

Summary of Immigration Bills, 2007 Session (As of May 17, 2007)

Bill No / Short Title / Sponsor(s) / Status	Bill Summary	Department(s) With Expenditure Impact	Total FY 2007-08 Expenditure Impact
Signed into Law			
<p>HB 07-1314</p> <p>Extend Rules for Public Benefits</p> <p><i>Rep. Cerbo</i> <i>Sen. Groff</i></p> <p>Signed into Law</p>	<p>House Bill 06S-1023 required the Department of Revenue to issue emergency rules regarding additional forms of identification persons may use to qualify for public benefits, and a waiver process that may be used if some persons do not have the enumerated documents. The emergency rules were set to expire March 1, 2007. This bill requires the department to issue permanent rules regarding the additional forms of identification and the waiver process and provides that the emergency rules remain in effect until the permanent rules are promulgated.</p>	<p>Extending the rules and requiring the issuance of permanent rules will not affect state or local government revenue or expenditures.</p>	<p>No fiscal impact</p>
Enrolled into an Act			
<p>HB 07-1040</p> <p>Warrants and Bonds for Illegal Immigrant</p> <p><i>Rep. Stephens</i></p> <p>Enroll into an Act</p>	<p>The bill requires the court, in the cases of persons who have posted a bond in a criminal case and who are subsequently released to the U.S. Immigration and Customs Enforcement Agency, to issue a warrant and to set the amount of the bond on the warrant. The warrant must be entered into the Colorado Crime Information Center and the National Crime Information Center databases, and must command that the person be arrested when contacted anywhere in the United States.</p> <p>Under the bill, a court is not permitted to dismiss criminal charges against a person because the person has been or may be removed from the United States, except upon a motion of the district attorney. If a person is convicted of a crime and the person has been or may be removed from the United States, the court is not permitted to dismiss the charges, and the person must serve his or her sentence and pay restitution prior to removal.</p> <p>If a law enforcement agency determines that a defendant charged with a felony or a class 1 or 2 misdemeanor is likely in the country illegally, the agency must notify the defendant's bail bonding agent in writing. Prior to bail being posted for the defendant, the defendant or the person posting bond on behalf of the defendant must sign a waiver stating that the bond and fees will be forfeited if the defendant is removed from the country. If a defendant is removed from the country, any bond posted on behalf of the defendant is forfeited, and the bail bonding agent must return all collected fees to the court. The forfeited bonds and fees are credited to the Capital Construction Fund to pay for prison bed construction and prison operations.</p>	<p>Corrections</p> <p>Costs of incarceration will increase because the bill prohibits the court from dismissing felony charges against a person residing in the country illegally. The fiscal note estimates that 9 additional persons will be incarcerated annually as a result of the bill.</p>	<p>\$1,126,485 CFE</p>

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Sent to the Governor				
<p>HB 07-1313</p> <p>Identity Documents Evidence</p> <p><i>Rep. Marshall</i> <i>Sen. Sandoval</i></p> <p>Sent to Governor</p>	<p>Under current law, the Department of Revenue has the authority to determine which documents may be used as valid forms of identification to obtain a driver's license and to issue rules on which documents may be used to obtain public benefits. The bill specifies that an applicant for a driver's license must provide evidence of identity, age, and lawful presence in the United States before being issued a driver's license. The following documents may be used to establish identity, age, and lawful presence in the United States:</p> <ul style="list-style-type: none"> • a U.S. passport; • a driver's license issued by the United States or any state that requires proof of lawful presence in the United States to obtain the license; • a military identification card; and • a foreign passport in conjunction with an appropriate visa or other immigration documents. <p>The bill lists other documents that may be used, in conjunction, to prove age, identity, and legal status. In addition, the bill requires the department to establish exception procedures to allow persons to demonstrate identity, age, and lawful presence through relevant and reasonable evidence, including expired documents, photocopies of documents, and witness testimony.</p> <p>If the department denies an application for a driver's license, the applicant may request a hearing. The applicant may petition for judicial review in district court if the applicant is not satisfied with the hearing.</p>	<p>Revenue</p> <p>The Department of Revenue, will require an additional 6.5 FTE to conduct the hearings required by the bill.</p>	<p>\$4,084 GF</p> <p>\$351,081 CF</p>	

