

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0832.01 Richard Sweetman x4333

HOUSE BILL 26-1283

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HOUSE SPONSORSHIP

Ricks and Joseph,

SENATE SPONSORSHIP

Marchman,

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House Committees  
Judiciary

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING PROTECTIONS RELATING TO THE CONFISCATION OF  
102 INDIVIDUALS' IDENTIFICATION DOCUMENTS.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

With certain exceptions, the bill prohibits an employer or an employer's agent from demanding, confiscating, retaining, or otherwise requiring an individual to surrender the individual's government-issued identification card.

The bill states that an individual commits criminal confiscation of a government-issued identification card if the individual knowingly takes

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

into possession or control, or attempts to take into possession or control, another individual's government-issued identification card without lawful authority. Criminal confiscation of a government-issued identification card is a class 2 misdemeanor.

An individual commits a bias-motivated crime if, with the intent to intimidate or harass another individual, in whole or in part, because of that individual's actual or perceived race, color, religion, ancestry, national origin, physical or mental disability, sexual orientation, or transgender identity, the individual:

- Violates the bill's prohibitions; or
- Provides, or threatens to provide, an individual's government-issued identification or personal documents to federal immigration authorities.

Such a bias-motivated crime is a class 1 misdemeanor, and a victim may seek additional remedies available under law.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds that:

4 (a) Every person has the inalienable right to recognition before the  
5 law, and access to legal identity is foundational to the protection of  
6 individual rights, participation in civic life, and equal protection under the  
7 law;

8 (b) International human rights authorities, including the United  
9 Nations in its Global Compact for Safe, Orderly and Regular Migration,  
10 adopted by the United Nations General Assembly in 2018, have  
11 recognized that ensuring migrants have proof of legal identity and  
12 adequate documentation is essential to safe, orderly, and regular  
13 migration and to the protection of human dignity;

14 (c) A person deprived of access to their identification documents  
15 may become effectively invisible to legal and administrative systems  
16 designed to safeguard rights, which can hinder access to health care,  
17 education, justice, lawful employment, banking services, and other

1 essential services;

2 (d) For migrant workers, including documented migrants,  
3 possession and control of personal identification documents is critical to  
4 maintaining lawful status, accessing protections, reporting abuse,  
5 engaging in contractual relationships, and participating fully in economic  
6 life;

7 (e) The confiscation, retention, or threatened disclosure to federal  
8 immigration enforcement agencies of identification documents may  
9 threaten a person's livelihood, legal stability, and very ability to exist and  
10 function within the protections of the law and may create conditions of  
11 fear, isolation, dependency, or vulnerability to exploitation, forced labor,  
12 or human trafficking;

13 (f) Such practices may disproportionately impact immigrant  
14 communities and women working in industries where economic  
15 insecurity, language barriers, or power imbalances heighten vulnerability;  
16 and

17 (g) Colorado has a compelling interest in:

18 (I) Ensuring that employment verification practices are conducted  
19 solely for lawful purposes, are transparent, and are consistent with state  
20 and federal law; and

21 (II) Preventing arbitrary, coercive, retaliatory, or discriminatory  
22 conduct involving identification documents.

23 (2) Therefore, the general assembly declares that it is necessary to  
24 safeguard the rights, safety, and dignity of all persons within the state by  
25 prohibiting the unlawful confiscation or retention of identification  
26 documents, deterring intimidation and harassment, and affirming that no  
27 person in Colorado should be rendered vulnerable through the unlawful

1 control or confiscation of their identification documents.

2 **SECTION 2.** In Colorado Revised Statutes, **add** 8-2-124.5 as  
3 follows:

4 **8-2-124.5. Identification documents - retention by employers**  
5 **prohibited - definition.**

6 (1) (a) EXCEPT AS OTHERWISE DESCRIBED IN THIS SECTION AND  
7 SECTION 8-2-125 (1)(c), AN EMPLOYER OR AN EMPLOYER'S AGENT SHALL  
8 NOT DEMAND, CONFISCATE, RETAIN, OR OTHERWISE REQUIRE AN  
9 INDIVIDUAL TO SURRENDER THE INDIVIDUAL'S GOVERNMENT-ISSUED  
10 IDENTIFICATION CARD.

11 (b) AN EMPLOYER OR EMPLOYER'S AGENT MAY:

12 (I) REQUEST AND TEMPORARILY RETAIN AN INDIVIDUAL'S  
13 GOVERNMENT-ISSUED IDENTIFICATION CARD FOR THE PURPOSE OF  
14 VERIFYING THE INDIVIDUAL'S EMPLOYMENT ELIGIBILITY STATUS THROUGH  
15 COMPLETION OF THE EMPLOYMENT ELIGIBILITY VERIFICATION FORM I-9,  
16 OR ITS SUCCESSOR FORM, FOR EMPLOYMENT IN THE UNITED STATES;

17 (II) RETAIN AN INDIVIDUAL'S GOVERNMENT-ISSUED  
18 IDENTIFICATION CARD ONLY FOR AS LONG AS IS NECESSARY TO VERIFY THE  
19 INDIVIDUAL'S EMPLOYMENT ELIGIBILITY AND MAKE A COPY OF THE CARD,  
20 AND IN NO CASE FOR MORE THAN TWENTY-FOUR HOURS; AND

21 (III) RETAIN A COPY OF AN INDIVIDUAL'S GOVERNMENT-ISSUED  
22 IDENTIFICATION CARD IN THE EMPLOYER'S RECORDS.

