

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws. 2003



HOUSE BILL 03-1224

BY REPRESENTATIVE(S) Lee, Schultheis, Harvey, Briggs, Brophy, Cadman, Clapp, Crane, Fairbank, Fritz, Hall, Hefley, King, Lundberg, May M., McCluskey, Mitchell, Rhodes, Rose, Sinclair, Spence, Spradley, Stafford, Stengel, White, Wiens, and Hoppe;
also SENATOR(S) Andrews, May R., Chlouber, Arnold, Cairns, Dyer, Entz, Hillman, Johnson S., Jones, Kester, McElhany, Owen, Taylor, and Teck.

CONCERNING A PROHIBITION AGAINST THE ACCEPTANCE BY PUBLIC ENTITIES
OF IDENTITY DOCUMENTS THAT ARE NOT SECURE.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 72.1
Secure and Verifiable Identity Documents

24-72.1-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "SECURE AND VERIFIABLE IDENTITY DOCUMENT ACT".

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

24-72.1-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CHILDREN" MEANS CHILDREN AS DEFINED BY 42 U.S.C. SEC. 1786 (b).

(2) "INFANTS" MEANS INFANTS AS DEFINED BY 42 U.S.C. SEC. 1786 (b).

(3) "PUBLIC ENTITY" MEANS AN AGENCY, DEPARTMENT, BOARD, DIVISION, BUREAU, COMMISSION, COUNCIL, OR POLITICAL SUBDIVISION OF THE STATE.

(4) "PUBLIC OFFICIAL" MEANS AN ELECTED OR APPOINTED OFFICIAL, AN EMPLOYEE, OR AN AGENT OF A PUBLIC ENTITY.

(5) "SECURE AND VERIFIABLE DOCUMENT" MEANS A DOCUMENT ISSUED BY A STATE OR FEDERAL JURISDICTION OR RECOGNIZED BY THE UNITED STATES GOVERNMENT AND THAT IS VERIFIABLE BY FEDERAL OR STATE LAW ENFORCEMENT, INTELLIGENCE, OR HOMELAND SECURITY AGENCIES.

24-72.1-103. Identity documents - verifiable. (1) A PUBLIC ENTITY THAT PROVIDES SERVICES SHALL NOT ACCEPT, RELY UPON, OR UTILIZE AN IDENTIFICATION DOCUMENT TO PROVIDE SERVICES UNLESS IT IS A SECURE AND VERIFIABLE DOCUMENT.

(2) A PUBLIC ENTITY THAT IS ISSUING AN IDENTIFICATION CARD, LICENSE, PERMIT, OR OFFICIAL DOCUMENT SHALL NOT AUTHORIZE ACCEPTANCE OF AN IDENTIFICATION DOCUMENT, NOR SHALL A PUBLIC OFFICIAL ACTING IN AN OFFICIAL CAPACITY ACCEPT AN IDENTIFICATION DOCUMENT BEFORE ISSUING SUCH DOCUMENTS, UNLESS SUCH IDENTIFICATION DOCUMENT IS A SECURE AND VERIFIABLE DOCUMENT.

24-72.1-104. Records. INFORMATION GATHERED PURSUANT TO SECTION 24-72.1-105 (2) (a) SHALL BE A PUBLIC RECORD ACCESSED PURSUANT TO SECTION 24-72-306 UNLESS THE SUBJECT OF THE INFORMATION IS A JUVENILE OR THE INFORMATION CONCERNS AN ONGOING CRIMINAL INVESTIGATION. SUCH RECORDS SHALL BE RETAINED FOR THREE YEARS, BUT

MAY BE DISPOSED OF AFTER THREE YEARS.

24-72.1-105. Violations - immunity. (1) ACTIONS TAKEN IN KNOWING VIOLATION OF THIS ARTICLE SHALL NOT BE PROTECTED BY GOVERNMENTAL IMMUNITY PROVIDED TO PUBLIC EMPLOYEES BY ARTICLE 10 OF THIS TITLE.

(2) A PEACE OFFICER WHO, IN THE PERFORMANCE OF THE OFFICER'S DUTIES, UTILIZES IDENTIFICATION THAT IS NOT SECURE AND VERIFIABLE SHALL NOT FORFEIT GOVERNMENTAL IMMUNITY PURSUANT TO THIS SECTION IF SUCH OFFICER:

(a) GATHERS ALL INFORMATION FROM SUCH IDENTIFICATION; AND

(b) IF FEASIBLE, ACCORDING TO ANY APPLICABLE LAW ENFORCEMENT AGENCY GUIDELINES, GATHERS FINGERPRINT INFORMATION FROM SUCH PERSON AND STORES SUCH FINGERPRINTS FOR AT LEAST ONE YEAR AS A CRIMINAL JUSTICE RECORD.

24-72.1-106. Applicability. THIS ARTICLE SHALL NOT APPLY TO A PERSON REPORTING A CRIME; A PUBLIC ENTITY OR OFFICIAL ACCEPTING A CRIME REPORT, CONDUCTING A CRIMINAL INVESTIGATION, ACCEPTING AN APPLICATION FOR THE PROVISION OF SERVICES OR PROVIDING SERVICES TO INFANTS AND CHILDREN BORN IN THE UNITED STATES PURSUANT TO 42 U.S.C. SEC. 1786, OR PROVIDING EMERGENCY MEDICAL SERVICE; A PEACE OFFICER IN THE PERFORMANCE OF THE OFFICER'S DUTIES AND WITHIN THE SCOPE OF THE OFFICER'S EMPLOYMENT IF SUCH OFFICER COMPLIES WITH SECTION 24-72.1-105 (2); OR INSTANCES WHEN A FEDERAL LAW MANDATES ACCEPTANCE OF A DOCUMENT.

SECTION 2. 18-5-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

18-5-102. Forgery. (3) UTTERING A FORGED DOCUMENT TO A PEACE OFFICER SHALL CREATE A PRESUMPTION THAT THE PERSON INTENDED TO DEFRAUD SUCH PEACE OFFICER.

SECTION 3. Applicability. This act shall apply to acts committed on or after the effective date of this act.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Lola Spradley
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

John Andrews
PRESIDENT OF
THE SENATE

Judith Rodrigue
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Mona Heustis
SECRETARY OF
THE SENATE

APPROVED _____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO