

2024-2025 #75 - Final

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

SECTION 1. In Colorado Revised Statutes, **repeal and reenact 24-76.6-103** as follows:

24-76.6-103. 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 THAT THE INDIVIDUAL IS CHARGED WITH A CRIME OR IS DUE FOR RELEASE 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.

(3) FOR THE PURPOSES OF THIS SECTION, LAW ENFORCEMENT MEANS:

(a) A CERTIFIED PEACE OFFICER DESCRIBED IN SECTION 16-2.5-101 WHO IS ACTIVELY EMPLOYED BY A LAW ENFORCEMENT AGENCY;

(b) A CORRECTIONAL OFFICER, INCLUDING AN EMPLOYEE AT A PRIVATE CORRECTIONAL FACILITY;
AND

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