

IMMIGRATION

Law Enforcement

HB 09-1049 (*Postponed Indefinitely*)
No Plea Bargain Illegal Alien

HB 09-1123 (*Enacted*)
*Human Smuggling Trafficking
Servitude*

HB 09-1147 (*Postponed Indefinitely*)
Bail Presumptions for Illegal Aliens

SJM 09-009 (*Deemed Lost*)
*Immigration Task Force
Recommendations*

Employment

SB 09-023 (*Postponed Indefinitely*)
*Fair & Legal Employment for
Coloradans Act*

Public Benefits

SB09-170 (*Lost in the Senate*)
*Nondiscrimination in Higher Education
Funding*

Voting and Identification Requirements

SB 09-146 (*Postponed Indefinitely*)
Unlicensed Driver Vehicle Impound

HB 09-1146 (*Postponed Indefinitely*)
*Proof of Citizenship to Register to
Vote*

As in past legislative sessions, the General Assembly considered a number of bills relating to immigration. Specifically, the legislature considered measures with regard to: creating additional crimes related to illegal immigration; employment of immigrants; public benefits for immigrants; and voting and identification requirements.

Law Enforcement

House Bill 09-1123 modifies the current statutes concerning human trafficking to define children as people 18 years of age and younger. It also increases the penalty for trafficking in children from a class 3 to a class 2 felony. Smuggling of humans is defined as assisting another person to enter or remain in the United States by providing transportation, in exchange for money or something else of value.

The bill also broadens the definition of coercion of involuntary servitude to include threats of serious harm against another, a pattern of behavior that would cause a person to believe that he or she is in danger of harm, and threats to abuse the legal process.

House Bill 09-1049 would have prohibited a trial judge from accepting a plea of guilty to any charge if the defendant was in the country illegally, and the plea was a result of a plea offer that would have allowed the defendant to avoid removal from the country. It provided an exception in cases where the prosecuting attorney could not prove the original charges if brought to trial, and the

plea offer was not intended to allow the defendant to avoid removal from the country. The bill was postponed indefinitely.

House Bill 09-1147, also postponed indefinitely, would have created a rebuttable presumption that, for determining bail, an individual who was in the country illegally would have been a significant risk to public safety if the individual were released on bail. When determining bail, the judge was to consider the following in determining whether an individual was in the country illegally:

- the individual was unable to produce proper identification;
- the individual had a U.S. Immigration and Customs Enforcement Agency hold;
- law enforcement indicated that the person was in the country illegally;
- law enforcement obtained an admission that the person was in the country illegally; or
- any evidence or other relevant information that the person was in the country illegally.

Senate Joint Memorial 09-009 would have urged Congress to enforce existing immigration laws by providing adequate funding to the states and the federal Immigration and Customs Enforcement office. The memorial also encouraged the federal government to partner with the states to develop strategies for enforcing immigration laws. This memorial was deemed lost in the Senate.

Employment

Senate Bill 09-023 would have required all employers in Colorado to participate in the federal E-Verify program. The E-Verify program is an online system that enables participating employers to check the work status of new hires. Depending upon the size of the company, employers had different deadlines to comply. Employers had to maintain a copy of the certification that they were participating in the program and were subject to fines for noncompliance. If the court found that an employer had violated the law, the employer could be placed on probation. If the employer was on probation and found not to be in compliance, the court could order the employer's business license to be revoked.

The bill also made it a discriminatory or unfair employment practice for a company to refuse to hire a qualified citizen while employing an individual who was in the country illegally. The Department of Revenue was responsible for providing notice to employers explaining the requirements of the law. Any monies collected were to be placed in the E-Verify Program Cash Fund. The bill was postponed indefinitely.

Public Benefits

Senate Bill 09-170 would have allowed individuals to receive in-state tuition at Colorado colleges and universities, regardless of their immigration status, if these individuals attended high school in Colorado for at least three years, and if they enrolled in a Colorado college or university in the academic year immediately following graduation from high school or receiving a general equivalency diploma. Individuals who were classified as in-state students under this bill were not eligible to receive College Opportunity Fund stipends or state-funded, need-based financial aid. In

order to continue receiving in-state tuition, students who were not minors were required to apply for permanent resident status in the United States. The bill was lost in the Senate.

Voting and Identification Requirements

House Bill 09-1146 would have required people who register to vote in Colorado to provide proof of citizenship to the county clerk's office. Proof of citizenship would have been established by providing the following:

- a valid passport;
- a birth certificate;
- naturalization documentation; or
- any other documentation allowed by federal immigration law.

Voter registration from another state could not be used to prove citizenship. People who had registered to vote before July 1, 2009, were not required to provide proof of citizenship. The bill was postponed indefinitely.

Senate Bill 09-146, also postponed indefinitely, would have created several provisions concerning traffic laws and preventing unlicensed drivers from operating motor vehicles. Specifically related to immigration, the bill required a nonresident, when operating a motor vehicle, to have in his or her possession documentation that authorized his or her presence in the United States.