

**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., Amabile, Daugherty, Exum, Marchman

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

Judiciary
Appropriations

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, AND, IN CONNECTION THEREWITH, MAKING AN**
104 **APPROPRIATION.**

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

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.

SENATE
Amended 3rd Reading
April 21, 2025

SENATE
Amended 2nd Reading
April 15, 2025

eligible when the person is applying for:

- In-state student tuition classification; or
- 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.

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

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

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

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

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

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

26 **23-7-110. Tuition classification of students who successfully**
27 **complete high school or a high school equivalency examination in**

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

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

26 (4) Any information provided to satisfy the criteria specified in
27 this section ~~shall be~~ IS confidential unless disclosure is explicitly required

1 by law. ~~An institution that receives an affidavit described in subsection~~
2 ~~(2) of this section shall treat the affidavit as an education record of the~~
3 ~~student under the provisions of the federal "Family Educational Rights~~
4 ~~and Privacy Act of 1974", 20 U.S.C. sec. 1232g.~~

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

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

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

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

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

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

1 (A) "IMMIGRATION ENFORCEMENT OPERATION" HAS THE SAME
2 MEANING AS SET FORTH IN SECTION 24-76.6-101; EXCEPT THAT
3 "IMMIGRATION ENFORCEMENT OPERATION" DOES NOT INCLUDE ANY
4 CONDUCT CONTEMPLATED BY, OR IN COMPLIANCE WITH, SECTION
5 24-76.6-102 (4).

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

10 **SECTION 5.** In Colorado Revised Statutes, 18-1-410.6, **amend**
11 (2), (3)(a), and (4) introductory portion as follows:

12 **18-1-410.6. Relief from improperly entered guilty pleas for**
13 **certain misdemeanor and municipal offenses - legislative declaration.**

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

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

24 (I) Class 1, ~~or~~ class 2, OR CLASS 3 misdemeanor AS CLASSIFIED AT
25 THE TIME THE GUILTY PLEA WAS ENTERED that is not defined in section
26 24-4.1-302 (1); ~~or title 42, and committed before March 1, 2022; or~~

27 (II) Municipal offense that is not substantially similar to an

1 offense defined in section 24-4.1-302 (1); ~~or title 42, and committed~~
2 ~~before March 1, 2022.~~

3 (III) TRAFFIC MISDEMEANOR; OR

4 (IV) PETTY OFFENSE.

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

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

11 **24-74-101. Legislative declaration.** (1) The general assembly
12 hereby finds and declares that:

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

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

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

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

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

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

8 **24-74-102. Definitions.** As used in this article 74, unless the
9 context otherwise requires:

10 (1.5) "POLITICAL SUBDIVISION" MEANS A GOVERNING SUBDIVISION
11 OF THE STATE, INCLUDING A COUNTY OR MUNICIPALITY, OR A BOARD,
12 COMMISSION, INSTITUTION, DEPARTMENT, OR AGENCY OF THE POLITICAL
13 SUBDIVISION. "COUNTY" INCLUDES A HOME RULE COUNTY.
14 "MUNICIPALITY" INCLUDES A HOME RULE MUNICIPALITY. "POLITICAL
15 SUBDIVISION" DOES NOT INCLUDE A HOSPITAL OR MEDICAL FACILITY
16 CREATED BY, AND OPERATED UNDER, THE DENVER HEALTH AND HOSPITAL
17 AUTHORITY CREATED PURSUANT TO SECTION 25-29-103 OR THE
18 UNIVERSITY OF COLORADO HOSPITAL AUTHORITY CREATED PURSUANT TO
19 SECTION 23-21-503.

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

1 SUBDIVISION.

2 (1.8) "PUBLIC INSTITUTION OF HIGHER EDUCATION" MEANS A
3 STATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN SECTION
4 23-18-102, LOCAL DISTRICT COLLEGE, OR AREA TECHNICAL COLLEGE.

