

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

**INTRODUCED**

LLS NO. 25-0959.01 Jacob Baus x2173

**SENATE BILL 25-276**

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**SENATE SPONSORSHIP**

**Gonzales J. and Weissman**, Ball, Coleman, Cutter, Danielson, Hinrichsen, Jodeh, Kipp, Kolker, Michaelson Jenet, Rodriguez, Sullivan, Wallace, Winter F.

**HOUSE SPONSORSHIP**

**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

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**Senate Committees**

State, Veterans, & Military Affairs

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING MEASURES TO PREVENT THE VIOLATION OF THE CIVIL**  
102                    **RIGHTS OF PERSONS IN COLORADO BASED ON IMMIGRATION**  
103                    **STATUS.**

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**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, a person who does not have lawful immigration status must submit an affidavit stating that they have either applied for lawful presence or will apply for lawful presence as soon as they are eligible when the person is applying for:

- In-state student tuition classification; or

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.*

- An identification document pursuant to the "Colorado Road and Community Safety Act".

The bill repeals these affidavit requirements.

Under current law, a jail custodian is generally required to release a defendant within 6 hours after the defendant has been granted a personal recognizance bond or is prepared to post bond. The bill prohibits the jail custodian from delaying a defendant's release for the purpose of an immigration enforcement operation.

Under current law, a criminal defendant may petition a court to vacate a guilty plea to a class 1 or class 2 misdemeanor or a municipal offense if the criminal defendant alleges that:

- They were not adequately advised by defense counsel of adverse immigration consequences of a guilty plea;
- They did not knowingly, intelligently, or voluntarily waive the right to counsel because they were not advised that the right to counsel includes the right to be advised regarding immigration consequences of a guilty plea; or
- The guilty plea was constitutionally infirm.

The bill extends the ability to petition a court to vacate a guilty plea to class 3 misdemeanors as classified at the time of the plea, traffic misdemeanors, and petty offenses.

Under current law, state agencies and state agencies' employees are:

- Required to comply with provisions that limit the disclosure, collection, and access to a person's personal identifying information;
- Required to annually report certain information concerning requests made for a person's personal identifying information; and
- Subject to a civil penalty for an intentional violation of the requirements.

The bill extends these requirements concerning a person's personal identifying information to political subdivisions and their employees.

The bill creates minimum requirements for a public child care center, public school, local education provider, public institution of higher education, or public health-care facility concerning access to its facilities or property and creates a civil penalty for a violation of the requirements. An employee who intentionally violates a requirement is subject to a civil action, and the civil action is exempt from statutory or qualified immunity.

Under current law, a peace officer who is employed by the Colorado state patrol, a municipal police department, a town marshal's office, or a county sheriff's office is prohibited from arresting or detaining an individual on the basis of a civil immigration detainer request. The bill extends the prohibition to a peace officer designated by the state as a

peace officer.

Under current law, a probation officer or probation department employee is prohibited from providing personal information about an individual to federal immigration authorities. The bill extends this prohibition to a pretrial officer or pretrial services office employee.

The bill prohibits a peace officer or employee or agent of a detention facility from allowing federal immigration authorities access to a part of the detention facility that is not accessible to the public, unless required by a federal warrant or writ to transfer an inmate to or from federal custody.

Under current law, certain governmental entities are limited in contracting to detain an individual for federal civil immigration purposes. The bill removes the condition that the contract is for payment.

The bill prohibits a military force from another state from entering the state without the governor's permission, unless the military force from another state is acting on federal orders and acting as a part of the United States armed forces.

The bill prohibits a controller from collecting personal data beyond what is reasonable, necessary, and proportionate to provide a product or service requested by a consumer.

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

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

4 (a) The fourth amendment of the United States constitution  
5 guarantees individuals the right to be free from unreasonable searches and  
6 seizures, and must be supported by probable cause. Additionally, section  
7 7 of article II of the state constitution addresses the security of persons  
8 and their property.

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

14 (c) The sixth amendment of the United States constitution

1 guarantees the right to a fair and speedy trial, the right to be informed of  
2 charges, the right to legal counsel, and the right to confront witnesses in  
3 criminal proceedings;

4 (d) The tenth amendment of the United States constitution affirms  
5 the principle of federalism, which reserves for the states or the people the  
6 powers that are not delegated to the federal government by the United  
7 States constitution;

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

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

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

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

20 **23-7-110. Tuition classification of students who successfully**  
21 **complete high school or a high school equivalency examination in**  
22 **Colorado.** (2) ~~(a) In addition to satisfying the requirements set forth in~~  
23 ~~subsection (1) of this section, a student seeking tuition classification as~~  
24 ~~an in-state student pursuant to this section who does not have lawful~~  
25 ~~immigration status must submit an affidavit to the institution to which the~~  
26 ~~student is admitted, stating that the student has applied for lawful~~  
27 ~~presence or will apply as soon as he or she is eligible to do so.~~

