

**Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 18-0870.01 Jerry Barry x4341

**HOUSE BILL 18-1178**

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**HOUSE SPONSORSHIP**

**Williams D.**, Humphrey, Everett, Leonard, Lewis, Van Winkle, Covarrubias, Neville P., Beckman, Saine, Sandridge

**SENATE SPONSORSHIP**

**Lundberg and Marble**, Smallwood, Cooke, Holbert, Lambert, Neville T.

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**House Committees**

State, Veterans, & Military Affairs

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING HOLDING COLORADO GOVERNMENTS ACCOUNTABLE FOR**  
102 **CREATING SANCTUARY JURISDICTION POLICIES.**

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**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>.)*

The bill is a referred measure to be voted upon at the election on November 6, 2018. It is known as the "Colorado Politician Accountability Act". The bill includes a legislative declaration that states that addressing sanctuary jurisdictions is a matter of statewide concern and that makes findings about how sanctuary policies are contrary to federal law and state interests.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

The bill creates a civil remedy against the state or a political subdivision of the state (jurisdiction) and against its elected officials for creating sanctuary policies. The bill also creates a crime of rendering assistance to an illegal alien that can be brought against an elected official for creating a sanctuary jurisdiction.

An elected official is responsible for the creation of a sanctuary jurisdiction if the elected official votes in favor of imposing or creating a law, ordinance, or policy that allows the jurisdiction to operate as a sanctuary jurisdiction; fails to take steps to try to change a law, ordinance, or policy that allows the jurisdiction to operate as a sanctuary jurisdiction; or is a county sheriff who imposes or enforces a policy that allows the jurisdiction to operate as a sanctuary jurisdiction in a county in which the elected officials have not voted to impose or create a sanctuary jurisdiction.

The bill allows any person who claims that he or she is a victim of any crime committed by an illegal alien who established residency in a sanctuary jurisdiction to file a civil action for compensatory damages against a jurisdiction and against the elected officials of the jurisdiction who were responsible for creating the policy to operate as a sanctuary jurisdiction. Notwithstanding the protections of the "Colorado Governmental Immunity Act", the jurisdiction and its officials who are responsible for creating a sanctuary jurisdiction are civilly liable for damages if the person who engaged in the criminal activity:

- ! Is determined to be an illegal alien;
- ! Had established residency in the sanctuary jurisdiction; and
- ! Is convicted of the crime that is a proximate cause of the injury to a person or property.

The maximum amount of compensatory damages for injury to persons is \$700,000 per person or \$1,980,000 for injury to 2 or more persons; except that no person may recover in excess of \$700,000. The maximum amount of compensatory damages for injury to property is set at \$350,000 per person or \$990,000 for injury to multiple persons; except that no person may recover in excess of \$350,000.

The bill defines a "sanctuary jurisdiction" as a jurisdiction that adopts a law, ordinance, or policy on or after the effective date of the bill that prohibits or in any way restricts an official or employee of the jurisdiction from:

- ! Cooperating and complying with federal immigration officials or enforcing federal immigration law;
- ! Sending to or receiving from or requesting from federal immigration officials information regarding the citizenship or immigration status, lawful or unlawful, of an individual;
- ! Maintaining or exchanging information about an individual's immigration status, lawful or unlawful, with other federal agencies, state agencies, or municipalities;

- ! Inquiring about an individual's name, date and place of birth, and immigration status while enforcing or conducting an official investigation into a violation of any law of this state;
- ! Continuing to detain an individual, regardless of the individual's ability to be released on bail, who has been identified as an illegal alien while in custody for violating any state law; or
- ! Verifying the lawful presence and eligibility of a person applying for a state or local public benefit as required by state and federal law.

The bill sets forth the requirements for determining when an illegal alien has established residency in a sanctuary jurisdiction. An "illegal alien" is defined as a person who is not lawfully present within the United States, as determined by federal immigration law.

The governing body of any jurisdiction is prohibited from adopting a law, ordinance, rule, policy, or plan or taking any action that limits or prohibits an elected official, employee, or law enforcement officer from communicating or cooperating with an appropriate public official, employee, or law enforcement officer of the federal government concerning the immigration status of an individual residing in the state. The governing body of a jurisdiction is required to provide written notice to each elected official, employee, and law enforcement officer of the jurisdiction of his or her duty to communicate and cooperate with the federal government concerning enforcement of any federal or state immigration law. The governing body of any jurisdiction in this state is required to annually submit a written report to the department of public safety (department) that the jurisdiction is in compliance with the cooperation and communication requirements. If the department does not receive those written reports, the department is required to provide the name of that jurisdiction to the state controller.

A law enforcement officer of a jurisdiction who has reasonable cause to believe that an individual under arrest is not lawfully present in the United States shall immediately report the individual to the appropriate U.S. immigration and customs enforcement office (ICE) within the department of homeland security. The governing body of any jurisdiction is required to report annually to the department on the number of individuals who were reported to ICE by law enforcement officers from that jurisdiction. The department is directed to compile and submit annual reports on compliance to the general assembly and to the state controller. The state controller is required to withhold the payment of any state funds to any jurisdiction that is found by the department to have failed to comply with these reporting requirements. The state controller shall withhold funds until the department notifies the state controller that the jurisdiction is in compliance.

The bill creates the crime of rendering assistance to an illegal alien through a sanctuary jurisdiction, which is a class 4 felony. A person who is an elected official of a jurisdiction commits rendering assistance to an illegal alien through a sanctuary jurisdiction if, with intent to hinder, delay, or prevent the discovery, detection, apprehension, prosecution, conviction, or punishment of illegal aliens within the jurisdiction:

- ! He or she was responsible for creating a sanctuary jurisdiction in the jurisdiction to which the official is elected; and
- ! When, as a result of the protection afforded by a sanctuary jurisdiction, a third person engages in criminal activity and the third person:
  - ! Is an illegal alien as legally defined by federal immigration law;
  - ! Had established residency in the sanctuary jurisdiction that was created by the official; and
  - ! Has been convicted of a crime that caused injury to a person or to property.

A person who has knowledge of a crime committed by an illegal alien as a result of the creation of a sanctuary jurisdiction may file an affidavit with the attorney general or with a district attorney outlining the crime and requesting that charges be brought or that a grand jury be impaneled. The attorney general or district attorney shall investigate and respond in writing with his or her decision to the person filing the affidavit within 49 days. If the attorney general or district attorney declines to bring charges or impanel a grand jury, the person may file a second affidavit directly with the applicable court.

The bill includes a severability clause and a provision that states that the bill is not subject to judicial review.

If approved by the voters, the bill takes effect on the date of the proclamation by the governor and applies to acts or omissions occurring and offenses committed on or after said date.