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

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

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

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

10 **24-74-103. Personal identifying information shared by state**
11 **agencies or political subdivisions - limitation - responsibilities - state**
12 **agency or political subdivision employee. (1)** A state agency employee
13 OR POLITICAL SUBDIVISION EMPLOYEE shall not disclose or make
14 accessible, including through a database or automated network, personal
15 identifying information that is not publicly available information 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, except as required
19 by federal or state law, INCLUDING STUDENT VISA SPONSORSHIP
20 REQUIREMENTS FOR PUBLIC INSTITUTIONS OF HIGHER EDUCATION OR
21 REQUIREMENTS THAT ARE NECESSARY TO PERFORM STATE AGENCY OR
22 POLITICAL SUBDIVISION DUTIES, or as required to comply with a
23 court-issued subpoena, warrant, or order.

24 (2) NOTHING IN THIS ARTICLE 74 INTERFERES WITH CRIMINAL
25 INVESTIGATIONS AND PROCEEDINGS THAT ARE AUTHORIZED BY JUDICIAL
26 PROCESS OR TO RESTRICT A STATE AGENCY EMPLOYEE OR POLITICAL
27 SUBDIVISION EMPLOYEE FROM FULLY INVESTIGATING, PARTICIPATING IN,

1 COOPERATING WITH, OR ASSISTING FEDERAL LAW ENFORCEMENT AGENCIES
2 IN FEDERAL CRIMINAL INVESTIGATIONS.

3 **SECTION 9.** In Colorado Revised Statutes, 24-74-104, **amend**
4 (1), (2) introductory portion, and (3) as follows:

5 **24-74-104. Reduce personal identifying information collected**
6 **by state agencies or political subdivisions.** (1) ~~Beginning January 1,~~
7 ~~2022,~~ A state agency employee OR POLITICAL SUBDIVISION EMPLOYEE
8 shall not inquire into, or request information or documents to ascertain,
9 a person's immigration status for the purpose of identifying if the person
10 has complied with federal immigration laws, including civil immigration
11 laws and 8 U.S.C. sec. 1325 or 1326, except as required by state or
12 federal law or as necessary to perform state agency OR POLITICAL
13 SUBDIVISION duties, INCLUDING COLLECTING INFORMATION FOR STUDENT
14 VISA SPONSORSHIP AND STUDENT FINANCIAL AID or to verify a person's
15 eligibility for a government-funded program for housing or economic
16 development if verification is a necessary condition of the government
17 funding.

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

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

1 (b) THIS SECTION DOES NOT APPLY TO INFORMATION IN A
2 DATABASE OR AUTOMATED NETWORK COLLECTING DATA OR DOCUMENTS
3 THAT WAS ACTIVATED BY A POLITICAL SUBDIVISION, ON OR BEFORE JUNE
4 30, 2025.

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

7 **24-74-105. Access to state agency or political subdivision**
8 **records - limitations.** (2) The attorney general's office shall create a
9 model certification form and ~~provide it to state agencies within sixty days~~
10 ~~of June 25, 2021~~ MAKE IT AVAILABLE TO STATE AGENCIES AND POLITICAL
11 SUBDIVISIONS.

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

13 ==

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

16 **24-74-107. Data privacy breaches - civil penalty - legislative**
17 **declaration.** (1) ~~Any~~ A state agency employee OR POLITICAL
18 SUBDIVISION EMPLOYEE who intentionally violates ~~the provisions~~ A
19 PROVISION of this article 74 is subject to an injunction and is liable for a
20 civil penalty of not more than fifty thousand dollars for each violation.

