

2025-2026 #95 - Amended

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

**SECTION 1.** In the constitution of the state of Colorado, add section ~~17-18~~ to article XVIII as follows:

**Section ~~17-18~~. Notification requirements for felons and violent offenders unlawfully present in the United States**

**(1) Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, “LAW ENFORCEMENT” MEANS:

- (a) A CERTIFIED PEACE OFFICER DESCRIBED IN ~~SECTION 16-2.5-101~~ LAW, WHO IS EMPLOYED BY A LAW ENFORCEMENT AGENCY;
- (b) A CORRECTIONAL OFFICER; OR
- (c) AN ATTORNEY OR INVESTIGATOR WHO IS EMPLOYED BY A DISTRICT ATTORNEY.

**(2) Requirement to notify upon charging.** NOTWITHSTANDING ANY OTHER PROVISION OF COLORADO LAW, LAW ENFORCEMENT SHALL NOTIFY THE FEDERAL DEPARTMENT OF HOMELAND SECURITY WITHIN SEVENTY-TWO HOURS ~~OF~~ AFTER CHARGING THE PERSON WITH 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 AFTER A REASONABLE ATTEMPT TO DETERMINE IT HAS BEEN MADE BY LAW ENFORCEMENT; AND
- (b) 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.

**(3) Reasonable effort required.** LAW ENFORCEMENT HAS A DUTY TO MAKE A REASONABLE EFFORT TO DETERMINE WHETHER A PERSON CHARGED WHO WOULD BE THE SUBJECT OF A NOTIFICATION UNDER THIS SECTION IS LAWFULLY PRESENT IN THE UNITED STATES.

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