

**Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO**

**REVISED**

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

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  
Appropriations

**House Committees**

Health and Human Services  
Appropriations

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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.*

HOUSE  
Am ended 2nd Reading  
April 28, 2010

SENATE  
3rd Reading Unam ended  
February 26, 2010

SENATE  
Am ended 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.

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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.** 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), 26-2-106 (3), OR 26-5-101 (3) (o),  
3 C.R.S.; OR

4 (C) REFERRED BY [REDACTED] THE DEPARTMENT OF CORRECTIONS, THE  
5 DIVISION OF YOUTH 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;** [REDACTED]

23 (b) **THE PROPOSED NAME CHANGE IS TO A NAME UNDER WHICH THE**  
24 **PETITIONER WAS CONVICTED OR ADJUDICATED; EXCEPT THAT, FOR GOOD**  
25 **CAUSE, THE COURT MAY ALLOW A CHANGE TO A NAME OTHER THAN A**  
26 **NAME UNDER WHICH THE PETITIONER WAS CONVICTED OR ADJUDICATED;**

27 (c) **PRIOR TO FILING THE PETITION, THE NAME CHANGE APPLICANT:**

1           (I) (A) SUBMITS HIS OR HER FINGERPRINTS TO THE COLORADO  
2           BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION  
3           FOR PURPOSES OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY  
4           RECORDS CHECK ALONG WITH A WRITTEN REQUEST TO ADD HIS OR HER  
5           PROPOSED NAME AS AN ALIAS TO THE NAME CHANGE APPLICANT'S  
6           CRIMINAL HISTORY RECORD.

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

10          (II) (A) NOTIFIES THE DISTRICT ATTORNEY'S OFFICE IN ANY  
11          DISTRICT IN WHICH THE APPLICANT WAS CONVICTED OF A FELONY THAT HE  
12          OR SHE IS REQUESTING A NAME CHANGE PURSUANT TO THIS SUBSECTION  
13          (3).

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

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

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

1           (d) THE COURT FINDS THAT:

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

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

7           (4) THE DEPARTMENT OF REVENUE SHALL NOT ISSUE A DRIVER'S  
8 LICENSE OR AN IDENTIFICATION CARD IN THE NEW NAME OF A NAME  
9 CHANGE APPLICANT UNLESS THE NAME CHANGE APPLICANT SUBMITS A  
10 COURT ORDER CHANGING THE APPLICANT'S NAME PURSUANT TO THIS  
11 SECTION. \_\_\_\_\_

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