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

26 **(3) FOR PURPOSES OF AN ACTION FOR A TEMPORARY RESTRAINING**
27 **ORDER OR PRELIMINARY INJUNCTION BROUGHT PURSUANT TO THIS**

1 SECTION, THE GENERAL ASSEMBLY FINDS AND DECLARES THAT VIOLATION
2 OF THIS ARTICLE 74 POSES A REAL, IMMEDIATE, AND IRREPARABLE INJURY
3 FOR WHICH THERE IS NO PLAIN, SPEEDY, AND ADEQUATE REMEDY AT LAW,
4 AND THE PUBLIC INTEREST IS SERVED BY COMPLIANCE WITH THIS ARTICLE
5 74.

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

8 **ARTICLE 74.1**

9 **Policies Regarding Federal Immigration Enforcement Actions**

10 **24-74.1-101. Definitions.** AS USED IN THIS ARTICLE 74.1, UNLESS
11 THE CONTEXT OTHERWISE REQUIRES:

12 (1) "EMPLOYEE" MEANS A PERSON IN THE SERVICE OF A PUBLIC
13 CHILD CARE CENTER, PUBLIC SCHOOL, LOCAL EDUCATION PROVIDER,
14 PUBLIC INSTITUTION OF HIGHER EDUCATION, PUBLIC HEALTH-CARE
15 FACILITY, OR PUBLICLY SUPPORTED LIBRARY WHILE ACTING IN THE
16 PERSON'S EMPLOYMENT CAPACITY. "EMPLOYEE" INCLUDES AN OFFICER OR
17 EMPLOYEE, WHETHER ELECTED OR APPOINTED AND WHETHER FULL-TIME,
18 PART-TIME, OR TEMPORARY. "EMPLOYEE" ALSO INCLUDES AN AGENT OF
19 A PUBLIC CHILD CARE CENTER, PUBLIC SCHOOL, LOCAL EDUCATION
20 PROVIDER, PUBLIC INSTITUTION OF HIGHER EDUCATION, PUBLIC
21 HEALTH-CARE FACILITY, OR PUBLICLY SUPPORTED LIBRARY WHEN ACTING
22 IN THEIR CAPACITY AS AN AGENT OF A PUBLIC CHILD CARE CENTER, PUBLIC
23 SCHOOL, LOCAL EDUCATION PROVIDER, PUBLIC INSTITUTION OF HIGHER
24 EDUCATION, PUBLIC HEALTH-CARE FACILITY, OR PUBLICLY SUPPORTED
25 LIBRARY. "EMPLOYEE" DOES NOT INCLUDE A PERSON ACTING IN A
26 VOLUNTEER CAPACITY.

27 (2) "FEDERAL IMMIGRATION ENFORCEMENT" MEANS AN EFFORT TO

1 INVESTIGATE, ENFORCE, OR ASSIST IN THE INVESTIGATION OR
2 ENFORCEMENT OF A FEDERAL CIVIL IMMIGRATION LAW OR A FEDERAL
3 CRIMINAL IMMIGRATION LAW THAT PENALIZES A PERSON'S PRESENCE IN,
4 ENTRY OR REENTRY TO, OR EMPLOYMENT IN THE UNITED STATES.

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

12 (4) "PUBLIC CHILD CARE CENTER" MEANS A CHILD CARE CENTER
13 AS DEFINED IN SECTION 26.5-5-303 THAT IS LICENSED PURSUANT TO PART
14 3 OF ARTICLE 5 OF TITLE 26.5 AND HAS RECEIVED MONEY IN THE LAST FIVE
15 STATE FISCAL YEARS, IN ANY AMOUNT, FROM THE STATE.

