

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

SECTION 1. In Colorado Revised Statutes, 24-76.6-101 **amend** (3) as follows:

24-76.6-101. Definitions.

As used in this article 76.6, unless the context otherwise requires:

(3) “Law enforcement officer” means:

(a) ~~a~~ A CERTIFIED peace officer DESCRIBED IN SECTION 16-2.5-101 WHO IS ACTIVELY employed by the Colorado state patrol, a municipal police department, a town marshal’s office, or a county sheriff’s office A LAW ENFORCEMENT AGENCY;

(b) A CORRECTIONAL OFFICER; OR

(c) AN ATTORNEY OR INVESTIGATOR WHO IS EMPLOYED BY THE DISTRICT ATTORNEY.

SECTION 2. In Colorado Revised Statutes, **repeal and reenact** 24-76.6-102 as follows:

24-76.6-102. 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 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.

(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.

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

SECTION 3. In Colorado Revised Statutes, **repeal** 24-76.6-103 as follows:

24-76.6-103. Limitations on providing personal information by probation offices.

~~(1) A probation officer or probation department employee shall not provide personal information about an individual to federal immigration authorities.~~

~~(2) Nothing in section 24-76.6-102 prevents law enforcement officers from coordinating telephone or video interviews between federal immigration authorities and individuals incarcerated in any county or local jail or other custodial facility, to the same extent as telephone or video contact with such individuals is allowed by the general public, if the individual has been advised, in the individual’s language of choice, of certain information in writing, including but not limited to:~~

~~(a) The interview is being sought by federal immigration authorities;~~

~~(b) The individual has the right to decline the interview and remain silent;~~

~~(c) The individual has the right to speak to an attorney before submitting to the interview; and~~

~~(d) Anything the individual says may be used against him or her in subsequent proceedings, including in a federal immigration court.~~

~~(3) The written advisement described in subsection (2) of this section must be provided to the inmate again when the inmate is released.~~