

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0953.01 Jacob Baus x2173

HOUSE BILL 23-1278

HOUSE SPONSORSHIP

Brown and Parenti,

SENATE SPONSORSHIP

(None),

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES PERMITTING PARTIES TO CERTAIN LEGAL**
102 **RELATIONSHIPS TO SATISFY CERTAIN REQUIREMENTS WITHOUT**
103 **HAVING TO APPEAR IN PERSON.**

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>.)

Under current law, a county clerk and recorder may permit the parties to a proposed marriage or civil union to satisfy the requirement to appear before the county clerk and recorder by interactive audiovisual communication technology or online functionality for the purpose of satisfying certain requirements for a marriage license or civil union

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.

license. This authority repeals on December 31, 2023. The bill extends the authority indefinitely.

Under current law, a county clerk and recorder who permits parties to a proposed marriage or civil union to satisfy certain requirements without appearing in person and staff members who carry out duties of the county clerk and recorder shall complete training developed by the human trafficking council concerning human trafficking in Colorado. The bill requires this training to be completed at least every 2 years.

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

2 **SECTION 1.** In Colorado Revised Statutes, 14-2-106, **amend**
3 (1)(a) introductory portion as follows:

4 **14-2-106. License to marry.** (1) (a) When a marriage license
5 application has been completed and signed by both parties to a
6 prospective marriage and at least one party has appeared, OR BOTH
7 PARTIES APPEARED IF PERMITTED PURSUANT TO SECTION 14-2-106.5,
8 before the county clerk and recorder and has paid the marriage license fee
9 of seven dollars, a fee of twenty dollars to be transmitted by the county
10 clerk and recorder to the state treasurer and credited by the treasurer to the
11 Colorado domestic abuse program fund created in section 39-22-802 (1),
12 and an additional amount established pursuant to section 25-2-121, such
13 amount to be credited to the vital statistics records cash fund pursuant to
14 section 25-2-121, the county clerk shall issue a license to marry and a
15 marriage certificate form upon being furnished:

16 **SECTION 2.** In Colorado Revised Statutes, 14-2-106.5, **amend**
17 (1) introductory portion and (3); and **repeal** (4) as follows:

18 **14-2-106.5. License to marry without appearing in person.**
19 (1) ~~Notwithstanding section 14-2-106 to the contrary,~~ A county clerk and
20 recorder may permit the parties to a prospective marriage to satisfy the
21 requirement to appear before the county clerk and recorder by an

1 interactive audiovisual communication technology or online functionality,
2 for the following limited purposes:

3 (3) A county clerk and recorder who permits the parties to a
4 prospective marriage to satisfy certain requirements without appearing in
5 person and staff members who carry out duties on behalf of the county
6 clerk and recorder pursuant to this section shall complete the training and
7 curricula developed by the human trafficking council created in section
8 18-3-505 for persons who work in or who frequent places where human
9 trafficking victims are likely to appear. The training and curricula must
10 be completed prior to permitting parties to a prospective marriage to
11 satisfy certain requirements without appearing in person pursuant to this
12 section; except that if a county clerk and recorder permits the parties to
13 a prospective marriage to satisfy certain requirements without appearing
14 in person on and before June 18, 2021, the training and curricula must be
15 completed no later than thirty days after June 18, 2021. A county clerk
16 and recorder who permits the parties to a prospective marriage to satisfy
17 certain requirements without appearing in person shall maintain records
18 demonstrating compliance with this subsection (3) and shall display a
19 notice of compliance with this subsection (3) in a place that is accessible
20 to the public in the county clerk and recorder's office and on its website.
21 A COUNTY CLERK AND RECORDER AND STAFF MEMBERS WHO CARRY OUT
22 DUTIES OF THE COUNTY CLERK AND RECORDER SHALL COMPLETE THE
23 TRAINING AND CURRICULA REQUIREMENTS PURSUANT TO THIS SUBSECTION
24 (3) AT LEAST ONCE EVERY TWO YEARS FOR AS LONG AS THE COUNTY
25 CLERK AND RECORDER PERMITS THE PARTIES TO A PROSPECTIVE MARRIAGE
26 TO SATISFY CERTAIN REQUIREMENTS WITHOUT APPEARING IN PERSON
27 PURSUANT TO THIS SECTION.

1 (4) ~~This section is repealed, effective December 31, 2023.~~

2 **SECTION 3.** In Colorado Revised Statutes, 14-15-110, **amend**

3 (1) as follows:

4 **14-15-110. Issuance of a civil union license - certification - fee.**

5 (1) When both parties to a proposed civil union complete a civil union
6 application and at least one party appears, OR BOTH PARTIES APPEARED IF
7 PERMITTED PURSUANT TO SECTION 14-2-106.5, before the county clerk
8 and recorder and pays to the county clerk and recorder the civil union
9 license fee and other fees described in subsection (2) of this section, and
10 the county clerk and recorder determines that the parties meet the criteria
11 specified in sections 14-15-104, 14-15-105, and 14-15-106, the county
12 clerk and recorder shall issue a civil union license and a civil union
13 certificate form. Both parties to the proposed civil union shall sign the
14 application attesting to the accuracy of the facts stated.

15 **SECTION 4.** In Colorado Revised Statutes, 14-15-110.5, **amend**

16 (1) introductory portion and (3); and **repeal** (4) as follows:

17 **14-15-110.5. Civil union license and certificate without**
18 **appearing in person.** (1) ~~Notwithstanding section 14-15-110 to the~~

19 ~~contrary,~~ A county clerk and recorder may permit the parties to a
20 proposed civil union to satisfy the requirement to appear before the
21 county clerk and recorder by an interactive audiovisual communication
22 technology or online functionality, for the following limited purposes:

23 (3) A county clerk and recorder who permits the parties to a
24 proposed civil union to satisfy certain requirements without appearing in
25 person and staff members who carry out duties on behalf of the county
26 clerk and recorder pursuant to this section shall complete the training and
27 curricula developed by the human trafficking council created in section

1 18-3-505 for persons who work in or who frequent places where human
2 trafficking victims are likely to appear. The training and curricula must
3 be completed prior to permitting parties to a proposed civil union to
4 satisfy certain requirements without appearing in person pursuant to this
5 section; except that if a county clerk and recorder permits the parties to
6 a proposed civil union to satisfy certain requirements without appearing
7 in person on and before June 18, 2021, the training and curricula must be
8 completed no later than thirty days after June 18, 2021. A county clerk
9 and recorder who permits the parties to a proposed civil union to satisfy
10 certain requirements without appearing in person shall maintain records
11 demonstrating compliance with this subsection (3) and shall display a
12 notice of compliance with this subsection (3) in a place that is accessible
13 to the public in the county clerk and recorder's office and on its website.
14 A COUNTY CLERK AND RECORDER AND STAFF MEMBERS WHO CARRY OUT
15 DUTIES OF THE COUNTY CLERK AND RECORDER SHALL COMPLETE THE
16 TRAINING AND CURRICULA REQUIREMENTS PURSUANT TO THIS SUBSECTION
17 (3) AT LEAST ONCE EVERY TWO YEARS FOR AS LONG AS THE COUNTY
18 CLERK AND RECORDER PERMITS THE PARTIES TO A PROPOSED CIVIL UNION
19 TO SATISFY CERTAIN REQUIREMENTS WITHOUT APPEARING IN PERSON
20 PURSUANT TO THIS SECTION.

21 (4) ~~This section is repealed, effective December 31, 2023.~~

22 **SECTION 5. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly; except
25 that, if a referendum petition is filed pursuant to section 1 (3) of article V
26 of the state constitution against this act or an item, section, or part of this
27 act within such period, then the act, item, section, or part will not take

1 effect unless approved by the people at the general election to be held in
2 November 2024 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.