

Immigration

<i>House Bills</i>	<i>Senate Bills</i>
HB 06-1343 Illegal Aliens and Public Contract for Services	SB 06-098 Workers' Comp Exclude Undocumented Alien
HB 06-1101 Illegal Aliens Arrest Contract License	SB 06-090 Prohibit Illegal Immigration Sanctuaries
HB 06-1133 Illegal Immigration and Government Practices	SB 06-206 Human Smuggling
HB 06-1286 Retail Food License Employee Alien Status	SB 06-207 Human Trafficking
HB 06-1290 Federal Employment Verification Program	SB 06-225 State Patrol Human Smuggling
HB 06-1082 Action Against Employer of Illegal Alien	SB 06-110 Prohibit Illegal Work and Resident Status
HB 06-1131 Bail Bonding Agents Illegal Immigrants	SB 06-146 Proof of Citizenship to Register to Vote
HB 06-1134 Law Enforcement Immigration Activities	
HB 06-1306 Secure and Verifiable Identity Document Audit	
HCR 06-1009 Proof of US Citizenship to Vote	
HCR 06-1008 English Official Language Public Entities	
HB 06-1062 Citizenship Data in Public K-12 Schools	

Immigration policy continues to be a hotly debated topic, both at the federal and state levels. In response to growing interest in immigration reform, the General Assembly considered several proposals related to the labor and employment of undocumented aliens, local law enforcement's role in enforcing immigration laws, the accuracy and use of identification documents, English-only policies, and educational data.

Labor and employment. Much of the recent debate regarding immigration has focused on employers who illegally hire undocumented aliens. **HB 06-1343** prohibits the state and any political subdivision from entering into or renewing a contract with any contractor who knowingly employs illegal aliens to perform work under the contract or who knowingly contracts with any subcontractor who knowingly employs illegal aliens to perform work under the contract. Each contractor seeking to contract with the state must certify that the contractor is not currently employing or contracting with illegal aliens and that the contractor has participated or attempted to participate in the federal Basic Employment Verification Pilot Program. The federal Basic Employment Verification Pilot Program is a program through which employers may verify a prospective employee's work eligibility status. Two bills containing similar provisions, **HB 06-1101** and **HB 06-1133**, were postponed indefinitely.

HB 06-1286 would have required each employer in Colorado to apply to participate in the federal Basic Employment Verification Pilot Program and to participate in the program when accepted. Employers that failed to apply for the program were subject to a fine of up to \$1,000 for each 30-day-period for which an application was not submitted. Employers were required to terminate any employee whose work eligibility status could not be verified through the program. The bill was postponed indefinitely.

A similar bill, **HB 06-1290**, targeted retail food establishments who illegally hire unauthorized persons. The bill required retail food establishments to apply to participate in the federal Basic Employment Verification Pilot Program in order to receive a license. A retail food establishment was prohibited from

hiring or continuing to employ a person whose work eligibility status had not been or could not be verified through the program. If a retail food establishment licensee violated the provisions of the bill, the licensee could have been fined and could have had his or her license suspended or revoked. The bill was postponed indefinitely.

HB 06-1082 would have allowed any person who was injured by the wrongful act or omission of an unauthorized alien to bring a civil action for damages against the alien's employer. **SB 06-098** would have denied workers' compensation benefits to injured workers who are illegally present in the country. Both bills were postponed indefinitely.

Law enforcement. Although most immigration laws are enforced by federal authorities, consideration was given to defining a role for local law enforcement agencies in the enforcement of immigration laws. **SB 06-090** prohibits local governments from enacting an ordinance or policy that limits a peace officer, local official, or local government employee from communicating or cooperating with federal immigration officers with regard to the immigration status of any person (i.e. "sanctuary" policy). In addition, a law enforcement officer who has probable cause to believe that an arrested person is not in the country legally is required to report the person to the U.S. Immigration and Customs Enforcement Office. Officers are not required to report persons who are arrested for suspected acts of domestic violence.

SB 06-206 creates the crime of smuggling of humans. A person commits smuggling of humans if, for the purpose of assisting another person to enter, remain in, or travel through the United States in violation of immigration laws, he or she provides or agrees to provide transportation to the person in exchange for money or another thing of value. Smuggling of humans is a class 3 felony.

A similar bill, **SB 06-207**, creates the crime of trafficking in adults. A person commits trafficking in adults if he or she sells, exchanges, barter, or leases a person aged 16 years or older and receives any money or other consideration as a result of the transaction or if he or she receives an adult as a result of such a transaction. Trafficking in adults is a class 3 felony unless the adults who have been trafficked are illegally present in the United States, in which case trafficking in adults is a class 2 felony. An additional bill, **SB 06-225**, requires the Colorado State Patrol to establish a division to address human smuggling and human trafficking.

HB 06-1131 would have prohibited a bail bonding agent from furnishing bail for a suspected illegal alien. The bill was postponed indefinitely.

HB 06-1134, postponed indefinitely, directed local law enforcement agencies to seek to enter into an agreement with the U.S. Immigration and Customs Enforcement Office to train local law enforcement officers to identify, process, and detain persons suspected of immigration offenses.

Identification documents. In order to target persons who obtain benefits or employment through fraudulent documentation, **SB 06-110** prohibits persons and entities from recklessly forging, counterfeiting, altering, or falsely making or providing, for any purpose, any document listed in federal law as a document which may prove a person's eligibility for employment. Persons who violate the provisions of the bill are subject to a civil penalty of not less than \$50,000 for each forged or altered document.

HB 06-1306 requires the State Auditor's Office, by July 1, 2008, to conduct an audit of the implementation of the "Secure and Verifiable Identity Document Act." The "Secure and Verifiable Identity Document Act" specifies that a public entity that provides services shall not accept, rely upon, or utilize an identification document to provide services unless the document is secure and identifiable.

SB 06-146 required persons applying to register to vote after July 1, 2006, to provide proof of citizenship. Similar provisions were proposed in **HCR 06-1009**. Both measures were postponed indefinitely.

English-only policies. **HCR 06-1008**, if approved by voters, would have amended the state constitution to:

- require that any printed or electronic document issued by the state or any political subdivision of the state be in English;
- prohibit publicly-supported libraries from purchasing materials in languages other than English, with the exception of textbooks or instructional materials;
- prohibit school districts from requiring instruction in a language other than English; and
- specify that the state or a political subdivision may not require competency in a language other than English as a condition of employment.

Any person who believed that the state or political subdivision was violating the provisions of the resolution could have filed a lawsuit against the state or subdivision, provided that the person notified the public entity of the violation and the entity failed to take corrective action.

Educational data. **HB 06-1062** would have mandated school districts to collect data on the citizenship status of each student enrolled in the district. A student without proof of citizenship could have provided a statement identifying his or her country of citizenship or stated that he or she could not provide the documentation. Each school district was required to report to the state Board of Education the number of students who were not United States citizens, the number of students who were citizens of countries other than the United States, and the number of students who were unable to provide documentation of the country of their citizenship. The bill was postponed indefinitely.