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

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

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

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

13 (9) "SURROUNDING AREA" MEANS THE VICINITY WITHIN ONE
14 THOUSAND FEET OF AND OVER WHICH CONTROL IS EXERCISED THROUGH A
15 PROPERTY OR CONTRACTUAL RIGHT OR OTHER LEGAL INTEREST BY A
16 PUBLIC CHILD CARE CENTER, PUBLIC SCHOOL, LOCAL EDUCATION
17 PROVIDER, PUBLIC INSTITUTION OF HIGHER EDUCATION, PUBLIC
18 HEALTH-CARE FACILITY, OR PUBLICLY SUPPORTED LIBRARY, INCLUDING,
19 BUT NOT LIMITED TO, AN ENTRYWAY, A SIDEWALK, A DRIVEWAY, A GREEN
20 SPACE, OR A PARKING AREA SERVING A PUBLIC CHILD CARE CENTER'S,
21 PUBLIC SCHOOL'S, LOCAL EDUCATION PROVIDER'S, PUBLIC INSTITUTION OF
22 HIGHER EDUCATION'S, PUBLIC HEALTH-CARE FACILITY'S, OR PUBLICLY
23 SUPPORTED LIBRARY'S FACILITY, AUXILIARY FACILITY, PROPERTY, OR
24 GROUNDS.

25 **24-74.1-102. Limitations within policies.** == (1) BEGINNING
26 JULY 1, 2025, A PUBLIC CHILD CARE CENTER, PUBLIC SCHOOL, LOCAL
27 EDUCATION PROVIDER, PUBLIC INSTITUTION OF HIGHER EDUCATION,

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

7 (a) PLACE OF BIRTH;

8 (b) IMMIGRATION OR CITIZENSHIP STATUS; OR

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

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

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

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

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

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

22 (e) THE CONSENT OF THE CHILD'S, STUDENT'S, PATIENT'S, OR
23 PATRON'S PARENT, GUARDIAN, OR OTHER PERSON WHO IS AUTHORIZED
24 UNDER APPLICABLE LAW TO ACT ON BEHALF OF AN INDIVIDUAL WHO IS AN
25 ADULT OR AN EMANCIPATED MINOR IN MAKING DECISIONS RELATED TO
26 HEALTH CARE THROUGH A VALID RELEASE OF INFORMATION.

27 (3) (a) NO LATER THAN SEPTEMBER 1, 2025, EACH PUBLIC CHILD

1 CARE CENTER, PUBLIC SCHOOL, LOCAL EDUCATION PROVIDER, PUBLIC
2 INSTITUTION OF HIGHER EDUCATION, PUBLIC HEALTH-CARE FACILITY,
3 AND PUBLICLY SUPPORTED LIBRARY SHALL ADOPT AND IMPLEMENT A
4 POLICY FOR EMPLOYEES AND A POLICY FOR CHILDREN, STUDENTS,
5 PATIENTS, PATRONS, PARENTS, GUARDIANS, RELATIVES, AND THE GENERAL
6 PUBLIC, OR AMEND AN EXISTING POLICY, THAT ALIGNS WITH THE
7 REQUIREMENTS OF THIS ARTICLE 74.1 FOR FEDERAL IMMIGRATION
8 ENFORCEMENT. THE POLICY MUST INCLUDE, AT A MINIMUM:

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

17 (II) PROCEDURES TO PROVIDE, AS [REDACTED] REQUIRED BY STATE AND
18 FEDERAL LAW, ANY INFORMATION ABOUT A PARENT, GUARDIAN, OR
19 RELATIVE OF A CHILD, STUDENT, PATIENT, OR PATRON;

20 (III) PROCEDURES TO PROVIDE ACCESS, OR CONSENT TO ACCESS,
21 AS [REDACTED] REQUIRED BY STATE AND FEDERAL LAW, A PART OF THE PUBLIC
22 CHILD CARE CENTER'S, PUBLIC SCHOOL'S, LOCAL EDUCATION PROVIDER'S,
23 PUBLIC INSTITUTION OF HIGHER EDUCATION'S, PUBLIC HEALTH-CARE
24 FACILITY'S, OR PUBLICLY SUPPORTED LIBRARY'S FACILITY, AUXILIARY
25 FACILITY, PROPERTY, GROUNDS, OR SURROUNDING AREA THAT IS NOT
26 ACCESSIBLE TO THE PUBLIC;

