

Sanctuary H [Rework of #87 as constitutional]

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

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

Section 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 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 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.