

First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0609.01 Conrad Imel x2313

HOUSE BILL 23-1044

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HOUSE SPONSORSHIP

DeGraaf,

SENATE SPONSORSHIP

(None),

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House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING ENACTING THE "SECOND AMENDMENT PRESERVATION  
102 ACT", AND, IN CONNECTION THEREWITH, PROHIBITING  
103 ENFORCEMENT OF FEDERAL LAWS THAT INFRINGE ON THE  
104 RIGHT TO BEAR ARMS.

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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://leg.colorado.gov>.)*

The bill states that any federal act, law, executive order, administrative order, rule, and regulation (federal laws) that is, or accomplishes, any of the following is an infringement on the right to bear

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

arms in Colorado:

- A tax, levy, fee, or stamp not common to all other goods and services that is imposed on a firearm, firearm accessory, or ammunition and that might reasonably be expected to create a "chilling effect" on the purchase or ownership of those items by law-abiding citizens;
- Any registration or tracking of firearms, firearm accessories, or ammunition;
- Any registration or tracking of the ownership of firearms, firearm accessories, or ammunition;
- A prohibition on the possession, ownership, use, or transfer of a firearm, firearm accessory, or ammunition by law-abiding citizens; and
- Any order to confiscate firearms, firearm accessories, or ammunition from law-abiding citizens.

The bill prohibits any entity or person from enforcing or attempting to enforce any federal law that infringes on the right to keep and bear arms. The state or a political subdivision that enforces or attempts to enforce a federal law that infringes on the right to keep and bear arms is liable to the injured party and subject to a civil penalty of up to \$50,000 per occurrence.

The bill prohibits the state or a political subdivision, including a law enforcement agency, from employing a person who, while acting as a federal agent or under color of federal law, knowingly enforced, attempted to enforce, or gave material aid and support to the efforts of another who enforced or attempted to enforce a federal law that infringes on the right to keep and bear arms. The state or a political subdivision who employs the person is subject to a civil penalty of up to \$50,000 per employee.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 18-12-101.5 as  
3 follows:

4 **18-12-101.5. Federal law that infringes on right to bear arms**  
5 **- enforcement of federal law - exceptions - liability for violations -**  
6 **legislative declaration - definitions.** (1) THE SHORT TITLE OF THIS ACT  
7 IS THE "SECOND AMENDMENT PRESERVATION ACT".

8 (2) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

1 (I) THE GENERAL ASSEMBLY IS FIRMLY RESOLVED TO SUPPORT AND  
2 DEFEND THE UNITED STATES CONSTITUTION AGAINST EVERY AGGRESSION,  
3 WHETHER FOREIGN OR DOMESTIC, AND IS DUTY-BOUND TO OPPOSE EVERY  
4 INFRACTION OF THOSE PRINCIPLES THAT CONSTITUTE THE BASIS OF THE  
5 UNION OF THE STATES BECAUSE ONLY A FAITHFUL OBSERVANCE OF THOSE  
6 PRINCIPLES CAN SECURE THE UNION'S EXISTENCE AND THE PUBLIC  
7 HAPPINESS;

8 (II) ACTING THROUGH THE UNITED STATES CONSTITUTION, THE  
9 PEOPLE OF THE SEVERAL STATES CREATED THE FEDERAL GOVERNMENT TO  
10 BE THEIR AGENT IN THE EXERCISE OF A FEW DEFINED POWERS, WHILE  
11 RESERVING FOR THE STATE GOVERNMENTS THE POWER TO LEGISLATE ON  
12 MATTERS CONCERNING THE LIVES, LIBERTIES, AND PROPERTIES OF  
13 CITIZENS IN THE ORDINARY COURSE OF AFFAIRS;

14 (III) THE LIMITATION OF THE FEDERAL GOVERNMENT'S POWER IS  
15 AFFIRMED UNDER THE TENTH AMENDMENT TO THE UNITED STATES  
16 CONSTITUTION, WHICH DEFINES THE TOTAL SCOPE OF FEDERAL POWERS AS  
17 BEING THOSE THAT HAVE BEEN DELEGATED BY THE PEOPLE OF THE  
18 SEVERAL STATES TO THE FEDERAL GOVERNMENT AND ALL POWERS NOT  
19 DELEGATED TO THE FEDERAL GOVERNMENT IN THE UNITED STATES  
20 CONSTITUTION ARE RESERVED TO THE STATES RESPECTIVELY OR THE  
21 PEOPLE THEMSELVES;

