

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

PREAMENDED

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

LLS NO. 25-0959.01 Jacob Baus x2173

SENATE BILL 25-276

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

Senate Committees

State, Veterans, & Military Affairs
Appropriations

House Committees

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.**

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.

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 requires that warrants are supported by probable cause.
7 Additionally, section 7 of article II of the state constitution addresses the
8 security of persons 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. The tenth amendment of the United States constitution
8 divides power between the federal government and the states. The United
9 States constitution reserves to the states or the people the powers that are
10 not delegated to the federal government and are not forbidden to the
11 states. The federal government cannot command the states to administer
12 or enforce a federal regulatory program.

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

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

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

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

25 **23-7-110. Tuition classification of students who successfully**
26 **complete high school or a high school equivalency examination in**
27 **Colorado.** (2) ~~(a) In addition to satisfying the requirements set forth in~~

1 subsection (1) of this section, a student seeking tuition classification as
2 an in-state student pursuant to this section who does not have lawful
3 immigration status must submit an affidavit to the institution to which the
4 student is admitted, stating that the student has applied for lawful
5 presence or will apply as soon as he or she is eligible to do so.

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

25 (4) Any information provided to satisfy the criteria specified in
26 this section ~~shall be~~ IS confidential unless disclosure is explicitly required
27 by law. ~~An institution that receives an affidavit described in subsection~~

1 ~~(2) of this section shall treat the affidavit as an education record of the~~
2 ~~student under the provisions of the federal "Family Educational Rights~~
3 ~~and Privacy Act of 1974", 20 U.S.C. sec. 1232g.~~

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

6 **42-2-505. Identification documents - individuals not lawfully**
7 **present - rules. (1) Documents issued.** An individual who is not
8 lawfully present in the United States may apply for an identification
9 document in accordance with this part 5. ANY INFORMATION COLLECTED
10 PRIOR TO THE EFFECTIVE DATE OF SENATE BILL 25-276 FOR THE PURPOSE
11 OF DEMONSTRATING ELIGIBILITY FOR AN IDENTIFICATION DOCUMENT IN
12 ACCORDANCE WITH THIS PART 5 FOR AN INDIVIDUAL WHO DOES NOT HAVE
13 LAWFUL IMMIGRATION STATUS IN THE UNITED STATES MUST BE MANAGED
14 IN ACCORDANCE WITH THE DATA PRIVACY POLICY ADOPTED BY THE
15 DEPARTMENT OF REVENUE. The department shall issue an identification
16 document to an applicant who:

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

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

22 **16-4-102. Right to bail - before conviction - definitions.**
23 **(2) (e.5) (I) THE CUSTODIAN OF A JAIL SHALL NOT DELAY A DEFENDANT'S**
24 **RELEASE FROM CUSTODY FOR THE PURPOSE OF AN IMMIGRATION**
25 **ENFORCEMENT OPERATION.**

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

27 (A) "IMMIGRATION ENFORCEMENT OPERATION" HAS THE SAME

1 MEANING AS SET FORTH IN SECTION 24-76.6-101.

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

6 **SECTION 5.** In Colorado Revised Statutes, 18-1-410.6, **amend**
7 (2), (3)(a), and (4) introductory portion as follows:

8 **18-1-410.6. Relief from improperly entered guilty pleas for**
9 **certain misdemeanor and municipal offenses - legislative declaration.**

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

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

20 (I) Class 1, ~~or~~ class 2, OR CLASS 3 misdemeanor AS CLASSIFIED AT
21 THE TIME THE GUILTY PLEA WAS ENTERED that is not defined in section
22 24-4.1-302 (1); ~~or title 42, and committed before March 1, 2022; or~~

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

26 (III) TRAFFIC MISDEMEANOR; OR

27 (IV) PETTY OFFENSE.

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

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

7 **24-74-101. Legislative declaration.** (1) The general assembly
8 hereby finds and declares that:

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

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

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

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

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

1 MATTERS OF STATEWIDE CONCERN.

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

4 **24-74-102. Definitions.** As used in this article 74, unless the
5 context otherwise requires:

6 (1.5) "POLITICAL SUBDIVISION" MEANS A GOVERNING SUBDIVISION
7 OF THE STATE, INCLUDING A COUNTY OR MUNICIPALITY, OR A BOARD,
8 COMMISSION, INSTITUTION, DEPARTMENT, OR AGENCY OF THE POLITICAL
9 SUBDIVISION. "COUNTY" INCLUDES A HOME RULE COUNTY.
10 "MUNICIPALITY" INCLUDES A HOME RULE MUNICIPALITY.