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

2            **SECTION 1. Short title.** This act is known as the "Colorado  
3    Politician Accountability Act".

4            **SECTION 2.** In Colorado Revised Statutes, **add** part 14 to article  
5    21 of title 13 as follows:

6                                    PART 14

7                                    LIABILITY OF GOVERNMENTS

1 FOR CREATING SANCTUARY JURISDICTIONS

2 **13-21-1401. Legislative declaration.** (1) THE GENERAL  
3 ASSEMBLY FINDS AND DECLARES THAT IT IS NECESSARY TO ENSURE  
4 CONSISTENCY AND FAIRNESS IN THE APPLICATION OF THIS PART 14  
5 THROUGHOUT THE STATE AND THAT, THEREFORE, EXCEPT AS OTHERWISE  
6 SPECIFIED IN THIS ARTICLE 21, ADDRESSING SANCTUARY JURISDICTIONS AS  
7 OUTLINED IN THIS ARTICLE 21 IS DECLARED TO BE A MATTER OF  
8 STATEWIDE CONCERN.

9 (2) THE GENERAL ASSEMBLY FINDS THAT:

10 (a) SANCTUARY POLICIES THAT RESTRICT, OBSTRUCT, OR  
11 DISCOURAGE COOPERATION WITH FEDERAL IMMIGRATION AUTHORITIES  
12 ARE PROHIBITED BY FEDERAL LAW, FOR EXAMPLE, UNDER 8 U.S.C. SEC.  
13 1373 (a), WHICH STATES THAT "A FEDERAL, STATE, OR LOCAL  
14 GOVERNMENT ENTITY OR OFFICIAL MAY NOT PROHIBIT, OR IN ANY WAY  
15 RESTRICT, ANY GOVERNMENT ENTITY OR OFFICIAL FROM SENDING TO, OR  
16 RECEIVING FROM, THE IMMIGRATION AND NATURALIZATION SERVICE  
17 INFORMATION REGARDING THE CITIZENSHIP OR IMMIGRATION STATUS,  
18 LAWFUL OR UNLAWFUL, OF ANY INDIVIDUAL.";

19 (b) THE PRESIDENT OF THE UNITED STATES, ON JANUARY 25, 2017,  
20 ISSUED AN EXECUTIVE ORDER CONCERNING SANCTUARY JURISDICTIONS,  
21 WHICH STATES THAT IT IS THE POLICY OF THE EXECUTIVE BRANCH TO  
22 ENSURE, TO THE FULLEST EXTENT OF THE LAW, THAT A STATE, OR A  
23 POLITICAL SUBDIVISION OF A STATE, SHALL COMPLY WITH 8 U.S.C. SEC.  
24 1373. SUBSECTION (9)(a) OF THE EXECUTIVE ORDER STATES: "IN  
25 FURTHERANCE OF THIS POLICY, THE ATTORNEY GENERAL AND THE  
26 SECRETARY, IN THEIR DISCRETION AND TO THE EXTENT CONSISTENT WITH  
27 LAW, SHALL ENSURE THAT JURISDICTIONS THAT WILLFULLY REFUSE TO

1 COMPLY WITH 8 U.S.C. 1373 (SANCTUARY JURISDICTIONS) ARE NOT  
2 ELIGIBLE TO RECEIVE FEDERAL GRANTS, EXCEPT AS DEEMED NECESSARY  
3 FOR LAW ENFORCEMENT PURPOSES BY THE ATTORNEY GENERAL OR THE  
4 SECRETARY. THE SECRETARY HAS THE AUTHORITY TO DESIGNATE, IN HIS  
5 DISCRETION AND TO THE EXTENT CONSISTENT WITH LAW, A JURISDICTION  
6 AS A SANCTUARY JURISDICTION. THE ATTORNEY GENERAL SHALL TAKE  
7 APPROPRIATE ENFORCEMENT ACTION AGAINST ANY ENTITY THAT  
8 VIOLATES 8 U.S.C. 1373, OR WHICH HAS IN EFFECT A STATUTE, POLICY, OR  
9 PRACTICE THAT PREVENTS OR HINDERS THE ENFORCEMENT OF FEDERAL  
10 LAW."

11 (c) THE MAJORITY OPINION OF JUSTICE ANTHONY KENNEDY IN THE  
12 2012 UNITED STATES SUPREME COURT DECISION *ARIZONA V. UNITED*  
13 *STATES*, 567 U.S. \_\_\_, 132 S. CT. 2492 (2012), HELD THAT UNDER THE U.S.  
14 CONSTITUTION THE FEDERAL GOVERNMENT HAS SUPREMACY AND  
15 PREEMPTIVE AUTHORITY TO LEGISLATE ON IMMIGRATION MATTERS AND  
16 THAT STATES MAY NOT AUGMENT PENALTIES PLACED ON ILLEGAL  
17 IMMIGRANTS OR EMPLOYERS WHO VIOLATE FEDERAL IMMIGRATION LAWS;

18 (d) THE SUPREME COURT ALSO STATED IN *ARIZONA V. UNITED*  
19 *STATES* THAT "CONSULTATION BETWEEN FEDERAL AND STATE OFFICIALS  
20 IS AN IMPORTANT FEATURE OF THE IMMIGRATION SYSTEM" AND THAT THE  
21 U.S. CONGRESS "HAS ENCOURAGED THE SHARING OF INFORMATION ABOUT  
22 POSSIBLE IMMIGRATION VIOLATIONS", CITING TO 8 U.S.C. SEC. 1357  
23 (g)(10)(A);

24 (e) THE CITIZENS OF COLORADO ADOPTED REFERENDUM "K" IN  
25 THE GENERAL ELECTION OF NOVEMBER 2006, WHICH DIRECTED THE  
26 COLORADO ATTORNEY GENERAL TO SUE THE FEDERAL GOVERNMENT TO  
27 "DEMAND ENFORCEMENT OF EXISTING FEDERAL IMMIGRATION LAWS",

1 AND, WHILE THAT LAWSUIT WAS FILED AND LATER DISMISSED BY A  
2 FEDERAL DISTRICT COURT AS BEING A POLITICAL QUESTION, THE VOTERS'  
3 ACTION STANDS AS AN EXPRESSION OF THEIR CONCERN ABOUT THE IMPACT  
4 UPON THIS STATE OF WEAKLY ENFORCED FEDERAL IMMIGRATION LAWS;

5 (f) THE COLORADO DEPARTMENT OF CORRECTIONS DETERMINED  
6 AND REPORTED IN 2007 THAT THE FEDERAL GRANT REIMBURSEMENT TO  
7 THE STATE TO HELP DEFRAY THE COSTS OF INCARCERATING CRIMINAL  
8 ALIENS IN THE STATE CORRECTIONAL SYSTEM WAS LESS THAN NINE CENTS  
9 ON THE DOLLAR COMPARED TO THE TRUE COSTS OF INCARCERATING  
10 CRIMINAL ALIENS;