22 (IV) IF THE FEDERAL GOVERNMENT ASSUMES POWERS THAT THE  
23 PEOPLE DID NOT GRANT IT IN THE UNITED STATES CONSTITUTION, ITS ACTS  
24 ARE UNAUTHORITATIVE, VOID, AND OF NO FORCE;

25 (V) THE SEVERAL STATES OF THE UNITED STATES RESPECT THE  
26 PROPER ROLE OF THE FEDERAL GOVERNMENT BUT REJECT THE  
27 PROPOSITION THAT SUCH RESPECT REQUIRES UNLIMITED SUBMISSION. IF

1 THE FEDERAL GOVERNMENT, CREATED BY A COMPACT AMONG THE STATES,  
2 WERE THE EXCLUSIVE OR FINAL JUDGE OF THE EXTENT OF THE POWERS  
3 GRANTED TO IT BY THE STATES THROUGH THE UNITED STATES  
4 CONSTITUTION, THE FEDERAL GOVERNMENT'S DISCRETION, AND NOT THE  
5 UNITED STATES CONSTITUTION, WOULD NECESSARILY BECOME THE  
6 MEASURE OF THOSE POWERS. TO THE CONTRARY, AS IN ALL OTHER CASES  
7 OF COMPACTS AMONG POWERS HAVING NO COMMON JUDGE, EACH PARTY  
8 HAS AN EQUAL RIGHT TO JUDGE FOR ITSELF AS TO WHETHER INFRACTIONS  
9 OF THE COMPACT HAVE OCCURRED, AS WELL AS TO DETERMINE THE MODE  
10 AND MEASURE OF REDRESS. ALTHOUGH THE SEVERAL STATES HAVE  
11 GRANTED SUPREMACY TO LAWS AND TREATIES MADE UNDER THE POWERS  
12 GRANTED IN THE UNITED STATES CONSTITUTION, SUCH SUPREMACY DOES  
13 NOT EXTEND TO VARIOUS FEDERAL STATUTES, EXECUTIVE ORDERS,  
14 ADMINISTRATIVE ORDERS, COURT ORDERS, RULES, REGULATIONS, OR  
15 OTHER ACTIONS THAT COLLECT DATA OR RESTRICT OR PROHIBIT THE  
16 MANUFACTURE, OWNERSHIP, OR USE OF FIREARMS, FIREARM ACCESSORIES,  
17 OR AMMUNITION EXCLUSIVELY WITHIN THE BORDERS OF COLORADO; SUCH  
18 STATUTES, EXECUTIVE ORDERS, ADMINISTRATIVE ORDERS, COURT ORDERS,  
19 RULES, REGULATIONS, AND OTHER ACTIONS EXCEED THE POWERS  
20 GRANTED TO THE FEDERAL GOVERNMENT EXCEPT TO THE EXTENT THEY  
21 ARE NECESSARY AND PROPER FOR GOVERNING AND REGULATING THE  
22 UNITED STATES ARMED FORCES OR FOR ORGANIZING, ARMING, AND  
23 DISCIPLINING MILITIA FORCES ACTIVELY EMPLOYED IN THE SERVICE OF THE  
24 UNITED STATES ARMED FORCES.

