

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 14-0154.01 Jery Payne x2157

SENATE BILL 14-087

SENATE SPONSORSHIP

Ulibarri, Kefalas

HOUSE SPONSORSHIP

Fields, Exum, Pettersen

Senate Committees

Health & Human Services
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING ISSUANCE OF IDENTIFICATION CARDS TO PEOPLE WHO**
102 **ARE LAWFULLY PRESENT IN THE UNITED STATES BUT MAY HAVE**
103 **DIFFICULTY WITH CERTAIN DOCUMENTARY EVIDENCE.**

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 of the bill requires the department of revenue to offer exceptions processing at each of its offices that issue driver's licenses or identification cards. **Section 2** requires the department to issue an

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.*

identification card using certain documents issued by the United States government to prove lawful presence if the person applying for the card is:

- ! At least 70 years old; or
- ! At least 50 years old and a veteran of the armed forces.

The department is also required to promulgate rules to clear up minor spelling discrepancies and to accept alternate documents showing lawful presence.

Sections 3 and 4 create a simplified process for a person to change his or her name to settle name discrepancies if the person is:

- ! At least 70 years old; or
- ! At least 50 years old and a veteran of the armed forces.

The person need not publish the name change and may get a name-based instead of a fingerprint-based criminal history check. The person must sign an affidavit saying the change is to get an identification card and will not harm other people.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 42-1-229 as
3 follows:

4 **42-1-229. Report. (1) ON OR BEFORE JULY 1, 2015, AND EVERY**
5 **YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT TO THE**
6 **TRANSPORTATION LEGISLATION REVIEW COMMITTEE A REPORT**
7 **CONCERNING THE EFFECTIVENESS OF EXCEPTIONS PROCESSING,**
8 **INCLUDING:**

9 **(a) THE NUMBER OF INDIVIDUALS ISSUED OR DENIED AN**
10 **IDENTIFICATION CARD OR DRIVER'S LICENSE ON HIS OR HER FIRST VISIT TO**
11 **AN OFFICE AND THE NUMBER OF INDIVIDUALS ADVISED TO PROVIDE MORE**
12 **DOCUMENTS;**

13 **(b) THE AVERAGE LENGTH OF TIME BETWEEN AN UNSUCCESSFUL**
14 **FIRST VISIT AND ULTIMATE APPROVAL;**

15 **(c) THE NUMBER OF INDIVIDUALS WHO FAIL TO RETURN;**

16 **(d) THE BREAKDOWN BY EACH OFFICE OF APPROVAL AND DENIAL**

1 RATES;

2 (e) THE NUMBER OF INDIVIDUALS WHO REQUEST EXCEPTIONS
3 PROCESSING EACH MONTH AND THE OUTCOMES OF THOSE REQUESTS BY
4 EACH OFFICE;

5 (f) THE NUMBER OF HEARINGS REQUESTED AFTER NOTICE OF
6 DENIAL AND THE OUTCOMES OF THE HEARINGS; AND

7 (g) A SUMMARY OF THE MAIN REASONS FOR DENIAL UNDER
8 EXCEPTIONS PROCESSING.

9 **SECTION 2.** In Colorado Revised Statutes, 42-2-302, **add** (8) as
10 follows:

11 **42-2-302. Department may or shall issue - limitations - rules.**

12 (8) (a) THE DEPARTMENT SHALL ISSUE AN IDENTIFICATION CARD TO A
13 COLORADO RESIDENT WHO:

14 (I) WAS BORN ON OR BEFORE DECEMBER 1, 1964;

15 (II) PAYS THE FEES REQUIRED UNDER THIS PART 3;

16 (III) IS QUALIFIED FOR AN IDENTIFICATION CARD UNDER THIS
17 SECTION; EXCEPT THAT THIS SUBSECTION (8) SUPERSEDES ANY
18 CONFLICTING PROVISION OF THIS SECTION; AND

19 (IV) PROVIDES DOCUMENTS ESTABLISHING THE PERSON'S NAME,
20 AGE, IDENTITY, AND LAWFUL PRESENCE.