1           ~~(b) The institution shall not count a student described in~~  
2           ~~subsection (2)(a) of this section as a resident for any purpose other than~~  
3           ~~tuition classification and the purpose described in subsection (2.5) of this~~  
4           ~~section; except that the student~~ A STUDENT SEEKING TUITION  
5           CLASSIFICATION AS AN IN-STATE STUDENT PURSUANT TO THIS SECTION  
6           WHO DOES NOT HAVE LAWFUL IMMIGRATION STATUS is eligible for the  
7           college opportunity fund program pursuant to the provisions of part 2 of  
8           article 18 of this title 23 and state student financial assistance pursuant to  
9           article 3.3 of this title 23, upon confirmation of the student's uniquely  
10          identifying student number provided by the local education provider  
11          where the student graduated from high school or successfully completed  
12          a high school equivalency examination, as defined in section 22-33-102  
13          (8.5), and may be eligible for institutional or other private financial aid  
14          programs. ANY INFORMATION COLLECTED PRIOR TO THE EFFECTIVE DATE  
15          OF THIS SENATE BILL 25-\_\_ FOR THE PURPOSE OF DEMONSTRATING  
16          STUDENT ELIGIBILITY FOR THE COLLEGE OPPORTUNITY FUND FOR A  
17          STUDENT WHO DOES NOT HAVE LAWFUL IMMIGRATION STATUS MUST BE  
18          MANAGED IN ACCORDANCE WITH THE DATA PRIVACY POLICY ADOPTED BY  
19          THE DEPARTMENT OF HIGHER EDUCATION.

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

26           **SECTION 3.** In Colorado Revised Statutes, 42-2-505, **repeal**  
27          (1)(d) as follows:

1           **42-2-505. Identification documents - individuals not lawfully**  
2 **present - rules. (1) Documents issued.** An individual who is not  
3 lawfully present in the United States may apply for an identification  
4 document in accordance with this part 5. The department shall issue an  
5 identification document to an applicant who:

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

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

11           **16-4-102. Right to bail - before conviction - definition.**

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

15 (II) FOR PURPOSES OF THIS SUBSECTION (2)(e.5), "IMMIGRATION  
16 ENFORCEMENT OPERATION" HAS THE SAME MEANING AS SET FORTH IN  
17 SECTION 24-76.6-101.

18           **SECTION 5.** In Colorado Revised Statutes, 18-1-410.6, **amend**  
19 (2), (3)(a), and (4) introductory portion as follows:

20           **18-1-410.6. Relief from improperly entered guilty pleas for**  
21 **certain misdemeanor and municipal offenses - legislative declaration.**

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

27 (3)(a) Notwithstanding a limitation contained in section 16-5-402,

1 a municipal ordinance, or a municipal court rule of procedure, at any time  
2 following the entry of a guilty plea, a criminal defendant may challenge  
3 the guilty plea on the grounds set forth in subsection (4) of this section to  
4 a:

5 (I) Class 1, ~~or class 2,~~ OR CLASS 3 misdemeanor AS CLASSIFIED AT  
6 THE TIME THE GUILTY PLEA WAS ENTERED that is not defined in section  
7 24-4.1-302 (1); ~~or title 42, and committed before March 1, 2022;~~ or

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

11 (III) TRAFFIC MISDEMEANOR; OR

12 (IV) PETTY OFFENSE.

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

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

19 **24-74-101. Legislative declaration.** (1) The general assembly  
20 hereby finds and declares that:

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

26 (b) Colorado residents have a reasonable expectation that state  
27 agencies AND POLITICAL SUBDIVISIONS will not disclose this information

1 with outside actors for unintended purposes;

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

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

9 **SECTION 7.** In Colorado Revised Statutes, 24-74-102, **amend**  
10 (3), (4), and (5); and **add** (1.5), (1.6), and (1.8) as follows:

11 **24-74-102. Definitions.** As used in this article 74, unless the  
12 context otherwise requires:

13 (1.5) "POLITICAL SUBDIVISION" MEANS A GOVERNING SUBDIVISION  
14 OF THE STATE, INCLUDING A COUNTY OR MUNICIPALITY, OR A BOARD,  
15 COMMISSION, INSTITUTION, DEPARTMENT, OR AGENCY OF THE POLITICAL  
16 SUBDIVISION. "COUNTY" INCLUDES A HOME RULE COUNTY.  
17 "MUNICIPALITY" INCLUDES A HOME RULE MUNICIPALITY.

