Attachment C

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

DRAFT
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BILL 3

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LLS NO. 14-0154.01 Jery Payne x2157 **INTERIM COMMITTEE BILL**

Economic Opportunity Poverty Reduction Task Force

SHORT TITLE: "Identification Card Issuance Standards"

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

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.

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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. Exceptions processing.** THE DEPARTMENT OF REVENUE

5 SHALL PROVIDE THE OPPORTUNITY FOR A HEARING IN PERSON AT EVERY

6 OFFICE THAT IS ACTUALLY OPERATED BY THE DEPARTMENT OF REVENUE

7 AND THAT ISSUES DRIVER'S LICENSES OR IDENTIFICATION CARDS UNDER

8 PART 3 OF ARTICLE 2 OF THIS TITLE. EACH OF THESE OFFICES SHALL ISSUE

9 IDENTIFICATION CARDS USING THE PROCESS ESTABLISHED BY SECTION

10 42-2-302 (8). THIS HEARING REQUIREMENT MAY BE FULFILLED BY

11 EXCEPTIONS PROCESSING.

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

13 follows:

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

15 (8) (a) THE DEPARTMENT SHALL ISSUE AN IDENTIFICATION CARD TO A

16 COLORADO RESIDENT WHO:

1 (I) IS AT LEAST SEVENTY YEARS OF AGE;
2 (II) PAYS THE FEES REQUIRED UNDER THIS ARTICLE;
3 (III) IS QUALIFIED FOR A LICENSE UNDER THIS SECTION; EXCEPT
4 THAT THIS SUBSECTION (8) SUPERSEDES ANY CONFLICTING PROVISION OF
5 THIS SECTION; AND
6 (IV) PROVIDES DOCUMENTS ESTABLISHING THE PERSON'S NAME,
7 AGE, IDENTITY, AND LAWFUL PRESENCE.
8 (b) THE DEPARTMENT SHALL ISSUE AN IDENTIFICATION CARD TO
9 A COLORADO RESIDENT WHO:
10 (I) IS AT LEAST FIFTY YEARS OF AGE;
11 (II) IS AN HONORABLY DISCHARGED OR RETIRED MEMBER OF THE
12 UNITED STATES ARMED FORCES;
13 (III) PAYS THE FEES REQUIRED UNDER THIS ARTICLE;
14 (IV) IS QUALIFIED FOR A LICENSE UNDER THIS SECTION; EXCEPT
15 THAT THIS SUBSECTION (8) SUPERSEDES ANY CONFLICTING PROVISION OF
16 THIS SECTION; AND
17 (V) PROVIDES DOCUMENTS ESTABLISHING THE PERSON'S NAME,
18 AGE, IDENTITY, AND LAWFUL PRESENCE.
19 (c) ANY OF THE FOLLOWING RECORDS IS SUFFICIENT EVIDENCE OF
20 LAWFUL PRESENCE TO BE ISSUED AN IDENTIFICATION CARD UNDER THIS
21 SUBSECTION (8):
22 (I) A NUMERICAL IDENTIFICATION SYSTEM RECORD ISSUED BY THE
23 SOCIAL SECURITY ADMINISTRATION THAT SHOWS BIRTH IN THE UNITED
24 STATES; OR
25 (II) A DD214 ISSUED BY THE UNITED STATES ARMED FORCES.
26 (d) THE DEPARTMENT SHALL PROMULGATE RULES FOR
27 IMPLEMENTING THIS SUBSECTION (8), INCLUDING PROCEDURES FOR
28 RESOLVING MINOR SPELLING INCONSISTENCIES AND ACCEPTING

1 ALTERNATIVE DOCUMENTS TO BIRTH CERTIFICATES TO ESTABLISH LAWFUL
2 PRESENCE.
3 **SECTION 3.** In Colorado Revised Statutes, 13-15-101, **add** (5)
4 as follows:
5 **13-15-101. Petition - proceedings.** (5) (a) IF A PETITIONER IS
6 SEEKING A NAME CHANGE TO HARMONIZE NAME DISCREPANCIES
7 NECESSARY TO BE ISSUED AN IDENTIFICATION CARD, THE PETITIONER:
8 (I) MAY SUBMIT, IN LIEU OF A FINGERPRINT-BASED CRIMINAL
9 HISTORY RECORD CHECK, A NAME-BASED CRIMINAL HISTORY CHECK WITH
10 ALL PREVIOUSLY USED NAMES USING THE RECORDS OF BOTH THE FEDERAL
11 AND COLORADO BUREAUS OF INVESTIGATION AND AN ATTESTATION
12 UNDER PENALTY OF PERJURY THAT THE PETITIONER HAS NOT BEEN
13 CONVICTED OF A FELONY; AND
14 (II) NEED NOT PUBLISH THE NAME CHANGE UNDER SECTION
15 13-15-102.
16 (b) TO QUALIFY FOR THE SIMPLIFIED NAME CHANGE PROCESS IN
17 THIS SUBSECTION (5), THE PETITIONER MUST:
18 (I) SIGN AN AFFIDAVIT THAT THE PURPOSE OF THE NAME CHANGE
19 IS TO OBTAIN AN IDENTIFICATION CARD ISSUED BY THE DEPARTMENT OF
20 REVENUE AND THAT THE DESIRED NAME CHANGE WOULD BE PROPER AND
21 NOT DETRIMENTAL TO THE INTERESTS OF ANY OTHER PERSON; AND
22 (II) (A) BE AT LEAST SEVENTY YEARS OF AGE; OR
23 (B) BE AT LEAST FIFTY YEARS OF AGE AND AN HONORABLY
24 DISCHARGED OR RETIRED MEMBER OF THE UNITED STATES ARMED FORCES.
25 **SECTION 4.** In Colorado Revised Statutes, 13-15-102, **add** (3)
26 as follows:
27 **13-15-102. Publication of change.** (3) A PETITIONER NEED NOT
28 GIVE PUBLIC NOTICE OF A NAME CHANGE AS REQUIRED BY SUBSECTION (1)

1 OF THIS SECTION IF THE PETITIONER QUALIFIES FOR THE SIMPLIFIED
2 PROCESS UNDER SECTION 13-15-101 (5).
3 **SECTION 5. Act subject to petition - effective date -**
4 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
5 the expiration of the ninety-day period after final adjournment of the
6 general assembly (August 6, 2014, if adjournment sine die is on May 7,
7 2014); except that, if a referendum petition is filed pursuant to section 1
8 (3) of article V of the state constitution against this act or an item, section,
9 or part of this act within such period, then the act, item, section, or part
10 will not take effect unless approved by the people at the general election
11 to be held in November 2014 and, in such case, will take effect on the
12 date of the official declaration of the vote thereon by the governor.
13 (2) This act applies to applications or petitions filed on or after the
14 applicable effective date of this act.