



June 6, 2023

The Honorable Colorado State House of Representatives
The 74th General Assembly
First Regular Session
State Capitol
200 E. Colfax Ave.
Denver, CO 80203

Dear Honorable Members of the Colorado State House of Representatives:

Today I am signing HB23-1100 "Concerning Restrictions on Governmental Participation in Civil Immigration Detention."

The federal government needs to secure our borders and fix our broken immigration system. States can only vent frustration and try to push the federal government to secure our borders and pass comprehensive immigration reform, and by signing this bill I am doing just that. I continue my long-standing opposition to any state law that prevents local law enforcement from cooperating with federal immigration officials, sometimes referred to as "sanctuary cities." Immigration Customs Enforcement (ICE) is a law enforcement agency that has a legitimate and important role in our state and in our nation, and I will ensure that Colorado is not, nor should it be, a sanctuary state. All local governments should be free to determine how and when they work with federal immigration officials when it comes to immigration enforcement, and the state should never get in the way of efforts to enforce state or federal law.

Notably, this bill does not change in any way ICE's authority or ability to detain individuals, nor the ability of local governments to cooperate with ICE on enforcement actions. These rules are set at the federal level and ICE will still have the ability to contract with private entities to enforce immigration laws and to detain individuals across our state in accordance with the law. So too, this bill does not prevent ICE from opening up or operating their own detention facilities within our state. It also does not prohibit local governments and law enforcement from cooperating, investigating and enforcing criminal laws or civil laws, nor does it shield anyone from criminal prosecution or civil liability by local, state or federal governments.

This bill prevents state and local governmental entities from entering into agreements for the detention of people in an immigration detention facility owned or managed by a private entity. The bill also prohibits state and local governments from entering into or renewing agreements to detain people for only federal civil immigration purposes.

Local governments can still participate in coordinated law enforcement actions with federal law enforcement and, as the Colorado district court recently held, local governments can still collaborate with the federal government to enforce federal immigration law. The bill also does not prevent ICE from enforcing federal immigration law nor prevent ICE from detaining people who violate federal law in ICE

detention facilities. Instead, it merely prohibits local governments and the State from contracting directly with ICE for civil immigration enforcement – while still allowing ICE to contract directly with a private entity for detention in the state or operate their own facilities in our state. Additionally, nothing in this bill prevents local governments from providing health, utility, or sanitation services to immigration detention facilities, nor does the bill prevent local governments from providing routine government services, for example building permits to these facilities.

I do have concerns that this bill will cause financial hardship to the one county that has an active agreement with ICE. To that end, I am committed to working with Teller County and call on the General Assembly to address budget shortfalls that may result from the signing of this law.

I share the sponsors' goal to treat immigrants and individuals caught in detention proceedings with respect and dignity. Unfortunately, this bill will not and cannot address any of the causes of our broken immigration system, but instead focuses on the consequences of a system that tears families apart and prevents economic growth. I appreciate the interactions I had with the federal government during this process, though frustration with civil detention processes does still exist. Hopefully the signing of this bill will be taken by the federal government as a manifestation of our frustration in Colorado with our broken immigration system and pushes the federal government to take responsibility. I am committed to working with and continuing to call on Congress and the federal government to finally take action on comprehensive immigration reform. State and local governments simply cannot solve our nation's immigration crisis.

Sincerely,

A handwritten signature in blue ink, reading "Jared Polis". The signature is stylized with a large, looping "J" and a cursive "Polis".

Jared Polis
Governor
State of Colorado