

Immigration Status - Cooperating with Federal Officials

This Act is aimed at preventing local governments from designating their localities as sanctuaries for illegal aliens. The Act prohibits local governments from passing any ordinance or policy that limits or prohibits peace officers, local officials, or local government employees from communicating or cooperating with federal officials about the immigration status of people living in the state.

The Act requires peace officers who have probable cause to believe that an arrestee for a criminal offense is not legally present in the United States to report the person to the Federal Immigration and Customs Enforcement Office if the arrestee is not held at a detention facility. If the arrestee is held at a detention facility and the county sheriff reasonably believes that the arrestee is not legally present in the United States, the sheriff must report the arrestee to the Federal Immigration and Customs Enforcement Office.

This Act also prohibits local governments that violate the Act from receiving certain grants.

Submitted as:

Colorado

[Chapter 177 of 2006](#)

Status: Enacted into law in 2006.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act shall be cited as “An Act Requiring Local Officials to
2 Cooperate with Federal Immigration Officials Regarding the Legal Status of People Residing in
3 this State.”
4

5 Section 2. [*Legislative Declaration.*]

6 (1) The [general assembly] hereby finds, determines, and declares that:

7 (a) sanctuary policies are local government ordinances or policies that prohibit
8 local officials, including peace officers, from communicating or cooperating with federal officials
9 about the immigration status of people within the state;

10 (b) the matters contained in this Act have important statewide ramifications for
11 compliance with and enforcement of federal immigration laws;

12 (c) sanctuary policies allow illegal immigrants to reside within this state and to
13 undermine federal immigration law.

14 (2) the [general assembly] therefore declares that the matters addressed in this Act
15 are matters of statewide concern.
16

17 Section 3. [*Definitions.*] As used in this Act, “local government” means a town, city, or
18 county.
19

20 Section 4. [*Cooperating with Federal Officials Regarding Immigration Status.*]

21 (1) No local government, whether acting through its governing body or by an initiative,
22 referendum, or any other process, shall enact any ordinance or policy that limits or prohibits a
23 peace officer, local official, or local government employee from communicating or cooperating
24 with federal officials with regard to the immigration status of any person within this state.

25 (2) (a) (i) A peace officer who has probable cause that an arrestee for a criminal
26 offense is not legally present in the United States shall report such arrestee to the United States
27 Immigration and Customs Enforcement Office if the arrestee is not held at a detention facility. If
28 the arrestee is held at a detention facility and the county sheriff reasonably believes that the
29 arrestee is not legally present in the United States, the sheriff shall report such arrestee to the
30 Federal Immigration and Customs Enforcement Office.

31 (ii) This subsection (2) shall not apply to arrestees who are arrested for a
32 suspected act of domestic violence as defined by [insert citation], until such time as the arrestee is
33 convicted of a domestic violence offense.

34 (b) The governing body of each local government shall provide notice in writing to
35 peace officers of the peace officers' duty to cooperate with state and federal officials with regards
36 to enforcement of state and federal laws regarding immigration and to comply with paragraph (a)
37 of this subsection. Each governing body shall provide written confirmation to the [general
38 assembly] that it has provided such notice and shall annually, on or before [March 1] of each year,
39 report to the [legislative council of the general assembly] the number of reports made to the United
40 States Immigration and Customs Enforcement Office pursuant to this Act.

41 (c) The [general assembly] finds and declares that the [state attorney general] and
42 all appropriate state and local law enforcement agencies should vigorously pursue all federal
43 moneys to which the state may be entitled for the reimbursement of moneys spent to enforce
44 federal immigration laws.

45 (3) a local government that violates subsection (1) of this section or paragraph (b) of
46 subsection (2) of this section shall not be eligible to receive local government financial assistance
47 through grants administered by the [department of local affairs] until such time as the ordinance or
48 policy is no longer in effect.

49
50 Section 5. [*Safety Clause.*] The [general assembly] hereby finds, determines, and declares
51 that this Act is necessary for the immediate preservation of the public peace, health, and safety.

52
53 Section 6. [*Severability.*] [Insert severability clause.]

54
55 Section 7. [*Repealer.*] [Insert repealer clause.]

56
57 Section 8. [*Effective Date.*] [Insert effective date.]