

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0239.01 Jerry Barry

SENATE BILL 10-006

SENATE SPONSORSHIP

Boyd, Hudak, Sandoval, White

HOUSE SPONSORSHIP

Summers, Gagliardi, Kefalas, Waller

Senate Committees

Health and Human Services
Appropriations

House Committees

Health and Human Services
Appropriations

A BILL FOR AN ACT

101 **CONCERNING REDUCTIONS IN BARRIERS TO OBTAINING**
102 **IDENTITY-RELATED DOCUMENTS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Economic Opportunity Poverty Reduction Task Force.

Section 1. This bill contains a legislative declaration.

Section 2. Prohibits the state from charging a fee for a certified birth or death record if the applicant is a county department of social services or human services or the applicant has a letter of referral from

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
February 26, 2010

SENATE
Amended 2nd Reading
February 24, 2010

such a county department.

Section 3. Prohibits the state from charging a fee for a Colorado identification card to an applicant referred by, or released within the prior 6 months from, the department of corrections, the division of youth corrections, or a county jail.

Section 4. Authorizes a court to grant a name change if a person has previously been convicted of a felony if specified conditions are found by the court. Directs the court to forward information on the name change to specified departments.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds that:

(a) It is in the public interest to eliminate or reduce barriers to individuals who need primary identification documents in order to achieve self-sufficiency and financial security;

(b) In many instances, citizens and legal residents need both a certified birth certificate and a valid state identification card to access public benefits, secure affordable housing, obtain employment, register for school, and receive health care;

(c) The cost of obtaining these documents may present a substantial barrier to indigent and low-income persons and their children;

(d) Because the lack of valid identification is an impediment to successful re-entry and employment, which, as research shows, is linked to lower recidivism, the fee to obtain such identification should be waived for adult and juvenile offenders who cannot afford these documents upon release from custody; and

(e) Individuals with a criminal conviction face barriers because:

(I) Eligibility for a state identification card requires an exact match between the name on the birth certificate and other documents;

1 (II) While other individuals may petition the court for a name
2 change to resolve any discrepancy, persons convicted of a felony and
3 certain juvenile offenders are currently barred from legally changing their
4 names.

5 (2) Therefore, the general assembly finds that it is necessary and
6 appropriate to:

7 (a) Eliminate or reduce barriers to obtaining identity-related
8 documents to promote economic opportunity and reduce poverty in the
9 state; and

10 (b) Give a court discretion to authorize a change of name for
11 persons convicted or adjudicated of certain crimes if the court is satisfied
12 that the change of name is appropriate.

13 **SECTION 2.** 25-2-117 (2) (a), Colorado Revised Statutes, is
14 amended to read:

15 **25-2-117. Certified copies furnished - fee.** (2) An applicant
16 shall pay fees established pursuant to section 25-2-121 for each of the
17 following services:

18 (a) The reproduction and certification of birth or death records;
19 ~~however,~~ EXCEPT THAT an applicant shall NOT pay ~~no~~ A fee:

20 (I) For the provision of a certified copy of such a record to:

21 (A) Another state agency;

22 (B) A COUNTY DEPARTMENT OF SOCIAL SERVICES OR HUMAN
23 SERVICES; OR

24 (C) AN INDIVIDUAL PRESENTING A LETTER OF REFERRAL FROM A
25 COUNTY DEPARTMENT OF SOCIAL SERVICES; OR

26 (II) ~~and shall pay no fee~~ If the applicant is a delegate child support
27 enforcement unit acting pursuant to article 13 of title 26, C.R.S.;

1 **SECTION 3.** 25-2-121 (2) (b) (II), Colorado Revised Statutes, is
2 amended to read:

3 **25-2-121. Fee adjustments - vital statistics records cash fund**
4 **created.** (2) (b) (II) For those services required by this article and those
5 services provided by the Colorado responds to children with special needs
6 program, each office designated or established pursuant to section
7 25-2-103 shall charge fees as specified by the state registrar. Such an
8 office shall retain all such fees SHALL BE USED for the purpose of paying
9 the direct and indirect costs of THE OFFICE AND THE OFFICE OF THE STATE
10 REGISTRAR FOR compliance with the provisions of this article and the
11 direct and indirect costs necessary to maintain and operate the Colorado
12 responds to children with special needs program.

13 **SECTION 4.** 42-2-306 (1) (a) (II), Colorado Revised Statutes, is
14 amended, and the said 42-2-306 (1) (a) is further amended BY THE
15 ADDITION OF A NEW SUBPARAGRAPH, to read:

16 **42-2-306. Fees - disposition - repeal.** (1) The department shall
17 charge and collect the following fees:

18 (a) (II) Except as provided in ~~subparagraph~~ SUBPARAGRAPHS (III)
19 AND (III.5) of this paragraph (a), a fee of nine dollars and ninety cents at
20 the time of application for an identification card or renewal of an
21 identification card. ~~except that, for applicants sixty years of age or older~~
22 ~~and applicants referred by any county department of social services~~
23 ~~pursuant to section 26-2-106 (3) or 25.5-4-205 (3), C.R.S., there shall be~~
24 ~~no fee.~~

25 (III.5) THE DEPARTMENT SHALL NOT CHARGE A FEE TO AN
26 APPLICANT WHO IS:

27 (A) SIXTY YEARS OF AGE OR OLDER;

1 (B) REFERRED BY A COUNTY DEPARTMENT OF SOCIAL SERVICES
2 PURSUANT TO SECTION 25.5-4-205 (3) OR 26-2-106 (3), C.R.S.; OR

3 (C) REFERRED BY OR RELEASED WITHIN THE PRIOR SIX MONTHS
4 FROM THE DEPARTMENT OF CORRECTIONS, THE DIVISION OF YOUTH
5 CORRECTIONS, OR A COUNTY JAIL.

