

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 25-0206.01 Alana Rosen x2606

SENATE BILL 25-009

SENATE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING RECOGNITION OF CERTAIN TRIBAL COURT ORDERS.**

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/>.)

American Indian Affairs Interim Study Committee. Current law does not expressly allow for the state to recognize an arrest warrant issued by a Tribal court of a federally recognized Tribe with a reservation within the exterior boundaries of the state (Tribal court). The bill clarifies that a state court shall give full faith and credit to an arrest warrant issued by a Tribal court. Upon issuance of a Tribal court arrest warrant, a peace officer in the state may apprehend the person identified in the Tribal warrant. Unless otherwise agreed upon by the law enforcement agency in

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.

HOUSE
2nd Reading Unamended
April 11, 2025

SENATE
3rd Reading Unamended
March 25, 2025

SENATE
Amended 2nd Reading
March 21, 2025

the arresting jurisdiction and the law enforcement authority of the Tribal jurisdiction, the Tribe shall arrange transport of the person to the Tribe's detention facility.

Current law does not expressly allow for the recognition of Tribal court commitment orders. The bill clarifies that any commitment order entered by a Tribal court that concerns a person under the Tribal court's jurisdiction is recognized to the same extent as a commitment order entered by a state court. A health-care provider may communicate with the officers of the Tribal court regarding a patient under the health-care provider's care pursuant to a commitment order to the same extent that the health-care provider may communicate with officers of the court pursuant to a commitment order entered by a state court.

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

SECTION 1. In Colorado Revised Statutes, **add** part 7 to article 3 of title 16 as follows:

PART 7

RECOGNITION OF

TRIBAL COURT ARREST WARRANTS

16-3-701. Definitions. AS USED IN THIS PART 7, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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(1) "STATE" MEANS THE STATE OF COLORADO.

(2) "TRIBAL COURT" MEANS ANY COURT OR OTHER FEDERALLY OR TRIBALLY ESTABLISHED TRIBUNAL OF A FEDERALLY RECOGNIZED TRIBE __ DULY ESTABLISHED PURSUANT TO FEDERAL LAW OR TRIBAL LAW, INCLUDING THE COURTS OF INDIAN OFFENSES, UTE MOUNTAIN UTE AGENCY, ORGANIZED PURSUANT TO 25 CFR PART 11.

(3) "TRIBE" MEANS THE SOUTHERN UTE INDIAN TRIBE, THE UTE MOUNTAIN UTE TRIBE, OR A FEDERALLY RECOGNIZED TRIBE ACKNOWLEDGED BY THE "FEDERALLY RECOGNIZED INDIAN TRIBE LIST ACT OF 1994", PUB.L. 103-454, 108 STAT. 4791.

1 **16-3-702. Recognition of Tribal court orders - arrest warrants**
2 **- full faith and credit.** A STATE COURT SHALL GIVE FULL FAITH AND
3 CREDIT TO AN ARREST WARRANT ISSUED BY A TRIBAL COURT OF A
4 FEDERALLY RECOGNIZED TRIBE.

5 **16-3-703. Recognition of Tribal court orders - arrest warrants**
6 **- process. (1)** UPON ISSUANCE OF A TRIBAL COURT ARREST WARRANT, A
7 PEACE OFFICER IN THE STATE MAY APPREHEND THE PERSON IDENTIFIED IN
8 THE TRIBAL WARRANT IF THE PEACE OFFICER VERIFIES THE VALIDITY OF
9 THE WARRANT AND CONFIRMS THAT THE WARRANT PERMITS EXTRADITION.
10 THE LAW ENFORCEMENT AGENCY IN THE ARRESTING JURISDICTION MAY
11 SURRENDER A PERSON ARRESTED PURSUANT TO A TRIBAL ARREST
12 WARRANT TO THE LAW ENFORCEMENT AGENCY OF THE TRIBAL
13 JURISDICTION IF THE LAW ENFORCEMENT AGENCY OF THE TRIBAL
14 JURISDICTION IS AVAILABLE TO TAKE CUSTODY OF THE PERSON. IF THE
15 LAW ENFORCEMENT AGENCY OF THE TRIBAL JURISDICTION IS NOT
16 AVAILABLE TO TAKE CUSTODY OF THE PERSON, THE LAW ENFORCEMENT
17 AGENCY IN THE ARRESTING JURISDICTION SHALL HOLD THE PERSON IN THE
18 COUNTY DETENTION FACILITY OF THE LAW ENFORCEMENT AGENCY IN THE
19 ARRESTING JURISDICTION. IF THE ARREST WARRANT IS NON-EXTRADITABLE
20 OR IF THE BOND ON THE ARREST WARRANT IS A PERSONAL RECOGNIZANCE
21 BOND, THE LAW ENFORCEMENT AGENCY IN THE ARRESTING JURISDICTION
22 MUST IMMEDIATELY RELEASE THE PERSON FROM STATE CUSTODY.

