

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 14, 2015
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB15-1282 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **add** 25-2-112.7 as
4 follows:

5 **25-2-112.7. Crime of misrepresentation of material**
6 **information in the preparation of a birth certificate - definitions.**

7 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
8 REQUIRES:

9 (a) "BIRTH PARENT" MEANS A NATURAL PARENT, BY BIRTH, OF A
10 CHILD BORN IN THIS STATE. "BIRTH PARENT" ALSO INCLUDES A PRESUMED
11 FATHER OR PUTATIVE FATHER IN ACCORDANCE WITH THE PRESUMPTIONS
12 FOR DETERMINATION OF PATERNITY AS SET FORTH IN SECTION 25-2-112
13 (3), OR A PUTATIVE FATHER THAT IS NOT MARRIED TO THE MOTHER WHO
14 SIGNS A VOLUNTARY ACKNOWLEDGMENT OF PATERNITY.

15 (b) "MATERIAL INFORMATION" MEANS THE LEGAL NAME OF A
16 BIRTH PARENT, THE BIRTH DATE OF A BIRTH PARENT, THE MOTHER'S
17 MAIDEN NAME PRIOR TO A FIRST MARRIAGE, IF APPLICABLE, AND THE
18 PLACE OF BIRTH OF A BIRTH PARENT.

19 (2) A BIRTH PARENT COMMITS THE CRIME OF MISREPRESENTATION
20 OF MATERIAL INFORMATION IN THE PREPARATION OF A BIRTH CERTIFICATE
21 IF THE BIRTH PARENT KNOWINGLY AND INTENTIONALLY MISREPRESENTS
22 MATERIAL INFORMATION THAT IS USED TO CREATE A CHILD'S BIRTH
23 CERTIFICATE.

1 (3) THE CRIME OF MISREPRESENTATION OF MATERIAL
2 INFORMATION IN THE PREPARATION OF A BIRTH CERTIFICATE IS A CLASS 2
3 MISDEMEANOR.

4 **SECTION 2.** In Colorado Revised Statutes, 25-2-118, **amend** (1)
5 as follows:

6 **25-2-118. Penalties.** (1) EXCEPT AS OTHERWISE PROVIDED FOR IN
7 SECTION 25-2-112.7 WITH RESPECT TO MISREPRESENTATION OF MATERIAL
8 INFORMATION IN THE PREPARATION OF A BIRTH CERTIFICATE, any person
9 who knowingly and willfully makes any false statement in or supplies any
10 false information for or for purposes of deception applies for, alters,
11 mutilates, uses, attempts to use, applies for amendments thereto, or
12 furnishes to another for deceptive use any vital statistics certificate, and
13 any person who knowingly and willfully and for purposes of deception
14 uses or attempts to use or furnishes for use by another any vital statistics
15 certificate knowing that such certificate contains false information or
16 relates to a person other than the person with respect to whom it purports
17 to relate, and any person who manufactures, advertises for sale, sells, or
18 alters any vital statistics certificate knowing or having reason to know
19 that such document establishes or may be used to establish a false status,
20 occupation, membership, license, privilege, or identity for himself or any
21 other person, and any person who uses any such document to commit a
22 crime is guilty of a misdemeanor and, upon conviction thereof, shall be
23 punished by a fine of not more than one thousand dollars, or by
24 imprisonment in the county jail for not more than one year, or by both
25 such fine and imprisonment.

26 **SECTION 3.** In Colorado Revised Statutes, 25-2-112, **add** (7) as
27 follows:

28 **25-2-112. Certificates of birth - filing - establishment of**
29 **paternity.** (7) THE STATE REGISTRAR SHALL REVISE THE BIRTH
30 CERTIFICATE WORKSHEET FORM USED FOR THE PREPARATION OF A
31 CERTIFICATE OF LIVE BIRTH TO INCLUDE A STATEMENT THAT KNOWINGLY
32 AND INTENTIONALLY MISREPRESENTING MATERIAL INFORMATION ON THE
33 WORKSHEET FORM USED FOR THE PREPARATION OF A BIRTH CERTIFICATE
34 IS A CLASS 2 MISDEMEANOR.

35 **SECTION 4. Effective date - applicability.** This act takes effect
36 July 1, 2015, and applies to offenses committed on or after said date.

37 **SECTION 5. Safety clause.** The general assembly hereby finds,
38 determines, and declares that this act is necessary for the immediate
39 preservation of the public peace, health, and safety."

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