

## **HB19-1124: Protect Colorado Resident from Federal Government Overreach**

HB19-1124 aims to shield Colorado residents from federal government intervention when involved in strictly state related business. The bill declares that public state funds, in the form of state facilities and state employee service, are not to be used to help enforce or assist federal officers without warrants or legal documentation. The bill defines state enforcement of civil immigration law, prohibited use of funds and resources, and use of state facilities with respect to the federal government. This definition creates a safety net of protection from federal sanctions when Colorado residents use state goods and services. This paper supports the passing of the bill by providing an economic analysis of current inefficiencies and how the components of HB19-1124 would fix these inefficiencies.

By definition, a negative externality is when the action of one party negatively affects the welfare of another that is not reflected in the market price. A current negative externality of federal sanctions is hesitation to use public state resources, some of which are already in place to fix negative externalities, in fear of facing unrelated consequences.

Without warrants from federal judges based on probable cause, people have the right to be secure in their persons. Though Colorado residents are already protected by the Fourth amendment from local law enforcement of federal law, this bill clarifies further details regarding assistance to federal agents without warrants. The change this bill declares is that state employees are prohibited from assisting federal officers with civil immigration law in any way, including providing personal information or assistance with any federal document. The bill extends the initial protection of the Fourth amendment by ensuring that details and time reserved for the state do not play a role in federal sanctions.

The bill requires that state employees only help federal agents when legal documents and warrants are filed. These documents serve as a buffer between federal agents and state employees by creating a defined process for enforcing federal sanctions. Thus, if this bill is passed, residents of Colorado are predicted to experience an increased comfort in state facilities and during interaction with state employees.

This bill affects different populations directly and indirectly. The immigrant community faces the most direct impact when they are protected from interference of federal civil immigration law when accessing public resources. Long term Colorado residents are indirectly impacted by increased general welfare when all residents have comfortable access to resources that are in place to reduce negative externalities, such as preventive health measures, the justice system, and education. Lastly, some state employees experience more efficient and focused work days when only focused on state required tasks. State employees can only assist with warrants signed by federal judges and will be prohibited from helping with the large amount of administrative warrants, which are only signed by ICE officers and not necessarily founded on probable cause.

In 2018, Hispanics and Latinos made up 21.5% of Colorado's population (Census Bureau QuickFacts). Studies show that Latino communities react to changes in immigration policy by decreasing their frequency of access to health services of all kind (Kerani et al., 2018). A decrease in frequency of visits could allow transmittable diseases to go untreated within communities.

Health and human services provide an increased welfare of the general population in terms of curbing the spread of disease and infection and increasing safety of all residents in

emergency situations or social service needs. Decreasing the barriers for access to these services by ensuring that state employees cannot enforce federal law would increase the general welfare of Colorado residents.

Currently, HIV has a higher chance of being spread in immigrant communities than the general population (Kerani et al., 2018). The term “immigrant communities” doesn’t exclude those with legal immigration status. Families and tightly knit people in the immigrant community have varying immigration statuses. As a result of the mixture, some immigrants with legal residency may decrease contact with health and human services as a response to fear of calling attention to those who may be at risk of deportation (Kerani et al., 2018).

Kittrie (2006) reports that residents who fear federal sanctions, such as civil immigration law, are less likely to report crimes committed against them. Refraining from reporting crimes creates an inefficiency in the justice system by creating information asymmetry. People who fear federal sanctions may be aware of criminal acts or have details that would make justice proceedings more efficient. The fear of civil immigration law is a negative externality that the judicial system and courts face as a response to fear that federal law can be enforced by state employees.

Parents may also react to fear of federal sanctions when making choices about providing for their children. In an attempt to withhold information from the state that may put their family at risk, some parents have chosen to avoid taking their children to health providers, enrolling their children in early care and school, and participating in healthy school lunch programs (CLASP, 2018). Declining state services in fear of state employees exposing

information to the federal government is a current negative externality that can be fixed with this bill.

Children often don't understand federal law and the impact it may have on their families, no matter what their family's immigration status may be. A study performed by CLASP using focus groups throughout the country found that children experienced "increased aggression, separation anxiety, and withdrawal from their environments" in schools as a result of discomfort towards federal law (CLASP, 2018). This type of behavior detracts from learning environments and slows growth and development. Passing this bill would decrease this negative externality by ensuring that children and families can trust state employees and institutions when federal agents with warrants are not involved.

The proposed bill HB19-1124 prohibits state employees from assisting federal agents from enforcing federal law without warrants signed by a federal judge. In 2018, there was a surge of administrative warrants issued by ICE, not federal judges, for which state employees would no longer be permitted to assist federal agents (U.S. Immigration Customs and Enforcement, 2018). If state employees were only spending time and public state funds when warrants were issued by judges, the quantity of time spent by state employees on federal law enforcement would likely decrease.

Current statute related to civil immigration law stated in Title 24, Article 19.7, requires that monetary loss in enforcing federal civil immigration law using state funds be remedied by the attorney general. HB19-1124 would remove the need for extra cost reimbursement for public state labor, since the state funds used for federal business will be decreased. Furthermore, since all state employee assistance for federal business will be documented in

federal warrants, the costs needing remedy are clearer and require less time to calculate. In this manner, the attorney general is spared time when requests for reimbursement from the federal government to the state can be made more efficiently.

The primary goal of this bill is to clarify roles for state employees in order to make Colorado residents feel safer and comfortable with legal access to public goods. This reduces fear for residents and paves the way for more efficient use of the judicial system, health care, and education without fear of the state government.

However, reducing the negative externality of fear which would prohibit residents from benefiting from public resources fails to accomplish its goal if Colorado residents aren't updated about the change in policy. A suggested amendment to the bill would be to incorporate an "Acknowledgement of Rights" that the government must distribute to residents via mail. The document could provide information about the state's role in federal law enforcement. This way, residents are able to appropriately judge how much information they are willing to share with state employees and how to manage requests from federal officials.

In conclusion, this bill allows for a trust in state services when Colorado residents attempt to use public resources and fixes some losses from time spent by state employees on federal law. HB19-1124 gives residents the opportunity to trust state officials and processes of state funded resources. The increased trust, in turn, reduces negative externalities, such as a decreased use of preventive health measures, inefficiency in the judicial system, and decreased provision of state services to children.

## Works Cited

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