

2024-2025 #75 - Amended

*Be it enacted by the People of the State of Colorado:***SECTION 1.** In Colorado Revised Statutes, ~~add~~ **repeal and reenact** 24-76.6-103 as follows:**24-76.6-103. Requirement to report violent criminals and repeat felons.**

(1) ~~NOTWITHSTANDING ANY OTHER PROVISION OF COLORADO LAW, LAW ENFORCEMENT SHALL NOTIFY THE FEDERAL DEPARTMENT OF HOMELAND SECURITY~~ DEPARTMENT OF HOMELAND SECURITY THAT THE INDIVIDUAL IS CHARGED WITH A CRIME OR IS DUE FOR RELEASE, AS PROMPTLY AS POSSIBLE 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 NOT LAWFULLY PRESENT IN THE UNITED STATES OR THE STATUS OF THE PERSON'S LAWFUL PRESENCE IS UNKNOWN; AND.

~~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; and EITHER:~~

(I) THE PERSON IS CHARGED WITH A CRIME OF VIOLENCE AS DEFINED BY COLORADO STATUTE; OR

(II) THE PERSON HAS BEEN CONVICTED OF A PRIOR FELONY.

~~(c) The person is not lawfully present in the United States or the status of the person's lawful presence is unknown.~~

(2) ~~LAW ENFORCEMENT HAS A DUTY TO MAKE A REASONABLE EFFORT TO DETERMINE WHETHER A PERSON in these circumstances~~ CHARGED OR RELEASED WHO WOULD BE THE SUBJECT OF A NOTIFICATION UNDER THIS SECTION IS LAWFULLY PRESENT IN THE UNITED STATES.

(3) ~~FOR THE PURPOSES OF THIS SECTION, LAW ENFORCEMENT INCLUDES~~ MEANS:

(a) ~~A CERTIFIED PEACE OFFICER DESCRIBED IN Section~~ SECTION 16-2.5-101 WHO IS ACTIVELY EMPLOYED BY A LAW ENFORCEMENT AGENCY;

(b) ~~Correctional officers~~ A CORRECTIONAL OFFICER, INCLUDING AN EMPLOYEE AT A PRIVATE CORRECTIONAL FACILITY; AND

(c) ~~Attorneys and investigators~~ AN ATTORNEY OR INVESTIGATOR WHO ~~are~~ IS EMPLOYED BY THE DISTRICT ATTORNEY.

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