11 (1.6) "POLITICAL SUBDIVISION EMPLOYEE" MEANS A PERSON IN
12 THE SERVICE OF A POLITICAL SUBDIVISION WHILE ACTING IN THE PERSON'S
13 EMPLOYMENT CAPACITY. "POLITICAL SUBDIVISION EMPLOYEE" INCLUDES
14 AN OFFICER OR EMPLOYEE, WHETHER ELECTED OR APPOINTED AND
15 WHETHER FULL-TIME, PART-TIME, OR TEMPORARY. "POLITICAL
16 SUBDIVISION EMPLOYEE" ALSO INCLUDES AN AGENT OF A POLITICAL
17 SUBDIVISION WHEN ACTING ON BEHALF OF, OR AT THE DIRECTION OF, A
18 POLITICAL SUBDIVISION IN THEIR CAPACITY AS AN AGENT OF A POLITICAL
19 SUBDIVISION.

20 (1.8) "PUBLIC INSTITUTION OF HIGHER EDUCATION" MEANS A
21 STATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN SECTION
22 23-18-102, LOCAL DISTRICT COLLEGE, OR AREA TECHNICAL COLLEGE.

23 (3) "State agency" means ~~a department of the executive branch of~~
24 ~~state government, including any division, office, agency, or other unit~~
25 ~~created within a department or the governor's office, including institutions~~
26 ~~of higher education and the Colorado commission on higher education~~ A
27 DEPARTMENT OF THE LEGISLATIVE, JUDICIAL, OR EXECUTIVE BRANCH OF

1 STATE GOVERNMENT, INCLUDING A DIVISION, OFFICE, AGENCY, OR OTHER
2 UNIT CREATED WITHIN A DEPARTMENT OF THE LEGISLATIVE, JUDICIAL, OR
3 EXECUTIVE BRANCH; A BOARD, COMMISSION, OR PUBLIC INSTITUTION
4 OF HIGHER EDUCATION; OR THE COLORADO COMMISSION ON HIGHER
5 EDUCATION.

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

19 (5) "Third party" means ~~any~~ A person or entity, including ~~any~~ A
20 law enforcement officer or agency, that is not a state agency, a state
21 agency employee, A POLITICAL SUBDIVISION, A POLITICAL SUBDIVISION
22 EMPLOYEE, or otherwise part of the state government OR A POLITICAL
23 SUBDIVISION. "THIRD PARTY" INCLUDES A PRIVATE ENTITY THAT
24 CONTRACTS WITH, AND COLLECTS OR MANAGES DATA ON BEHALF OF, A
25 STATE AGENCY OR POLITICAL SUBDIVISION.

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

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

15 **SECTION 9.** In Colorado Revised Statutes, 24-74-104, **amend**
16 (1), (2) introductory portion, and (3) as follows:

17 **24-74-104. Reduce personal identifying information collected**
18 **by state agencies or political subdivisions.** (1) ~~Beginning January 1,~~
19 ~~2022,~~ A state agency employee OR POLITICAL SUBDIVISION EMPLOYEE
20 shall not inquire into, or request information or documents to ascertain,
21 a person's immigration status for the purpose of identifying if the person
22 has complied with federal immigration laws, including civil immigration
23 laws and 8 U.S.C. sec. 1325 or 1326, except as required by state or
24 federal law or as necessary to perform state agency OR POLITICAL
25 SUBDIVISION duties, INCLUDING COLLECTING INFORMATION FOR STUDENT
26 VISA SPONSORSHIP AND STUDENT FINANCIAL AID or to verify a person's
27 eligibility for a government-funded program for housing or economic

1 development if verification is a necessary condition of the government
2 funding.

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

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

13 (b) THIS SECTION DOES NOT APPLY TO INFORMATION IN A
14 DATABASE OR AUTOMATED NETWORK COLLECTING DATA OR DOCUMENTS
15 THAT WAS ACTIVATED BY A POLITICAL SUBDIVISION, ON OR BEFORE JUNE
16 30, 2025.