11 (g) IN 2007, THE COLORADO HOUSE OF REPRESENTATIVES PASSED  
12 HOUSE RESOLUTION 07-1008, WHICH URGED THE GOVERNOR AND THE  
13 ATTORNEY GENERAL OF THE STATE OF COLORADO TO INSTITUTE AN  
14 ACTION IN FEDERAL DISTRICT COURT TO COMPEL THE FEDERAL BUREAU OF  
15 JUSTICE ASSISTANCE TO REIMBURSE THE STATE OF COLORADO AND LOCAL  
16 GOVERNMENTS FOR ALL COSTS ASSOCIATED WITH THE INCARCERATION OF  
17 UNDOCUMENTED FOREIGN NATIONALS;

18 (h) THE COLORADO DEPARTMENT OF CORRECTIONS HAS REPORTED  
19 THAT IN FISCAL YEAR 2016, THE STATE CORRECTIONS SYSTEM RECEIVED  
20 A GRANT FROM THE UNITED STATES DEPARTMENT OF JUSTICE IN THE  
21 AMOUNT OF TWO MILLION SEVENTY-SEVEN THOUSAND SEVEN HUNDRED  
22 TWENTY DOLLARS IN RECOGNITION OF THE COSTS OF INCARCERATING TWO  
23 THOUSAND THIRTY-NINE CRIMINAL ALIEN INMATES, OR FOURTEEN POINT  
24 SEVEN PERCENT OF ALL DEPARTMENT OF CORRECTIONS INMATES. SINCE  
25 THE REPORTED AVERAGE COST PER OFFENDER WAS THIRTY-SEVEN  
26 THOUSAND NINE HUNDRED FIFTY-EIGHT DOLLARS ANNUALLY IN THE STATE  
27 CORRECTIONS SYSTEM IN 2016, THE TRUE COST OF INCARCERATION FOR

1 TWO THOUSAND THIRTY-NINE CRIMINAL ALIEN INMATES WAS  
2 SEVENTY-SEVEN MILLION THREE HUNDRED NINETY-SIX THOUSAND THREE  
3 HUNDRED SIXTY-TWO DOLLARS, WHICH MEANS THAT THE FEDERAL GRANT  
4 COVERED ONLY TWO POINT SEVEN PERCENT OF THE TRUE INCARCERATION  
5 COSTS — OR LESS THAN THREE CENTS ON THE DOLLAR — AND LEAVES  
6 COLORADO WITH A NET, UNREIMBURSED COST TO COLORADO TAXPAYERS  
7 OF SEVENTY-FIVE MILLION THREE HUNDRED EIGHTEEN THOUSAND SIX  
8 HUNDRED FORTY-TWO DOLLARS IN FISCAL YEAR 2016.

9 (i) ON JULY 6, 2016, THE UNITED STATES DEPARTMENT OF JUSTICE  
10 ANNOUNCED THAT GRANT APPLICATIONS FROM ANY PRIVATE OR PUBLIC  
11 ENTITY MUST CONTAIN A WRITTEN CERTIFICATION THAT THE BODY IS IN  
12 FULL COMPLIANCE WITH ALL FEDERAL LAWS; AND

13 (j) RECOGNIZING THE SUPREMACY OF ALL FEDERAL LAW  
14 PERTAINING TO IMMIGRATION, INCLUDING THE PROVISIONS OF 8 U.S.C.  
15 SEC. 1324, WHICH PROHIBITS THE PHYSICAL HARBORING OF PERSONS  
16 KNOWN TO BE UNLAWFULLY PRESENT IN THE UNITED STATES, THE STATE  
17 OF COLORADO DECLARES THAT IT IS INAPPROPRIATE AND CONTRARY TO  
18 THE PUBLIC SAFETY AND WELFARE FOR ANY PUBLIC OFFICIAL AT ANY  
19 LEVEL OF GOVERNMENT TO ENCOURAGE, ENDORSE, OR IN ANY WAY  
20 SUPPORT ANY PUBLIC OR PRIVATE ORGANIZATION SEEKING TO OFFER  
21 SO-CALLED "SANCTUARY PROTECTION" TO PERSONS NOT LAWFULLY  
22 PRESENT IN THE UNITED STATES.

23 (3) THE GENERAL ASSEMBLY DECLARES THAT SANCTUARY  
24 POLICIES ADOPTED BY A CITY, COUNTY, OR OTHER JURISDICTION THAT  
25 DIRECT EMPLOYEES NOT TO COOPERATE WITH FEDERAL IMMIGRATION  
26 OFFICERS OR THAT PROTECT ALIENS THAT ARE NOT LAWFULLY PRESENT IN  
27 THE UNITED STATES ARE CONTRARY TO FEDERAL LAW AND STATE



1 INTERESTS AND ARE CONTRARY TO THE SAFETY AND WELFARE OF THE  
2 PEOPLE OF COLORADO. THE GENERAL ASSEMBLY, THEREFORE, DECLARES  
3 THAT IT IS IN THE BEST INTERESTS OF THIS STATE TO PROHIBIT LOCAL  
4 GOVERNMENTS FROM CREATING SANCTUARY POLICIES.

5 **13-21-1402. Definitions.** AS USED IN THIS PART 14, UNLESS THE  
6 CONTEXT OTHERWISE REQUIRES:

7 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC SAFETY.

8 (2) "ELECTED OFFICIAL" MEANS A MEMBER OF THE GENERAL  
9 ASSEMBLY; THE STATE BOARD OF EDUCATION; THE STATE BOARD OF  
10 REGENTS; A BOARD OF COUNTY COMMISSIONERS; THE GOVERNING BODY  
11 OF A MUNICIPALITY, SCHOOL DISTRICT, OR OTHER LOCAL GOVERNMENT; OR  
12 A COUNTY SHERIFF.

13 (3) "ILLEGAL ALIEN" MEANS AN INDIVIDUAL WHO IS NOT  
14 LAWFULLY PRESENT WITHIN THE UNITED STATES, AS DETERMINED BY  
15 FEDERAL IMMIGRATION LAW.

16 (4) "JURISDICTION" MEANS THE STATE OR A POLITICAL  
17 SUBDIVISION THEREOF ORGANIZED PURSUANT TO LAW, INCLUDING ANY  
18 COUNTY; CITY AND COUNTY; CITY; MUNICIPALITY; SCHOOL DISTRICT,  
19 SPECIAL DISTRICT, OR ANY OTHER DISTRICT; AGENCY; INSTRUMENTALITY;  
20 LAW ENFORCEMENT AGENCY; AND ANY STATE INSTITUTION OF HIGHER  
21 EDUCATION.