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Postponed Indefinitely			
<p>SB 07-029</p> <p>Employers' Use of Verification Program</p> <p><i>Sen. Schultheis</i> <i>Rep. Lambert</i></p> <p>Postponed Indefinitely</p>	<p>The introduced bill required all nongovernmental employers in the state to apply to participate in the federal Basic Pilot Program and to participate if accepted into the program. The federal Basic Pilot Program allows employers to verify the social security numbers of newly hired employees. Employers that failed to apply for the program faced fines of between \$500 and \$3,000, depending upon the size of the employer. Employers were required to fire employees whose social security numbers could not be verified through the program. Employers who did not fire such employees could have been fined up to \$50 per day. The Department of Labor and Employment was responsible for investigating complaints that employers were not complying with the provisions of the bill, and for notifying employers of the requirements of the bill.</p>	<p>Labor</p> <p>The department required funding for personnel to establish program compliance, educate employers, investigate complaints, and for establishing a website. In addition, the department required funding to notify employers of the bill's requirements.</p>	<p>\$144,172 CF</p>
<p>SB07-065</p> <p>Proof of Citizenship to Register to Vote</p> <p><i>Sen. Harvey</i> <i>Rep. C. Gardner</i></p> <p>Postponed Indefinitely</p>	<p>The introduced bill required all persons registering to vote on and after the effective date of the bill to submit proof of citizenship. Overseas military personnel and other overseas voters were exempt from the requirements. Proof of citizenship did not include proof of voter registration from another state, but did include:</p> <ul style="list-style-type: none"> • a valid U.S. passport, or a copy of the pages of the passport that identify the person and show the passport number; • a birth certificate or a photocopy of a birth certificate; • a naturalization document or a photocopy of the document; and • any document or method of proving citizenship established by federal law. 	<p>Local Governments</p> <p>The bill required increased staff time to process voter registrations, to contact voters who register at voter registration drives and do not provide proper documentation at the drives, and to retain citizenship documentation. The estimated cost to a mid-size front range county was approximately \$50,000.</p>	<p>No state fiscal impact</p>

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<p>SB 07-094</p> <p>Use of Fraudulent Documents</p> <p><i>Sen. Schultheis</i> <i>Rep. Lambert</i></p> <p>Postponed Indefinitely</p>	<p>The introduced bill created the crime of the use of forged documentation, a class 6 felony. A person committed the crime of the use of forged documentation if he or she was present in the country in violation of federal immigration laws and used fraudulent documentation to attempt to secure employment or a public benefit. Officers arresting persons pursuant to the bill were required to report the arrest to the U.S. Immigration and Customs Enforcement Agency. The court was not permitted to accept a plea bargain for persons charged with the use of forged documentation.</p>	<p>Corrections</p> <p>The department required funds for prison construction to house 22 additional persons expected to be convicted a felony as a result of the bill starting in FY 2008-09.</p>	<p>\$2,753,630 GF</p>
<p>HB 07-1007</p> <p>Trespass by Illegal Aliens Crime</p> <p><i>Rep. Cadman</i></p> <p>Postponed Indefinitely</p>	<p>The introduced bill created the crime of trespassing by an illegal alien. A person committed the crime of trespassing by an illegal alien if the person was in the state while in violation of federal immigration law. Trespassing by an illegal alien was an unclassified misdemeanor punishable by a fine of \$500 for a first offense, a class 1 misdemeanor for a second offense, and a class 4 felony for a third and subsequent offense.</p>	<p>Corrections</p> <p>The department required funding to house five additional persons convicted a felony as a result of the bill, starting in FY 2008-09.</p>	<p>None until FY 2008-09</p>

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<p>HB 07-1138 Proof Of Citizenship In Elections <i>Rep. Cadman</i> Postponed Indefinitely</p>	<p>The introduced bill required all persons registering to vote on and after July 1, 2007, to submit proof of citizenship. Election judges and persons working at voter registration drives were also required to submit proof of citizenship. Overseas military personnel and other overseas voters were exempt from the requirements. Proof of citizenship did not include proof of voter registration from another state, but did include:</p> <ul style="list-style-type: none"> • a valid U.S. passport, or a copy of the pages of the passport that identify the person and show the passport number; • a birth certificate or a photocopy of a birth certificate; • a naturalization document or a photocopy of the document; and • any document or method of proving citizenship established by federal law. <p>In addition, the bill lowered the threshold for reporting campaign contributions under the Fair Campaign Practices Act from \$20 to \$5.</p>	<p>Local Governments</p> <p>The bill required increased staff time to process voter registrations, to contact voters who register at voter registration drives and do not provide proper documentation at the drives, and to retain citizenship documentation. The estimated cost to a mid-size front range county was approximately \$50,000.</p> <p>Lowering the threshold for reporting campaign contributions would increase the costs of the Department of State, unless the reports are required to be filed electronically.</p>	<p>No state fiscal impact</p>