

DRAFT
10.7.09

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

DRAFT

LLS NO. 10-0239.01 Jerry Barry

BILL 3

Economic Opportunity Poverty Reduction Task Force

SHORT TITLE: "Identification Documents Reduce Poverty"

A BILL FOR AN ACT

101 CONCERNING DOCUMENTS RELATING TO REDUCTION OF POVERTY IN
102 COLORADO.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Economic Opportunity Poverty Reduction Task Force.

Section 1. 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 such a county department.

Section 2. 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 3. 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.

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

2 **SECTION 1.** 25-2-117 (2) (a), Colorado Revised Statutes, is
3 amended to read:

4 **25-2-117. Certified copies furnished - fee.** (2) An applicant
5 shall pay fees established pursuant to section 25-2-121 for each of the
6 following services:

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

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

10 (A) Another state agency;

11 (B) A COUNTY DEPARTMENT OF SOCIAL SERVICES OR HUMAN
12 SERVICES; OR

13 (C) AN INDIVIDUAL PRESENTING A LETTER OF REFERRAL FROM A
14 COUNTY DEPARTMENT OF SOCIAL SERVICES PURSUANT TO SECTION
15 25.5-4-205 (3) OR 26-2-106 (3), C.R.S.; OR

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

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

21 **42-2-306. Fees - disposition - repeal.** (1) The department shall
22 charge and collect the following fees:

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

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

10 (A) SIXTY YEARS OF AGE OR OLDER;

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

13 (C) REFERRED BY OR RELEASED WITHIN THE PRIOR SIX MONTHS
14 FROM THE DEPARTMENT OF CORRECTIONS, THE DIVISION OF YOUTH
15 CORRECTIONS, OR A COUNTY JAIL.

16 **SECTION 3.** 13-15-101 (2) (b), Colorado Revised Statutes, is
17 amended to read:

18 **13-15-101. Petition - proceedings.** (2) (b) (I) ~~The court shall not~~
19 ~~grant a petition for a name change~~ If the court finds the petitioner was
20 previously convicted of a felony IN THIS STATE OR ANY OTHER STATE or
21 adjudicated a juvenile delinquent for an offense that would constitute a
22 felony if committed by an adult in this state or any other state or under
23 federal law, THE COURT MAY GRANT THE PETITION FOR A NAME CHANGE
24 ONLY IF:

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

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

4 (II) IF THE COURT GRANTS A PETITION FOR A NAME CHANGE
5 PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH
6 (b):

7 (A) THE COURT SHALL TRANSMIT THE NAME CHANGE
8 INFORMATION, INCLUDING THE FORMER NAME, THE NEW LEGAL NAME, AND
9 ALL KNOWN ALIASES, TO THE COLORADO BUREAU OF INVESTIGATION, THE
10 FEDERAL BUREAU OF INVESTIGATION, AND THE DIVISION OF CRIMINAL
11 JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY; AND

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

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

21 <{Does the committee prefer a safety clause or the 90-day delayed
22 effective date clause?}>