23 (2) WHEN AN EMPLOYER VERIFIES AN INDIVIDUAL'S EMPLOYMENT  
24 ELIGIBILITY, THE EMPLOYER SHALL NOTIFY THE INDIVIDUAL OF THE  
25 PROHIBITION DESCRIBED IN SUBSECTION (1) OF THIS SECTION. THE  
26 NOTIFICATION MUST BE IN WRITING, IN ENGLISH AND IN THE LANGUAGE  
27 SPOKEN BY THE EMPLOYEE, IF OTHER THAN ENGLISH, AND MUST BE

1 ACKNOWLEDGED BY THE EMPLOYEE. THE EMPLOYER SHALL RETAIN A  
2 RECORD OF THE NOTIFICATION AND ACKNOWLEDGMENT IN THE  
3 EMPLOYER'S EMPLOYMENT RECORDS.

4 (3) NOTHING IN THIS SECTION PROHIBITS A GOVERNMENT AGENCY,  
5 LAW ENFORCEMENT OFFICER, OR EMPLOYER FROM RETAINING A  
6 GOVERNMENT-ISSUED IDENTIFICATION DOCUMENT IF THE DOCUMENT IS  
7 VALID AND THE RETENTION IS:

8 (a) REQUIRED BY STATE OR FEDERAL LAW OR REGULATION,  
9 INCLUDING FOR THE PURPOSE OF VERIFYING AN INDIVIDUAL'S  
10 EMPLOYMENT ELIGIBILITY; OR

11 (b) PERFORMED PURSUANT TO A SIGNED JUDICIAL WARRANT.

12 (4) AN EMPLOYER THAT VIOLATES SUBSECTION (1) OF THIS  
13 SECTION COMMITS CRIMINAL CONFISCATION OF A GOVERNMENT-ISSUED  
14 IDENTIFICATION CARD, AS DESCRIBED IN SECTION 18-5-903.7.

15 (5) AS USED IN THIS SECTION, "GOVERNMENT-ISSUED  
16 IDENTIFICATION CARD" HAS THE MEANING SET FORTH IN SECTION 8-2-125  
17 (3)(c).

18 **SECTION 3.** In Colorado Revised Statutes, **add** 18-5-903.7 as  
19 follows:

20 **18-5-903.7. Criminal confiscation of a government-issued**  
21 **identification card - bias-motivated confiscation - remedies -**  
22 **definition.**

23 (1) A PERSON COMMITS CRIMINAL CONFISCATION OF A  
24 GOVERNMENT-ISSUED IDENTIFICATION CARD IF THE PERSON KNOWINGLY  
25 TAKES INTO POSSESSION OR CONTROL, OR ATTEMPTS TO TAKE INTO  
26 POSSESSION OR CONTROL, AN INDIVIDUAL'S GOVERNMENT-ISSUED  
27 IDENTIFICATION CARD WITHOUT LAWFUL AUTHORITY.

1           (2) EXCEPT AS DESCRIBED IN SECTION 18-9-121, CRIMINAL  
2 CONFISCATION OF A GOVERNMENT-ISSUED IDENTIFICATION CARD IS A  
3 CLASS 2 MISDEMEANOR.

4           (3) AS USED IN THIS SECTION, "GOVERNMENT-ISSUED  
5 IDENTIFICATION CARD" HAS THE MEANING SET FORTH IN SECTION 8-2-125  
6 (3)(c).

7           **SECTION 4.** In Colorado Revised Statutes, 18-9-121, **amend** (2)  
8 and (3) as follows:

9           **18-9-121. Bias-motivated crimes - legislative declaration.**

10           (2) A person commits a bias-motivated crime if, with the intent to  
11 intimidate or harass another person, in whole or in part, because of that  
12 person's actual or perceived race, color, religion, ancestry, national origin,  
13 physical or mental disability, sexual orientation, or transgender identity,  
14 the person:

15           (a) Knowingly causes bodily injury to another person; ~~or~~

16           (b) By words or conduct, knowingly places another person in fear  
17 of imminent lawless action directed at that person or that person's  
18 property and such words or conduct are likely to produce bodily injury to  
19 that person or damage to that person's property; ~~or~~

20           (c) Knowingly causes damage to or destruction of the property of  
21 another person;

22           (d) KNOWINGLY DEMANDS, CONFISCATES, RETAINS, OR OTHERWISE  
23 REQUIRES A PERSON TO SURRENDER THE PERSON'S GOVERNMENT-ISSUED  
24 IDENTIFICATION CARD IN VIOLATION OF SECTION 8-2-124.5;

25           (e) COMMITS CRIMINAL CONFISCATION OF A GOVERNMENT-ISSUED  
26 IDENTIFICATION CARD, AS DESCRIBED IN SECTION 18-5-903.7; OR

27           (f) PROVIDES, OR THREATENS TO PROVIDE, A PERSON'S

1 GOVERNMENT-ISSUED IDENTIFICATION OR PERSONAL DOCUMENTS TO  
2 FEDERAL IMMIGRATION AUTHORITIES.

3 (3) Commission of a bias-motivated crime as described in  
4 ~~paragraph (b) or (c) of subsection (2)~~ SUBSECTIONS (2)(b) TO (2)(f) of this  
5 section is a class 1 misdemeanor. Commission of a bias-motivated crime  
6 as described in ~~paragraph (a) of subsection (2)~~ SUBSECTION (2)(a) of this  
7 section is a class 5 felony; except that commission of a bias-motivated  
8 crime as described in ~~said paragraph (a)~~ SUBSECTION (2)(a) OF THIS  
9 SECTION is a class 4 felony if the offender is physically aided or abetted  
10 by one or more other persons during the commission of the offense.

11 **SECTION 5. Applicability.** This act applies to conduct occurring  
12 on or after the effective date of this act.

13 **SECTION 6. Safety clause.** The general assembly finds,  
14 determines, and declares that this act is necessary for the immediate  
15 preservation of the public peace, health, or safety or for appropriations for  
16 the support and maintenance of the departments of the state and state  
17 institutions.