18 (1.6) "POLITICAL SUBDIVISION EMPLOYEE" MEANS A PERSON IN  
19 THE SERVICE OF A POLITICAL SUBDIVISION WHILE ACTING IN THE PERSON'S  
20 EMPLOYMENT CAPACITY. "POLITICAL SUBDIVISION EMPLOYEE" INCLUDES  
21 AN OFFICER OR EMPLOYEE, WHETHER ELECTED OR APPOINTED AND  
22 WHETHER FULL-TIME, PART-TIME, OR TEMPORARY. "POLITICAL  
23 SUBDIVISION EMPLOYEE" ALSO INCLUDES AN AGENT OF A POLITICAL  
24 SUBDIVISION WHEN ACTING ON BEHALF OF, OR AT THE DIRECTION OF, A  
25 POLITICAL SUBDIVISION IN THEIR CAPACITY AS AN AGENT OF A POLITICAL  
26 SUBDIVISION.

27 (1.8) "PUBLIC INSTITUTION OF HIGHER EDUCATION" MEANS A



1 STATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN SECTION  
2 23-18-102, LOCAL DISTRICT COLLEGE, OR AREA TECHNICAL COLLEGE.

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

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

26 (5) "Third party" means ~~any~~ A person or entity, including ~~any~~ A  
27 law enforcement officer or agency, that is not a state agency, a state

1 agency employee, A POLITICAL SUBDIVISION, A POLITICAL SUBDIVISION  
2 EMPLOYEE, or otherwise part of the state government OR A POLITICAL  
3 SUBDIVISION. "THIRD PARTY" INCLUDES A PRIVATE ENTITY THAT  
4 CONTRACTS WITH, AND COLLECTS OR MANAGES DATA ON BEHALF OF, A  
5 STATE AGENCY OR POLITICAL SUBDIVISION.

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

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

22 **SECTION 9.** In Colorado Revised Statutes, 24-74-104, **amend**  
23 (1), (2) introductory portion, and (3) as follows:

24 **24-74-104. Reduce personal identifying information collected**  
25 **by state agencies or political subdivisions.** (1) ~~Beginning January 1,~~  
26 ~~2022,~~ A state agency employee OR POLITICAL SUBDIVISION EMPLOYEE  
27 shall not inquire into, or request information or documents to ascertain,

1 a person's immigration status, ~~for the purpose of identifying if the person~~  
2 ~~has complied with federal immigration laws, including civil immigration~~  
3 ~~laws and 8 U.S.C. sec. 1325 or 1326~~ except as required by state or federal  
4 law or as necessary to perform state agency OR POLITICAL SUBDIVISION  
5 duties, INCLUDING COLLECTING INFORMATION FOR STUDENT VISA  
6 SPONSORSHIP AND STUDENT FINANCIAL AID or to verify a person's  
7 eligibility for a government-funded program for housing or economic  
8 development if verification is a necessary condition of the government  
9 funding.

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

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

19 (b) THIS SECTION DOES NOT APPLY TO INFORMATION IN A  
20 DATABASE OR AUTOMATED NETWORK COLLECTING DATA OR DOCUMENTS  
21 THAT WAS ACTIVATED BY A POLITICAL SUBDIVISION, ON OR BEFORE JUNE  
22 30, 2025.

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

25 **24-74-105. Access to state agency or political subdivision**  
26 **records - limitations.** (2) The attorney general's office shall create a  
27 model certification form and ~~provide it to state agencies within sixty days~~

1 ~~of June 25, 2021~~ MAKE IT AVAILABLE TO STATE AGENCIES AND POLITICAL  
2 SUBDIVISIONS.

3 **SECTION 11.** In Colorado Revised Statutes, 24-74-106, **amend**  
4 (1) introductory portion, (1)(a), (1)(g), (2) introductory portion, (2)(d),  
5 and (4) as follows:

6 **24-74-106. Record-keeping and reporting - requests for**  
7 **records or information - definition - repeal.** (1) ~~For purposes of AS~~  
8 USED IN this section, "request" includes any time a third party, other than  
9 a person in interest as defined in section 24-72-202 (4), communicates,  
10 whether through written or electronic form, with a state agency, ~~or~~ state  
11 agency employee, POLITICAL SUBDIVISION, OR POLITICAL SUBDIVISION  
12 EMPLOYEE for the purpose of obtaining records or information that  
13 includes personal identifying information. "Request" does not include:

14 (a) A request made ~~under~~ PURSUANT TO the "Colorado Open  
15 Records Act", part 2 of article 72 of this title 24, or ~~the "Colorado~~  
16 ~~Criminal Justice Records Act", parts 2 and~~ PART 3 of article 72 of this  
17 title 24; except that, for purposes of this section, "request" does include  
18 a request made ~~under~~ PURSUANT TO the "Colorado Open Records Act",  
19 part 2 of article 72 of this title 24, whether made by telephone or through  
20 written or electronic form, if the requester indicates or a state agency OR  
21 POLITICAL SUBDIVISION employee determines the request is made for the  
22 purpose of investigating for, participating in, cooperating with, or  
23 assisting in federal immigration enforcement, including enforcement of  
24 civil immigration laws and 8 U.S.C. sec. 1325 or 1326;

25 (g) A request from a government entity for purposes of  
26 determining a person's eligibility for a government funded program for  
27 HEALTH CARE, housing, or economic development.