22 (5) "RESPONSIBLE FOR CREATING A SANCTUARY JURISDICTION"  
23 MEANS AN ELECTED OFFICIAL OF A JURISDICTION WHO VOTES IN FAVOR OF  
24 IMPOSING OR CREATING A LAW, ORDINANCE, OR POLICY THAT ALLOWS THE  
25 JURISDICTION TO OPERATE AS A SANCTUARY JURISDICTION, FAILS TO TAKE  
26 STEPS TO TRY TO CHANGE A LAW, ORDINANCE, OR POLICY THAT ALLOWS  
27 THE JURISDICTION TO OPERATE AS A SANCTUARY JURISDICTION, OR IS A

1 COUNTY SHERIFF WHO IMPOSES OR ENFORCES A POLICY THAT ALLOWS THE  
2 JURISDICTION TO OPERATE AS A SANCTUARY JURISDICTION IN A COUNTY  
3 IN WHICH THE ELECTED OFFICIALS HAVE NOT VOTED TO IMPOSE OR CREATE  
4 A SANCTUARY JURISDICTION.

5 (6) "SANCTUARY JURISDICTION" MEANS A JURISDICTION THAT  
6 ADOPTS A LAW, ORDINANCE, OR POLICY ON OR AFTER THE EFFECTIVE DATE  
7 OF THIS SECTION THAT PROHIBITS OR IN ANY WAY RESTRICTS AN OFFICIAL  
8 OR EMPLOYEE OF THE JURISDICTION FROM:

9 (a) COOPERATING AND COMPLYING WITH FEDERAL IMMIGRATION  
10 OFFICIALS OR ENFORCING FEDERAL IMMIGRATION LAW CONSISTENT WITH  
11 APPLICABLE FEDERAL COURT RULINGS OF THE UNITED STATES SUPREME  
12 COURT, THE TENTH CIRCUIT COURT OF APPEALS, OR THE UNITED STATES  
13 DISTRICT COURT FOR THE DISTRICT OF COLORADO;

14 (b) SENDING TO OR RECEIVING OR REQUESTING FROM FEDERAL  
15 IMMIGRATION OFFICIALS INFORMATION REGARDING THE CITIZENSHIP OR  
16 IMMIGRATION STATUS, LAWFUL OR UNLAWFUL, OF AN INDIVIDUAL;

17 (c) ENGAGING IN ANY OF THE FOLLOWING ACTIVITIES WITH  
18 RESPECT TO INFORMATION REGARDING THE IMMIGRATION STATUS, LAWFUL  
19 OR UNLAWFUL, OF AN INDIVIDUAL:

20 (I) SENDING THE INFORMATION TO OR REQUESTING THE  
21 INFORMATION FROM FEDERAL IMMIGRATION OFFICIALS;

22 (II) MAINTAINING THE INFORMATION; OR

23 (III) EXCHANGING THE INFORMATION WITH OTHER FEDERAL  
24 AGENCIES, STATE AGENCIES, OR MUNICIPALITIES;

25 (d) INQUIRING ABOUT AN INDIVIDUAL'S NAME, DATE AND PLACE OF  
26 BIRTH, AND IMMIGRATION STATUS WHILE ENFORCING OR CONDUCTING AN  
27 OFFICIAL INVESTIGATION INTO A VIOLATION OF ANY LAW OF THIS STATE;

1 (e) CONTINUING TO DETAIN AN INDIVIDUAL, REGARDLESS OF THE  
2 INDIVIDUAL'S ABILITY TO BE RELEASED ON BAIL, WHO HAS BEEN  
3 IDENTIFIED AS AN ILLEGAL ALIEN WHILE IN CUSTODY FOR VIOLATING ANY  
4 LAW OF THIS STATE; OR

5 (f) VERIFYING THE LAWFUL PRESENCE AND ELIGIBILITY OF A  
6 PERSON WHO APPLIES FOR A STATE OR LOCAL PUBLIC BENEFIT, AS DEFINED  
7 BY SECTION 411 (c) OF THE FEDERAL "PERSONAL RESPONSIBILITY AND  
8 WORK OPPORTUNITY RECONCILIATION ACT OF 1996", PUB.L. 104-193, 8  
9 U.S.C. SEC. 1621 (c), AS AMENDED, AND AS REQUIRED BY SECTION  
10 24-76.5-103.

11 **13-21-1403. Determination of residency.** (1) UNDER THIS PART  
12 14, AN ILLEGAL ALIEN IS A RESIDENT OF A SANCTUARY JURISDICTION IF:

13 (a) (I) THE PRINCIPAL OR PRIMARY HOME OR PLACE OF ABODE OF  
14 THE PERSON IS WITHIN THE SANCTUARY JURISDICTION. A PRINCIPAL OR  
15 PRIMARY HOME OR PLACE OF ABODE IS THAT HOME OR PLACE IN WHICH A  
16 PERSON'S HABITATION IS FIXED AND TO WHICH THAT PERSON, WHENEVER  
17 ABSENT, HAS THE PRESENT INTENTION OF RETURNING AFTER A DEPARTURE  
18 OR ABSENCE, REGARDLESS OF THE DURATION OF THE ABSENCE. A HOME OR  
19 PLACE OF ABODE IS A PERMANENT BUILDING OR PART OF A BUILDING AND  
20 MAY INCLUDE A HOUSE, CONDOMINIUM, APARTMENT, MOBILE HOME, OR  
21 A ROOM IN ONE OF THOSE STRUCTURES. A VACANT LOT OR BUSINESS  
22 ADDRESS MAY ALSO BE CONSIDERED A HOME OR PLACE OF ABODE.

23 (II) IN DETERMINING WHAT IS THE PRINCIPAL OR PRIMARY PLACE  
24 OF ABODE OF AN ILLEGAL ALIEN, THE FOLLOWING CIRCUMSTANCES  
25 RELATING TO THE ILLEGAL ALIEN SHALL BE TAKEN INTO ACCOUNT:  
26 BUSINESS PURSUITS; EMPLOYMENT; INCOME SOURCES; AGE; MARITAL  
27 STATUS; RESIDENCE OF PARENTS, SPOUSE, OR PARTNER, AND CHILDREN, IF

1 ANY; LEASEHOLDS; LOCATION OF PERSONAL AND REAL PROPERTY;  
2 EXISTENCE OF ANY OTHER RESIDENCE AND THE AMOUNT OF TIME SPENT AT  
3 EACH RESIDENCE; AND MOTOR VEHICLE REGISTRATION; OR

4 (b) THE PERSON IS HOMELESS, AND THE MAILING ADDRESS OF THE  
5 PERSON IS WITHIN THE SANCTUARY JURISDICTION. THE MAILING ADDRESS  
6 OF A HOMELESS PERSON MAY INCLUDE THE MAILING ADDRESS OF A  
7 SHELTER, A HOMELESS SERVICE PROVIDER, OR A PRIVATE RESIDENCE.

