

**First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 21-0248.01 Yelana Love x2295

**SENATE BILL 21-077**

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**SENATE SPONSORSHIP**

**Gonzales,**

**HOUSE SPONSORSHIP**

**Benavidez and Kipp,**

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**Senate Committees**

Business, Labor, & Technology

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE ELIMINATION OF VERIFICATION OF AN INDIVIDUAL'S**  
102                    **LAWFUL PRESENCE IN THE UNITED STATES AS A REQUIREMENT**  
103                    **FOR INDIVIDUAL CREDENTIALING.**

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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>.)*

The bill eliminates the requirement that the department of education and each division, board, or agency of the department of regulatory agencies verify the lawful presence of each applicant before issuing or renewing a license.

The bill also specifies that lawful presence is not required of any

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

applicant for any license, certificate, or registration. The bill affirmatively states that the bill is a state law within the meaning of the federal law that gives states authority to provide for eligibility for state and local public benefits to persons who are unlawfully residing in the United States.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-60.5-119, **amend**  
3 (1) as follows:

4 **22-60.5-119. Applications for licenses - authority to suspend**  
5 **licenses - rules.** (1) Every application by an individual for a license  
6 issued by the department of education or any authorized agent of such  
7 department shall require the applicant's name AND address, and EITHER  
8 THE APPLICANT'S social security number, THE APPLICANT'S INDIVIDUAL  
9 TAXPAYER IDENTIFICATION NUMBER, OR ANOTHER DOCUMENT VERIFYING  
10 THE APPLICANT'S IDENTITY AS DETERMINED BY THE STATE BOARD OF  
11 EDUCATION.

12 **SECTION 2.** In Colorado Revised Statutes, 24-34-107, **amend**  
13 (1) as follows:

14 **24-34-107. Applications for licenses - authority to suspend**  
15 **licenses - rules.** (1) ~~(a)~~ Every application by an individual for a license  
16 issued pursuant to the authority set forth in titles 10, 11, and 12 ~~C.R.S.~~;  
17 by any division, board, or agency of the department of regulatory agencies  
18 shall require the applicant's name AND address, and EITHER THE  
19 APPLICANT'S social security number, ~~Subject to the exemptions found in~~  
20 ~~8 U.S.C. sec. 1621 (c)(2), to the extent that any such license constitutes~~  
21 ~~a professional license or commercial license regulated by 8 U.S.C. sec.~~  
22 ~~1621, such division, board, or agency may issue or renew any such license~~  
23 ~~to an individual only if the individual is lawfully present in the United~~

1 States, and shall immediately deny any such license or renewal thereof  
2 upon determining that the individual is unlawfully present in the United  
3 States. The individual shall prove his or her identity with a secure and  
4 verifiable document, as that term is defined in section 24-72.1-102. The  
5 division, board, or agency shall not sell or utilize for any purpose other  
6 than those specified in law the information contained in the secure and  
7 verifiable document, and shall keep such information confidential unless  
8 disclosure is required by law; except that nothing in this paragraph (a)  
9 shall be construed to limit public access to records that are available for  
10 public inspection pursuant to article 72 of this title THE APPLICANT'S  
11 INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER, OR ANOTHER DOCUMENT  
12 VERIFYING THE APPLICANT'S IDENTITY, AS DETERMINED BY SUCH DIVISION,  
13 BOARD, OR AGENCY.

14 (b) For purposes of this subsection (1), an individual is unlawfully  
15 present in the United States if the individual is an alien who is not:

16 (I) A qualified alien as defined in 8 U.S.C. sec. 1641;

17 (II) A nonimmigrant under the "Immigration and Nationality Act",  
18 federal Public Law 82-414, as amended; or

19 (III) An alien who is paroled into the United States under 8 U.S.C.  
20 sec. 1182 (d)(5) for less than one year.

21 (c) This subsection (1) shall be enforced without regard to race,  
22 religion, gender, ethnicity, or national origin.

23 **SECTION 3.** In Colorado Revised Statutes, **amend** 24-76.5-102  
24 as follows:

25 **24-76.5-102. Definitions.** As used in this ~~article~~ ARTICLE 76.5,  
26 unless the context otherwise requires:

27 (1) "Emergency medical condition" shall have the same meaning

1 ~~as provided in 42 U.S.C. sec. 1396b (v)(3)~~ "APPLICANT" MEANS A PERSON  
2 APPLYING, PURSUANT TO STATE LAW, FOR A NEW LICENSE, CERTIFICATE,  
3 OR REGISTRATION OR TO RENEW, REINSTATE, OR REACTIVATE A LICENSE,  
4 CERTIFICATE, OR REGISTRATION THAT IS AUTHORIZED PURSUANT TO STATE  
5 LAW.