21 (b) THE DEPARTMENT MAY ACCEPT ANY RELIABLE, CONSISTENT,
22 AND VERIFIABLE DOCUMENT TO ESTABLISH LAWFUL PRESENCE IF AN
23 APPLICANT SIGNS AN AFFIDAVIT THAT A CERTIFIED UNITED STATES BIRTH
24 CERTIFICATE EITHER DOES NOT EXIST OR CANNOT BE OBTAINED WITHIN
25 TWENTY WORKING DAYS.

26 (c) THE DEPARTMENT SHALL PROMULGATE RULES FOR
27 IMPLEMENTING THIS SUBSECTION (8), INCLUDING PROCEDURES FOR

1 RESOLVING MINOR SPELLING INCONSISTENCIES AND ACCEPTING
2 ALTERNATIVE DOCUMENTS TO BIRTH CERTIFICATES TO ESTABLISH LAWFUL
3 PRESENCE.

4 **SECTION 3.** In Colorado Revised Statutes, 13-15-101, **add** (5)
5 as follows:

6 **13-15-101. Petition - proceedings.** (5) (a) IF A PETITIONER IS
7 SEEKING A NAME CHANGE TO HARMONIZE NAME DISCREPANCIES
8 NECESSARY TO BE ISSUED AN IDENTIFICATION CARD, THE PETITIONER:

9 (I) IF THE PETITIONER ATTEMPTED TO OBTAIN A
10 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND RESULTS
11 WERE INCONCLUSIVE OR UNREADABLE, MAY SUBMIT, IN LIEU OF A
12 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK, A NAME-BASED
13 CRIMINAL HISTORY RECORD CHECK WITH ALL PREVIOUSLY USED NAMES
14 USING THE RECORDS OF BOTH THE FEDERAL AND COLORADO BUREAUS OF
15 INVESTIGATION AND AN ATTESTATION UNDER PENALTY OF PERJURY THAT
16 THE PETITIONER HAS NOT BEEN CONVICTED OF A FELONY; AND

17 (II) NEED NOT PUBLISH THE NAME CHANGE UNDER SECTION
18 13-15-102.

19 (b) TO QUALIFY FOR THE SIMPLIFIED NAME CHANGE PROCESS IN
20 THIS SUBSECTION (5), THE PETITIONER MUST:

21 (I) SIGN AN AFFIDAVIT THAT THE PURPOSE OF THE NAME CHANGE
22 IS TO OBTAIN AN IDENTIFICATION CARD ISSUED BY THE DEPARTMENT OF
23 REVENUE AND THAT THE DESIRED NAME CHANGE WOULD BE PROPER AND
24 NOT DETRIMENTAL TO THE INTERESTS OF ANY OTHER PERSON; AND

25 (II) BE AT LEAST SEVENTY YEARS OF AGE.

26 **SECTION 4.** In Colorado Revised Statutes, 13-15-102, **add** (3)
27 as follows:

1 **13-15-102. Publication of change.** (3) A PETITIONER NEED NOT
2 GIVE PUBLIC NOTICE OF A NAME CHANGE AS REQUIRED BY SUBSECTION (1)
3 OF THIS SECTION IF THE PETITIONER QUALIFIES FOR THE SIMPLIFIED
4 PROCESS UNDER SECTION 13-15-101 (5).

5 **SECTION 5. Act subject to petition - effective date -**
6 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
7 the expiration of the ninety-day period after final adjournment of the
8 general assembly (August 6, 2014, if adjournment sine die is on May 7,
9 2014); except that, if a referendum petition is filed pursuant to section 1
10 (3) of article V of the state constitution against this act or an item, section,
11 or part of this act within such period, then the act, item, section, or part
12 will not take effect unless approved by the people at the general election
13 to be held in November 2014 and, in such case, will take effect on the
14 date of the official declaration of the vote thereon by the governor.

15 (2) This act applies to applications or petitions filed on or after the
16 applicable effective date of this act.