8 (2) AN ILLEGAL ALIEN IS ALSO CONSIDERED A RESIDENT OF ANY  
9 LOCATION IF HE OR SHE STAYS, LIVES, WORKS, INHABITS, OR ENGAGES IN  
10 LEISURE ACTIVITIES BECAUSE OF ANY PERCEIVED SANCTUARY  
11 JURISDICTION BENEFIT HE OR SHE MAY ENJOY IN ORDER TO CONTINUE  
12 VIOLATING FEDERAL IMMIGRATION LAW.

13 **13-21-1404. Civil liability imposed upon jurisdictions that**  
14 **create a sanctuary jurisdiction - standing to sue - exceptions to**  
15 **governmental immunity.** (1) NOTWITHSTANDING THE PROTECTIONS OF  
16 THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ANY PERSON WHO  
17 CLAIMS THAT HE OR SHE IS A VICTIM OF ANY CRIME COMMITTED BY AN  
18 ILLEGAL ALIEN WHO ESTABLISHED RESIDENCY IN A SANCTUARY  
19 JURISDICTION AND THAT HE OR SHE HAS SUFFERED A PERSONAL INJURY OR  
20 INJURY TO REAL OR PERSONAL PROPERTY AS A RESULT OF THAT CRIME HAS  
21 STANDING TO FILE AN ACTION FOR AND IS ENTITLED TO COMPENSATORY  
22 DAMAGES AGAINST THE SANCTUARY JURISDICTION AND AGAINST THE  
23 ELECTED OFFICIALS OF THE JURISDICTION WHO ARE RESPONSIBLE FOR  
24 CREATING THE SANCTUARY JURISDICTION. WHEN THE CLAIM IS ONE FOR  
25 DEATH BY WRONGFUL ACT OR OMISSION, THE ACTION MAY BE FILED BY  
26 THE PERSONAL REPRESENTATIVE, SURVIVING SPOUSE, OR NEXT OF KIN OF  
27 THE DECEASED.

1           (2) NOTWITHSTANDING THE PROTECTIONS OF THE "COLORADO  
2 GOVERNMENTAL IMMUNITY ACT", A SANCTUARY JURISDICTION IS LIABLE  
3 AND ALL ELECTED OFFICIALS WHO ARE RESPONSIBLE FOR CREATING A  
4 SANCTUARY JURISDICTION ARE INDIVIDUALLY LIABLE FOR DAMAGES ON  
5 ACCOUNT OF AN INJURY TO A PERSON OR PROPERTY AS A RESULT OF  
6 CRIMINAL ACTIVITY BY AN ILLEGAL ALIEN IF:

7           (a) THE PERSON WHO ENGAGED IN THE CRIMINAL ACTIVITY IS  
8 DETERMINED TO BE AN ILLEGAL ALIEN, AS LEGALLY DEFINED BY FEDERAL  
9 IMMIGRATION LAW;

10          (b) THE PERSON WHO ENGAGED IN THE CRIMINAL ACTIVITY HAD  
11 ESTABLISHED RESIDENCY IN THE SANCTUARY JURISDICTION, AS SPECIFIED  
12 IN SECTION 13-21-1403;

13          (c) THE PERSON IS CONVICTED OF THE CRIME THAT CAUSED THE  
14 INJURY TO A PERSON OR PROPERTY; AND

15          (d) THE CRIMINAL ACTIVITY IS A PROXIMATE CAUSE OF THE INJURY  
16 TO THE PERSON OR TO THE PERSON'S PROPERTY.

17          (3) (a) THE MAXIMUM AMOUNT THAT MAY BE RECOVERED IN  
18 COMPENSATORY DAMAGES UNDER THIS SECTION IN ANY SINGLE  
19 OCCURRENCE FROM A SANCTUARY JURISDICTION AND FROM ITS ELECTED  
20 OFFICIALS IS:

21           (I) FOR ANY PROPERTY DAMAGE INCURRED BY ONE PERSON IN ANY  
22 SINGLE OCCURRENCE, THE SUM OF THREE HUNDRED FIFTY THOUSAND  
23 DOLLARS;

24           (II) FOR ANY PROPERTY DAMAGE INCURRED BY TWO OR MORE  
25 PERSONS IN ANY SINGLE OCCURRENCE, THE SUM OF NINE HUNDRED NINETY  
26 THOUSAND DOLLARS; EXCEPT THAT IN SUCH INSTANCE, NO PERSON MAY  
27 RECOVER IN EXCESS OF THREE HUNDRED FIFTY THOUSAND DOLLARS;

1 (III) FOR ANY PERSONAL INJURY TO ONE PERSON IN ANY SINGLE  
2 OCCURRENCE, THE SUM OF SEVEN HUNDRED THOUSAND DOLLARS;

3 (IV) FOR ANY PERSONAL INJURY TO TWO OR MORE PERSONS IN ANY  
4 SINGLE OCCURRENCE, THE SUM OF ONE MILLION NINE HUNDRED EIGHTY  
5 THOUSAND DOLLARS; EXCEPT THAT, IN SUCH INSTANCE, NO PERSON MAY  
6 RECOVER IN EXCESS OF SEVEN HUNDRED THOUSAND DOLLARS.

7 (b) THE AMOUNTS SPECIFIED IN SUBSECTION (3)(a) OF THIS  
8 SECTION SHALL BE ADJUSTED AND CERTIFIED BY THE SECRETARY OF STATE  
9 IN THE SAME MANNER AS THE ADJUSTMENTS ARE MADE TO THE  
10 LIMITATIONS ON DAMAGES SPECIFIED FOR THE "COLORADO  
11 GOVERNMENTAL IMMUNITY ACT" IN SECTION 24-10-114 (1)(b).

12 (4) A SANCTUARY JURISDICTION OR AN ELECTED OFFICIAL  
13 RESPONSIBLE FOR CREATING A SANCTUARY JURISDICTION SHALL NOT  
14 ASSERT GOVERNMENTAL IMMUNITY AS A DEFENSE TO AN ACTION BROUGHT  
15 UNDER THIS SECTION.