1 (2) Except as provided in subsection (3) of this section, ~~beginning~~  
2 ~~January 1, 2022~~, if a third party makes a request for a record from a state  
3 agency OR POLITICAL SUBDIVISION and the record contains personal  
4 identifying information, the state agency OR POLITICAL SUBDIVISION shall  
5 retain a written record containing the following information:

6 (d) The name and title of the state agency employee OR POLITICAL  
7 SUBDIVISION EMPLOYEE who granted or denied the request;

8 (4) (a) (I) Beginning January 1, 2022, and on a quarterly basis  
9 thereafter THROUGH SEPTEMBER 30, 2025, each state agency shall:

10 (a) (A) Submit to the governor's office of legal counsel the  
11 information specified in subsection (2) of this section; and

12 (b) (B) Attest that ~~no request was~~ NONE OF THE REQUESTS WERE  
13 granted for any purpose prohibited by this article 74.

14 (II) THIS SUBSECTION (4)(a) IS REPEALED, EFFECTIVE JULY 1, 2026.

15 (b) BEGINNING OCTOBER 1, 2025, AND ON A QUARTERLY BASIS  
16 THEREAFTER, EACH STATE AGENCY AND POLITICAL SUBDIVISION SHALL:

17 (I) SUBMIT TO THE GOVERNOR'S OFFICE OF LEGAL COUNSEL AND TO  
18 THE ATTORNEY GENERAL THE INFORMATION SPECIFIED IN SUBSECTION (2)  
19 OF THIS SECTION; AND

20 (II) ATTEST THAT NONE OF THE REQUESTS WERE GRANTED FOR  
21 ANY PURPOSE PROHIBITED BY THIS ARTICLE 74.

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

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

1 fifty thousand dollars for each violation.

2 (2) ANY CIVIL PENALTY MONEY COLLECTED PURSUANT TO  
3 SUBSECTION (1) OF THIS SECTION FOR IMMIGRATION-RELATED VIOLATIONS  
4 MUST BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL CREDIT IT  
5 TO THE IMMIGRATION LEGAL DEFENSE FUND ESTABLISHED PURSUANT TO  
6 SECTION 8-3.8-101.

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

9 **ARTICLE 74.1**

10 **Policies Regarding Federal Immigration Enforcement Actions**

11 **24-74.1-101. Definitions.** AS USED IN THIS ARTICLE 74.1, UNLESS  
12 THE CONTEXT OTHERWISE REQUIRES:

13 (1) "EMPLOYEE" MEANS A PERSON IN THE SERVICE OF A PUBLIC  
14 CHILD CARE CENTER, PUBLIC SCHOOL, LOCAL EDUCATION PROVIDER,  
15 PUBLIC INSTITUTION OF HIGHER EDUCATION, OR PUBLIC HEALTH-CARE  
16 FACILITY WHILE ACTING IN THE PERSON'S EMPLOYMENT CAPACITY.  
17 "EMPLOYEE" INCLUDES AN OFFICER OR EMPLOYEE, WHETHER ELECTED OR  
18 APPOINTED AND WHETHER FULL-TIME, PART-TIME, OR TEMPORARY.  
19 "EMPLOYEE" ALSO INCLUDES AN AGENT OF A PUBLIC CHILD CARE CENTER,  
20 PUBLIC SCHOOL, LOCAL EDUCATION PROVIDER, PUBLIC INSTITUTION OF  
21 HIGHER EDUCATION, OR PUBLIC HEALTH-CARE FACILITY WHEN ACTING IN  
22 THEIR CAPACITY AS AN AGENT OF A PUBLIC CHILD CARE CENTER, PUBLIC  
23 SCHOOL, LOCAL EDUCATION PROVIDER, PUBLIC INSTITUTION OF HIGHER  
24 EDUCATION, OR PUBLIC HEALTH-CARE FACILITY.

25 (2) "FEDERAL IMMIGRATION ENFORCEMENT" MEANS AN EFFORT TO  
26 INVESTIGATE, ENFORCE, OR ASSIST IN THE INVESTIGATION OR  
27 ENFORCEMENT OF A FEDERAL CIVIL IMMIGRATION LAW OR A FEDERAL

1 CRIMINAL IMMIGRATION LAW THAT PENALIZES A PERSON'S PRESENCE IN,  
2 ENTRY OR REENTRY TO, OR EMPLOYMENT IN THE UNITED STATES.

