

CHAPTER 291

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 23-1278

BY REPRESENTATIVE(S) Brown and Parenti, Hamrick, Kipp, Lindsay, Michaelson Jenet, Sirota;
also SENATOR(S) Gonzales, Bridges, Cutter, Hinrichsen, Jaquez Lewis, Kolker, Marchman, Moreno, Priola, Sullivan, Winter F.

AN ACT

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

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

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

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

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

14-2-106.5. License to marry without appearing in person. (1) ~~Notwithstanding section 14-2-106 to the contrary,~~ A county clerk and recorder may permit the parties to a prospective marriage to satisfy the requirement to appear before the county clerk and recorder by an interactive audiovisual communication technology or online functionality, for the following limited purposes:

(3) A county clerk and recorder who permits the parties to a prospective marriage

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

SECTION 3. In Colorado Revised Statutes, 14-15-110, **amend** (1) as follows:

14-15-110. Issuance of a civil union license - certification - fee. (1) When both parties to a proposed civil union complete a civil union application and at least one party appears, ~~OR BOTH PARTIES APPEARED IF PERMITTED PURSUANT TO SECTION 14-2-106.5,~~ before the county clerk and recorder and pays to the county clerk and recorder the civil union license fee and other fees described in subsection (2) of this section, and the county clerk and recorder determines that the parties meet the criteria specified in sections 14-15-104, 14-15-105, and 14-15-106, the county clerk and recorder shall issue a civil union license and a civil union certificate form. Both parties to the proposed civil union shall sign the application attesting to the accuracy of the facts stated.

SECTION 4. In Colorado Revised Statutes, 14-15-110.5, **amend** (1) introductory portion and (3); and **repeal** (4) as follows:

14-15-110.5. Civil union license and certificate without appearing in person. (1) ~~Notwithstanding section 14-15-110 to the contrary,~~ A county clerk and recorder may permit the parties to a proposed civil union to satisfy the requirement to appear before the county clerk and recorder by an interactive audiovisual communication technology or online functionality, for the following limited purposes:

(3) A county clerk and recorder who permits the parties to a proposed civil union to satisfy certain requirements without appearing in person and staff members who carry out duties on behalf of the county clerk and recorder pursuant to this section shall complete the training and curricula developed by the human trafficking council created in section 18-3-505 for persons who work in or who frequent places where

human trafficking victims are likely to appear. The training and curricula must be completed prior to permitting parties to a proposed civil union to satisfy certain requirements without appearing in person pursuant to this section; except that if a county clerk and recorder permits the parties to a proposed civil union to satisfy certain requirements without appearing in person on and before June 18, 2021, the training and curricula must be completed no later than thirty days after June 18, 2021. A county clerk and recorder who permits the parties to a proposed civil union to satisfy certain requirements without appearing in person shall maintain records demonstrating compliance with this subsection (3) and shall display a notice of compliance with this subsection (3) in a place that is accessible to the public in the county clerk and recorder's office and on its website. A COUNTY CLERK AND RECORDER AND STAFF MEMBERS WHO CARRY OUT DUTIES OF THE COUNTY CLERK AND RECORDER SHALL COMPLETE THE TRAINING AND CURRICULA REQUIREMENTS PURSUANT TO THIS SUBSECTION (3) AT LEAST ONCE EVERY YEAR FOR AS LONG AS THE COUNTY CLERK AND RECORDER PERMITS THE PARTIES TO A PROPOSED CIVIL UNION TO SATISFY CERTAIN REQUIREMENTS WITHOUT APPEARING IN PERSON PURSUANT TO THIS SECTION.

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

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

Approved: June 1, 2023