16 (5) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE  
17 AN ELECTED OFFICIAL OR A JURISDICTION TO VIOLATE ANY LAWFUL ORDER  
18 ENTERED BY THE UNITED STATES SUPREME COURT, THE TENTH CIRCUIT  
19 COURT OF APPEALS, OR THE UNITED STATES DISTRICT COURT FOR THE  
20 DISTRICT OF COLORADO REGARDING THE ENFORCEMENT OF FEDERAL  
21 IMMIGRATION LAW.

22 **13-21-1405. Restriction on jurisdictions regulating official and**  
23 **employee communications relating to immigration status - notice to**  
24 **officials and employees - reports on compliance - penalty for**  
25 **noncompliance. (1) Restriction on communications and cooperation.**

26 THE GOVERNING BODY OF ANY JURISDICTION MAY NOT ADOPT A LAW,  
27 ORDINANCE, RULE, POLICY, OR PLAN OR TAKE ANY ACTION THAT LIMITS OR

1 PROHIBITS AN ELECTED OFFICIAL, EMPLOYEE, OR LAW ENFORCEMENT  
2 OFFICER OF THE JURISDICTION FROM COMMUNICATING OR COOPERATING  
3 WITH AN APPROPRIATE PUBLIC OFFICIAL, EMPLOYEE, OR LAW  
4 ENFORCEMENT OFFICER OF THE FEDERAL GOVERNMENT CONCERNING THE  
5 IMMIGRATION STATUS OF AN INDIVIDUAL LOCATED IN THE STATE OF  
6 COLORADO.

7 (2) **Notice to officials, employees, and law enforcement**  
8 **officers.** THE GOVERNING BODY OF A JURISDICTION SHALL PROVIDE  
9 WRITTEN NOTICE TO EACH ELECTED OFFICIAL, EMPLOYEE, AND LAW  
10 ENFORCEMENT OFFICER OF THE JURISDICTION OF HIS OR HER DUTY TO  
11 COMMUNICATE AND COOPERATE WITH AN APPROPRIATE PUBLIC OFFICIAL,  
12 EMPLOYEE, OR LAW ENFORCEMENT OFFICER OF THE FEDERAL  
13 GOVERNMENT CONCERNING ENFORCEMENT OF ANY FEDERAL OR STATE  
14 IMMIGRATION LAW.

15 (3) **Compliance reports.** (a) ON OR BEFORE JANUARY 1, 2019,  
16 AND ON OR BEFORE JANUARY 1 OF EACH YEAR THEREAFTER, THE  
17 GOVERNING BODY OF EACH JURISDICTION IN THIS STATE SHALL SUBMIT A  
18 WRITTEN REPORT TO THE DEPARTMENT THAT INDICATES THAT THE  
19 JURISDICTION IS IN COMPLIANCE WITH THE REQUIREMENTS OF SUBSECTION  
20 (1) OF THIS SECTION.

21 (b) IF THE DEPARTMENT DOES NOT RECEIVE A TIMELY REPORT  
22 FROM A JURISDICTION AS REQUIRED IN SUBSECTION (3)(a) OF THIS  
23 SECTION, THE DEPARTMENT SHALL PROVIDE THE NAME OF THAT  
24 JURISDICTION TO THE STATE CONTROLLER.

25 (4) **Duty of law enforcement officers.** A LAW ENFORCEMENT  
26 OFFICER OF A JURISDICTION WHO HAS REASONABLE CAUSE TO BELIEVE  
27 THAT AN INDIVIDUAL UNDER ARREST IS NOT LAWFULLY PRESENT IN THE

1 UNITED STATES SHALL IMMEDIATELY REPORT THE INDIVIDUAL TO THE  
2 APPROPRIATE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT  
3 OFFICE WITHIN THE DEPARTMENT OF HOMELAND SECURITY, OR ANY  
4 SUCCESSOR DEPARTMENT.

5 (5) **Annual report.** (a) ON OR BEFORE MARCH 1, 2019, AND ON  
6 OR BEFORE MARCH 1 OF EACH YEAR THEREAFTER, THE GOVERNING BODY  
7 OF EACH JURISDICTION IN THIS STATE SHALL REPORT TO THE DEPARTMENT  
8 THE NUMBER OF REPORTS MADE BY LAW ENFORCEMENT OFFICERS OF THAT  
9 JURISDICTION AS REQUIRED BY SUBSECTION (4) OF THIS SECTION.

10 (b) IF THE DEPARTMENT DOES NOT RECEIVE A TIMELY REPORT  
11 FROM A JURISDICTION IN THIS STATE AS REQUIRED BY SUBSECTION (5)(a)  
12 OF THIS SECTION, THE DEPARTMENT SHALL PROVIDE THE NAME OF THE  
13 JURISDICTION TO THE STATE CONTROLLER.

14 (c) ON OR BEFORE APRIL 1, 2020, AND ON OR BEFORE APRIL 1 OF  
15 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL COMPILE THE  
16 COMPLIANCE REPORTS RECEIVED UNDER SUBSECTION (3) OF THIS SECTION  
17 AND UNDER THIS SUBSECTION (5). THE DEPARTMENT SHALL SUBMIT AN  
18 ANNUAL REPORT BASED ON THIS INFORMATION TO THE GENERAL  
19 ASSEMBLY AND TO THE STATE CONTROLLER, INCLUDING A LIST OF THOSE  
20 JURISDICTIONS THAT DID NOT SUBMIT A COMPLIANCE REPORT OR AN  
21 ANNUAL REPORT. NOTWITHSTANDING THE PROVISIONS OF SECTION  
22 24-1-136(11), THE REPORT TO THE GENERAL ASSEMBLY REQUIRED IN THIS  
23 SECTION CONTINUES INDEFINITELY.

24 (6) **Penalty for noncompliance.** NOTWITHSTANDING ANY OTHER  
25 PROVISION OF LAW TO THE CONTRARY, THE STATE CONTROLLER SHALL  
26 WITHHOLD THE PAYMENT OF STATE FUNDS TO ANY JURISDICTION THAT THE  
27 DEPARTMENT HAS REPORTED TO THE STATE CONTROLLER AS HAVING NOT



1 COMPLIED WITH THIS SECTION UNTIL SUCH TIME AS THE JURISDICTION  
2 COMPLIES WITH THIS SECTION AND THE DEPARTMENT NOTIFIES THE STATE  
3 CONTROLLER OF SUCH COMPLIANCE.