6 **SECTION 5. 13-15-101, Colorado Revised Statutes, is amended**
7 **BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to**
8 **read:**

9 **13-15-101. Petition - proceedings. (3) NOTWITHSTANDING THE**
10 **PROVISIONS OF PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION, THE**
11 **COURT MAY GRANT A PETITION FOR A CHANGE OF NAME OF A PETITIONER**
12 **WHO WAS PREVIOUSLY CONVICTED OF A FELONY IN THIS STATE OR ANY**
13 **OTHER STATE OR ADJUDICATED A JUVENILE DELINQUENT FOR AN OFFENSE**
14 **THAT WOULD CONSTITUTE A FELONY IF COMMITTED BY AN ADULT IN THIS**
15 **STATE OR ANY OTHER STATE OR UNDER FEDERAL LAW IF THE COURT FINDS**
16 **THAT THE PETITIONER MUST HAVE A LEGAL NAME CHANGE IN ORDER TO BE**
17 **ISSUED IN THAT NAME A DRIVER'S LICENSE OR IDENTIFICATION CARD FROM**
18 **THE DEPARTMENT OF REVENUE AND IF ALL OF THE FOLLOWING**
19 **REQUIREMENTS ARE MET:**

20 (a) **THE PETITIONER MEETS ALL OF THE REQUIREMENTS OF**
21 **SUBSECTIONS (1) AND (1.5) OF THIS SECTION AND PARAGRAPH (a) OF**
22 **SUBSECTION (2) OF THIS SECTION; AND**

23 (b) **PRIOR TO FILING THE PETITION, THE NAME CHANGE APPLICANT:**

24 (I) (A) **SUBMITS HIS OR HER FINGERPRINTS TO THE COLORADO**
25 **BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION**
26 **FOR PURPOSES OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY**
27 **RECORDS CHECK ALONG WITH A WRITTEN REQUEST TO ADD HIS OR HER**

1 PROPOSED NAME AS AN ALIAS TO THE NAME CHANGE APPLICANT'S
2 CRIMINAL HISTORY RECORD.

3 (B) THE COLORADO BUREAU OF INVESTIGATION IS AUTHORIZED TO
4 ADD AN ALIAS TO A NAME CHANGE APPLICANT'S CRIMINAL HISTORY
5 RECORD UPON REQUEST;

6 (II) (A) NOTIFIES THE DISTRICT ATTORNEY'S OFFICE IN ANY
7 DISTRICT IN WHICH THE APPLICANT WAS CONVICTED OF A FELONY THAT HE
8 OR SHE IS REQUESTING A NAME CHANGE PURSUANT TO THIS SUBSECTION
9 (3).

10 (B) IF THE DISTRICT ATTORNEY'S OFFICE HAS A RECORD OF ANY
11 VICTIM OF THE APPLICANT'S CRIME, THE DISTRICT ATTORNEY'S OFFICE
12 SHALL SEND NOTICE OF THE PROPOSED NAME CHANGE TO THE VICTIM;

13 (III) IF, AT THE TIME THE PETITION IS FILED, THE APPLICANT IS IN
14 CUSTODY OF THE DEPARTMENT OF CORRECTIONS, UNDER AN ORDER FOR
15 PROBATION OR COMMUNITY CORRECTIONS, OR INCARCERATED IN A
16 COUNTY JAIL, THE APPLICANT SHALL PROVIDE WRITTEN NOTICE TO THE
17 SUPERVISING AGENCY THAT HE OR SHE IS REQUESTING A CHANGE OF NAME
18 UNDER THIS SECTION; AND

19 (IV) PROVIDES THE COURT WITH A COPY OF HIS OR HER CRIMINAL
20 HISTORY RECORD FROM BOTH THE COLORADO BUREAU OF INVESTIGATION
21 AND THE FEDERAL BUREAU OF INVESTIGATION AND THE CRIMINAL HISTORY
22 REPORT FROM THE COLORADO BUREAU OF INVESTIGATION REFLECTS THE
23 ADDITION OF THE PROPOSED CHANGED NAME AS AN ALIAS; AND

24 (c) THE COURT FINDS THAT:

25 (I) THE NAME CHANGE IS NOT FOR THE PURPOSE OF FRAUD, TO
26 AVOID THE CONSEQUENCES OF A CRIMINAL CONVICTION, OR TO FACILITATE
27 A CRIMINAL ACTIVITY; AND

1 (II) THE DESIRED NAME CHANGE WOULD BE PROPER AND NOT
2 DETRIMENTAL TO THE INTERESTS OF ANY OTHER PERSON.

3 (4) THE DEPARTMENT OF REVENUE SHALL NOT ISSUE A DRIVER'S
4 LICENSE OR AN IDENTIFICATION CARD IN THE NEW NAME OF A NAME
5 CHANGE APPLICANT UNLESS THE NAME CHANGE APPLICANT SUBMITS A
6 COURT ORDER CHANGING THE APPLICANT'S NAME PURSUANT TO THIS
7 SECTION. _____

8 **SECTION 6. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety.