

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 03-0757.01 Jery Payne

HOUSE BILL 03-1224

HOUSE SPONSORSHIP

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House Committees

Information & Technology

Senate Committees

State Veterans & Military Affairs

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.

SENATE
3rd Reading Unamended
March 17, 2003

SENATE
Amended 2nd Reading
March 14, 2003

HOUSE
3rd Reading Unamended
February 20, 2003

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) "BREASTFEEDING WOMEN" MEANS BREASTFEEDING WOMEN AS
12 DEFINED BY 42 U.S.C. SEC. 1786 (b).

13 (2) "CHILDREN" MEANS CHILDREN AS DEFINED BY 42 U.S.C. SEC.
14 1786 (b).

15 (3) "INFANTS" MEANS INFANTS AS DEFINED BY 42 U.S.C. SEC. 1786
16 (b).

17 (4) "PREGNANT WOMEN" MEANS PREGNANT WOMEN AS DEFINED BY
18 42 U.S.C. SEC. 1786 (b).

19 (5) "PUBLIC ENTITY" MEANS AN AGENCY, DEPARTMENT, BOARD,
20 DIVISION, BUREAU, COMMISSION, COUNCIL, OR POLITICAL SUBDIVISION OF
21 THE STATE.

22 (6) "PUBLIC OFFICIAL" MEANS AN ELECTED OR APPOINTED
23 OFFICIAL, AN EMPLOYEE, OR AN AGENT OF A PUBLIC ENTITY.

24 (7) "SECURE AND VERIFIABLE DOCUMENT" MEANS A DOCUMENT
25 ISSUED BY A STATE OR FEDERAL JURISDICTION OR RECOGNIZED BY THE

1 UNITED STATES GOVERNMENT AND THAT IS VERIFIABLE BY FEDERAL OR
2 STATE LAW ENFORCEMENT, INTELLIGENCE, OR HOMELAND SECURITY
3 AGENCIES.

4 **24-72.1-103. Identity documents - verifiable.** (1) A PUBLIC
5 ENTITY THAT PROVIDES SERVICES SHALL NOT ACCEPT, RELY UPON, OR
6 UTILIZE AN IDENTIFICATION DOCUMENT TO PROVIDE SERVICES UNLESS IT
7 IS A SECURE AND VERIFIABLE DOCUMENT.

8 (2) A PUBLIC ENTITY THAT IS ISSUING AN IDENTIFICATION CARD,
9 LICENSE, PERMIT, OR OFFICIAL DOCUMENT SHALL NOT AUTHORIZE
10 ACCEPTANCE OF AN IDENTIFICATION DOCUMENT, NOR SHALL A PUBLIC
11 OFFICIAL ACTING IN AN OFFICIAL CAPACITY ACCEPT AN IDENTIFICATION
12 DOCUMENT BEFORE ISSUING SUCH DOCUMENTS, UNLESS SUCH
13 IDENTIFICATION DOCUMENT IS A SECURE AND VERIFIABLE DOCUMENT.

14 **24-72.1-104. Violations - immunity.** ACTIONS TAKEN IN
15 KNOWING VIOLATION OF THIS ARTICLE SHALL NOT BE PROTECTED BY
16 GOVERNMENTAL IMMUNITY PROVIDED TO PUBLIC EMPLOYEES BY ARTICLE
17 10 OF THIS TITLE.

18 **24-72.1-105. Applicability.** THIS ARTICLE SHALL NOT APPLY TO
19 A PERSON REPORTING A CRIME; A PUBLIC ENTITY OR OFFICIAL ACCEPTING
20 A CRIME REPORT, CONDUCTING A CRIMINAL INVESTIGATION, ISSUING A
21 TRAFFIC CITATION, ACCEPTING AN APPLICATION FOR THE PROVISION OF
22 SERVICES OR PROVIDING SERVICES TO PREGNANT WOMEN, WOMEN
23 BREASTFEEDING AN INFANT THAT WAS BORN IN THE UNITED STATES, AND
24 INFANTS AND CHILDREN BORN IN THE UNITED STATES PURSUANT TO 42
25 U.S.C. SEC. 1786, OR PROVIDING EMERGENCY MEDICAL SERVICE; A PEACE
26 OFFICER IN THE PERFORMANCE OF THE OFFICER'S DUTIES AND WITHIN THE
27 SCOPE OF THE OFFICER'S EMPLOYMENT IF SUCH OFFICER RECORDS THE USE

1 OF A DOCUMENT THAT IS NOT SECURE AND VERIFIABLE WITHIN THE
2 CRIMINAL JUSTICE RECORD; OR INSTANCES WHEN A FEDERAL LAW
3 MANDATES ACCEPTANCE OF A DOCUMENT.

4 **SECTION 2.** 18-5-102, Colorado Revised Statutes, is amended
5 BY THE ADDITION OF A NEW SUBSECTION to read:

6 **18-5-102. Forgery.** (3) **UTTERING A FORGED DOCUMENT TO A**
7 **PEACE OFFICER SHALL CREATE A PRESUMPTION THAT THE PERSON**
8 **INTENDED TO DEFRAUD SUCH PEACE OFFICER.**

9 **SECTION 3. Applicability.** This act shall apply to acts
10 committed on or after the effective date of this act.

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