25 (VI) THE PEOPLE OF THE SEVERAL STATES HAVE GIVEN CONGRESS,  
26 IN ARTICLE I, SECTION 8 OF THE UNITED STATES CONSTITUTION, THE  
27 POWER "TO REGULATE COMMERCE WITH FOREIGN NATIONS, AND AMONG

1 THE SEVERAL STATES", BUT REGULATING COMMERCE DOES NOT INCLUDE  
2 THE POWER TO LIMIT CITIZENS' RIGHT TO KEEP AND BEAR ARMS IN DEFENSE  
3 OF THEIR FAMILIES, NEIGHBORS, PERSONS, OR PROPERTY, NOR TO DICTATE  
4 WHAT SORTS OF ARMS AND ACCESSORIES LAW-ABIDING COLORADANS MAY  
5 BUY, SELL, EXCHANGE, OR OTHERWISE POSSESS WITHIN THE BORDERS OF  
6 THIS STATE;

7 (VII) THE PEOPLE OF THE SEVERAL STATES HAVE ALSO GRANTED  
8 CONGRESS, IN ARTICLE I, SECTION 8 OF THE UNITED STATES  
9 CONSTITUTION, THE POWERS "TO LAY AND COLLECT TAXES, DUTIES,  
10 IMPOSTS AND EXCISES, TO PAY THE DEBTS, AND PROVIDE FOR THE COMMON  
11 DEFENSE AND GENERAL WELFARE OF THE UNITED STATES" AND "TO MAKE  
12 ALL LAWS WHICH SHALL BE NECESSARY AND PROPER FOR CARRYING INTO  
13 EXECUTION THE FOREGOING POWERS, AND ALL OTHER POWERS VESTED BY  
14 THIS CONSTITUTION IN THE GOVERNMENT OF THE UNITED STATES, OR IN  
15 ANY DEPARTMENT OR OFFICER THEREOF." THESE CONSTITUTIONAL  
16 PROVISIONS MERELY IDENTIFY THE MEANS BY WHICH THE FEDERAL  
17 GOVERNMENT MAY EXECUTE ITS LIMITED POWERS AND SHALL NOT BE  
18 CONSTRUED TO GRANT UNLIMITED POWER BECAUSE TO DO SO WOULD BE  
19 TO DESTROY THE CAREFULLY CONSTRUCTED EQUILIBRIUM BETWEEN THE  
20 FEDERAL AND STATE GOVERNMENTS. CONSEQUENTLY, THE GENERAL  
21 ASSEMBLY REJECTS ANY CLAIM THAT THE TAXING AND SPENDING POWERS  
22 OF CONGRESS MAY BE USED TO DIMINISH IN ANY WAY THE RIGHT OF THE  
23 PEOPLE TO KEEP AND BEAR ARMS.

24 (VIII) THE FEDERAL EXCISE TAX RATE ON ARMS AND AMMUNITION  
25 IN EFFECT PRIOR TO JANUARY 1, 2021, WHICH FUNDS PROGRAMS UNDER  
26 THE FEDERAL PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT, 16  
27 U.S.C. SEC. 669 ET SEQ., DOES NOT HAVE A CHILLING EFFECT ON THE

1 PURCHASE OR OWNERSHIP OF ARMS AND AMMUNITION;

2 (IX) THE GENERAL ASSEMBLY HAS THE AUTHORITY, PURSUANT TO  
3 THE STATE'S POLICE POWERS, TO REGULATE THE MANUFACTURE,  
4 POSSESSION, EXCHANGE, AND USE OF FIREARMS WITHIN THE BORDERS OF  
5 THIS STATE, SUBJECT ONLY TO THE LIMITS IMPOSED BY THE SECOND  
6 AMENDMENT TO THE UNITED STATES CONSTITUTION AND ARTICLE II,  
7 SECTION 13 OF THE COLORADO CONSTITUTION; AND

8 (X) THE GENERAL ASSEMBLY STRONGLY PROMOTES RESPONSIBLE  
9 GUN OWNERSHIP, INCLUDING PARENTAL SUPERVISION OF MINORS IN THE  
10 PROPER USE, STORAGE, AND OWNERSHIP OF ALL FIREARMS; THE PROMPT  
11 REPORTING OF STOLEN FIREARMS; AND THE PROPER ENFORCEMENT OF ALL  
12 STATE GUN LAWS.

13 (b) THE GENERAL ASSEMBLY HEREBY CONDEMNS ANY UNLAWFUL  
14 TRANSFER OF FIREARMS AND THE USE OF ANY FIREARM IN ANY CRIMINAL  
15 OR UNLAWFUL ACTIVITY.

16 (c) THE GENERAL ASSEMBLY FURTHER FINDS, DETERMINES, AND  
17 DECLARES THAT THIS ACT, PURSUANT TO ARTICLE V, SECTION 1 (3) OF THE  
18 COLORADO CONSTITUTION, IS NECESSARY FOR THE IMMEDIATE  
19 PRESERVATION OF THE PUBLIC PEACE AND SAFETY BECAUSE IMMEDIATE  
20 ACTION IS NECESSARY TO ENSURE THE LIMITATION OF THE FEDERAL  
21 GOVERNMENT'S POWER OVER STATE RESOURCES AND PERSONNEL AND TO  
22 PROTECT COLORADO CITIZENS' RIGHT TO KEEP AND BEAR ARMS.

23 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
24 REQUIRES:

25 (a) "KNOWINGLY" HAS THE SAME MEANING AS SET FORTH IN  
26 SECTION 18-1-501.

27 (b) "LAW-ABIDING CITIZEN" MEANS A PERSON WHO IS NOT

1 PROHIBITED UNDER STATE LAW FROM POSSESSING A FIREARM PURSUANT  
2 TO A CRIMINAL CONVICTION FOR WHICH THE PERSON HAS BEEN AFFORDED  
3 THE RIGHTS OF DUE PROCESS. "LAW-ABIDING CITIZEN" DOES NOT INCLUDE  
4 A PERSON WHO IS NOT LEGALLY PRESENT IN THE UNITED STATES OR THE  
5 STATE OF COLORADO.

6 (c) "MATERIAL AID AND SUPPORT" MEANS VOLUNTARILY GIVING  
7 OR ALLOWING OTHERS TO MAKE USE OF LODGING; COMMUNICATIONS  
8 EQUIPMENT OR SERVICES, INCLUDING SOCIAL MEDIA ACCOUNTS;  
9 FACILITIES; WEAPONS; PERSONNEL; TRANSPORTATION; CLOTHING; OR  
10 OTHER PHYSICAL ASSETS. "MATERIAL AID AND SUPPORT" DOES NOT  
11 INCLUDE GIVING OR ALLOWING THE USE OF MEDICINE OR OTHER  
12 MATERIALS NECESSARY TO TREAT PHYSICAL INJURIES OR PROVIDING ANY  
13 ASSISTANCE TO HELP PERSONS ESCAPE A SERIOUS, PRESENT RISK OF  
14 LIFE-THREATENING INJURY.

15 (d) "POLITICAL SUBDIVISION" MEANS A POLITICAL SUBDIVISION OF  
16 COLORADO, INCLUDING A LAW ENFORCEMENT AGENCY OF A POLITICAL  
17 SUBDIVISION.

18 (4) (a) A FEDERAL ACT, LAW, EXECUTIVE ORDER, ADMINISTRATIVE  
19 ORDER, RULE, AND REGULATION THAT IS, OR ACCOMPLISHES, ANY OF THE  
20 FOLLOWING IS AN INFRINGEMENT ON THE PEOPLE'S RIGHT TO KEEP AND  
21 BEAR ARMS AS GUARANTEED BY THE SECOND AMENDMENT TO THE UNITED  
22 STATES CONSTITUTION AND ARTICLE II, SECTION 13 OF THE COLORADO  
23 CONSTITUTION, WITHIN THE BORDERS OF THIS STATE:

24 (I) ANY TAX, LEVY, FEE, OR STAMP NOT COMMON TO ALL OTHER  
25 GOODS AND SERVICES THAT IS IMPOSED ON A FIREARM, FIREARM  
26 ACCESSORY, OR AMMUNITION AND THAT MIGHT REASONABLY BE  
27 EXPECTED TO CREATE A CHILLING EFFECT ON THE PURCHASE OR

1 OWNERSHIP OF THOSE ITEMS BY LAW-ABIDING CITIZENS;

2 (II) ANY REGISTRATION OR TRACKING OF FIREARMS, FIREARM  
3 ACCESSORIES, OR AMMUNITION;

4 (III) ANY REGISTRATION OR TRACKING OF THE OWNERSHIP OF  
5 FIREARMS, FIREARM ACCESSORIES, OR AMMUNITION;

6 (IV) ANY ACT FORBIDDING THE POSSESSION, OWNERSHIP, USE, OR  
7 TRANSFER OF A FIREARM, FIREARM ACCESSORY, OR AMMUNITION BY  
8 LAW-ABIDING CITIZENS; AND

9 (V) ANY ACT ORDERING THE CONFISCATION OF FIREARMS,  
10 FIREARM ACCESSORIES, OR AMMUNITION FROM LAW-ABIDING CITIZENS.

11 (b) A FEDERAL ACT, LAW, EXECUTIVE ORDER, ADMINISTRATIVE  
12 ORDER, RULE, OR REGULATION DESCRIBED IN SUBSECTION (4)(a) OF THIS  
13 SECTION, REGARDLESS OF WHETHER IT WAS ENACTED ON, BEFORE, OR  
14 AFTER THE EFFECTIVE DATE OF THIS SECTION, IS INVALID TO THIS STATE,  
15 IS NOT RECOGNIZED BY THIS STATE, IS SPECIFICALLY REJECTED BY THIS  
16 STATE, AND SHALL NOT BE ENFORCED BY THIS STATE OR ANY POLITICAL  
17 SUBDIVISION.

18 (c) IT IS THE DUTY OF THE COURTS AND LAW ENFORCEMENT  
19 AGENCIES OF COLORADO AND OF ANY POLITICAL SUBDIVISION TO PROTECT  
20 THE RIGHTS OF LAW-ABIDING CITIZENS TO KEEP AND BEAR ARMS WITHIN  
21 THE BORDERS OF THIS STATE AND TO PROTECT THESE RIGHTS FROM THE  
22 INFRINGEMENTS DESCRIBED IN SUBSECTION (4)(a) OF THIS SECTION.

23 (5) (a) THE STATE OR A POLITICAL SUBDIVISION, ACTING VIA AN  
24 AGENCY, PUBLIC OFFICER, OR PUBLIC EMPLOYEE, SHALL NOT ENFORCE OR  
25 ATTEMPT TO ENFORCE ANY FEDERAL ACT, LAW, EXECUTIVE ORDER,  
26 ADMINISTRATIVE ORDER, RULE, REGULATION, STATUTE, OR ORDINANCE  
27 THAT INFRINGES ON THE RIGHT TO KEEP AND BEAR ARMS AS DESCRIBED IN



1 SUBSECTION (4)(a) OF THIS SECTION. NOTHING IN THIS SECTION PROHIBITS  
2 COLORADO OFFICIALS FROM ACCEPTING AID FROM FEDERAL OFFICIALS IN  
3 AN EFFORT TO ENFORCE COLORADO LAW.

4 (b) (I) THE STATE OR A POLITICAL SUBDIVISION THAT VIOLATES  
5 THE PROVISIONS OF SUBSECTION (5)(a) OF THIS SECTION, OR OTHERWISE  
6 DEPRIVES A CITIZEN OF COLORADO OF THE RIGHTS OR PRIVILEGES  
7 ENSURED BY THE SECOND AMENDMENT TO THE UNITED STATES  
8 CONSTITUTION OR ARTICLE II, SECTION 13 OF THE COLORADO  
9 CONSTITUTION, WHILE ACTING UNDER THE COLOR OF ANY FEDERAL, STATE,  
10 OR LOCAL LAW IS LIABLE TO THE INJURED PARTY FOR A CIVIL PENALTY OF  
11 FIFTY THOUSAND DOLLARS PER OCCURRENCE. IN AN ACTION BROUGHT  
12 PURSUANT TO THIS SUBSECTION (5), THE STATE OR POLITICAL SUBDIVISION  
13 IS LIABLE FOR THE ACTIONS OF ANY OF THEIR AGENTS, EMPLOYEES, OR  
14 OFFICERS IN THE PERFORMANCE OF ASSIGNMENTS OR DUTIES.

15 (II) AN INDIVIDUAL ACTING IN THE PERFORMANCE OF THE  
16 INDIVIDUAL'S DUTIES AS AN OFFICER, EMPLOYEE, OR AGENT OF THE STATE  
17 OR A POLITICAL SUBDIVISION IS NOT PERSONALLY LIABLE IN AN ACTION  
18 BROUGHT PURSUANT TO THIS SUBSECTION (5).

