

**Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO**

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 26-0832.01 Richard Sweetman x4333

**HOUSE BILL 26-1283**

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**HOUSE SPONSORSHIP**

**Ricks and Joseph**, Bacon, English, Jackson, McCormick

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**Marchman and Benavidez**,

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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.*

SENATE  
Amended 2nd Reading  
April 29, 2026

HOUSE  
3rd Reading Unamended  
April 22, 2026

HOUSE  
Amended 2nd Reading  
April 21, 2026

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 WHO IS AN EMPLOYEE OR AN APPLICANT FOR EMPLOYMENT OR  
10 WHO IS PERFORMING WORK OR SEEKING TO PERFORM WORK FOR THE  
11 EMPLOYER IN ANY CAPACITY, INCLUDING A MIGRANT WORKER OR  
12 SEASONAL EMPLOYEE, TO SURRENDER THE INDIVIDUAL'S  
13 GOVERNMENT-ISSUED IDENTIFICATION CARD.

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

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

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

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

26 (2) (a) WHEN AN EMPLOYER VERIFIES AN INDIVIDUAL'S  
27 EMPLOYMENT ELIGIBILITY, THE EMPLOYER SHALL NOTIFY THE INDIVIDUAL

1 OF THE PROHIBITION DESCRIBED IN SUBSECTION (1) OF THIS SECTION. THE

2 NOTIFICATION MUST BE:

3 (I) IN WRITING;

4 (II) IN ENGLISH;

5 (III) IN THE INDIVIDUAL'S PRIMARY LANGUAGE, IF THE EMPLOYER  
6 KNOWS THE INDIVIDUAL'S PRIMARY LANGUAGE IS NOT ENGLISH; AND

7 (IV) ACKNOWLEDGED BY THE INDIVIDUAL.

8 (b) THE EMPLOYER SHALL RETAIN A RECORD OF THE NOTIFICATION  
9 AND ACKNOWLEDGMENT IN THE EMPLOYER'S EMPLOYMENT RECORDS.

10 (3) NOTHING IN THIS SECTION PROHIBITS AN EMPLOYER FROM  
11 RETAINING A GOVERNMENT-ISSUED IDENTIFICATION DOCUMENT IF THE  
12 RETENTION IS:

13 (a) REQUIRED OR PERMITTED BY STATE OR FEDERAL LAW OR  
14 REGULATION, INCLUDING FOR THE PURPOSE OF VERIFYING AN INDIVIDUAL'S  
15 EMPLOYMENT ELIGIBILITY; OR

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

17 (4) AN EMPLOYER THAT KNOWINGLY VIOLATES SUBSECTION (1) OF  
18 THIS SECTION COMMITS CRIMINAL POSSESSION OF AN IDENTIFICATION  
19 DOCUMENT, AS DESCRIBED IN SECTION 18-5-903.5.

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

23  
24 **SECTION 3.** In Colorado Revised Statutes, 18-5-903.5, **amend**  
25 (1) and (2)(a); and **add** (3) as follows:

26 **18-5-903.5. Criminal possession of an identification document**  
27 **- bias-motivated crime enforcement - civil actions.**

1 (1) A person commits criminal possession of an identification  
2 document if the person knowingly ~~has in his or her possession or under~~  
3 ~~his or her control~~ CONFISCATES OR POSSESSES OR CONTROLS another  
4 person's actual driver's license, actual government-issued identification  
5 card, actual social security card, or actual passport ~~knowing that he or she~~  
6 ~~does so~~ without permission or lawful authority.

7 (2) (a) EXCEPT AS DESCRIBED IN SECTION 18-9-121, criminal  
8 possession of one or more identification documents issued to the same  
9 ~~person~~ INDIVIDUAL is a class 2 misdemeanor.

10 (3) AN INDIVIDUAL WHO IS HARMED BY A PERSON'S COMMISSION  
11 OF THE OFFENSE DESCRIBED IN THIS SECTION MAY:

12 (a) REQUEST THAT THE COURT ORDER THE PERSON TO RETURN THE  
13 IDENTIFICATION DOCUMENT IMMEDIATELY; AND

14 (b) BRING A CIVIL ACTION TO RECOVER ANY DAMAGES CAUSED BY  
15 THE PERSON'S COMMISSION OF THE OFFENSE.

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

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

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

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

25 (b) By words or conduct, knowingly places another person in fear  
26 of imminent lawless action directed at that person or that person's  
27 property and such words or conduct are likely to produce bodily injury to

1 that person or damage to that person's property; or

2 (c) Knowingly causes damage to or destruction of the property of  
3 another person;

4 [REDACTED]  
5 (d) COMMITS CRIMINAL POSSESSION OF AN IDENTIFICATION  
6 DOCUMENT, AS DESCRIBED IN SECTION 18-5-903.5; OR

7 (e) PROVIDES, OR THREATENS TO PROVIDE, AN INDIVIDUAL'S  
8 GOVERNMENT-ISSUED IDENTIFICATION DOCUMENT TO FEDERAL  
9 IMMIGRATION AUTHORITIES, EXCEPT WHERE OTHERWISE REQUIRED OR  
10 PERMITTED UNDER STATE OR FEDERAL LAW.

11 (3) Commission of a bias-motivated crime as described in  
12 ~~paragraph (b) or (c) of subsection (2)~~ SUBSECTIONS (2)(b) TO (2)(e) of this  
13 section is a class 1 misdemeanor. Commission of a bias-motivated crime  
14 as described in ~~paragraph (a) of subsection (2)~~ SUBSECTION (2)(a) of this  
15 section is a class 5 felony; except that commission of a bias-motivated  
16 crime as described in ~~said paragraph (a)~~ SUBSECTION (2)(a) OF THIS  
17 SECTION is a class 4 felony if the offender is physically aided or abetted  
18 by one or more other persons during the commission of the offense.

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

21 **SECTION 6. Safety clause.** The general assembly finds,  
22 determines, and declares that this act is necessary for the immediate  
23 preservation of the public peace, health, or safety or for appropriations for  
24 the support and maintenance of the departments of the state and state  
25 institutions.