27 (IV) PROCEDURES TO PROPERLY RELEASE INFORMATION [REDACTED]

1 REQUIRED BY STATE AND FEDERAL LAW THAT IS OTHERWISE PROTECTED
2 IF FEDERAL IMMIGRATION AUTHORITIES HAVE:

3 (A) A SUBPOENA ISSUED BY A FEDERAL JUDGE OR MAGISTRATE;
4 (B) AN ORDER ISSUED BY A FEDERAL JUDGE OR FEDERAL
5 MAGISTRATE TO ALLOW ACCESS; OR
6 (C) A WARRANT ISSUED BY A FEDERAL JUDGE OR FEDERAL
7 MAGISTRATE;

8 (V) THE DESIGNATION OF A RESPONSIBLE EMPLOYEE TO BE
9 NOTIFIED IF INFORMATION OR ACCESS IS REQUESTED FOR FEDERAL
10 IMMIGRATION ENFORCEMENT;

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

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

23 (b) A PUBLIC CHILD CARE CENTER, PUBLIC SCHOOL, LOCAL
24 EDUCATION PROVIDER, PUBLIC INSTITUTION OF HIGHER EDUCATION,
25 PUBLIC HEALTH-CARE FACILITY, OR PUBLICLY SUPPORTED LIBRARY SHALL
26 MAKE ITS POLICIES REQUIRED PURSUANT TO THIS SECTION AVAILABLE
27 THROUGH ITS TRADITIONAL MEANS, INCLUDING UPON REQUEST, A

1 HANDBOOK, A WEBSITE, A PATIENT PORTAL, OR ANY OTHER MEANS THAT
2 THE PUBLIC CHILD CARE CENTER, PUBLIC SCHOOL, LOCAL EDUCATION
3 PROVIDER, PUBLIC INSTITUTION OF HIGHER EDUCATION, PUBLIC
4 HEALTH-CARE FACILITY, OR PUBLICLY SUPPORTED LIBRARY USES TO
5 COMMUNICATE WITH CHILDREN, STUDENTS, PATIENTS, PATRONS, PARENTS,
6 GUARDIANS, AND RELATIVES.

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

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

10 **24-74.1-103. Remedy.** (1) A PUBLIC CHILD CARE CENTER, PUBLIC
11 SCHOOL, LOCAL EDUCATION PROVIDER, PUBLIC INSTITUTION OF HIGHER
12 EDUCATION, PUBLIC HEALTH-CARE FACILITY, OR PUBLICLY SUPPORTED
13 LIBRARY THAT IS FOUND TO HAVE INTENTIONALLY VIOLATED SECTION
14 24-74.1-102 (1), (2), OR (3)(a) IS SUBJECT TO AN INJUNCTION AND IS
15 LIABLE FOR A CIVIL PENALTY OF NOT MORE THAN FIFTY THOUSAND
16 DOLLARS FOR EACH VIOLATION.

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

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

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

3 **24-76.6-101. Definitions.** As used in this article 76.6, unless the
4 context otherwise requires:

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

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

19 (2.3) "GOVERNMENTAL ENTITY" HAS THE SAME MEANING AS SET
20 FORTH IN SECTION 24-76.7-101.

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

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

27 (b) CRIMINALLY PROSECUTE THEM FOR OFFENSES RELATED TO

1 THEIR IMMIGRATION STATUS.

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

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

10 **24-76.6-102. Civil immigration detainers - legislative**
11 **declaration.** (1) The general assembly finds and declares that:

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

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

1 OPERATIONS OR FOR IMMIGRATION ENFORCEMENT PURPOSES.

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

6 (2.5) A LAW ENFORCEMENT OFFICER SHALL NOT COMMAND OR
7 REQUEST A PRIVATE CITIZEN TO ASSIST IN THE ARREST OR DETAINMENT OF
8 AN INDIVIDUAL ON THE BASIS OF A CIVIL IMMIGRATION DETAINER.

