Legislative Legal Services

Date: April 23, 2025

Subject: Proposed initiative measure 2025-2026 #75, concerning law enforcement reporting requirements to federal authorities

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado Constitution. We hereby submit our comments and questions to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council and the Office of Legislative Legal Services is to provide comments and questions intended to aid designated representatives, and the proponents they represent, in determining the language of their proposal and to avail the public of the contents of the proposal. Our first objective is to be sure we understand your intended purposes of the proposal. We hope that the comments and questions in this memorandum provide a basis for discussion and understanding of the proposal. Discussion between designated representatives or their legal representatives and employees of the Colorado Legislative Council and the Office of Legislative Legal Services is encouraged during review and comment meetings, but comments or discussion from anyone else is not permitted.

This proposed initiative 2025-2026 #75 was submitted by the same designated representatives as a part of a group of related proposed initiatives, including proposed initiatives 2025-2026 #74 and #75. The comments and questions raised in this memorandum do not include comments and questions that were addressed in the memorandum for proposed initiative 2025-2026 #74, except as necessary to fully understand proposed initiative 2025-2026 #75. Comments and questions addressed in

that memorandum may also be relevant, and those questions and comments are considered part of this memorandum.

An earlier version of this proposed initiative, proposed initiative 2025-2026 #32, was submitted by the same designated representatives, was the subject of a memorandum dated February 25, 2025, and was discussed at a public meeting on February 28, 2025. The comments and questions raised in this memorandum do not include comments and questions that were addressed in the earlier memorandum or at the earlier meeting, except as necessary to fully understand the issues raised by the revised proposed initiative. Prior comments and questions that are not restated in this memorandum continue to be relevant and are considered part of this memorandum.

Purposes

The major purposes of the proposed amendments to the Colorado Revised Statutes appear to be:

1. Require law enforcement to notify the federal Department of Homeland Security in certain circumstances that a person is not lawfully present in the United States or if the status of the person's lawful presence is unknown; and
2. Require law enforcement to make a reasonable effort in specified circumstances to determine whether a person is lawfully present in the United States.

Substantive Comments and Questions

The substance of the proposed initiative raises the following comments and questions:

1. Article V, section 1 (5.5) of the Colorado Constitution requires all proposed initiatives to have a single subject. What is the single subject of the proposed initiatives?
2. In section 24-76.6-103 (2), as added in the proposed initiative:
 - a. What circumstances does "these circumstances" refer to?
 - b. When is each law enforcement required to make a reasonable effort to determine whether a person is lawfully present in the United States?