4 **SECTION 3.** In Colorado Revised Statutes, **add** 18-8-107.5 and  
5 18-8-107.6 as follows:

6 **18-8-107.5. Rendering assistance to an illegal alien through a**  
7 **sanctuary jurisdiction - officials - definitions.** (1) A PERSON WHO IS AN  
8 ELECTED OFFICIAL OF A SANCTUARY JURISDICTION COMMITS RENDERING  
9 ASSISTANCE TO AN ILLEGAL ALIEN THROUGH A SANCTUARY JURISDICTION  
10 IF, WITH INTENT TO HINDER, DELAY, OR PREVENT THE DISCOVERY,  
11 DETECTION, APPREHENSION, PROSECUTION, CONVICTION, OR PUNISHMENT  
12 OF ILLEGAL ALIENS WITHIN THE SANCTUARY JURISDICTION:

13 (a) HE OR SHE WAS RESPONSIBLE FOR CREATING A SANCTUARY  
14 JURISDICTION IN THE JURISDICTION TO WHICH THE OFFICIAL IS ELECTED;  
15 AND

16 (b) AS A RESULT OF THE PROTECTION AFFORDED BY THE  
17 SANCTUARY JURISDICTION, A THIRD PERSON ENGAGES IN CRIMINAL  
18 ACTIVITY, AND THE THIRD PERSON:

19 (I) IS AN ILLEGAL ALIEN AS LEGALLY DEFINED BY FEDERAL  
20 IMMIGRATION LAW;

21 (II) HAD ESTABLISHED RESIDENCY IN THE SANCTUARY  
22 JURISDICTION THAT WAS CREATED BY THE ELECTED OFFICIAL; AND

23 (III) HAS BEEN CONVICTED OF A CRIME THAT CAUSED INJURY TO  
24 A PERSON OR TO PROPERTY.

25 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
26 REQUIRES:

27 (a) "ELECTED OFFICIAL" MEANS A MEMBER OF THE GENERAL

1 ASSEMBLY; THE STATE BOARD OF EDUCATION; THE STATE BOARD OF  
2 REGENTS; A BOARD OF COUNTY COMMISSIONERS; THE GOVERNING BODY  
3 OF A MUNICIPALITY, SCHOOL DISTRICT, OR OTHER LOCAL GOVERNMENT; OR  
4 A COUNTY SHERIFF.

5 (b) "ILLEGAL ALIEN" MEANS AN INDIVIDUAL WHO IS NOT  
6 LAWFULLY PRESENT WITHIN THE UNITED STATES AS DETERMINED BY  
7 FEDERAL IMMIGRATION LAW.

8 (c) "JURISDICTION" MEANS THE STATE OR A POLITICAL  
9 SUBDIVISION THEREOF ORGANIZED PURSUANT TO LAW, INCLUDING ANY  
10 COUNTY; CITY AND COUNTY; CITY; MUNICIPALITY; SCHOOL DISTRICT,  
11 SPECIAL DISTRICT, OR ANY OTHER DISTRICT; AGENCY; INSTRUMENTALITY;  
12 LAW ENFORCEMENT AGENCY; AND ANY STATE INSTITUTION OF HIGHER  
13 EDUCATION.

14 (d) "RESPONSIBLE FOR CREATING A SANCTUARY JURISDICTION"  
15 MEANS AN ELECTED OFFICIAL OF A JURISDICTION WHO VOTES IN FAVOR OF  
16 IMPOSING OR CREATING A LAW, ORDINANCE, OR POLICY THAT ALLOWS THE  
17 JURISDICTION TO OPERATE AS A SANCTUARY JURISDICTION, FAILS TO TAKE  
18 STEPS TO TRY TO CHANGE A LAW, ORDINANCE, OR POLICY THAT ALLOWS  
19 THE JURISDICTION TO OPERATE AS A SANCTUARY JURISDICTION, OR IS A  
20 COUNTY SHERIFF WHO IMPOSES OR ENFORCES A POLICY THAT ALLOWS THE  
21 JURISDICTION TO OPERATE AS A SANCTUARY JURISDICTION IN A COUNTY  
22 IN WHICH THE ELECTED OFFICIALS HAVE NOT VOTED TO IMPOSE OR CREATE  
23 A SANCTUARY JURISDICTION.

24 (e) "SANCTUARY JURISDICTION" MEANS A JURISDICTION THAT  
25 ADOPTS A LAW, ORDINANCE, OR POLICY ON OR AFTER THE EFFECTIVE DATE  
26 OF THIS SECTION THAT PROHIBITS OR IN ANY WAY RESTRICTS AN OFFICIAL  
27 OR EMPLOYEE OF THE JURISDICTION FROM:

1 (I) COOPERATING AND COMPLYING WITH FEDERAL IMMIGRATION  
2 OFFICIALS OR ENFORCING FEDERAL IMMIGRATION LAW CONSISTENT WITH  
3 APPLICABLE FEDERAL COURT RULINGS OF THE UNITED STATES SUPREME  
4 COURT, THE TENTH CIRCUIT COURT OF APPEALS, OR THE UNITED STATES  
5 DISTRICT COURT FOR THE DISTRICT OF COLORADO;

6 (II) SENDING TO OR RECEIVING OR REQUESTING FROM FEDERAL  
7 IMMIGRATION OFFICIALS INFORMATION REGARDING THE CITIZENSHIP OR  
8 IMMIGRATION STATUS, LAWFUL OR UNLAWFUL, OF AN INDIVIDUAL;

9 (III) ENGAGING IN ANY OF THE FOLLOWING ACTIVITIES WITH  
10 RESPECT TO INFORMATION REGARDING THE IMMIGRATION STATUS, LAWFUL  
11 OR UNLAWFUL, OF AN INDIVIDUAL:

12 (A) SENDING THE INFORMATION TO OR REQUESTING THE  
13 INFORMATION FROM FEDERAL IMMIGRATION OFFICIALS;

14 (B) MAINTAINING THE INFORMATION; OR

15 (C) EXCHANGING THE INFORMATION WITH OTHER FEDERAL  
16 AGENCIES, STATE AGENCIES, OR MUNICIPALITIES;

17 (IV) INQUIRING ABOUT AN INDIVIDUAL'S NAME, DATE AND PLACE  
18 OF BIRTH, AND IMMIGRATION STATUS WHILE ENFORCING OR CONDUCTING  
19 AN OFFICIAL INVESTIGATION INTO A VIOLATION OF ANY LAW OF THIS  
20 STATE;

21 (V) CONTINUING TO DETAIN AN INDIVIDUAL, REGARDLESS OF THE  
22 INDIVIDUAL'S ABILITY TO BE RELEASED ON BAIL, WHO HAS BEEN  
23 IDENTIFIED AS AN ILLEGAL ALIEN WHILE IN CUSTODY FOR VIOLATING ANY  
24 LAW OF THIS STATE; OR

25 (VI) VERIFYING THE LAWFUL PRESENCE AND ELIGIBILITY OF A  
26 PERSON WHO APPLIES FOR A STATE OR LOCAL PUBLIC BENEFIT, AS DEFINED  
27 BY SECTION 411 (c) OF THE FEDERAL "PERSONAL RESPONSIBILITY AND

1 WORK OPPORTUNITY RECONCILIATION ACT OF 1996", PUB.L. 104-193, 8  
2 U.S.C. SEC. 1621 (c), AS AMENDED, AND AS REQUIRED BY SECTION  
3 24-76.5-103.