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

11 **24-76.6-103. Limitations on providing personal information**
12 **by probation offices.** (1) (a) A probation officer, ~~or~~ probation
13 department employee, PRETRIAL OFFICER, OR PRETRIAL SERVICES OFFICE
14 EMPLOYEE shall not provide personal information about an individual to
15 federal immigration authorities.

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

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

23 **24-76.6-104. Limitation on access in detention facilities.** (1) A
24 LAW ENFORCEMENT OFFICER, OR ANY EMPLOYEE OR AGENT OF A
25 DETENTION FACILITY, SHALL NOT ALLOW FEDERAL IMMIGRATION
26 AUTHORITIES ACCESS TO A PART OF THE DETENTION FACILITY THAT IS NOT
27 ACCESSIBLE TO THE GENERAL PUBLIC, UNLESS THE FEDERAL IMMIGRATION

1 AUTHORITIES ARE INVESTIGATING A FEDERAL CRIME, UNLESS THE FEDERAL
2 IMMIGRATION AUTHORITIES HAVE A WARRANT ISSUED BY A FEDERAL
3 JUDGE OR MAGISTRATE TO ALLOW ACCESS, OR IF THE FEDERAL
4 IMMIGRATION AUTHORITIES HAVE A WRIT ISSUED BY A JUDGE CONCERNING
5 THE TRANSFER OF AN INMATE TO OR FROM FEDERAL CUSTODY.

6 (2) FOR THE SAFETY OF THE LAW ENFORCEMENT OFFICERS AND
7 INDIVIDUALS INVOLVED, A DETENTION FACILITY SHALL DESIGNATE AN
8 EXIT POINT TO USE FOR THE PURPOSES OF TRANSFERRING AN INDIVIDUAL
9 OUT OF CUSTODY FROM THE DETENTION FACILITY TO A FEDERAL
10 IMMIGRATION AUTHORITY UPON RECEIPT OF A WARRANT ISSUED BY A
11 FEDERAL JUDGE OR MAGISTRATE. A DETENTION FACILITY THAT DELAYS AN
12 INDIVIDUAL'S RELEASE FROM CUSTODY SOLELY FOR THE PURPOSE OF
13 TRANSFERRING AN INDIVIDUAL TO A FEDERAL IMMIGRATION AUTHORITY
14 IS SUBJECT TO SECTION 24-76.6-102 (2)(b).

15 
16 **SECTION 18.** In Colorado Revised Statutes, 28-3-103, **add** (10)
17 as follows:

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

24 **SECTION 19.** In Colorado Revised Statutes, 6-1-1303, **add**
25 (17.4) as follows:

26 **6-1-1303. Definitions.** As used in this part 13, unless the context
27 otherwise requires:

1 (17.4) "PRECISE GEOLOCATION DATA" MEANS INFORMATION
2 DERIVED FROM TECHNOLOGY THAT ACCURATELY IDENTIFIES THE PRESENT
3 OR PAST LOCATION OF A DEVICE THAT LINKS OR IS LINKABLE TO AN
4 INDIVIDUAL WITHIN A RADIUS OF ONE THOUSAND EIGHT HUNDRED FIFTY
5 FEET.

6 (a) "PRECISE GEOLOCATION DATA" INCLUDES:

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

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

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

16 SECTION 20. In Colorado Revised Statutes, 6-1-1303, amend
17 (24)(c) and (24)(d); repeal as it will become effective October 1, 2025,
18 (17.5); and add (24)(e) as follows:

19 6-1-1303. Definitions. As used in this part 13, unless the context
20 otherwise requires:

21 (17.5) ~~Editor's note: Subsection (17.5) is effective October 1,~~
22 ~~2025.~~ "Precise geolocation data":