23 **(2) Court Process. (a)** COURTS SHALL FOLLOW THE PROCESS
24 OUTLINED IN THIS SUBSECTION (2) FOR EXTRADITION CASES ARISING FROM
25 A TRIBAL COURT ORDER.

26 **(b)** IF A PERSON IS ARRESTED ON A TRIBAL COURT ARREST
27 WARRANT AND THE LAW ENFORCEMENT AGENCY IN THE ARRESTING

1 JURISDICTION DOES NOT SURRENDER THE PERSON IMMEDIATELY TO THE
2 LAW ENFORCEMENT AGENCY OF THE TRIBAL JURISDICTION AS DESCRIBED
3 IN SUBSECTION (1) OF THIS SECTION, A PEACE OFFICER OF THE LAW
4 ENFORCEMENT AGENCY WITH CUSTODY OF THE PERSON SHALL BRING THE
5 PERSON BEFORE THE NEAREST COURT IN THE TIME FRAME DESCRIBED IN
6 SECTIONS 13-10-111.5 (5) AND 16-4-102 (2)(a)(II). THE COURT SHALL
7 APPOINT THE OFFICE OF THE STATE PUBLIC DEFENDER TO THE PERSON IF
8 THE PERSON IS ELIGIBLE AND INFORM THE PERSON OF THE EXISTENCE OF
9 THE ARREST WARRANT, THE NATURE OF THE ARREST WARRANT, AND THE
10 PERSON'S RIGHTS, INCLUDING THE RIGHT TO COUNSEL, THE RIGHT TO
11 REMAIN SILENT, THE RIGHT TO CONTEST THE LEGALITY OF THE
12 EXTRADITION REQUEST, AND THE RIGHT TO WAIVE EXTRADITION AND
13 KNOWINGLY, INTELLIGENTLY, AND VOLUNTARILY AGREE TO RETURN TO
14 THE TRIBAL JURISDICTION.

15 (c)(I) THE ARRESTED PERSON IDENTIFIED IN SUBSECTION (2)(b) OF
16 THIS SECTION MAY, IN THE PRESENCE OF THE COURT, SIGN A WAIVER OF
17 EXTRADITION VERIFYING THAT THE PERSON CONSENTS TO THE RETURN TO
18 THE TRIBAL JURISDICTION. BEFORE THE PERSON SIGNS THE WAIVER OF
19 EXTRADITION, THE COURT SHALL INFORM THE PERSON OF THE PERSON'S
20 RIGHT TO TEST THE LEGALITY OF THE EXTRADITION REQUEST.

21 (II) IF A PERSON REQUESTS A HEARING TO TEST THE LEGALITY OF
22 THE EXTRADITION REQUEST, THE COURT SHALL HOLD THE HEARING WITHIN
23 SEVEN DAYS AFTER THE PERSON FACING EXTRADITION REQUESTS THE
24 HEARING UNLESS THE COURT GRANTS THE PERSON MORE TIME TO PREPARE
25 FOR THE HEARING. THE COURT SHALL NOT PLACE A BURDEN ON THE STATE
26 AT THE HEARING. THE COURT SHALL NOT CONSIDER THE PERSON'S GUILT
27 OR INNOCENCE DURING THE HEARING. AT THE HEARING, THE COURT SHALL

1 ORDER THE PERSON EXTRADITED UNLESS THE PERSON CHALLENGING THE
2 EXTRADITION SHOWS BY A PREPONDERANCE OF THE EVIDENCE THAT:

3 (A) THE LAW ENFORCEMENT AGENCY IN THE ARRESTING
4 JURISDICTION DID NOT VERIFY THE VALIDITY OF THE ARREST WARRANT
5 AND DID NOT CONFIRM THAT THE WARRANT PERMITTED EXTRADITION
6 PRIOR TO THE PERSON'S ARREST, RESULTING IN AN UNCONSTITUTIONAL
7 ILLEGAL SEIZURE PURSUANT TO THE STATE CONSTITUTION OR THE UNITED
8 STATES CONSTITUTION;

9 (B) EXTRADITION OF THE PERSON WOULD VIOLATE THE STATE
10 CONSTITUTION OR THE UNITED STATES CONSTITUTION; OR

11 (C) THE PERSON APPEARING BEFORE THE COURT IS NOT THE
12 PERSON NAMED IN THE ARREST WARRANT.