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

10 (4) "PUBLIC CHILD CARE CENTER" MEANS A CHILD CARE CENTER  
11 AS DEFINED IN SECTION 26.5-5-303 THAT IS LICENSED PURSUANT TO PART  
12 3 OF ARTICLE 5 OF TITLE 26.5 AND HAS RECEIVED MONEY IN THE LAST FIVE  
13 STATE FISCAL YEARS, IN ANY AMOUNT, FROM THE STATE.

14 (5) "PUBLIC HEALTH-CARE FACILITY" MEANS A HEALTH-CARE  
15 FACILITY THAT IS LICENSED OR CERTIFIED PURSUANT TO SECTION  
16 25-1.5-103 (1)(a)(I)(A) OR ARTICLE 3 OF TITLE 25, OR AN ESSENTIAL  
17 COMMUNITY PROVIDER AS DEFINED IN SECTION 25.5-8-103 (6), AND THAT  
18 RECEIVES MONEY, IN ANY AMOUNT, FROM THE STATE.

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

26 (7) "PUBLIC SCHOOL" MEANS A SCHOOL OF A SCHOOL DISTRICT; A  
27 DISTRICT CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT

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

9 **24-74.1-102. Limitations within policies.** (1) A PUBLIC CHILD  
10 CARE CENTER, PUBLIC SCHOOL, LOCAL EDUCATION PROVIDER, PUBLIC  
11 INSTITUTION OF HIGHER EDUCATION, PUBLIC HEALTH-CARE FACILITY, OR  
12 AN EMPLOYEE THEREOF SHALL NOT PROVIDE FOR FEDERAL IMMIGRATION  
13 ENFORCEMENT, EXCEPT AS SPECIFICALLY REQUIRED BY FEDERAL OR STATE  
14 LAW:

15 (a) ANY PERSONAL IDENTIFYING INFORMATION ABOUT A CHILD OR  
16 STUDENT WHO WAS OR IS ENROLLED IN THE PUBLIC CHILD CARE CENTER,  
17 PUBLIC SCHOOL, LOCAL EDUCATION PROVIDER, OR PUBLIC INSTITUTION OF  
18 HIGHER EDUCATION, OR A PATIENT WHO SOUGHT, RECEIVED, IS SEEKING,  
19 OR IS RECEIVING SERVICES FROM THE PUBLIC HEALTH-CARE FACILITY,  
20 EXCEPT:

21 (I) WITH THE STUDENT'S OR PATIENT'S CONSENT THROUGH A VALID  
22 RELEASE OF INFORMATION;

23 (II) WITH THE CONSENT OF THE STUDENT'S OR PATIENT'S PARENT  
24 OR GUARDIAN THROUGH A VALID RELEASE OF INFORMATION; OR

25 (III) WITH A PUBLIC INSTITUTION OF HIGHER EDUCATION'S  
26 RELEASE OF ENROLLMENT INFORMATION RELATED TO A STUDENT VISA  
27 SPONSORSHIP;



1 (b) ANY INFORMATION ABOUT A PARENT, GUARDIAN, OR RELATIVE  
2 OF A PERSON DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION; EXCEPT  
3 AS PERMITTED BY LAW OR WITH THE CONSENT OF THE CHILD'S, STUDENT'S,  
4 OR PATIENT'S PARENT, GUARDIAN, OR RELATIVE, AS APPLICABLE, THROUGH  
5 A VALID RELEASE OF INFORMATION FORM; OR

6 (c) ACCESS TO, OR CONSENT TO ACCESS, A PART OF THE PUBLIC  
7 CHILD CARE CENTER'S, PUBLIC SCHOOL'S, LOCAL EDUCATION PROVIDER'S,  
8 PUBLIC INSTITUTION OF HIGHER EDUCATION'S, OR PUBLIC HEALTH-CARE  
9 FACILITY'S FACILITY, AUXILIARY FACILITY, PROPERTY, GROUNDS, OR  
10 SURROUNDING AREA THAT IS NOT ACCESSIBLE TO THE PUBLIC UNLESS A  
11 WARRANT ISSUED BY A FEDERAL JUDGE OR FEDERAL MAGISTRATE OR AN  
12 ORDER ISSUED BY A FEDERAL JUDGE OR FEDERAL MAGISTRATE ALLOWS  
13 ACCESS FOR FEDERAL IMMIGRATION ENFORCEMENT.

