



SUPPORT HB 19-1124

TO PROTECT COLORADO RESIDENTS FROM FEDERAL GOVERNMENT OVERREACH

What does HB 19-1124 do?

- Protects the rights of all people, living in Colorado, from unlawful search and seizure.
- Re-establishes our commitment to the democratic principle that all individuals should know their civil rights.
- Promotes successful fulfillment of probation and preserves the mission and objective of probation.

Everyone deserves to know their rights before being questioned by state or federal authorities

- HB19-1124 ensures that constitutional rights are preserved through a simple written advisement of those rights to a person in custody before they provide statements to either state or federal law enforcement officials.

Probation cooperation with ICE disrupts the purpose of probation.

- When probation officers cooperate with ICE to arrest their clients, it undermines the goals and purpose of probation- the probation officer neglects their duty to their clients and fills the community with fear of, rather than trust in, the probation officer, which frustrates the rehabilitative purpose of probation.
- Colorado statutes require probation officers "to aid persons on probation and to bring about improvement in their conduct and condition." C.R.S. 16-11-209.

Colorado Sheriffs' reliance on federal immigration detainees is unlawful and unconstitutional

- In honoring an ICE request to detain people beyond the time they should be released is an arrest in violation of our state constitution. (Colorado Constitution Article II, Section 7)
- Colorado law limits a Sheriff's arrest power through statute and through the Colorado constitution. Neither permit an arrest for a purely alleged civil violation of federal immigration law. Indeed, a Sheriff may arrest a person when there is a judicial warrant or in the absence of a warrant, probably "to believe an offense has been committed." C.R.S. 16-3-102(1)(c).

Sheriffs honoring 287g agreements are in violation of State law and the Colorado Constitution.

- There is no authority in Colorado law for the enforcement of 287g agreements- The Colorado Supreme Court has confirmed that Colorado sheriffs are limited to enforcing, making arrests for violations of, and housing prisoners for violations of *criminal* law. Being subject to deportation is a matter of civil, not criminal, federal law. *Arizona v. U.S.*, 567 U.S. 387, 407 (2012).
- ICE authorizes local law enforcement to detain individuals alleged to be in violation of civil immigration laws, further building mistrust between community and local law enforcement- Section 287g of the U.S. Immigration and Nationality Act authorizes the Department of Homeland Security to deputize state and local law enforcement to enforce federal immigration law. These agreements require local law enforcement to work under ICE supervision. Because of these agreements, community members choose not to call police or provide witness testimony in fear of immigration consequences.