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

1 ~~hundred fifty feet; and~~
2 ~~(b) Does not include:~~
3 ~~(I) The content of communications regarding location; or~~
4 ~~(II) Any data generated by or connected to advanced utility~~
5 ~~metering infrastructure systems or equipment for use by a utility.~~
6 ~~(24) "Sensitive data" means:~~
7 ~~(c) Personal data from a known child; or~~
8 ~~(d) Biological data; OR~~
9 ~~(e) PRECISE GEOLOCATION DATA.~~

10 **SECTION 21.** In Colorado Revised Statutes, 6-1-1308, **amend**
11 ___ (7) as follows:

12 **6-1-1308. Duties of controllers.** ___ ___ (7) **Duty regarding**
13 **sensitive data.** A controller shall not process OR SELL a consumer's
14 sensitive data without first obtaining the consumer's consent or, in the
15 case of the processing of personal data concerning a known child, without
16 first obtaining consent from the child's parent or lawful guardian.

17 **SECTION 22.** In Colorado Revised Statutes, 8-3.8-101, **amend**
18 (2) as follows:

19 **8-3.8-101. Immigration legal assistance - fund - report -**
20 **definitions.** (2) (a) There is established in the state treasury the
21 immigration legal defense fund. The money in the fund is continuously
22 appropriated to the administrator. Pursuant to subsection (5)(b) of this
23 section, the administrator is authorized to make grants from the fund to
24 qualifying organizations to represent indigent individuals appearing
25 before an immigration court in Colorado who lack private counsel.

26 (b) THE STATE TREASURER SHALL CREDIT ANY CIVIL PENALTY
27 MONEY TRANSFERRED TO THE STATE TREASURER PURSUANT TO SECTION

1 24-74-107 OR 24-74.1-103 AND INTEREST AND INCOME DERIVED FROM THE
2 DEPOSIT AND INVESTMENT OF THE CIVIL PENALTY MONEY IN THE FUND TO
3 THE FUND.

4 **SECTION 23.** In Colorado Revised Statutes, 13-1-402, add (6)
5 as follows:

6 **13-1-402. Definitions.** As used in this part 4, unless the context
7 otherwise requires:

8 (6) "RELATED FACILITY" MEANS THE FOLLOWING FACILITIES,
9 FACILITIES WHERE THE FOLLOWING PROGRAMS OR SERVICES ARE
10 PROVIDED, OR FACILITIES WHERE THE FOLLOWING PROVIDERS PROVIDE
11 PROGRAMS OR SERVICES IN RELATION TO A COURT PROCEEDING,
12 INCLUDING:

13 (a) A BEHAVIORAL HEALTH ENTITY, AS DEFINED IN SECTION
14 27-50-101;

15 (b) A BEHAVIORAL HEALTH PROGRAM, AS DEFINED IN SECTION
16 27-50-101;

17 (c) A BEHAVIORAL HEALTH PROVIDER, AS DEFINED IN SECTION
18 27-50-101;

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

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

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

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

27 (h) A HOSPITAL THAT IS OPERATED BY THE DEPARTMENT OF

1 HUMAN SERVICES;

2 (i) A PSYCHIATRIC HOSPITAL THAT IS OPERATED BY THE

3 DEPARTMENT OF HUMAN SERVICES;

4 (j) A DETENTION OR COMMITMENT FACILITY THAT IS OPERATED BY

5 THE DEPARTMENT OF HUMAN SERVICES;

6 (k) A TREATMENT PROVIDER PROVIDING SERVICES ORDERED

7 PURSUANT TO A TREATMENT PLAN REQUIRED PURSUANT TO SECTIONS

8 19-3-507 AND 19-3-508;

9 (l) ANY FOSTER CARE, QUALIFIED RESIDENTIAL TREATMENT

10 PROGRAM, OR OTHER OUT-OF-HOME PLACEMENT DEFINED IN SECTION

11 19-1-103; AND

12 (m) A NURSING HOME.