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

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

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

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

22 (d) THE CONSENT OF THE STUDENT OR PATIENT THROUGH A VALID  
23 RELEASE OF INFORMATION; OR

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

26 (3) (a) NO LATER THAN SEPTEMBER 1, 2025, EACH PUBLIC CHILD  
27 CARE CENTER, PUBLIC SCHOOL, LOCAL EDUCATION PROVIDER, PUBLIC

1 INSTITUTION OF HIGHER EDUCATION, AND PUBLIC HEALTH-CARE FACILITY  
2 SHALL ADOPT AND IMPLEMENT A POLICY FOR EMPLOYEES AND A POLICY  
3 FOR CHILDREN, STUDENTS, PATIENTS, PARENTS, GUARDIANS, RELATIVES,  
4 AND THE GENERAL PUBLIC, OR AMEND AN EXISTING POLICY, THAT ALIGNS  
5 WITH THE REQUIREMENTS OF THIS ARTICLE 74.1. THE POLICY MUST  
6 INCLUDE, AT A MINIMUM:

7 (I) PROCEDURES TO MAINTAIN THE PROTECTION OF INFORMATION  
8 AND SPACES DESCRIBED IN SUBSECTION (1) OF THIS SECTION;

9 (II) PROCEDURES TO PROPERLY RELEASE INFORMATION IN  
10 COMPLIANCE WITH FEDERAL LAW THAT IS OTHERWISE PROTECTED IF  
11 FEDERAL IMMIGRATION AUTHORITIES HAVE:

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

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

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

17 (III) THE DESIGNATION OF A RESPONSIBLE EMPLOYEE TO BE  
18 NOTIFIED IF INFORMATION OR ACCESS IS REQUESTED FOR FEDERAL  
19 IMMIGRATION ENFORCEMENT;

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

27 (V) PROCEDURES TO COMMUNICATE INFORMATION, AS

1 APPROPRIATE, ABOUT A FEDERAL IMMIGRATION AUTHORITY'S REQUEST  
2 FOR INFORMATION OR ACCESS TO THE CHILD, STUDENT, OR PATIENT WHO  
3 WAS THE SUBJECT OF THE REQUEST, OR PARENT, GUARDIAN, OR RELATIVE  
4 OF THE CHILD, STUDENT, OR PATIENT.

5 (b) A PUBLIC CHILD CARE CENTER, PUBLIC SCHOOL, LOCAL  
6 EDUCATION PROVIDER, PUBLIC INSTITUTION OF HIGHER EDUCATION, OR  
7 PUBLIC HEALTH-CARE FACILITY SHALL MAKE ITS POLICIES REQUIRED  
8 PURSUANT TO THIS SECTION AVAILABLE THROUGH ITS TRADITIONAL  
9 MEANS, INCLUDING UPON REQUEST, A HANDBOOK, A WEBSITE, A PATIENT  
10 PORTAL, OR ANY OTHER MEANS THAT THE PUBLIC CHILD CARE CENTER,  
11 PUBLIC SCHOOL, LOCAL EDUCATION PROVIDER, PUBLIC INSTITUTION OF  
12 HIGHER EDUCATION, OR PUBLIC HEALTH-CARE FACILITY USES TO  
13 COMMUNICATE WITH CHILDREN, STUDENTS, PATIENTS, PARENTS,  
14 GUARDIANS, RELATIVES, AND THE GENERAL PUBLIC.

15 (4) THIS SECTION DOES NOT PREEMPT 8 U.S.C. SEC. 1973.

16 **24-74.1-103. Remedy.** (1) A PUBLIC CHILD CARE CENTER, PUBLIC  
17 SCHOOL, LOCAL EDUCATION PROVIDER, PUBLIC INSTITUTION OF HIGHER  
18 EDUCATION, OR PUBLIC HEALTH-CARE FACILITY THAT IS FOUND TO HAVE  
19 INTENTIONALLY VIOLATED A PROVISION OF THIS ARTICLE 74.1 IS SUBJECT  
20 TO AN INJUNCTION AND IS LIABLE FOR A CIVIL PENALTY OF NOT MORE  
21 THAN FIFTY THOUSAND DOLLARS FOR EACH VIOLATION.

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

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

1           **24-76.6-101. Definitions.** As used in this article 76.6, unless the  
2 context otherwise requires:

3           (1) "Civil immigration detainer" means a ~~written request issued~~  
4 ~~by~~ FOR federal immigration enforcement ~~authorities pursuant to 8 CFR~~  
5 ~~287.7~~ to law enforcement officers TO ARREST OR DETAIN AN INDIVIDUAL  
6 OR to maintain custody of an individual beyond the time when the  
7 individual is eligible for release from custody, including ~~any~~ A request for  
8 law enforcement agency action, warrant for arrest of alien, order to detain  
9 or release alien, or warrant of ~~removal/deportation~~ REMOVAL OR  
10 DEPORTATION on ~~any~~ A form promulgated by federal immigration  
11 enforcement. ~~authorities.~~

12           (1.5) "DETENTION FACILITY" MEANS A CORRECTIONAL FACILITY,  
13 AS DEFINED IN SECTION 17-1-102; LOCAL JAIL, AS DEFINED IN SECTION  
14 17-1-102; MULTIJURISDICTIONAL JAIL, AS DEFINED IN SECTION  
15 17-26.5-101; OR MUNICIPAL JAIL, AS DESCRIBED IN SECTION 31-15-401  
16 (1)(j).

