

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0239.01 Jerry Barry

SENATE BILL 10-006

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SENATE SPONSORSHIP

Boyd, Hudak, Sandoval, White

HOUSE SPONSORSHIP

Summers, Gagliardi, Kefalas, Waller

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Senate Committees

Health and Human Services

House Committees

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A BILL FOR AN ACT

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

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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.*

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.

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

4           **42-2-306. Fees - disposition - repeal.** (1) The department shall  
5 charge and collect the following fees:

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

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

- 15           (A) SIXTY YEARS OF AGE OR OLDER;
- 16           (B) REFERRED BY A COUNTY DEPARTMENT OF SOCIAL SERVICES  
17 PURSUANT TO SECTION 25.5-4-205 (3) OR 26-2-106 (3), C.R.S.; OR
- 18           (C) REFERRED BY OR RELEASED WITHIN THE PRIOR SIX MONTHS  
19 FROM THE DEPARTMENT OF CORRECTIONS, THE DIVISION OF YOUTH  
20 CORRECTIONS, OR A COUNTY JAIL.

21           **SECTION 4.** 13-15-101 (2) (b), Colorado Revised Statutes, is  
22 amended to read:

23           **13-15-101. Petition - proceedings.** (2) (b) (I) ~~The court shall not~~  
24 ~~grant a petition for a name change~~ If the court finds the petitioner was  
25 previously convicted of a felony IN THIS STATE OR ANY OTHER STATE or  
26 adjudicated a juvenile delinquent for an offense that would constitute a  
27 felony if committed by an adult in this state or any other state or under

1 federal law, THE COURT MAY ONLY GRANT THE PETITION FOR A NAME  
2 CHANGE IF:

3 (A) THE COURT FINDS THE NAME CHANGE IS NOT FOR THE PURPOSE  
4 OF FRAUD, TO AVOID THE CONSEQUENCES OF A CRIMINAL CONVICTION, OR  
5 TO FACILITATE CRIMINAL ACTIVITY; AND

6 (B) THE COURT IS SATISFIED THAT THE DESIRED NAME CHANGE  
7 WOULD BE PROPER AND NOT DETRIMENTAL TO THE INTERESTS OF ANY  
8 OTHER PERSON.

9 (II) IF THE COURT GRANTS A PETITION FOR A NAME CHANGE  
10 PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH  
11 (b):

12 (A) THE COURT SHALL TRANSMIT THE NAME CHANGE  
13 INFORMATION, INCLUDING THE FORMER NAME, THE NEW LEGAL NAME, AND  
14 ALL KNOWN ALIASES, TO THE COLORADO BUREAU OF INVESTIGATION, THE  
15 FEDERAL BUREAU OF INVESTIGATION, AND THE DIVISION OF CRIMINAL  
16 JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY; AND

17 (B) IF THE DIVISION OF CRIMINAL JUSTICE HAS A RECORD OF ANY  
18 VICTIM OF THE PETITIONER'S CRIME, THE DIVISION SHALL SEND NOTICE OF  
19 THE NAME CHANGE TO THE VICTIM.

20 (III) If the certified, fingerprint-based criminal history check filed  
21 with the petition reflects a criminal charge for which there is no  
22 disposition shown, the court may grant the name change after affirmation  
23 in open court by the petitioner, or submission of a signed affidavit by the  
24 petitioner, stating he or she has not been convicted of a felony in this state  
25 or any other state or under federal law.

26 **SECTION 5. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.