

CHAPTER 101

CORRECTIONS

SENATE BILL 21-153

BY SENATOR(S) Coleman and Cooke, Bridges, Buckner, Donovan, Fenberg, Fields, Gardner, Ginal, Gonzales, Hansen, Hisey, Jaquez Lewis, Kolker, Lee, Liston, Moreno, Pettersen, Rankin, Simpson, Story, Winter, Zenzinger; also REPRESENTATIVE(S) Ortiz and Tipper, Amabile, Bacon, Bernett, Bird, Duran, Esgar, Exum, Gonzales-Gutierrez, Gray, Herod, Hooton, Jackson, Jodeh, Kennedy, Kipp, Lontine, McCluskie, McLachlan, Michaelson Jenet, Mullica, Roberts, Sirota, Weissman, Woodrow.

AN ACT

CONCERNING A PROGRAM TO ASSIST OFFENDERS WITH ACQUIRING STATE-ISSUED IDENTIFICATION.

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

SECTION 1. In Colorado Revised Statutes, **add** 17-33-102 as follows:

17-33-102. Colorado offender identification program - rules - report - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "OFFENDER ID BANK" MEANS THE FACILITY IN THE DEPARTMENT WHERE THE DEPARTMENT SECURELY STORES OFFENDER IDENTIFICATION DOCUMENTS IT HAS ACQUIRED.

(b) "PROGRAM" MEANS THE PROGRAM ESTABLISHED IN THIS SECTION TO PROCURE STATE-ISSUED IDENTIFICATION CARDS FOR OFFENDERS.

(c) "STATE-ISSUED IDENTIFICATION CARD" MEANS A DRIVER'S LICENSE OR OTHER IDENTIFICATION CARD ISSUED BY THE DEPARTMENT OF REVENUE PURSUANT TO ARTICLE 2 OF TITLE 42 THAT COMPLIES WITH THE FEDERAL "REAL ID ACT OF 2005", 49 U.S.C. SEC. 30301 NOTE.

(2) (a) THE DEPARTMENT SHALL ESTABLISH AND OPERATE A PROGRAM TO PROCURE STATE-ISSUED IDENTIFICATION CARDS FOR OFFENDERS.

(b) AN OFFENDER MAY PARTICIPATE IN THE PROGRAM IF THE OFFENDER IS

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

ELIGIBLE FOR, BUT DOES NOT HAVE, A VALID STATE-ISSUED IDENTIFICATION CARD. AN OFFENDER MAY ELECT NOT TO PARTICIPATE IN THE PROGRAM, BUT THE DEPARTMENT SHALL NOT DENY AN ELIGIBLE OFFENDER THE OPPORTUNITY TO PARTICIPATE IN THE PROGRAM.

(c) THE DEPARTMENT SHALL ENSURE THAT EACH OFFENDER RELEASED FROM A CORRECTIONAL FACILITY ON AND AFTER JANUARY 1, 2022, WHO IS ELIGIBLE FOR A STATE-ISSUED IDENTIFICATION CARD AND WHO PARTICIPATES IN THE PROGRAM, HAS A STATE-ISSUED IDENTIFICATION CARD UPON RELEASE.

(d) THE DEPARTMENT SHALL COLLABORATE WITH THE DEPARTMENT OF REVENUE TO OPERATE THE PROGRAM.

(e) THE EXECUTIVE DIRECTOR SHALL ENTER INTO AGREEMENTS WITH THE DEPARTMENT OF REVENUE OR THE FEDERAL SOCIAL SECURITY ADMINISTRATION AS NECESSARY FOR THE ADMINISTRATION OF THIS SECTION.

(3) THE PROGRAM MUST:

(a) REVIEW EACH OFFENDER UPON INTAKE AT THE DENVER RECEPTION AND DIAGNOSTIC CENTER TO DETERMINE EACH OFFENDER'S ELIGIBILITY FOR A STATE-ISSUED IDENTIFICATION CARD AND THE IDENTIFICATION OPTIONS AVAILABLE TO THE OFFENDER;

(b) AT LEAST ONCE EACH YEAR, REVIEW DEPARTMENT RECORDS TO DETERMINE WHETHER EACH OFFENDER SCHEDULED FOR RELEASE WITHIN THE NEXT FIVE YEARS HAS A VALID, UNEXPIRED STATE-ISSUED IDENTIFICATION CARD, INCLUDING AT THE OFFENDER ID BANK; AND

(c) ASSIST AN OFFENDER WHO ELECTS TO PARTICIPATE IN THE PROGRAM WITH OBTAINING A STATE-ISSUED IDENTIFICATION CARD. THE ASSISTANCE MAY INCLUDE, BUT IS NOT LIMITED TO:

(I) PROVIDING TRANSPORTATION TO AN OFFICE THAT ISSUES IDENTIFICATION CARDS, ITS LOCATION SELECTED BY THE DEPARTMENT;

(II) REQUESTING NECESSARY IDENTIFICATION DOCUMENTS ON THE OFFENDER'S BEHALF FROM THE OFFENDER ID BANK;

(III) IF THE OFFENDER IS ELIGIBLE, ASSISTING THE OFFENDER WITH ORDERING A STATE-ISSUED IDENTIFICATION CARD ONLINE; AND

(IV) ASSISTING AN OFFENDER WITH OBTAINING ANY IDENTIFICATION DOCUMENTS NECESSARY TO OBTAIN A STATE-ISSUED IDENTIFICATION CARD, INCLUDING A REPLACEMENT SOCIAL SECURITY CARD OR BIRTH CERTIFICATE.

(4) THE DEPARTMENT SHALL DELIVER TO EACH OFFENDER, UPON RELEASE FROM A CORRECTIONAL FACILITY, THE OFFENDER'S IDENTIFICATION DOCUMENTS, INCLUDING A STATE-ISSUED IDENTIFICATION CARD, OBTAINED BY THE DEPARTMENT PURSUANT TO THIS SECTION.

(5) THE DEPARTMENT SHALL PROMULGATE RULES OR POLICIES NECESSARY FOR THE ADMINISTRATION OF THE PROGRAM.

(6) ON OR BEFORE JULY 31, 2022, AND ON OR BEFORE JULY 31 OF EACH YEAR THEREAFTER, THE DEPARTMENT SHALL POST ON A PUBLICLY AVAILABLE PAGE OF ITS WEBSITE THE FOLLOWING INFORMATION ABOUT THE PROGRAM:

(a) THE NUMBER OF OFFENDERS RELEASED FROM A CORRECTIONAL FACILITY IN THE PRECEDING CALENDAR YEAR WHO WERE IDENTIFIED BY THE PROGRAM AS NOT HAVING A STATE-ISSUED IDENTIFICATION CARD AND WERE ELIGIBLE TO PARTICIPATE IN THE PROGRAM; AND

(b) THE NUMBER OF OFFENDERS WHO ELECTED TO PARTICIPATE IN THE PROGRAM AND WERE RELEASED WITH STATE-ISSUED IDENTIFICATION CARDS OBTAINED WITH THE ASSISTANCE OF THE PROGRAM.

SECTION 2. In Colorado Revised Statutes, **add** 24-35-121 as follows:

24-35-121. Colorado offender identification program. THE DEPARTMENT OF REVENUE SHALL COLLABORATE WITH THE DEPARTMENT OF CORRECTIONS TO OPERATE THE PROGRAM ESTABLISHED IN SECTION 17-33-102 TO PROVIDE STATE-ISSUED IDENTIFICATION FOR OFFENDERS.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 6, 2021