4 (3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE  
5 AN ELECTED OFFICIAL OR A JURISDICTION TO VIOLATE ANY LAWFUL ORDER  
6 ENTERED BY THE UNITED STATES SUPREME COURT, THE TENTH CIRCUIT  
7 COURT OF APPEALS, OR THE UNITED STATES DISTRICT COURT FOR THE  
8 DISTRICT OF COLORADO REGARDING THE ENFORCEMENT OF FEDERAL  
9 IMMIGRATION LAW.

10 (4) RENDERING ASSISTANCE TO AN ILLEGAL ALIEN THROUGH A  
11 SANCTUARY JURISDICTION IS A CLASS 4 FELONY.

12 **18-8-107.6. Filing of an affidavit alleging a criminal violation**  
13 **relating to a sanctuary jurisdiction - impaneling of grand jury.**

14 (1) ANY PERSON WHO HAS KNOWLEDGE OF A CRIME COMMITTED BY AN  
15 ILLEGAL ALIEN AS A RESULT OF THE CREATION OF A SANCTUARY  
16 JURISDICTION, AS DEFINED IN SECTION 18-8-107.5, MAY FILE AN AFFIDAVIT  
17 OUTLINING THE CRIME AND ALLEGING THAT THE CRIME IS A VIOLATION OF  
18 SECTION 18-8-107.5. THE PERSON MAY FILE THE AFFIDAVIT WITH THE  
19 STATE ATTORNEY GENERAL'S OFFICE IF THERE IS A NEED TO IMPANEL A  
20 STATEWIDE GRAND JURY THAT HAS JURISDICTION EXTENDING BEYOND THE  
21 BOUNDARIES OF ANY SINGLE COUNTY OR WITH THE DISTRICT ATTORNEY OF  
22 THE APPLICABLE JUDICIAL DISTRICT IN WHICH THE CRIME WAS ALLEGED TO  
23 HAVE BEEN COMMITTED. THE ATTORNEY GENERAL OR THE DISTRICT  
24 ATTORNEY SHALL INVESTIGATE THE MATTER AND DETERMINE WHETHER  
25 TO BRING CHARGES OR TO IMPANEL A GRAND JURY IN ACCORDANCE WITH  
26 THE PROCEDURES FOR IMPANELING A STATEWIDE GRAND JURY OUTLINED  
27 IN SECTION 13-73-101, IF APPLICABLE, OR IN ACCORDANCE WITH THE

1 PROCEDURES FOR IMPANELING A GRAND JURY IN ACCORDANCE WITH  
2 SECTION 13-74-101, IF APPLICABLE. THE PURPOSE OF IMPANELING THE  
3 GRAND JURY IS TO DETERMINE WHETHER AN INDICTMENT SHOULD BE  
4 BROUGHT PURSUANT TO SECTION 18-8-107.5. THE ATTORNEY GENERAL OR  
5 THE DISTRICT ATTORNEY MUST MAKE HIS OR HER DECISION IN RESPONSE  
6 TO THE AFFIDAVIT NO LATER THAN FORTY-NINE DAYS AFTER THE FILING OF  
7 THE AFFIDAVIT AND SHALL NOTIFY THE PERSON FILING THE AFFIDAVIT IN  
8 WRITING OF HIS OR HER DECISION.

9 (2) IF THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY  
10 DECLINES TO BRING CHARGES OR IMPANEL A GRAND JURY IN RESPONSE TO  
11 THE AFFIDAVIT FILED PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE  
12 PERSON MAY FILE A SECOND AFFIDAVIT DIRECTLY WITH THE COURT  
13 OUTLINING THE CRIME, ALLEGING THAT THIS IS A VIOLATION OF SECTION  
14 18-8-107.5, AND REQUESTING THAT THE COURT ORDER THE IMPANELING  
15 OF A STATEWIDE GRAND JURY OR GRAND JURY FOR THE PURPOSE OF  
16 DETERMINING WHETHER OR NOT TO BRING AN INDICTMENT.

17 **SECTION 4. Severability.** If any provision of this act or the  
18 application thereof to any person or circumstance is held invalid, such  
19 invalidity does not affect other provisions or applications of the act that  
20 can be given effect without the invalid provision or application, and to  
21 this end the provisions of this act are declared to be severable.

22 **SECTION 5. Potential appropriation.** Pursuant to section  
23 2-2-703, C.R.S., any bill that results in a net increase in periods of  
24 imprisonment in state correctional facilities must include an appropriation  
25 of money that is sufficient to cover any increased capital construction and  
26 operational costs for the first five fiscal years in which there is a fiscal  
27 impact. Because this act may increase periods of imprisonment, this act

1 may require a five-year appropriation.

2           **SECTION 6. Effective date - applicability.** This act takes effect  
3 from and after the date of the official declaration of the vote thereon by  
4 proclamation of the governor, but not later than thirty days after the vote  
5 has been canvassed. Section 2 of this act applies to acts or omissions  
6 occurring on or after said date, and section 3 of this act applies to criminal  
7 offenses occurring on or after said date.

8           **SECTION 7. Refer to people under referendum.** At the  
9 election held on November 6, 2018, the secretary of state shall submit this  
10 act by its ballot title to the registered electors of the state for their  
11 approval or rejection. Each elector voting at the election may cast a vote  
12 either "Yes/For" or "No/Against" on the following ballot title: "Shall  
13 there be a change to the Colorado Revised Statutes concerning holding  
14 Colorado governments accountable for creating sanctuary jurisdictions,  
15 and, in connection therewith, creating a civil remedy against the state or  
16 a political subdivision of the state and against its elected officials for  
17 creating sanctuary policies; creating a crime of rendering assistance to an  
18 illegal alien that can be brought against an elected official for creating a  
19 sanctuary jurisdiction; prohibiting the state or political subdivision from  
20 taking any action that limits or prohibits an elected official or employee  
21 from cooperating with an official of the federal government concerning  
22 the immigration status of an individual; requiring a law enforcement  
23 officer who believes that a person is not lawfully present in the United  
24 States to report the person to the appropriate federal agency; and  
25 withholding from a political subdivision state money if the subdivision  
26 fails to report the number of persons its law enforcement officers have  
27 reported to the appropriate federal agency?" Except as otherwise provided

1 in section 1-40-123, Colorado Revised Statutes, if a majority of the  
2 electors voting on the ballot title vote "Yes/For", then the act will become  
3 part of the Colorado Revised Statutes.