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

19 **24-74-105. Access to state agency or political subdivision**
20 **records - limitations.** (2) The attorney general's office shall create a
21 model certification form and ~~provide it to state agencies within sixty days~~
22 ~~of June 25, 2021~~ MAKE IT AVAILABLE TO STATE AGENCIES AND POLITICAL
23 SUBDIVISIONS.

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

27 **24-74-106. Record-keeping and reporting - requests for**

1 **records or information - definition.** (1) ~~For purposes of AS USED IN this~~
2 section, "request" includes any time a third party, other than a person in
3 interest as defined in section 24-72-202 (4), communicates, whether
4 through written or electronic form, with a state agency, ~~or~~ state agency
5 employee, POLITICAL SUBDIVISION, OR POLITICAL SUBDIVISION EMPLOYEE
6 for the purpose of obtaining records or information that includes personal
7 identifying information. "Request" does not include:

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

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

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

27 (d) The name and title of the state agency employee OR POLITICAL

1 SUBDIVISION EMPLOYEE who granted or denied the request;

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

4 (a) (I) Submit to the governor's office of legal counsel the
5 information specified in subsection (2) of this section; and

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

8 (III) THIS SUBSECTION (4)(a) IS REPEALED, EFFECTIVE JULY 1,
9 2026.

10 (b) BEGINNING OCTOBER 1, 2025, AND ON A QUARTERLY BASIS
11 THEREAFTER, EACH STATE AGENCY SHALL:

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

15 (II) ATTEST THAT NONE OF THE REQUESTS WERE GRANTED FOR
16 ANY PURPOSE PROHIBITED BY ARTICLE 74.

17 (c) BEGINNING OCTOBER 1, 2025, AND ON A QUARTERLY BASIS
18 THEREAFTER, EACH POLITICAL SUBDIVISION SHALL:

19 (I) SUBMIT TO THE GOVERNOR'S OFFICE OF LEGAL COUNSEL AND TO
20 THE ATTORNEY GENERAL A SINGLE, CONSOLIDATED REPORT CONTAINING
21 THE INFORMATION SPECIFIED IN SUBSECTION (2) OF THIS SECTION FOR THE
22 ENTIRE POLITICAL SUBDIVISION; AND

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

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

27 **24-74-107. Data privacy breaches - civil penalty - legislative**

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

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

10 (3) FOR PURPOSES OF AN ACTION FOR A TEMPORARY RESTRAINING
11 ORDER OR PRELIMINARY INJUNCTION BROUGHT PURSUANT TO THIS
12 SECTION, THE GENERAL ASSEMBLY FINDS AND DECLARES THAT VIOLATION
13 OF THIS ARTICLE 74 POSES A REAL, IMMEDIATE, AND IRREPARABLE INJURY
14 FOR WHICH THERE IS NO PLAIN, SPEEDY, AND ADEQUATE REMEDY AT LAW,
15 AND THE PUBLIC INTEREST IS SERVED BY COMPLIANCE WITH THIS ARTICLE
16 74.

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

19 **ARTICLE 74.1**

20 **Policies Regarding Federal Immigration Enforcement Actions**

21 **24-74.1-101. Definitions.** AS USED IN THIS ARTICLE 74.1, UNLESS
22 THE CONTEXT OTHERWISE REQUIRES:

23 (1) "EMPLOYEE" MEANS A PERSON IN THE SERVICE OF A PUBLIC
24 CHILD CARE CENTER, PUBLIC SCHOOL, LOCAL EDUCATION PROVIDER,
25 PUBLIC INSTITUTION OF HIGHER EDUCATION, OR PUBLIC HEALTH-CARE
26 FACILITY WHILE ACTING IN THE PERSON'S EMPLOYMENT CAPACITY.
27 "EMPLOYEE" INCLUDES AN OFFICER OR EMPLOYEE, WHETHER ELECTED OR

1 APPOINTED AND WHETHER FULL-TIME, PART-TIME, OR TEMPORARY.
2 "EMPLOYEE" ALSO INCLUDES AN AGENT OF A PUBLIC CHILD CARE CENTER,
3 PUBLIC SCHOOL, LOCAL EDUCATION PROVIDER, PUBLIC INSTITUTION OF
4 HIGHER EDUCATION, OR PUBLIC HEALTH-CARE FACILITY WHEN ACTING IN
5 THEIR CAPACITY AS AN AGENT OF A PUBLIC CHILD CARE CENTER, PUBLIC
6 SCHOOL, LOCAL EDUCATION PROVIDER, PUBLIC INSTITUTION OF HIGHER
7 EDUCATION, OR PUBLIC HEALTH-CARE FACILITY.

