

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Colorado is home to more than half a million immigrants,
5 including refugees, who make up ten percent of the state's population and
6 play a vital role in our state's cultural fabric and shared prosperity;

7 (b) People who are lawful permanent residents and receive public
8 benefits are currently prohibited from sponsoring individuals, usually
9 family members, from coming to the United States, leading to
10 unnecessary family separation;

11 (c) Lawful permanent residents are treated differently under
12 current Colorado law than United States citizens who are allowed to be
13 a sponsor for immigrants; and

14 (d) Only United States citizens and lawful permanent residents
15 can provide sponsorship for individuals who want to immigrate to the
16 United States. Lawful permanent residents do not include undocumented
17 immigrants who are ineligible for most federal benefits.

18 **SECTION 2.** In Colorado Revised Statutes, **amend 25.5-3-105**
19 as follows:

20 **25.5-3-105. Eligibility of legal immigrants for services.** A legal
21 immigrant who is a resident of the state of Colorado shall be eligible to
22 receive services under this part 1 so long as he or she meets the eligibility
23 requirements. As used in this section, "legal immigrant" has the same
24 meaning as described in section 25.5-4-103 (10). As a condition of
25 eligibility for services under this part 1, a legal immigrant shall agree to
26 refrain from executing an affidavit of support for the purpose of

1 sponsoring an alien on or after July 1, 1997, under rules promulgated by
2 the immigration and naturalization service, or any successor agency,
3 during the pendency of such legal immigrant's receipt of services under
4 this part 1. Nothing in this section shall be construed to affect a legal
5 immigrant's eligibility for services under this part 1 based upon such legal
6 immigrant's responsibilities under an affidavit of support entered into
7 before July 1, 1997. THE COUNTY DEPARTMENTS RESPONSIBLE FOR
8 ADMINISTERING BENEFITS PROGRAMS UNDER THE DEPARTMENT OF HEALTH
9 CARE POLICY AND FINANCING AND THE DEPARTMENT OF HUMAN SERVICES
10 SHALL IDENTIFY AND REVIEW ALL CURRENT COUNTY GUIDANCE
11 MATERIALS, INCLUDING FORMS, TRAINING MATERIALS, WEBSITES, AND
12 ANY OTHER MATERIALS THAT REFERENCE A PROHIBITION ON SPONSORSHIP
13 AS A CONDITION OF ELIGIBILITY FOR BENEFITS AND SHALL REMOVE ALL
14 SUCH REFERENCES FROM VERBAL AND DIGITAL COMMUNICATIONS AND
15 FROM ALL PHYSICAL MATERIALS CURRENTLY PROVIDED TO APPLICANTS OR
16 BENEFICIARIES.

17 **SECTION 3.** In Colorado Revised Statutes, 25.5-5-101, repeal
18 (3); and add (5) as follows:

19 **25.5-5-101. Mandatory provisions - eligible groups - rules.**
20 (3) Notwithstanding any other provision of this article and articles 4 and
21 6 of this title 25.5, as a condition of eligibility for medical assistance
22 under this article 5 and articles 4 and 6 of this title 25.5, a person who is
23 lawfully residing in the state shall agree to refrain from executing an
24 affidavit of support for the purpose of sponsoring an alien on or after July
25 1, 1997, under rules promulgated by the immigration and naturalization
26 service, or any successor agency, during the pendency of the lawfully
27 residing person's receipt of medical assistance. Nothing in this subsection

1 ~~(3) affects a lawfully residing person's eligibility for medical assistance~~
2 ~~pursuant to this article 5 and articles 4 and 6 of this title 25.5 based upon~~
3 ~~the lawfully residing person's responsibilities under an affidavit of~~
4 ~~support entered into before July 1, 1997.~~

5 (5) THE COUNTY DEPARTMENTS RESPONSIBLE FOR ADMINISTERING
6 BENEFITS PROGRAMS UNDER THE DEPARTMENT OF HEALTH CARE POLICY
7 AND FINANCING AND THE DEPARTMENT OF HUMAN SERVICES SHALL
8 IDENTIFY AND REVIEW ALL CURRENT COUNTY GUIDANCE MATERIALS,
9 INCLUDING FORMS, TRAINING MATERIALS, WEBSITES, AND ANY OTHER
10 MATERIALS THAT REFERENCE A PROHIBITION ON SPONSORSHIP AS A
11 CONDITION OF ELIGIBILITY FOR BENEFITS AND SHALL REMOVE ALL SUCH
12 REFERENCES FROM VERBAL AND DIGITAL COMMUNICATIONS AND FROM
13 ALL PHYSICAL MATERIALS CURRENTLY PROVIDED TO APPLICANTS OR
14 BENEFICIARIES.

15 **SECTION 4.** In Colorado Revised Statutes, 26-2-111.8, **repeal**
16 **(5); and add (5.5) as follows:**

17 **26-2-111.8. Eligibility of noncitizens for public assistance.**

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

27 (5.5) THE COUNTY DEPARTMENTS RESPONSIBLE FOR

1 ADMINISTERING BENEFITS PROGRAMS UNDER THE DEPARTMENT OF HEALTH
2 CARE POLICY AND FINANCING AND THE DEPARTMENT OF HUMAN SERVICES
3 SHALL IDENTIFY AND REVIEW ALL CURRENT COUNTY GUIDANCE
4 MATERIALS, INCLUDING FORMS, TRAINING MATERIALS, WEBSITES, AND
5 ANY OTHER MATERIALS THAT REFERENCE A PROHIBITION ON SPONSORSHIP
6 AS A CONDITION OF ELIGIBILITY FOR BENEFITS AND SHALL REMOVE ALL
7 SUCH REFERENCES FROM VERBAL AND DIGITAL COMMUNICATIONS AND
8 FROM ALL PHYSICAL MATERIALS CURRENTLY PROVIDED TO APPLICANTS OR
9 BENEFICIARIES.

10 **SECTION 5. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly; except
13 that, if a referendum petition is filed pursuant to section 1 (3) of article V
14 of the state constitution against this act or an item, section, or part of this
15 act within such period, then the act, item, section, or part will not take
16 effect unless approved by the people at the general election to be held in
17 November 2024 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.