

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

INTRODUCED

LLS NO. 23-0249.01 Jane Ritter x4342

HOUSE BILL 23-1117

HOUSE SPONSORSHIP

Jodeh and Garcia,

SENATE SPONSORSHIP

(None),

House Committees

Public & Behavioral Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING REQUIREMENTS FOR AFFIDAVITS OF SUPPORT RELATED**
102 **TO ELIGIBILITY FOR PUBLIC BENEFITS IN COLORADO.**

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 for a person who is lawfully residing in the state, a legal immigrant who is a resident of the state, or an undocumented individual to refrain from executing an affidavit of support for the purpose of sponsoring an undocumented individual while the person is receiving public services or medical assistance.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal** 25.5-3-105 as
3 follows:

4 **25.5-3-105. Eligibility of legal immigrants for services.** A legal
5 immigrant who is a resident of the state of Colorado shall be eligible to
6 receive services under this part 1 so long as he or she meets the eligibility
7 requirements. ~~As used in this section, "legal immigrant" has the same~~
8 ~~meaning as described in section 25.5-4-103 (10). As a condition of~~
9 ~~eligibility for services under this part 1, a legal immigrant shall agree to~~
10 ~~refrain from executing an affidavit of support for the purpose of~~
11 ~~sponsoring an alien on or after July 1, 1997, under rules promulgated by~~
12 ~~the immigration and naturalization service, or any successor agency,~~
13 ~~during the pendency of such legal immigrant's receipt of services under~~
14 ~~this part 1. Nothing in this section shall be construed to affect a legal~~
15 ~~immigrant's eligibility for services under this part 1 based upon such legal~~
16 ~~immigrant's responsibilities under an affidavit of support entered into~~
17 ~~before July 1, 1997.~~

18 **SECTION 2.** In Colorado Revised Statutes, 25.5-5-101, **repeal**
19 (3) as follows:

20 **25.5-5-101. Mandatory provisions - eligible groups - rules.**

21 (3) ~~Notwithstanding any other provision of this article and articles 4 and~~
22 ~~6 of this title 25.5, as a condition of eligibility for medical assistance~~
23 ~~under this article 5 and articles 4 and 6 of this title 25.5, a person who is~~
24 ~~lawfully residing in the state shall agree to refrain from executing an~~
25 ~~affidavit of support for the purpose of sponsoring an alien on or after July~~
26 ~~1, 1997, under rules promulgated by the immigration and naturalization~~

1 ~~service, or any successor agency, during the pendency of the lawfully~~
2 ~~residing person's receipt of medical assistance. Nothing in this subsection~~
3 ~~(3) affects a lawfully residing person's eligibility for medical assistance~~
4 ~~pursuant to this article 5 and articles 4 and 6 of this title 25.5 based upon~~
5 ~~the lawfully residing person's responsibilities under an affidavit of~~
6 ~~support entered into before July 1, 1997.~~

7 **SECTION 3.** In Colorado Revised Statutes, 26-2-111.8, **repeal**
8 (5) as follows:

9 **26-2-111.8. Eligibility of noncitizens for public assistance.**

10 ~~(5) As a condition of eligibility for public assistance under this article, a~~
11 ~~qualified alien shall agree to refrain from executing an affidavit of~~
12 ~~support for the purpose of sponsoring an alien on or after July 1, 1997,~~
13 ~~under rules promulgated by the immigration and naturalization service or~~
14 ~~its successor agency during the pendency of the qualified alien's receipt~~
15 ~~of public assistance. Nothing in this subsection (5) shall be construed to~~
16 ~~affect a qualified alien's eligibility for public assistance under this article~~
17 ~~based upon the qualified alien's responsibilities under an affidavit of~~
18 ~~support entered into before July 1, 1997.~~

19 **SECTION 4. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly; except
22 that, if a referendum petition is filed pursuant to section 1 (3) of article V
23 of the state constitution against this act or an item, section, or part of this
24 act within such period, then the act, item, section, or part will not take
25 effect unless approved by the people at the general election to be held in
26 November 2024 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.