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

13 (3) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A
14 CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART
15 1 OF ARTICLE 30.5 OF TITLE 22, A CHARTER SCHOOL AUTHORIZED BY THE
16 STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5
17 OF TITLE 22, OR A BOARD OF COOPERATIVE SERVICES CREATED AND
18 OPERATING PURSUANT TO ARTICLE 5 OF TITLE 22 THAT OPERATES ONE OR
19 MORE PUBLIC SCHOOLS.

20 (4) "PUBLIC CHILD CARE CENTER" MEANS A CHILD CARE CENTER
21 AS DEFINED IN SECTION 26.5-5-303 THAT IS LICENSED PURSUANT TO PART
22 3 OF ARTICLE 5 OF TITLE 26.5 AND HAS RECEIVED MONEY IN THE LAST FIVE
23 STATE FISCAL YEARS, IN ANY AMOUNT, FROM THE STATE.

24 (5) "PUBLIC HEALTH-CARE FACILITY" MEANS A HEALTH-CARE
25 FACILITY THAT IS LICENSED OR CERTIFIED PURSUANT TO SECTION
26 25-1.5-103 (1)(a)(I)(A) OR ARTICLE 3 OF TITLE 25, OR AN ESSENTIAL
27 COMMUNITY PROVIDER AS DEFINED IN SECTION 25.5-8-103 (6), AND THAT

1 RECEIVES MONEY, IN ANY AMOUNT, FROM THE STATE.

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

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

19 **24-74.1-102. Limitations within policies - legislative**
20 **declaration.** (1) A PUBLIC CHILD CARE CENTER, PUBLIC SCHOOL, LOCAL
21 EDUCATION PROVIDER, PUBLIC INSTITUTION OF HIGHER EDUCATION,
22 PUBLIC HEALTH-CARE FACILITY, OR AN EMPLOYEE THEREOF SHALL NOT
23 PROVIDE FOR FEDERAL IMMIGRATION ENFORCEMENT, EXCEPT AS
24 SPECIFICALLY REQUIRED BY FEDERAL OR STATE LAW:

25 (a) ANY PERSONAL IDENTIFYING INFORMATION ABOUT A CHILD OR
26 STUDENT WHO WAS OR IS ENROLLED IN THE PUBLIC CHILD CARE CENTER,
27 PUBLIC SCHOOL, LOCAL EDUCATION PROVIDER, OR PUBLIC INSTITUTION OF

1 HIGHER EDUCATION, OR A PATIENT WHO SOUGHT, RECEIVED, IS SEEKING,
2 OR IS RECEIVING SERVICES FROM THE PUBLIC HEALTH-CARE FACILITY,
3 EXCEPT:

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

6 (II) WITH THE CONSENT OF THE STUDENT'S OR PATIENT'S PARENT,
7 GUARDIAN, PERSON WHO IS AUTHORIZED UNDER APPLICABLE LAW TO ACT
8 ON BEHALF OF AN INDIVIDUAL WHO IS AN ADULT, OR AN EMANCIPATED
9 MINOR, IN MAKING DECISIONS RELATED TO HEALTH CARE, THROUGH A
10 VALID RELEASE OF INFORMATION; OR

11 (III) WITH A PUBLIC INSTITUTION OF HIGHER EDUCATION'S
12 RELEASE OF ENROLLMENT INFORMATION RELATED TO A STUDENT VISA
13 SPONSORSHIP;

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

19 (c) ACCESS TO, OR CONSENT TO ACCESS, A PART OF THE PUBLIC
20 CHILD CARE CENTER'S, PUBLIC SCHOOL'S, LOCAL EDUCATION PROVIDER'S,
21 PUBLIC INSTITUTION OF HIGHER EDUCATION'S, OR PUBLIC HEALTH-CARE
22 FACILITY'S FACILITY, AUXILIARY FACILITY, PROPERTY, GROUNDS, OR
23 SURROUNDING AREA THAT IS NOT ACCESSIBLE TO THE PUBLIC UNLESS A
24 WARRANT ISSUED BY A FEDERAL JUDGE OR FEDERAL MAGISTRATE OR AN
25 ORDER ISSUED BY A FEDERAL JUDGE OR FEDERAL MAGISTRATE ALLOWS
26 ACCESS FOR FEDERAL IMMIGRATION ENFORCEMENT.

