

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading 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

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.*

HOUSE
Amended 2nd Reading
March 6, 2015

[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
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)

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 THE 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 3 OF TITLE 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

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.