13 (d) (I) **Eligibility for bail.** UNLESS THE TRIBAL COURT WITH
14 JURISDICTION OVER THE ARREST WARRANT REQUESTS THE PERSON BE
15 HELD WITHOUT BAIL, THE COURT MAY SET BAIL ON THE EXTRADITION
16 CASE. IF THE COURT RELEASES THE PERSON ON BAIL, THE COURT SHALL
17 ALSO SET A REVIEW HEARING DATE AND A DEADLINE FOR THE PERSON TO
18 TRAVEL TO THE TRIBAL COURT'S JURISDICTION AND ANSWER THE ARREST
19 WARRANT. IN SETTING THE AMOUNT AND CONDITIONS OF BAIL, THE COURT
20 SHALL CONSIDER THE CONDITIONS NECESSARY TO ENSURE THE PERSON'S
21 APPEARANCE BEFORE THE COURT AND TO CONSIDER THE COMMUNITY'S
22 SAFETY. WHEN SETTING BAIL, THE COURT SHALL CONSIDER THE AMOUNT
23 OF BAIL ON THE TRIBAL COURT ARREST WARRANT.

24 (II) IF THE COURT RECEIVES NOTICE FROM THE LAW ENFORCEMENT
25 AGENCY WITH CUSTODY OF THE PERSON OR THE DISTRICT ATTORNEY ON
26 OR BEFORE THE REVIEW HEARING FROM THE TRIBAL COURT THAT THE
27 PERSON HAS APPEARED BEFORE THE TRIBAL COURT, THE COURT SHALL

1 DISMISS THE EXTRADITION CASE.

2 (III) IF THE PERSON APPEARS BEFORE THE COURT BUT HAS NOT
3 APPEARED BEFORE THE TRIBAL COURT AS ORDERED, UPON NOTICE FROM
4 THE LAW ENFORCEMENT AGENCY WITH CUSTODY OF THE PERSON OR THE
5 DISTRICT ATTORNEY, THE COURT SHALL REVOKE THE EXTRADITION BOND
6 AND ORDER THE PERSON EXTRADITED.

7 (IV) IF THE PERSON FAILS TO APPEAR BEFORE THE COURT, THE
8 COURT SHALL ISSUE AN ARREST WARRANT AND ORDER FORFEITURE OF THE
9 EXTRADITION BOND AS SET FORTH IN SECTION 16-4-111 (3).

10 (3) Extradition process. (a) THE COURT SHALL GIVE THE
11 EXTRADITION ORDERS TO THE PERSON, THE PERSON'S COUNSEL, THE
12 PROSECUTION, THE LAW ENFORCEMENT AGENCY WITH CUSTODY OF THE
13 PERSON, THE TRIBAL COURT, AND THE TRIBAL LAW ENFORCEMENT
14 AGENCY.

15 (b) IF THE COURT DETERMINES THAT THE PERSON MUST BE HELD
16 WITHOUT BAIL PENDING EXTRADITION, THE COURT SHALL ORDER THE LAW
17 ENFORCEMENT AGENCY WITH CUSTODY OF THE PERSON TO NOTIFY THE
18 REQUESTING TRIBAL COURT WHEN ANY OTHER LOCAL HOLDS ARE
19 RESOLVED AND THE PERSON MAY BE TRANSPORTED TO THE TRIBAL
20 COURT'S JURISDICTION.

21 (c) WHEN THE LAW ENFORCEMENT AGENCY WITH CUSTODY OF THE
22 PERSON NOTIFIES THE TRIBAL JURISDICTION THAT A PERSON IS AVAILABLE
23 FOR EXTRADITION, THE LAW ENFORCEMENT AGENCY SHALL NOTIFY THE
24 COURT OF THE DATE AND TIME OF THE NOTICE.

25 (d) (I) UPON RECEIVING A VALID ORDER FROM A COURT
26 AUTHORIZING THE EXTRADITION OF THE PERSON AND NOTIFICATION FROM
27 THE LAW ENFORCEMENT AGENCY WITH CUSTODY OF THE PERSON THAT

1 THERE ARE NO LOCAL HOLDS PREVENTING TRANSPORT, THE TRIBE SHALL
2 ARRANGE TRANSPORT OF THE PERSON TO THE TRIBE'S DETENTION FACILITY
3 WITHOUT UNDUE DELAY UNLESS OTHERWISE AGREED UPON BY THE LAW
4 ENFORCEMENT AGENCY WITH CUSTODY OF THE PERSON AND THE LAW
5 ENFORCEMENT AUTHORITY OF THE TRIBAL JURISDICTION. THE TRIBE
6 SHALL TAKE CUSTODY OF THE PERSON WITHIN SEVENTY-TWO HOURS
7 AFTER RECEIPT OF THE EXTRADITION ORDER AND NOTICE THAT THE
8 PERSON IS AVAILABLE FOR TRANSPORT.