27 (2) BEGINNING JULY 1, 2025, A PUBLIC CHILD CARE CENTER,

1 PUBLIC SCHOOL, LOCAL EDUCATION PROVIDER, PUBLIC INSTITUTION OF
2 HIGHER EDUCATION, PUBLIC HEALTH-CARE FACILITY, OR AN EMPLOYEE
3 THEREOF, SHALL NOT COLLECT THE FOLLOWING, EXCEPT AS REQUIRED BY
4 FEDERAL OR STATE LAW, AS NECESSARY TO PERFORM DUTIES, OR TO
5 VERIFY A PERSON'S ELIGIBILITY FOR A GOVERNMENT-FUNDED PROGRAM IF
6 VERIFICATION IS A NECESSARY CONDITION OF GOVERNMENT FUNDING OR
7 PARTICIPATION:

- 8 (a) PLACE OF BIRTH;
- 9 (b) IMMIGRATION OR CITIZENSHIP STATUS; OR
- 10 (c) INFORMATION FROM PASSPORTS, PERMANENT RESIDENT CARDS,
11 ALIEN REGISTRATION CARDS, OR EMPLOYMENT AUTHORIZATION
12 DOCUMENTS.

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

- 15 (a) A SUBPOENA ISSUED BY A FEDERAL JUDGE OR FEDERAL
16 MAGISTRATE;
- 17 (b) AN ORDER ISSUED BY A FEDERAL JUDGE OR FEDERAL
18 MAGISTRATE;
- 19 (c) A WARRANT ISSUED BY A FEDERAL JUDGE OR FEDERAL
20 MAGISTRATE;
- 21 (d) THE CONSENT OF THE STUDENT OR PATIENT THROUGH A VALID
22 RELEASE OF INFORMATION; OR
- 23 (e) THE CONSENT OF THE CHILD'S, STUDENT'S OR PATIENT'S PARENT
24 OR GUARDIAN THROUGH A VALID RELEASE OF INFORMATION.

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

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

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

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

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

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

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

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

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

26 (V) PROCEDURES TO COMMUNICATE INFORMATION, AS
27 APPROPRIATE, ABOUT A FEDERAL IMMIGRATION AUTHORITY'S REQUEST

1 FOR INFORMATION OR ACCESS TO THE CHILD, STUDENT, OR PATIENT WHO
2 WAS THE SUBJECT OF THE REQUEST, OR PARENT, GUARDIAN, OR RELATIVE
3 OF THE CHILD, STUDENT, OR PATIENT.

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

14 (5) THIS SECTION DOES NOT PREEMPT 8 U.S.C. SEC. 1973.

15 (6) MATTERS IN THIS ARTICLE 74.1 ARE DECLARED TO BE MATTERS
16 OF STATEWIDE CONCERN.

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

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

27 (3) FOR PURPOSES OF AN ACTION FOR A TEMPORARY RESTRAINING

1 ORDER OR PRELIMINARY INJUNCTION BROUGHT PURSUANT TO THIS
2 SECTION, THE GENERAL ASSEMBLY FINDS AND DECLARES THAT VIOLATION
3 OF THIS ARTICLE 74.1 POSES A REAL, IMMEDIATE, AND IRREPARABLE
4 INJURY FOR WHICH THERE IS NO PLAIN, SPEEDY, AND ADEQUATE REMEDY
5 AT LAW, AND THE PUBLIC INTEREST IS SERVED BY COMPLIANCE WITH THIS
6 ARTICLE 74.1.

