First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0513.01 Richard Sweetman x4333

HOUSE BILL 13-1045

HOUSE SPONSORSHIP

Wright,

SENATE SPONSORSHIP

(None),

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

CONCERNING PROHIBITING ASSISTANCE BY THE STATE WITH ENFORCEMENT OF CERTAIN PROVISIONS OF THE FEDERAL "NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012".

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://www.leg.state.co.us/billsummaries.)

An agency of this state, a political subdivision of this state, an employee of an agency of this state or of a political subdivision of this

state acting in his or her official capacity, and a member of the Colorado National Guard serving in his or her official capacity are prohibited from aiding an agency of the armed forces of the United States in any investigation, prosecution, or detention of any person pursuant to section 1021 of the "National Defense Authorization Act for Fiscal Year 2012", if such aid would place the entity in violation of any provision of the United States constitution, the Colorado constitution, or any law of this state.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** part 3 to article 18 of title 24 as follows:

PART 3

NO STATE AID TO CERTAIN FEDERAL INVESTIGATIONS

24-18-301. National defense authorization act for 2012 - state aid prohibited. (1) (a) EXCEPT AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION, AND NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN ENTITY DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (1) SHALL NOT PROVIDE AID TO AN AGENCY OF THE ARMED FORCES OF THE UNITED STATES IN ANY INVESTIGATION, PROSECUTION, OR DETENTION OF ANY PERSON PURSUANT TO SECTION 1021 OF THE FEDERAL "NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012", H.R. 1540, PUB.L. 112-81, AS AMENDED, IF SUCH AID WOULD PLACE THE ENTITY IN VIOLATION OF ANY PROVISION OF THE UNITED STATES CONSTITUTION, THE COLORADO CONSTITUTION, OR ANY LAW OF THIS STATE.

(b) THE PROHIBITION DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1) APPLIES TO:

(I) AN AGENCY OF THIS STATE;

(II) A POLITICAL SUBDIVISION OF THIS STATE;

(III) AN EMPLOYEE OF AN AGENCY OR A POLITICAL SUBDIVISION OF

THIS STATE ACTING IN HIS OR HER OFFICIAL CAPACITY; AND

(IV) A MEMBER OF THE COLORADO NATIONAL GUARD SERVING IN HIS OR HER OFFICIAL CAPACITY PURSUANT TO ARTICLE 3 OF TITLE 28, C.R.S.

(2) THE PROHIBITION DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION SHALL NOT APPLY TO PARTICIPATION BY AN ENTITY IN A JOINT TASK FORCE, PARTNERSHIP, OR OTHER SIMILAR COOPERATIVE AGREEMENT WITH FEDERAL LAW ENFORCEMENT IF THE JOINT TASK FORCE, PARTNERSHIP, OR OTHER SIMILAR COOPERATIVE AGREEMENT IS NOT FOR THE PURPOSE OF INVESTIGATING, PROSECUTING, OR DETAINING ANY PERSON PURSUANT TO SECTION 1021 OF THE FEDERAL "NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012", H.R. 1540.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.