

2025-2026 #32 - Final

Be it enacted by the People of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 24-76.6-102, **add** (6) and (7) as follows:

24-76.6-102. Civil immigration detainers - legislative declaration.

(6) NOTWITHSTANDING ANY OTHER PROVISION OF COLORADO LAW, A REASONABLE EFFORT SHALL BE MADE BY LAW ENFORCEMENT TO DETERMINE WHETHER A PERSON IS LAWFULLY IN THE UNITED STATES UPON CHARGING THE PERSON WITH A CRIME AND AT LEAST SEVENTY TWO HOURS PRIOR TO RELEASE AFTER CONVICTION OF A CRIME IF:

- (a) THE PERSON IS CHARGED WITH A CRIME OF VIOLENCE AS DEFINED BY COLORADO STATUTE; OR
- (b) THE PERSON HAS BEEN CONVICTED OF A PRIOR FELONY.

(7) NOTWITHSTANDING ANY OTHER PROVISION OF COLORADO LAW, IF NO DETERMINATION THAT THE PERSON IS LEGALLY PRESENT IN THE UNITED STATES IS MADE, THE FEDERAL DEPARTMENT OF HOMELAND SECURITY SHALL BE NOTIFIED AS PROMPTLY AS POSSIBLE, BUT NOT MORE THAN FORTY-EIGHT HOURS AFTER AN ATTEMPT TO VERIFY LEGAL PRESENCE IS MADE.

(8) FOR THE PURPOSES OF THIS SECTION, LAW ENFORCEMENT INCLUDES:

- (a) A CERTIFIED PEACE OFFICER DESCRIBED IN SECTION 16-2.5-101 WHO IS ACTIVELY EMPLOYED BY A LAW ENFORCEMENT AGENCY;
- (b) CORRECTIONAL OFFICERS; AND
- (c) ATTORNEYS AND INVESTIGATORS WHO ARE EMPLOYED BY THE DISTRICT ATTORNEY.