

Summary of Bills Concerning Immigration, 2009 Session (As of January 8, 2010)

Signed into Law	
<p>Bill Number: House Bill 09-1123</p> <p>Sponsors: Representative Lambert Senator Schultheis</p> <p>This bill modifies the current statutes concerning human trafficking to define children as people 18 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.</p> <p>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.</p>	<p>Short Title: Human Smuggling Trafficking Servitude</p> <p>Status: Signed into Law</p> <p>Appropriations:</p> <p style="padding-left: 40px;">The bill does not require an appropriation. Cases of trafficking in children are rare; this bill is not expected to increase the workload for the courts or increase the number of offenders sentenced to the Department of Corrections.</p>
Postponed Indefinitely	
<p>Bill Number: Senate Bill 09-023</p> <p>Sponsors: Senator Schultheis Representative Lambert</p> <p>This bill required all employers in Colorado to participate in the federal E-Verify program. 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 non-compliance. 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 for the business license to be revoked.</p> <p>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.</p>	<p>Short Title: Fair & Legal Employment for Coloradans Act</p> <p>Status: Postponed Indefinitely</p> <p>Appropriations:</p> <p style="padding-left: 40px;">For FY 2009-10, the following appropriations were required:</p> <ul style="list-style-type: none"> • Department of Law - \$203,803 Total <ul style="list-style-type: none"> - General Fund - \$190,917 and 2.5 FTE - E-Verify Program Cash Fund - \$5,000 - Division of Registrations Cash Fund - \$7,886 (reappropriated funds) • Department of Revenue – General Fund - \$82,303 • Department of Regulatory Agencies – Division of Registrations Cash Fund - \$17,286 • Department of Labor and Employment - Employment Support Fund - Reduction of \$213,980 and 4.0 FTE

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Postponed Indefinitely (Cont.)	
<p>Bill Number: Senate Bill 09-146</p> <p>Sponsors: Senator Schultheis Representative Lambert</p> <p>This bill 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.</p>	<p>Short Title: Unlicensed Driver Vehicle Impound</p> <p>Status: Postponed Indefinitely</p> <p>Appropriations:</p> <p>For FY 2009-10, the following appropriations were required:</p> <ul style="list-style-type: none"> • \$2,664,675 General Fund and 22.6 FTE to the Department of Public Safety, Colorado State Patrol; and • \$147,047 General Fund and 2.7 FTE to the Department of Revenue.
<p>Bill Number: Senate Bill 09-170</p> <p>Sponsors: Senator Romer</p> <p>As amended by the Senate Education Committee, the bill 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.</p>	<p>Short Title: Nondiscrimination in Higher Education Funding</p> <p>Status: Lost in Senate</p> <p>Appropriations:</p> <p>This bill would have increased state tuition revenue based on the assumption that more students would attend state institutions of higher education. State tuition revenue may have increased by \$165,000 to \$661,200 depending upon the number of students who attended higher education institutions as a result of the bill. Any new revenue would have been spent by the institutions of higher education for instructional costs.</p>
<p>Bill Number: House Bill 09-1049</p> <p>Sponsors: Representative May Senator Harvey</p> <p>This bill 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.</p>	<p>Short Title: No Plea Bargain Illegal Alien</p> <p>Status: Postponed Indefinitely</p> <p>Appropriations:</p> <p>This bill required a General Fund transfer of \$1,957,034 to the Capital Construction Fund and an appropriation of the same amount to the Corrections Expansion Reserve Fund in FY 2009-10.</p>

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Postponed Indefinitely (Cont.)	
<p>Bill Number: House Bill 09-1146</p> <p>Sponsors: Representative McNulty Senator Scheffel</p> <p>This bill 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:</p> <ul style="list-style-type: none"> • a valid passport; • a birth certificate; • naturalization documentation; or • any other documentation allowed by federal immigration law. <p>Voter registration from another state would not have been considered to provide proof of citizenship. People who had registered to vote before July 1, 2009 were not required to provide proof of citizenship.</p>	<p>Short Title: Proof of Citizenship to Register to Vote</p> <p>Status: Postponed Indefinitely</p> <p>Appropriations:</p> <p style="padding-left: 40px;">The Department of State required an appropriation of \$15,000 from the Department of State Cash Fund in FY 2009-10.</p>
<p>Bill Number: House Bill 09-1147</p> <p>Sponsors: Representative B. Gardner Senator Mitchell</p> <p>This bill 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:</p> <ul style="list-style-type: none"> • the individual was able to produce proper identification; • the individuals 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. 	<p>Short Title: Bail Presumptions for Illegal Aliens</p> <p>Status: Postponed Indefinitely</p> <p>Appropriations:</p> <p style="padding-left: 40px;">None. This bill would have increased the workload for both the trial courts and probation in the Judicial Branch; however, costs could not be quantified for the bill because the number of cases was unknown.</p>