19 (c) IN ADDITION TO AN ACTION TO RECOVER THE CIVIL PENALTY,  
20 A PERSON WHO IS INJURED BY A VIOLATION OF THIS SUBSECTION (5) HAS  
21 STANDING TO PURSUE AN ACTION FOR INJUNCTIVE RELIEF IN THE DISTRICT  
22 COURT OF THE JUDICIAL DISTRICT IN WHICH THE ACTION ALLEGEDLY  
23 OCCURRED. THE COURT SHALL HOLD A HEARING ON THE MOTION FOR  
24 INJUNCTIVE RELIEF WITHIN THIRTY DAYS AFTER THE ACTION FOR  
25 INJUNCTIVE RELIEF IS FILED.

26 (d) IN AN ACTION BROUGHT PURSUANT TO THIS SUBSECTION (5),  
27 THE COURT MAY AWARD THE PREVAILING PARTY, OTHER THAN THE STATE

1 OF COLORADO OR ANY POLITICAL SUBDIVISION, REASONABLE ATTORNEY  
2 FEES AND COSTS.

3 (e) SOVEREIGN IMMUNITY IS NOT AN AFFIRMATIVE DEFENSE IN AN  
4 ACTION BROUGHT PURSUANT TO THIS SUBSECTION (5).

5 (6) (a) (I) THE STATE OR A POLITICAL SUBDIVISION, INCLUDING A  
6 LAW ENFORCEMENT AGENCY, SHALL NOT TEMPORARILY OR PERMANENTLY  
7 EMPLOY AN INDIVIDUAL WHO, AFTER THE EFFECTIVE DATE OF THIS  
8 SECTION AND WHILE ACTING AS AN OFFICIAL, AGENT, EMPLOYEE, OR  
9 DEPUTY OF THE GOVERNMENT OF THE UNITED STATES OR OTHERWISE  
10 ACTING UNDER THE COLOR OF FEDERAL LAW, KNOWINGLY ENFORCED OR  
11 ATTEMPTED TO ENFORCE ANY OF THE INFRINGEMENTS IDENTIFIED IN  
12 SUBSECTION (4) OF THIS SECTION OR GAVE MATERIAL AID AND SUPPORT TO  
13 THE EFFORTS OF ANOTHER WHO ENFORCED OR ATTEMPTED TO ENFORCE  
14 ANY OF THE INFRINGEMENTS.

15 (II) THE STATE OR A POLITICAL SUBDIVISION THAT KNOWINGLY  
16 EMPLOYS A PERSON AS DESCRIBED IN THIS SUBSECTION (6)(a) IS SUBJECT  
17 TO A CIVIL PENALTY OF FIFTY THOUSAND DOLLARS PER EMPLOYEE HIRED  
18 BY THE STATE OR POLITICAL SUBDIVISION IN VIOLATION OF THIS  
19 SUBSECTION (6)(a), TO BE PAID TO THE PERSON WHO BRINGS THE ACTION  
20 PURSUANT TO SUBSECTION (6)(b) OF THIS SECTION.

21 (b) (I) A RESIDENT OF COLORADO HAS STANDING TO BRING AN  
22 ACTION, INCLUDING AN ACTION FOR INJUNCTIVE RELIEF, AGAINST THE  
23 STATE FOR EMPLOYING A PERSON IN VIOLATION OF THIS SUBSECTION (6).

24 (II) ANY PERSON RESIDING OR CONDUCTING BUSINESS WITHIN THE  
25 JURISDICTION OF A POLITICAL SUBDIVISION HAS STANDING TO BRING AN  
26 ACTION, INCLUDING AN ACTION FOR INJUNCTIVE RELIEF, AGAINST THE  
27 POLITICAL SUBDIVISION FOR EMPLOYING A PERSON IN VIOLATION OF THIS

1 SUBSECTION (6). AN ACTION AGAINST A POLITICAL SUBDIVISION MAY BE  
2 BROUGHT IN THE DISTRICT COURT OF THE JUDICIAL DISTRICT WITH  
3 JURISDICTION OVER THE POLITICAL SUBDIVISION.

4 (III) IN AN ACTION FOR INJUNCTIVE RELIEF BROUGHT PURSUANT TO  
5 THIS SUBSECTION (6), THE COURT SHALL HOLD A HEARING ON A MOTION  
6 FOR A TEMPORARY RESTRAINING ORDER OR PRELIMINARY INJUNCTION  
7 WITHIN THIRTY DAYS AFTER THE ACTION FOR INJUNCTIVE RELIEF IS FILED.

8 (c) IN AN ACTION BROUGHT PURSUANT TO THIS SUBSECTION (6),  
9 THE COURT MAY AWARD THE PREVAILING PARTY, OTHER THAN THE STATE  
10 OF COLORADO OR ANY POLITICAL SUBDIVISION, REASONABLE ATTORNEY  
11 FEES AND COSTS.

12 (d) SOVEREIGN IMMUNITY IS NOT AN AFFIRMATIVE DEFENSE IN ANY  
13 ACTION PURSUANT TO THIS SUBSECTION (6).

14 (7) IT IS NOT A VIOLATION OF THIS SECTION TO:

15 (a) PROVIDE MATERIAL AID TO FEDERAL OFFICIALS WHO ARE IN  
16 PURSUIT OF A SUSPECT WHEN THERE IS A DEMONSTRABLE CRIMINAL NEXUS  
17 BETWEEN THE SUSPECT AND ANOTHER STATE OR COUNTRY AND THE  
18 SUSPECT IS EITHER NOT A CITIZEN OF THIS STATE OR IS NOT PRESENT IN  
19 THIS STATE; OR

20 (b) PROVIDE MATERIAL AID AND SUPPORT TO A FEDERAL  
21 PROSECUTION FOR:

22 (I) FELONY CRIMES AGAINST A PERSON WHEN THE PROSECUTION  
23 INCLUDES WEAPONS VIOLATIONS SUBSTANTIALLY SIMILAR TO THOSE  
24 DESCRIBED IN THIS ARTICLE 12 OR ANY OTHER PROVISION IN COLORADO  
25 LAW SO LONG AS THE WEAPONS VIOLATIONS ARE MERELY ANCILLARY TO  
26 SUCH PROSECUTION; OR

27 (II) CLASS A AND B FELONY CONTROLLED SUBSTANCE VIOLATIONS

1 SUBSTANTIALLY SIMILAR TO THOSE DESCRIBED IN ARTICLE 18 OF THIS  
2 TITLE 18 WHEN THE PROSECUTION INCLUDES A WEAPONS VIOLATION  
3 SUBSTANTIALLY SIMILAR TO THOSE DESCRIBED IN THIS ARTICLE 12 OR ANY  
4 OTHER PROVISION OF COLORADO LAW, SO LONG AS THE WEAPONS  
5 VIOLATION IS MERELY ANCILLARY TO THE PROSECUTION.

6 **SECTION 2.** In Colorado Revised Statutes, 24-10-106, **amend**  
7 (1)(i) and (1)(j); and **add** (1)(k) as follows:

8 **24-10-106. Immunity and partial waiver.** (1) A public entity  
9 shall be immune from liability in all claims for injury which lie in tort or  
10 could lie in tort regardless of whether that may be the type of action or the  
11 form of relief chosen by the claimant except as provided otherwise in this  
12 section. Sovereign immunity is waived by a public entity in an action for  
13 injuries resulting from:

14 (i) An action brought pursuant to section 13-21-128; ~~or~~

15 (j) An action brought pursuant to part 12 of article 20 of title 13,  
16 whether the conduct alleged occurred before, on, or after January 1, 2022;

17 OR

18 (k) AN ACTION BROUGHT PURSUANT TO SECTION 18-12-101.5 (5)  
19 OR (6).

20 **SECTION 3. Applicability.** This act applies to offenses  
21 committed on or after the effective date of this act.

22 **SECTION 4. Safety clause.** The general assembly hereby finds,  
23 determines, and declares that this act is necessary for the immediate  
24 preservation of the public peace, health, or safety.