

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 23-1100

BY REPRESENTATIVE(S) Ricks and Garcia, Mabrey, Amabile, Bacon, Boesenecker, Brown, Daugherty, English, Epps, Froelich, Gonzales-Gutierrez, Herod, Jodeh, Joseph, Kipp, Lindsay, Lindstedt, McCormick, Ortiz, Sharbini, Sirota, Titone, Velasco, Vigil, Weissman, Willford, Woodrow;
also SENATOR(S) Jaquez Lewis and Gonzales, Coleman, Cutter, Exum, Fields, Hinrichsen, Marchman, Moreno, Winter F.

CONCERNING RESTRICTIONS ON GOVERNMENTAL PARTICIPATION IN CIVIL IMMIGRATION DETENTION.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) The management and operation of detention facilities for immigrants involves functions that require unique training due to its civil nature, the diverse languages and backgrounds of the population, and the significant vulnerabilities of asylum seekers and others fleeing persecution;

(b) Detention requires the exercise of coercive police powers over

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

individuals that should not be delegated to the private sector and that is distinguishable from privatization in other areas of government;

(c) It is an inappropriate exercise of a state's police powers to detain individuals for federal immigration purposes given its implication on foreign relations; and

(d) Issues of liability, accountability, and cost warrant a prohibition of the ownership, operation, or management of detention facilities by private contractors within the state and a phasing out of state and local officials' involvement in civil immigration detention to the fullest extent permitted under state law.

(2) The general assembly further finds and declares that it is necessary to adopt this act to prohibit state and local governments from contracting for the management or operation of immigration detention and from facilitating the operation of immigration detention facilities in the state by private entities.

SECTION 2. In Colorado Revised Statutes, **add** article 76.7 to title 24 as follows:

ARTICLE 76.7
Prohibit State And Local Government
Involvement In Immigration Detention

24-76.7-101. Definitions. AS USED IN THIS ARTICLE 76.7, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "GOVERNMENTAL ENTITY" MEANS THE STATE, ANY UNIT OF LOCAL GOVERNMENT, A COUNTY SHERIFF, OR ANY AGENCY, OFFICER, EMPLOYEE, OR AGENT THEREOF.

(2) "IMMIGRATION DETENTION AGREEMENT" MEANS ANY CONTRACT, INCLUDING BUT NOT LIMITED TO AN INTERGOVERNMENTAL SERVICE AGREEMENT, OR PORTION THEREOF FOR PAYMENT TO A GOVERNMENTAL ENTITY TO DETAIN INDIVIDUALS FOR FEDERAL CIVIL IMMIGRATION PURPOSES. FOR A CONTRACT OR INTERGOVERNMENTAL SERVICE AGREEMENT THAT IS ONLY IN PART FOR THE DETENTION OF INDIVIDUALS FOR FEDERAL IMMIGRATION OFFICIALS, THIS TERM ONLY APPLIES TO THE CIVIL IMMIGRATION DETENTION PORTION OF THE CONTRACT.

(3) "IMMIGRATION DETENTION FACILITY" MEANS ANY BUILDING, FACILITY, OR STRUCTURE USED, IN WHOLE OR IN PART, TO HOUSE OR DETAIN INDIVIDUALS FOR FEDERAL IMMIGRATION OFFICIALS.

24-76.7-102. Governmental entities - agreements with privately owned immigration detention facilities - prohibition. (1) BEGINNING ON JANUARY 1, 2024, A GOVERNMENTAL ENTITY SHALL NOT:

(a) ENTER INTO AN AGREEMENT OF ANY KIND FOR THE DETENTION OF INDIVIDUALS IN AN IMMIGRATION DETENTION FACILITY THAT IS OWNED, MANAGED, OR OPERATED, IN WHOLE OR IN PART, BY A PRIVATE ENTITY;

(b) SELL ANY PUBLIC OR GOVERNMENT-OWNED PROPERTY OR BUILDING FOR THE PURPOSE OF ESTABLISHING AN IMMIGRATION DETENTION FACILITY THAT IS OR WILL BE OWNED, MANAGED, OR OPERATED, IN WHOLE OR IN PART, BY A PRIVATE ENTITY;

(c) PAY, REIMBURSE, SUBSIDIZE, OR DEFRAY IN ANY WAY ANY COSTS RELATED TO THE SALE, PURCHASE, CONSTRUCTION, DEVELOPMENT, OWNERSHIP, MANAGEMENT, OR OPERATION OF AN IMMIGRATION DETENTION FACILITY THAT IS OR WILL BE OWNED, MANAGED, OR OPERATED, IN WHOLE OR IN PART, BY A PRIVATE ENTITY;

(d) RECEIVE PER DIEM, PER DETAINEE, OR ANY OTHER PAYMENT RELATED TO THE DETENTION OF INDIVIDUALS IN AN IMMIGRATION DETENTION FACILITY THAT IS OWNED, MANAGED, OR OPERATED, IN WHOLE OR IN PART, BY A PRIVATE ENTITY; OR

(e) OTHERWISE GIVE ANY FINANCIAL INCENTIVE OR BENEFIT TO ANY PRIVATE ENTITY OR PERSON IN CONNECTION WITH THE SALE, PURCHASE, CONSTRUCTION, DEVELOPMENT, OWNERSHIP, MANAGEMENT, OR OPERATION OF AN IMMIGRATION DETENTION FACILITY THAT IS OR WILL BE OWNED, MANAGED, OR OPERATED, IN WHOLE OR IN PART, BY A PRIVATE ENTITY.

(2) NOTHING IN THIS ARTICLE 76.7 SHALL BE CONSTRUED TO PROHIBIT A GOVERNMENTAL ENTITY FROM PROVIDING HEALTH AND SAFETY RESOURCES TO INDIVIDUALS WHO ARE BEING DETAINED FOR IMMIGRATION PURPOSES.

(3) NOTHING IN THIS ARTICLE 76.7 SHALL BE CONSTRUED TO

PROHIBIT ANY UNIT OF LOCAL GOVERNMENT FROM CONTRACTING FOR HEALTH, UTILITY, AND SANITATION SERVICES TO IMMIGRATION DETENTION FACILITIES.

24-76.7-103. Governmental entities - eliminate involvement in immigration detention. (1) BEGINNING ON JANUARY 1, 2024, A GOVERNMENTAL ENTITY SHALL NOT ENTER INTO OR RENEW AN IMMIGRATION DETENTION AGREEMENT.

(2) A GOVERNMENTAL ENTITY WITH AN EXISTING IMMIGRATION DETENTION AGREEMENT ON JANUARY 1, 2024, SHALL EXERCISE ANY TERMINATION PROVISION CONTAINED IN THE AGREEMENT NO LATER THAN JANUARY 1, 2024. IF AN EXISTING IMMIGRATION DETENTION AGREEMENT DOES NOT CONTAIN A TERMINATION PROVISION THAT THE GOVERNMENTAL ENTITY CAN EXERCISE BY JANUARY 1, 2024, THEN THE GOVERNMENTAL ENTITY SHALL EXERCISE THE TERMINATION PROVISION AS SOON AS POSSIBLE WITHIN THE TERMS OF THE IMMIGRATION DETENTION AGREEMENT.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO