

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 15-0009.01 Jason Gelender x4330

HOUSE BILL 15-1114

HOUSE SPONSORSHIP

Saine, Neville P., Humphrey, Lebsock, Salazar, Klingenschmitt, Ransom

SENATE SPONSORSHIP

Woods and Ulibarri, Baumgardner

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A PROHIBITION AGAINST ASSISTANCE BY THE STATE,**
102 **INCLUDING, BUT NOT LIMITED TO, ANY MEMBER OF THE**
103 **COLORADO NATIONAL GUARD SERVING IN HIS OR HER OFFICIAL**
104 **CAPACITY, WITH ENFORCEMENT OF CERTAIN FEDERAL LAWS**
105 **RELATING TO INVESTIGATION, PROSECUTION, AND DETENTION**
106 **OF INDIVIDUALS THAT WERE INITIALLY ENACTED IN THE**
107 **FEDERAL "NATIONAL DEFENSE AUTHORIZATION ACT FOR**
108 **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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

[http://www.leg.state.co.us/bills/summaries.](http://www.leg.state.co.us/bills/summaries/))

The bill prohibits a state agency, a political subdivision of the state, an employee of a state agency or political subdivision of the state acting in his or her official capacity, or a member of the Colorado National Guard serving in his or her official capacity 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 or 1022 of the "National Defense Authorization Act for Fiscal Year 2012" or any substantially similar successor provision of federal law if such aid would place the entity in violation of any provision of the United States constitution, the Colorado constitution, or Colorado state law. The bill requires the criminal prosecution of any individual who violates the prohibition, pursuant to any applicable provisions of the "Colorado Criminal Code", including, but not limited to, provisions that prohibit assault, battery, kidnapping, and homicide.

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

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

4 **PART 3**

5 **NO STATE AID TO CERTAIN**

6 **FEDERAL INVESTIGATIONS**

7 **24-18-301. National defense authorization act for fiscal year**
8 **2012 - state aid prohibited - penalty.** (1) (a) EXCEPT AS DESCRIBED IN
9 SUBSECTION (2) OF THIS SECTION, AND NOTWITHSTANDING ANY OTHER
10 PROVISION OF LAW, AN ENTITY DESCRIBED IN PARAGRAPH (b) OF THIS
11 SUBSECTION (1) SHALL NOT PROVIDE AID TO AN AGENCY OF THE ARMED
12 FORCES OF THE UNITED STATES IN ANY INVESTIGATION, PROSECUTION, OR
13 DETENTION OF ANY PERSON PURSUANT TO SECTION 1021 OR 1022 OF THE
14 FEDERAL "NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR
15 2012", H.R. 1540, PUB.L. 112-81, AS AMENDED, OR ANY SUBSTANTIALLY
16 SIMILAR SUCCESSOR PROVISION OF FEDERAL LAW IF SUCH AID WOULD

1 PLACE THE ENTITY IN VIOLATION OF ANY PROVISION OF THE UNITED
2 STATES CONSTITUTION, THE COLORADO CONSTITUTION, OR ANY LAW OF
3 THIS STATE.

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

6 (I) AN AGENCY OF THIS STATE;

7 (II) A POLITICAL SUBDIVISION OF THIS STATE;

8 (III) AN EMPLOYEE OF AN AGENCY OR A POLITICAL SUBDIVISION OF
9 THIS STATE ACTING IN HIS OR HER OFFICIAL CAPACITY; AND

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

13 (2) THE PROHIBITION DESCRIBED IN PARAGRAPH (a) OF SUBSECTION
14 (1) OF THIS SECTION DOES NOT APPLY TO PARTICIPATION BY AN ENTITY IN
15 A JOINT TASK FORCE, PARTNERSHIP, OR OTHER SIMILAR COOPERATIVE
16 AGREEMENT WITH FEDERAL LAW ENFORCEMENT IF THE JOINT TASK FORCE,
17 PARTNERSHIP, OR OTHER SIMILAR COOPERATIVE AGREEMENT IS NOT FOR
18 THE PURPOSE OF INVESTIGATING, PROSECUTING, OR DETAINING ANY
19 PERSON PURSUANT TO SECTION 1021 OR 1022 OF THE FEDERAL "NATIONAL
20 DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012", H.R. 1540,
21 PUB.L. 112-81, AS AMENDED.

22 (3) AN INDIVIDUAL WHO VIOLATES SUBSECTION (1) OF THIS
23 SECTION SHALL BE PROSECUTED UNDER ANY APPLICABLE PROVISIONS OF
24 THE "COLORADO CRIMINAL CODE", TITLE 18, C.R.S., INCLUDING, BUT NOT
25 LIMITED TO, PROVISIONS THAT PROHIBIT ASSAULT, BATTERY, KIDNAPPING,
26 AND HOMICIDE, AS DEFINED BY LAW.

27 **SECTION 2. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.