17           (2.3) "GOVERNMENTAL ENTITY" HAS THE SAME MEANING AS SET  
18 FORTH IN SECTION 24-76.7-101.

19           (2.7) "IMMIGRATION ENFORCEMENT OPERATION" MEANS AN  
20 OPERATION IN WHICH THE PRIMARY OBJECTIVE IS THE IDENTIFICATION OR  
21 APPREHENSION OF A PERSON OR PERSONS TO:

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

25           (b) CRIMINALLY PROSECUTE THEM FOR OFFENSES RELATED TO  
26 THEIR IMMIGRATION STATUS. THE OFFENSES MAY INCLUDE VIOLATIONS OF  
27 SECTIONS 8 U.S.C. SEC. 1253, 8 U.S.C. SEC. 1304 (e), 8 U.S.C. SEC. 1306

1 (a) or 1306 (b), 8 U.S.C. SEC. 1325, 8 U.S.C. SEC. 1326, 18 U.S.C. SEC.  
2 1028A, OR 18 U.S.C. 1546.

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

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

11 **24-76.6-102. Civil immigration detainees - legislative**  
12 **declaration.** (1) The general assembly finds and declares that:

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

25 (2) (a) A law enforcement officer shall not arrest or detain an  
26 individual on the basis of a civil immigration detainer. ~~request.~~ FOR THE  
27 PURPOSE OF THIS SUBSECTION (2), "DETAIN" INCLUDES THE DENIAL OR

1 DELAY OF RELEASE FROM CUSTODY FOR IMMIGRATION ENFORCEMENT  
2 OPERATIONS OR FOR IMMIGRATION ENFORCEMENT PURPOSES.

3 (b) IF AN INDIVIDUAL HAS POSTED BOND AND THE BOND HAS BEEN  
4 PROCESSED, THE CONTINUED DETAINMENT OF THE INDIVIDUAL ON THE  
5 BASIS OF A CIVIL IMMIGRATION DETAINER IS A NEW, WARRANTLESS  
6 ARREST.

7 (2.5) A LAW ENFORCEMENT OFFICER SHALL NOT COMMAND OR  
8 REQUEST A PRIVATE CITIZEN TO ASSIST IN THE ARREST OR DETAINMENT OF  
9 AN INDIVIDUAL ON THE BASIS OF A CIVIL IMMIGRATION DETAINER.

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

12 **24-76.6-103. Limitations on providing personal information**  
13 **by probation offices.** (1) A probation officer, ~~or~~ probation department  
14 employee, PRETRIAL OFFICER, OR PRETRIAL SERVICES OFFICE EMPLOYEE  
15 shall not provide personal information about an individual to federal  
16 immigration authorities.

17 **SECTION 17.** In Colorado Revised Statutes, **add** 24-76.6-104 as  
18 follows:

19 **24-76.6-104. Limitation on access in detention facilities.** A LAW  
20 ENFORCEMENT OFFICER, OR ANY EMPLOYEE OR AGENT OF A DETENTION  
21 FACILITY, SHALL NOT ALLOW FEDERAL IMMIGRATION AUTHORITIES ACCESS  
22 TO A PART OF THE DETENTION FACILITY THAT IS NOT ACCESSIBLE TO THE  
23 PUBLIC, UNLESS THE FEDERAL IMMIGRATION AUTHORITIES HAVE A  
24 WARRANT ISSUED BY A FEDERAL JUDGE OR MAGISTRATE TO ALLOW  
25 ACCESS, OR IF THE FEDERAL IMMIGRATION AUTHORITIES HAVE A WRIT  
26 ISSUED BY A JUDGE CONCERNING THE TRANSFER OF AN INMATE TO OR  
27 FROM FEDERAL CUSTODY.

1           **SECTION 18.** In Colorado Revised Statutes, 24-76.7-101,  
2 **amend** (2) as follows:

3           **24-76.7-101. Definitions.** As used in this article 76.7, unless the  
4 context otherwise requires:

5           (2) "Immigration detention agreement" means ~~any~~ A contract,  
6 including, but not limited to, an intergovernmental service agreement, ~~or~~  
7 ~~portion thereof for payment to~~ WITH a governmental entity to detain  
8 individuals for federal civil immigration purposes. For a contract or  
9 intergovernmental service agreement that is only in part for the detention  
10 of individuals for federal immigration officials, this term only applies to  
11 the civil immigration detention portion of the contract.