9 (II) NOTWITHSTANDING SUBSECTION (3)(d)(I) OF THIS SECTION TO
10 THE CONTRARY, IF A TRIBE IS NOT ABLE TO TAKE CUSTODY OF THE PERSON
11 WITHIN SEVENTY-TWO HOURS AFTER RECEIPT OF THE EXTRADITION ORDER
12 AND NOTICE THAT THE PERSON IS AVAILABLE FOR TRANSPORT, THE COURT
13 MAY, UPON A FINDING OF GOOD CAUSE, ADJUST THE TIME FRAME AS
14 NECESSARY FOR THE TRIBE TO TAKE CUSTODY OF THE PERSON.

15 (e) IF A COURT ORDERS EXTRADITION AND THE COURT RECEIVES
16 INFORMATION THAT THE TRIBAL JURISDICTION HAS CUSTODY OF THE
17 PERSON OR THE PERSON HAS APPEARED BEFORE THE TRIBAL COURT, THE
18 COURT SHALL DISMISS THE EXTRADITION CASE AND ORDER THE
19 EXTRADITION BOND RELEASED.

20 (f) EXCEPT FOR A COURT'S FINDING OF GOOD CAUSE TO HOLD A
21 PERSON LONGER THAN SEVENTY-TWO HOURS PURSUANT TO SUBSECTION
22 (3)(d)(II) OF THIS SECTION, THE LAW ENFORCEMENT AGENCY WITH
23 CUSTODY OF THE PERSON SHALL RELEASE THE PERSON IF THE TRIBE HAS
24 NOT TAKEN CUSTODY OF THE PERSON WITHIN THE TIME FRAME SET FORTH
25 IN SUBSECTION (3)(d)(I) OF THIS SECTION. A PERSON WHO HAS BEEN HELD
26 IN EXCESS OF THE TIME LIMIT SET FORTH IN SUBSECTION (3)(d)(I) OF THIS
27 SECTION MAY FILE A MOTION FOR RELEASE, AND UPON RECEIPT OF THE

1 MOTION, THE COURT SHALL CONDUCT AN IMMEDIATE HEARING. IF THE
2 COURT DETERMINES AT THE HEARING THAT THE PERSON HAS BEEN HELD
3 IN EXCESS OF THE TIME LIMIT SET FORTH IN SUBSECTION (3)(d)(I) OF THIS
4 SECTION, THE COURT SHALL ORDER THE PERSON'S IMMEDIATE RELEASE.

5 **SECTION 2.** In Colorado Revised Statutes, **add** 27-65-132 as
6 follows:

7 **27-65-132. Recognition of Tribal court commitment orders -**
8 **applicability - process - definitions.** (1) AS USED IN THIS SECTION,
9 UNLESS THE CONTEXT OTHERWISE REQUIRES:

10 (a) "BEHAVIORAL HEALTH COMMITMENT ORDER" OR
11 "COMMITMENT ORDER" INCLUDES:

12 (I) EMERGENCY MENTAL HEALTH HOLDS AS DESCRIBED IN SECTION
13 27-65-106 OR AS DESCRIBED IN TRIBAL CODES;

14 (II) CERTIFICATION FOR SHORT-TERM TREATMENT AS DESCRIBED
15 IN SECTION 27-65-109 OR AS DESCRIBED IN TRIBAL CODES;

16 (III) LONG-TERM CARE AND TREATMENT OF PERSONS WITH
17 MENTAL HEALTH DISORDERS AS DESCRIBED IN SECTION 27-65-110 OR AS
18 DESCRIBED IN TRIBAL CODES;

19 (IV) AN EMERGENCY COMMITMENT AS DESCRIBED IN SECTION
20 27-81-111 OR AS DESCRIBED IN TRIBAL CODES;

21 (V) AN INVOLUNTARY COMMITMENT OF A PERSON WITH A
22 SUBSTANCE USE DISORDER AS DESCRIBED IN SECTION 27-81-112 OR AS
23 DESCRIBED IN TRIBAL CODES; OR

24 (VI) A COMMITMENT ORDER PERMITTED BY FEDERAL, STATE, OR
25 TRIBAL LAW.