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

9 **24-76.6-101. Definitions.** As used in this article 76.6, unless the
10 context otherwise requires:

11 (1) "Civil immigration detainer" means a ~~written~~ request ~~issued~~
12 ~~by~~ FOR federal immigration enforcement ~~authorities pursuant to 8 CFR~~
13 ~~287.7~~ to law enforcement officers TO ARREST OR DETAIN AN INDIVIDUAL
14 OR to maintain custody of an individual beyond the time when the
15 individual is eligible for release from custody, including ~~any~~ A request for
16 law enforcement agency action, warrant for arrest of alien, order to detain
17 or release alien, or warrant of ~~removal/deportation~~ REMOVAL OR
18 DEPORTATION on ~~any~~ A form promulgated by federal immigration
19 enforcement. ~~authorities.~~

20 (1.5) "DETENTION FACILITY" MEANS A CORRECTIONAL FACILITY,
21 AS DEFINED IN SECTION 17-1-102; LOCAL JAIL, AS DEFINED IN SECTION
22 17-1-102; MULTIJURISDICTIONAL JAIL, AS DEFINED IN SECTION
23 17-26.5-101; OR MUNICIPAL JAIL, AS DESCRIBED IN SECTION 31-15-401
24 (1)(j).

25 (2.3) "GOVERNMENTAL ENTITY" HAS THE SAME MEANING AS SET
26 FORTH IN SECTION 24-76.7-101.

27 (2.7) "IMMIGRATION ENFORCEMENT OPERATION" MEANS AN

1 OPERATION IN WHICH THE PRIMARY OBJECTIVE IS THE IDENTIFICATION OR
2 APPREHENSION OF A PERSON OR PERSONS TO:

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

6 (b) CRIMINALLY PROSECUTE THEM FOR OFFENSES RELATED TO
7 THEIR IMMIGRATION STATUS. THE OFFENSES MAY INCLUDE VIOLATIONS OF
8 SECTIONS 8 U.S.C. SEC. 1253, 8 U.S.C. SEC. 1304 (e), 8 U.S.C. SEC. 1306
9 (a) or 1306 (b), 8 U.S.C. SEC. 1325, 8 U.S.C. SEC. 1326, 18 U.S.C. SEC.
10 1028A, OR 18 U.S.C. 1546.

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

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

19 **24-76.6-102. Civil immigration detainees - legislative**
20 **declaration.** (1) The general assembly finds and declares that:

21 (b) Requests for civil immigration detainees, OR ANY OTHER
22 REQUESTS TO ARREST OR DETAIN A PERSON FOR IMMIGRATION
23 ENFORCEMENT, are not warrants under Colorado law. A warrant is a
24 written order by a judge directed to a law enforcement officer
25 commanding the arrest of the person named, as defined in section
26 16-1-104 (18). None of the civil immigration detainee requests received
27 from the federal immigration authorities are reviewed, approved, or

1 signed by a judge as required by Colorado law. The continued detention
2 of an inmate at the request of federal immigration authorities beyond
3 when he or she would otherwise be released constitutes a warrantless
4 arrest, which is unconstitutional, *People v. Burns*, 615 P.2d 686, 688
5 (Colo. 1980).

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

11 (b) IF AN INDIVIDUAL HAS POSTED BOND AND THE BOND HAS BEEN
12 PROCESSED, THE CONTINUED DETAINMENT OF THE INDIVIDUAL ON THE
13 BASIS OF A CIVIL IMMIGRATION DETAINER IS A NEW, WARRANTLESS
14 ARREST.

15 (2.5) A LAW ENFORCEMENT OFFICER SHALL NOT COMMAND OR
16 REQUEST A PRIVATE CITIZEN TO ASSIST IN THE ARREST OR DETAINMENT OF
17 AN INDIVIDUAL ON THE BASIS OF A CIVIL IMMIGRATION DETAINER.

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

20 **24-76.6-103. Limitations on providing personal information**
21 **by probation offices.** (1) (a) A probation officer, ~~or~~ probation
22 department employee, PRETRIAL OFFICER, OR PRETRIAL SERVICES OFFICE
23 EMPLOYEE shall not provide personal information about an individual to
24 federal immigration authorities.