6 (2) ~~"Federal public benefits" shall have the same meaning as~~  
7 ~~provided in 8 U.S.C. sec. 1611~~ "CERTIFICATE" OR "CERTIFICATION"  
8 MEANS A CREDENTIAL THAT DEMONSTRATES THAT A PERSON HAS THE  
9 QUALIFICATIONS REQUIRED BY STATE LAW TO PRACTICE THE PROFESSION  
10 OR OCCUPATION REGULATED BY THAT APPLICABLE STATE LAW.

11 (3) ~~"State or local public benefits" shall have the same meaning~~  
12 ~~as provided in 8 U.S.C. sec. 1621~~ "EMERGENCY MEDICAL CONDITION"  
13 HAS THE SAME MEANING AS PROVIDED IN 42 U.S.C. SEC. 1396b (v)(3).

14 (4) "FEDERAL PUBLIC BENEFITS" HAS THE SAME MEANING AS  
15 PROVIDED IN 8 U.S.C. SEC. 1611 (c).

16 (5) "REGISTER" MEANS TO RECORD THE INFORMATION REQUIRED  
17 BY STATE LAW IN THE FORM AND MANNER DETERMINED BY THE  
18 REGULATOR THAT REGULATES THE PRACTICE OF A PROFESSION OR  
19 OCCUPATION PURSUANT TO THAT APPLICABLE STATE LAW. "REGISTERED"  
20 AND "REGISTRATION" HAVE CORRESPONDING MEANINGS.

21 (6) "REGULATE" MEANS TO SUBJECT AN INDIVIDUAL TO A  
22 REQUIREMENT IN ORDER TO PRACTICE A PROFESSION OR OCCUPATION.

23 (7) "STATE OR LOCAL PUBLIC BENEFITS" HAS THE SAME MEANING  
24 AS PROVIDED IN 8 U.S.C. SEC. 1621.

25 **SECTION 4.** In Colorado Revised Statutes, 24-76.5-103, **amend**  
26 (3)(i); **repeal** (3)(h); and **add** (3)(j) and (3.5) as follows:

27 **24-76.5-103. Verification of lawful presence - exceptions -**

1 **reporting - rules.** (3) Verification of lawful presence in the United  
2 States is not required:

3 (h) ~~For renewing an educator license pursuant to article 60.5 of~~  
4 ~~title 22, C.R.S.; or~~

5 (i) For receipt of educational services or benefits from institutions  
6 of higher education, except as may be limited pursuant to section  
7 23-7-110, including participation in the college opportunity fund program  
8 pursuant to part 2 of article 18 of title 23, college savings plans pursuant  
9 to ~~section 23-3.1-301~~ PART 3 OF ARTICLE 3.1 OF TITLE 23, state student  
10 financial assistance pursuant to article 3.3 of title 23, and any other  
11 financial benefit of the institution of higher education relating to  
12 attendance at the institution of higher education; OR

13 (j) FOR AN APPLICANT FOR A LICENSE, CERTIFICATE, OR  
14 REGISTRATION TO PRACTICE A REGULATED PROFESSION OR OCCUPATION,  
15 INCLUDING AN APPLICANT SEEKING LICENSURE AS A CHILD CARE CENTER,  
16 CHILD CARE PROVIDER, CHILDREN'S RESIDENT CAMP, FAMILY CHILD CARE  
17 HOME, GUEST CHILD CARE FACILITY, NEIGHBORHOOD YOUTH  
18 ORGANIZATION, SUBSTITUTE CHILD CARE PROVIDER, OR SUBSTITUTE  
19 PLACEMENT AGENCY, AS THOSE TERMS ARE DEFINED IN SECTION 26-6-102.

20 (3.5) SUBSECTION (3)(j) OF THIS SECTION IS A STATE LAW WITHIN  
21 THE MEANING OF 8 U.S.C. SEC. 1621 (d), AS THAT SECTION EXISTED ON  
22 JANUARY 1, 2021.

23 **SECTION 5. Act subject to petition - effective date.** This act  
24 takes effect at 12:01 a.m. on the day following the expiration of the  
25 ninety-day period after final adjournment of the general assembly; except  
26 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
27 of the state constitution against this act or an item, section, or part of this

1 act within such period, then the act, item, section, or part will not take  
2 effect unless approved by the people at the general election to be held in  
3 November 2022 and, in such case, will take effect on the date of the  
4 official declaration of the vote thereon by the governor.