12           **SECTION 19.** In Colorado Revised Statutes, 28-3-103, **add** (10)  
13 as follows:

14           **28-3-103. General provisions.** (10) A MILITARY FORCE FROM  
15 ANOTHER STATE, TERRITORY, OR DISTRICT SHALL NOT ENTER THE STATE  
16 WITHOUT THE PERMISSION OF THE GOVERNOR; EXCEPT THAT THIS  
17 SUBSECTION (10) DOES NOT APPLY TO A MILITARY FORCE FROM ANOTHER  
18 STATE, TERRITORY, OR DISTRICT THAT IS ON FEDERAL ORDERS AND ACTING  
19 AS A PART OF THE ARMED FORCES.

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

22           **6-1-1308. Duties of controllers.** (3) **Duty of data minimization.**  
23 A controller's collection of personal data must be ~~adequate, relevant, and~~  
24 ~~limited to what is reasonably necessary in relation to the specified~~  
25 ~~purposes for which the data are processed~~ LIMITED TO WHAT IS  
26 REASONABLE, NECESSARY, AND PROPORTIONATE TO PROVIDE OR MAINTAIN  
27 A SPECIFIC PRODUCT OR SERVICE REQUESTED BY THE CONSUMER TO WHOM

1 THE DATA PERTAINS.

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

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

9 **8-3.8-101. Immigration legal assistance - fund - report -**  
10 **definitions.** (2) (a) There is established in the state treasury the  
11 immigration legal defense fund. The money in the fund is continuously  
12 appropriated to the administrator. Pursuant to subsection (5)(b) of this  
13 section, the administrator is authorized to make grants from the fund to  
14 qualifying organizations to represent indigent individuals appearing  
15 before an immigration court in Colorado who lack private counsel.

16 (b) THE STATE TREASURER SHALL CREDIT ANY CIVIL PENALTY  
17 MONEY TRANSFERRED TO THE STATE TREASURER PURSUANT TO SECTION  
18 24-74-107 OR 24-74.1-103 AND INTEREST AND INCOME DERIVED FROM THE  
19 DEPOSIT AND INVESTMENT OF THE CIVIL PENALTY MONEY IN THE FUND TO  
20 THE FUND.

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

23 **22-2-117. Additional power - state board - waiver of**  
24 **requirements - rules.** (1) (b) The state board shall not waive any of the  
25 requirements specified in any of the following statutory provisions:

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



1 school; ~~or~~

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

4 (XIII) A PROVISION OF ARTICLE 74.1 OF TITLE 24 CONCERNING THE  
5 POLICIES TO COMPLY WITH FEDERAL IMMIGRATION ENFORCEMENT.

6 **SECTION 23.** In Colorado Revised Statutes, 22-30.5-104,  
7 **amend** (6)(c) introductory portion, (6)(c)(X), and (6)(c)(XI); and **add**  
8 (6)(c)(XII) as follows:

9 **22-30.5-104. Charter school - requirements - authority - rules**  
10 **- definitions.** (6) (c) A school district, on behalf of a charter school, may  
11 apply to the state board for a waiver of a state statute or state rule that is  
12 not an automatic waiver. Notwithstanding ~~any provision of~~ this  
13 subsection (6), ~~to the contrary~~, the state board ~~may~~ SHALL not waive ~~any~~  
14 A statute or rule relating to:

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

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

20 (XII) A PROVISION OF ARTICLE 74.1 OF TITLE 24 CONCERNING THE  
21 POLICIES TO COMPLY WITH FEDERAL IMMIGRATION ENFORCEMENT.

22 **SECTION 24.** In Colorado Revised Statutes, 22-30.5-507,  
23 **amend** (7)(b)(X) and (7)(b)(XI); and **add** (7)(b)(XII) as follows:

24 **22-30.5-507. Institute charter school - requirements -**  
25 **authority - rules - definitions.** (7) (b) An institute charter school may  
26 apply to the state board, through the institute, for a waiver of state statutes  
27 and state rules that are not automatic waivers. The state board may waive

1 state statutory requirements or rules promulgated by the state board;  
2 except that the state board ~~may~~ SHALL not waive any statute or rule  
3 relating to:

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

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

9 (XII) A PROVISION OF ARTICLE 74.1 OF TITLE 24 CONCERNING THE  
10 POLICIES TO COMPLY WITH FEDERAL IMMIGRATION ENFORCEMENT.

11 **SECTION 25. Severability.** If any provision of this act or the  
12 application of this act to any person or circumstance is held invalid, the  
13 invalidity does not affect other provisions or applications of the act that  
14 can be given effect without the invalid provision or application, and to  
15 this end the provisions of this act are declared to be severable.

16 **SECTION 26. 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.