25 (b) FOR PURPOSES OF THIS SUBSECTION (1), "PRETRIAL OFFICER"
26 OR "PRETRIAL SERVICES OFFICE EMPLOYEE" INCLUDES AN AGENT OF A
27 PRETRIAL SERVICES OFFICE WHEN ACTING ON BEHALF OF, OR AT THE

1 DIRECTION OF, A PRETRIAL SERVICES OFFICE IN THEIR CAPACITY AS AN
2 AGENT OF A PRETRIAL SERVICES OFFICE.

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

5 **24-76.6-104. Limitation on access in detention facilities.** A LAW
6 ENFORCEMENT OFFICER, OR ANY EMPLOYEE OR AGENT OF A DETENTION
7 FACILITY, SHALL NOT ALLOW FEDERAL IMMIGRATION AUTHORITIES ACCESS
8 TO A PART OF THE DETENTION FACILITY THAT IS NOT ACCESSIBLE TO THE
9 PUBLIC, UNLESS THE FEDERAL IMMIGRATION AUTHORITIES HAVE A
10 WARRANT ISSUED BY A FEDERAL JUDGE OR MAGISTRATE TO ALLOW
11 ACCESS, OR IF THE FEDERAL IMMIGRATION AUTHORITIES HAVE A WRIT
12 ISSUED BY A JUDGE CONCERNING THE TRANSFER OF AN INMATE TO OR
13 FROM FEDERAL CUSTODY.

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

16 **24-76.7-101. Definitions.** As used in this article 76.7, unless the
17 context otherwise requires:

18 (2) "Immigration detention agreement" means ~~any~~ A contract,
19 including, but not limited to, an intergovernmental service agreement, ~~or~~
20 ~~portion thereof for payment to~~ WITH a governmental entity to detain
21 individuals for federal civil immigration purposes. For a contract or
22 intergovernmental service agreement that is only in part for the detention
23 of individuals for federal immigration officials, this term only applies to
24 the civil immigration detention portion of the contract.

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

27 **28-3-103. General provisions.** (10) A MILITARY FORCE FROM

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

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

8 **6-1-1308. Duties of controllers. (3) Duty of data minimization.**

9 A controller's collection of personal data must be ~~adequate, relevant, and~~
10 ~~limited to what is reasonably necessary in relation to the specified~~
11 ~~purposes for which the data are processed~~ LIMITED TO WHAT IS
12 REASONABLE, NECESSARY, AND PROPORTIONATE TO PROVIDE OR MAINTAIN
13 A SPECIFIC PRODUCT OR SERVICE REQUESTED BY THE CONSUMER TO WHOM
14 THE DATA PERTAINS.

15 (7) **Duty regarding sensitive data.** A controller shall not process
16 OR SELL a consumer's sensitive data without first obtaining the consumer's
17 consent or, in the case of the processing of personal data concerning a
18 known child, without first obtaining consent from the child's parent or
19 lawful guardian.

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

22 **8-3.8-101. Immigration legal assistance - fund - report -**

23 **definitions.** (2) (a) There is established in the state treasury the
24 immigration legal defense fund. The money in the fund is continuously
25 appropriated to the administrator. Pursuant to subsection (5)(b) of this
26 section, the administrator is authorized to make grants from the fund to
27 qualifying organizations to represent indigent individuals appearing

1 before an immigration court in Colorado who lack private counsel.

2 (b) THE STATE TREASURER SHALL CREDIT ANY CIVIL PENALTY
3 MONEY TRANSFERRED TO THE STATE TREASURER PURSUANT TO SECTION
4 24-74-107 OR 24-74.1-103 AND INTEREST AND INCOME DERIVED FROM THE
5 DEPOSIT AND INVESTMENT OF THE CIVIL PENALTY MONEY IN THE FUND TO
6 THE FUND.

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

9 **22-2-117. Additional power - state board - waiver of**
10 **requirements - rules.** (1) (b) The state board shall not waive any of the
11 requirements specified in any of the following statutory provisions:

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

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

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

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

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

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

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

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

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

10 **22-30.5-507. Institute charter school - requirements -**
11 **authority - rules - definitions.** (7) (b) An institute charter school may
12 apply to the state board, through the institute, for a waiver of state statutes
13 and state rules that are not automatic waivers. The state board may waive
14 state statutory requirements or rules promulgated by the state board;
15 except that the state board ~~may~~ SHALL not waive any statute or rule
16 relating to:

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

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

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

24 **SECTION 25. Severability.** If any provision of this act or the
25 application of this act to any person or circumstance is held invalid, the
26 invalidity does not affect other provisions or applications of the act that
27 can be given effect without the invalid provision or application, and to

1 this end the provisions of this act are declared to be severable.

2 **SECTION 26. Safety clause.** The general assembly finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, or safety or for appropriations for
5 the support and maintenance of the departments of the state and state
6 institutions.