First Regular Session Seventieth General Assembly STATE OF COLORADO

REENGROSSED

This Version Includes All Amendments Adopted in the House of Introduction

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 HOUSE Amended 3rd Reading March 9, 2015

Amended 2nd Reading Ame

http://www.leg.state.co.us/billsummaries.)

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
9	IN SUBSECTION (2) OF THIS SECTION, AN ENTITY DESCRIBED IN PARAGRAPH
10	(c) OF THIS SUBSECTION (1) SHALL NOT ASSIST IN THE INDEFINITE
11	MILITARY DETENTION OF ANY UNITED STATES CITIZEN PURSUANT TO
12	SECTION 1021 OR 1022 OF THE FEDERAL "NATIONAL DEFENSE
13	AUTHORIZATION ACT FOR FISCAL YEAR 2012", Pub.L. 112-81, AS
14	AMENDED, OR ANY SUCCESSOR PROVISION, THAT AUTHORIZES INDEFINITE
15	MILITARY DETENTION FOR UNITED STATES CITIZENS.
16	(b) THE PROHIBITION IN PARAGRAPH (a) OF THIS SUBSECTION (2)

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1	APPLIES ONCE THE FEDERAL GOVERNMENT HAS MADE AN OFFICIAL
2	DETERMINATION THAT A UNITED STATES CITIZEN SHALL BE HELD IN
3	INDEFINITE MILITARY DETENTION UNDER SECTION 1021 OR 1022 OF THE
4	FEDERAL "NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR
5	2012", Pub.L. 112-81, as amended. The entity is responsible for
6	ENSURING THAT ITS STATE EMPLOYEES DO NOT PARTICIPATE IN THE
7	PROHIBITED ACTION UNDER PARAGRAPH (a) OF THIS SUBSECTION (2).
8	(c) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS
9	SECTION, THE PROHIBITION DESCRIBED IN PARAGRAPH (a) OF THIS
10	SUBSECTION (1) APPLIES TO:
11	(I) AN AGENCY OF THIS STATE;
12	(II) A POLITICAL SUBDIVISION OF THIS STATE;
13	(III) AN EMPLOYEE OF AN AGENCY OR A POLITICAL SUBDIVISION
14	OF THIS STATE ACTING IN HIS OR HER OFFICIAL CAPACITY; AND
15	(IV) A MEMBER OF THE COLORADO NATIONAL GUARD SERVING
16	In his or her official capacity pursuant to article $\overline{3}$ of title $\overline{28}$,
17	C.R.S.
18	(2) THE PROHIBITION DESCRIBED IN PARAGRAPH (a) OF
19	SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO A MEMBER OF THE
20	COLORADO NATIONAL GUARD:
21	(a) IF THE MEMBER IS ACTING PURSUANT TO A DIRECT ORDER FROM
22	HIS OR HER COMMANDING OFFICER OR ANOTHER HIGHER RANKING OFFICER
23	THAT SPECIFICALLY INDICATES THAT THE ORDERED ACTIONS ARE TO BE
24	TAKEN PURSUANT TO SECTION 1021 OR 1022 OF THE FEDERAL "NATIONAL
25	DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012", H.R. 1540,
26	Pub.L. 112-81, as amended, or any substantially similar
27	SUCCESSOR PROVISION OF FEDERAL LAW; OR

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1	(b) If the member is acting in his or her official capacity
2	WHILE ON ACTIVE DUTY UNDER TITLE 10 OF THE UNITED STATES CODE.
3	SECTION 2. Safety clause. The general assembly hereby finds,
4	determines, and declares that this act is necessary for the immediate
5	preservation of the public peace, health, and safety.

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