

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REVISED

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

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

State, Veterans, & Military Affairs
Appropriations

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, AND, IN
104 CONNECTION THEREWITH, MAKING AND REDUCING
105 APPROPRIATIONS.

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

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
2nd Reading Unamended
April 30, 2014

SENATE
3rd Reading Unamended
April 16, 2014

SENATE
Amended 2nd Reading
April 15, 2014

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 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;**

- 1 (c) THE NUMBER OF INDIVIDUALS WHO FAIL TO RETURN;
- 2 (d) THE BREAKDOWN BY EACH OFFICE OF APPROVAL AND DENIAL
- 3 RATES;
- 4 (e) THE NUMBER OF INDIVIDUALS WHO REQUEST EXCEPTIONS
- 5 PROCESSING EACH MONTH AND THE OUTCOMES OF THOSE REQUESTS BY
- 6 EACH OFFICE;
- 7 (f) THE NUMBER OF HEARINGS REQUESTED AFTER NOTICE OF
- 8 DENIAL AND THE OUTCOMES OF THE HEARINGS; AND
- 9 (g) A SUMMARY OF THE MAIN REASONS FOR DENIAL UNDER
- 10 EXCEPTIONS PROCESSING.

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

13 **42-2-302. Department may or shall issue - limitations - rules.**
14 == ==

15 (8) THE DEPARTMENT SHALL PROMULGATE RULES _____
16 ESTABLISHING PROCEDURES FOR RESOLVING MINOR SPELLING
17 INCONSISTENCIES AND ACCEPTING ALTERNATIVE DOCUMENTS TO BIRTH
18 CERTIFICATES TO ESTABLISH LAWFUL PRESENCE.

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

21 **13-15-101. Petition - proceedings.** (5) (a) IF A PETITIONER IS
22 SEEKING A NAME CHANGE TO HARMONIZE NAME DISCREPANCIES
23 NECESSARY TO BE ISSUED AN IDENTIFICATION CARD, THE PETITIONER:

24 (I) IF THE PETITIONER ATTEMPTED TO OBTAIN A
25 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND RESULTS
26 WERE INCONCLUSIVE OR UNREADABLE, MAY SUBMIT, IN LIEU OF A
27 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK, A NAME-BASED

1 CRIMINAL HISTORY RECORD CHECK WITH ALL PREVIOUSLY USED NAMES
2 USING THE RECORDS OF BOTH THE FEDERAL AND COLORADO BUREAUS OF
3 INVESTIGATION AND AN ATTESTATION UNDER PENALTY OF PERJURY THAT
4 THE PETITIONER HAS NOT BEEN CONVICTED OF A FELONY; AND

5 (II) NEED NOT PUBLISH THE NAME CHANGE UNDER SECTION
6 13-15-102.

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

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

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

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

16 **13-15-102. Publication of change.** (3) A PETITIONER NEED NOT
17 GIVE PUBLIC NOTICE OF A NAME CHANGE AS REQUIRED BY SUBSECTION (1)
18 OF THIS SECTION IF THE PETITIONER QUALIFIES FOR THE SIMPLIFIED
19 PROCESS UNDER SECTION 13-15-101 (5).

20 **SECTION 5. Appropriation - adjustments to 2014 long bill.**

21 (1) For the implementation of this act, the general fund appropriation
22 made in the annual general appropriation act to the controlled
23 maintenance trust fund created in section 24-75-302.5 (2) (a), Colorado
24 Revised Statutes, for the fiscal year beginning July 1, 2014, is decreased
25 by \$43,260.

26 (2) In addition to any other appropriation, there is hereby
27 appropriated, out of any moneys in the general fund not otherwise

1 appropriated, to the department of revenue, for the fiscal year beginning
2 July 1, 2014, the sum of \$43,260, or so much thereof as may be necessary,
3 for the purchase of computer center services related to the implementation
4 of this act.

5 (3) In addition to any other appropriation, there is hereby
6 appropriated to the governor - lieutenant governor - state planning and
7 budgeting, for the fiscal year beginning July 1, 2014, the sum of \$43,260,
8 or so much thereof as may be necessary, for allocation to the office of
9 information technology, for the provision of computer center services for
10 the department of revenue related to the implementation of this act. Said
11 sum is from reappropriated funds received from the department of
12 revenue out of the appropriation made in subsection (2) of this section.

13 **SECTION 6. Act subject to petition - effective date -**
14 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
15 the expiration of the ninety-day period after final adjournment of the
16 general assembly (August 6, 2014, if adjournment sine die is on May 7,
17 2014); except that, if a referendum petition is filed pursuant to section 1
18 (3) of article V of the state constitution against this act or an item, section,
19 or part of this act within such period, then the act, item, section, or part
20 will not take effect unless approved by the people at the general election
21 to be held in November 2014 and, in such case, will take effect on the
22 date of the official declaration of the vote thereon by the governor.

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