

**First Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 03-0757.01 Jery Payne

HOUSE BILL 03-1224

HOUSE SPONSORSHIP

Lee, Schultheis, Harvey, Briggs, Brophy, Cadman, Clapp, Crane, Decker, Fairbank, Fritz, Hall, Hefley, King, Larson, Lundberg, May M., McCluskey, Mitchell, Rhodes, Rose, Sinclair, Spence, Spradley, Stafford, Stengel, White, and Wiens

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House Committees

Information & Technology

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A PROHIBITION AGAINST THE ACCEPTANCE BY PUBLIC**
102 **ENTITIES OF IDENTITY DOCUMENTS THAT ARE NOT SECURE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Creates the "Secure and Verifiable Identity Document Act" (act).

Prohibits a public entity that provides services from accepting, relying upon, or utilizing an identification document to provide services unless the document is secure and verifiable. Prohibits a public entity or public official that is issuing an identification card, license, permit, or official document from accepting such documents.

Exempts crime reports and instances when a federal law mandates acceptance of a document. Abrogates governmental immunity for actions

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
February 19, 2003

knowingly taken that violate the act.
Defines relevant terms.

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

2 **SECTION 1.** Title 24, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 72.1**

5 **Secure and Verifiable Identity Documents**

6 **24-72.1-101. Short title.** THIS ARTICLES SHALL BE KNOWN AND
7 MAY BE CITED AS THE "SECURE AND VERIFIABLE IDENTITY DOCUMENT
8 ACT".

9 **24-72.1-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
10 CONTEXT OTHERWISE REQUIRES:

11 (1) "PUBLIC ENTITY" MEANS AN AGENCY, DEPARTMENT, BOARD,
12 DIVISION, BUREAU, COMMISSION, COUNCIL, OR POLITICAL SUBDIVISION OF
13 THE STATE.

14 (2) "PUBLIC OFFICIAL" MEANS AN ELECTED OR APPOINTED
15 OFFICIAL, AN EMPLOYEE, OR AN AGENT OF A PUBLIC ENTITY.

16 (3) "SECURE AND VERIFIABLE DOCUMENT" MEANS A DOCUMENT
17 ISSUED BY A STATE OR FEDERAL JURISDICTION THAT IS VERIFIABLE BY
18 FEDERAL OR STATE LAW ENFORCEMENT, INTELLIGENCE, OR HOMELAND
19 SECURITY AGENCIES.

20 **24-72.1-103. Identity documents - verifiable.** (1) A PUBLIC
21 ENTITY THAT PROVIDES SERVICES SHALL NOT ACCEPT, RELY UPON, OR
22 UTILIZE AN IDENTIFICATION DOCUMENT TO PROVIDE SERVICES UNLESS IT
23 IS A SECURE AND VERIFIABLE DOCUMENT.

24 (2) A PUBLIC ENTITY THAT IS ISSUING AN IDENTIFICATION CARD,
25 LICENSE, PERMIT, OR OFFICIAL DOCUMENT SHALL NOT AUTHORIZE

1 ACCEPTANCE OF AN IDENTIFICATION DOCUMENT, NOR SHALL A PUBLIC
2 OFFICIAL ACTING IN AN OFFICIAL CAPACITY ACCEPT AN IDENTIFICATION
3 DOCUMENT BEFORE ISSUING SUCH DOCUMENTS, UNLESS SUCH
4 IDENTIFICATION DOCUMENT IS A SECURE AND VERIFIABLE DOCUMENT.

5 **24-72.1-104. Violations - immunity.** ACTIONS TAKEN IN
6 KNOWING VIOLATION OF THIS ARTICLE SHALL NOT BE PROTECTED BY
7 GOVERNMENTAL IMMUNITY PROVIDED TO PUBLIC EMPLOYEES BY ARTICLE
8 10 OF THIS TITLE.

9 **24-72.1-105. Applicability.** THIS SECTION SHALL NOT APPLY TO
10 A PERSON REPORTING A CRIME, A PUBLIC ENTITY OR OFFICIAL ACCEPTING
11 A CRIME REPORT, CONDUCTING A CRIMINAL INVESTIGATION, OR PROVIDING
12 EMERGENCY MEDICAL SERVICES, OR INSTANCES WHEN A FEDERAL LAW
13 MANDATES ACCEPTANCE OF A DOCUMENT.

14 **SECTION 2. Applicability.** This act shall apply to acts
15 committed on or after the effective date of this act.

16 **SECTION 3. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.