26

27 (b) "STATE" MEANS THE STATE OF COLORADO.

1 (c) "TRIBAL COURT" MEANS ANY COURT OR OTHER FEDERALLY OR
2 TRIBALLY ESTABLISHED TRIBUNAL OF A FEDERALLY RECOGNIZED TRIBE ==
3 DULY ESTABLISHED PURSUANT TO FEDERAL LAW OR TRIBAL LAW,
4 INCLUDING THE COURTS OF INDIAN OFFENSES, UTE MOUNTAIN UTE
5 AGENCY, ORGANIZED PURSUANT TO 25 CFR PART 11.

6 (d) "TRIBE" MEANS THE SOUTHERN UTE INDIAN TRIBE, THE UTE
7 MOUNTAIN UTE TRIBE, OR A FEDERALLY RECOGNIZED TRIBE
8 ACKNOWLEDGED BY THE "FEDERALLY RECOGNIZED INDIAN TRIBE LIST
9 ACT OF 1994", PUB.L. 103-454, 108 STAT. 4791.

10 (2) THE STATE, COUNTY, OR MUNICIPAL LAW ENFORCEMENT
11 AGENCIES; STATE COURTS; HOSPITALS; BEHAVIORAL HEALTH FACILITIES;
12 HEALTH-CARE PROVIDERS; AND OTHERS WITHIN THE STATE RESPONSIBLE
13 FOR PROVIDING SERVICES TO THE PERSON SUBJECT TO A BEHAVIORAL
14 HEALTH COMMITMENT ORDER SHALL RECOGNIZE A COMMITMENT ORDER
15 ENTERED BY THE TRIBAL COURT OF A FEDERALLY RECOGNIZED TRIBE ==
16 AND THAT CONCERNS A PERSON UNDER THE TRIBAL COURT'S JURISDICTION
17 TO THE SAME EXTENT AS A COMMITMENT ORDER ENTERED BY A STATE
18 COURT.

19 (3) A HEALTH-CARE PROVIDER MAY COMMUNICATE WITH THE
20 OFFICERS OF A TRIBAL COURT REGARDING A PATIENT UNDER THE
21 HEALTH-CARE PROVIDER'S CARE PURSUANT TO A TRIBAL COURT
22 COMMITMENT ORDER DESCRIBED IN SUBSECTION (2) OF THIS SECTION, TO
23 THE SAME EXTENT THAT THE HEALTH-CARE PROVIDER CAN COMMUNICATE
24 WITH OFFICERS OF A COURT PURSUANT TO A STATE COURT COMMITMENT
25 ORDER. COMMUNICATIONS MAY INCLUDE THE NATURE OF THE TREATMENT
26 NEEDED AND PROVIDED, A PATIENT'S MEDICAL AND MENTAL HEALTH
27 STATUS, THE EXTENT TO WHICH THE PATIENT POSES A DANGER TO THE

1 PATIENT'S SELF OR THE COMMUNITY, AND, IF NECESSARY, THE NEED FOR
2 ADDITIONAL TREATMENT.

3 (4) IF A TRIBAL COURT ISSUES AN ORDER RESCINDING THE TRIBAL
4 COURT'S ORIGINAL BEHAVIORAL COMMITMENT ORDER, THE STATE,
5 COUNTY, OR MUNICIPAL LAW ENFORCEMENT AGENCIES; STATE COURTS;
6 HOSPITALS; BEHAVIORAL HEALTH FACILITIES; HEALTH-CARE PROVIDERS;
7 AND OTHERS WITHIN THE STATE RESPONSIBLE FOR PROVIDING SERVICES TO
8 THE PERSON SUBJECT TO A BEHAVIORAL HEALTH COMMITMENT ORDER
9 SHALL RECOGNIZE THE ORDER RESCINDING THE TRIBAL COURT'S ORIGINAL
10 BEHAVIORAL HEALTH COMMITMENT ORDER AND RELEASE THE PERSON
11 SUBJECT TO THE BEHAVIORAL HEALTH COMMITMENT ORDER.

12 (5) THIS SECTION APPLIES TO PEOPLE SUBJECT TO TRIBAL COURT
13 BEHAVIORAL HEALTH COMMITMENT ORDERS.

14 **SECTION 3. Safety clause.** The general assembly finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, or safety or for appropriations for
17 the support and maintenance of the departments of the state and state
18 institutions. _____