13 **SECTION 24.** In Colorado Revised Statutes, 13-1-403, amend

14 (1) as follows:

15 **13-1-403. Prohibition of civil arrest - writ of protection -**

16 **procedure.** (1) A person shall not be IS NOT subject to civil arrest while

17 the person is present at a courthouse or on its environs; or while going to,

18 attending, or coming from a court proceeding; OR WHILE THE PERSON IS

19 RECEIVING TREATMENT IN A RELATED FACILITY.

20 **SECTION 25.** In Colorado Revised Statutes, 22-2-117, amend

21 (1)(b)(XI) and (1)(b)(XII); and add (1)(b)(XIII) as follows:

22 **22-2-117. Additional power - state board - waiver of**

23 **requirements - rules.** (1) (b) The state board shall not waive any of the

24 requirements specified in any of the following statutory provisions:

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

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

27 school; or

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

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

5 **SECTION 26.** In Colorado Revised Statutes, 22-30.5-104,
6 **amend** (6)(c) introductory portion, (6)(c)(X), and (6)(c)(XI); and **add**
7 (6)(c)(XII) as follows:

8 **22-30.5-104. Charter school - requirements - authority - rules**
9 **- definitions.** (6) (c) A school district, on behalf of a charter school, may
10 apply to the state board for a waiver of a state statute or state rule that is
11 not an automatic waiver. Notwithstanding ~~any provision of~~ this
12 subsection (6), ~~to the contrary~~, the state board ~~may~~ SHALL not waive ~~any~~
13 A statute or rule relating to:

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

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

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

21 **SECTION 27.** In Colorado Revised Statutes, 22-30.5-507,
22 **amend** (7)(b)(X) and (7)(b)(XI); and **add** (7)(b)(XII) as follows:

23 **22-30.5-507. Institute charter school - requirements -**
24 **authority - rules - definitions.** (7) (b) An institute charter school may
25 apply to the state board, through the institute, for a waiver of state statutes
26 and state rules that are not automatic waivers. The state board may waive
27 state statutory requirements or rules promulgated by the state board;

1 except that the state board ~~may~~ SHALL not waive any statute or rule
2 relating to:

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

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

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

10 **SECTION 28. Appropriation.** (1) For the 2025-26 state fiscal
11 year, \$23,794 is appropriated to the office of the governor for use by the
12 governor's office. This appropriation is from the general fund and is based
13 on an assumption that the office will require an additional 0.3 FTE. To
14 implement this act, the office may use this appropriation for
15 administration of governor's office and residence.

16 (2) For the 2025-26 state fiscal year, \$147,552 is appropriated to
17 the judicial department for use by the state courts. This appropriation is
18 from the general fund. To implement this act, the state courts may use this
19 appropriation as follows:

20 (a) \$133,552 for use by the trial courts for trial court programs,
21 which amount is based on an assumption that the trial courts will require
22 an additional 2.0 FTE; and

23 (b) \$14,000 for use by state courts administration for capital
24 outlay.

25 (3) For the 2025-26 state fiscal year, \$30,000 is appropriated to
26 the judicial department for use by the office of public guardianship. This
27 appropriation is from the general fund. To implement this act, the office

1 may use this appropriation for program costs.

2 (4) For the 2025-26 state fiscal year, \$4,207 is appropriated to the
3 judicial department for use by the independent ethics commission. This
4 appropriation is from the general fund and is based on an assumption that
5 the commission will require an additional 0.1 FTE. To implement this act,
6 the commission may use this appropriation for program costs.

7 **SECTION 29. Severability.** If any provision of this act or the
8 application of this act to any person or circumstance is held invalid, the
9 invalidity does not affect other provisions or applications of the act that
10 can be given effect without the invalid provision or application, and to
11 this end the provisions of this act are declared to be severable.

12 **SECTION 30. Safety clause.** The general assembly finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, or safety or for appropriations for
15 the support and maintenance of the departments of the state and state
16 institutions.