

CHAPTER 341

GOVERNMENT - STATE

SENATE BILL 10-006

BY SENATOR(S) Boyd, Hudak, Sandoval, White, Bacon, Foster, Heath, Newell, Steadman, Tapia, Tochtrop, Williams;
also REPRESENTATIVE(S) Summers, Gagliardi, Kefalas, Waller, Apuan, Fischer, Gerou, Kagan, Labuda, Pace, Peniston,
Roberts, Todd, Vigil.

AN ACT**CONCERNING REDUCTIONS IN BARRIERS TO OBTAINING IDENTITY-RELATED DOCUMENTS.**

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds that:

(a) It is in the public interest to eliminate or reduce barriers to individuals who need primary identification documents in order to achieve self-sufficiency and financial security;

(b) In many instances, citizens and legal residents need both a certified birth certificate and a valid state identification card to access public benefits, secure affordable housing, obtain employment, register for school, and receive health care;

(c) The cost of obtaining these documents may present a substantial barrier to indigent and low-income persons and their children;

(d) Because the lack of valid identification is an impediment to successful re-entry and employment, which, as research shows, is linked to lower recidivism, the fee to obtain such identification should be waived for adult and juvenile offenders who cannot afford these documents upon release from custody; and

(e) Individuals with a criminal conviction face barriers because:

(I) Eligibility for a state identification card requires an exact match between the name on the birth certificate and other documents;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(II) While other individuals may petition the court for a name change to resolve any discrepancy, persons convicted of a felony and certain juvenile offenders are currently barred from legally changing their names.

(2) Therefore, the general assembly finds that it is necessary and appropriate to:

(a) Eliminate or reduce barriers to obtaining identity-related documents to promote economic opportunity and reduce poverty in the state; and

(b) Give a court discretion to authorize a change of name for persons convicted or adjudicated of certain crimes if the court is satisfied that the change of name is appropriate.

SECTION 2. 25-2-117 (2) (a), Colorado Revised Statutes, is amended to read:

25-2-117. Certified copies furnished - fee. (2) An applicant shall pay fees established pursuant to section 25-2-121 for each of the following services:

(a) The reproduction and certification of birth or death records; ~~however,~~ EXCEPT THAT an applicant shall NOT pay ~~no~~ A fee:

(I) For the provision of a certified copy of such a record to:

(A) Another state agency;

(B) A COUNTY DEPARTMENT OF SOCIAL SERVICES OR HUMAN SERVICES; OR

(C) AN INDIVIDUAL PRESENTING A LETTER OF REFERRAL FROM A COUNTY DEPARTMENT OF SOCIAL SERVICES; OR

(II) ~~and shall pay no fee~~ If the applicant is a delegate child support enforcement unit acting pursuant to article 13 of title 26, C.R.S.;

SECTION 3. 25-2-121 (2) (b) (II), Colorado Revised Statutes, is amended to read:

25-2-121. Fee adjustments - vital statistics records cash fund created.

(2) (b) (II) For those services required by this article and those services provided by the Colorado responds to children with special needs program, each office designated or established pursuant to section 25-2-103 shall charge fees as specified by the state registrar. ~~Such an office shall retain all such~~ fees SHALL BE USED for the purpose of paying the direct and indirect costs of THE OFFICE AND THE OFFICE OF THE STATE REGISTRAR FOR compliance with the provisions of this article and the direct and indirect costs necessary to maintain and operate the Colorado responds to children with special needs program.

SECTION 4. 42-2-306 (1) (a) (II), Colorado Revised Statutes, is amended, and the said 42-2-306 (1) (a) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

42-2-306. Fees - disposition - repeal. (1) The department shall charge and

collect the following fees:

(a) (II) Except as provided in ~~subparagraph~~ SUBPARAGRAPHS (III) AND (III.5) of this paragraph (a), a fee of nine dollars and ninety cents at the time of application for an identification card or renewal of an identification card. ~~except that, for applicants sixty years of age or older and applicants referred by any county department of social services pursuant to section 26-2-106 (3) or 25.5-4-205 (3), C.R.S., there shall be no fee.~~

(III.5) THE DEPARTMENT SHALL NOT CHARGE A FEE TO AN APPLICANT WHO IS:

(A) SIXTY YEARS OF AGE OR OLDER;

(B) REFERRED BY A COUNTY DEPARTMENT OF SOCIAL SERVICES PURSUANT TO SECTION 25.5-4-205 (3), 26-2-106 (3), OR 26-5-101 (3) (o), C.R.S.; OR

(C) REFERRED BY THE DEPARTMENT OF CORRECTIONS, THE DIVISION OF YOUTH CORRECTIONS, OR A COUNTY JAIL.

SECTION 5. 13-15-101, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

13-15-101. Petition - proceedings. (3) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION, THE COURT MAY GRANT A PETITION FOR A CHANGE OF NAME OF A PETITIONER WHO WAS PREVIOUSLY CONVICTED OF A FELONY IN THIS STATE OR ANY OTHER STATE OR ADJUDICATED A JUVENILE DELINQUENT FOR AN OFFENSE THAT WOULD CONSTITUTE A FELONY IF COMMITTED BY AN ADULT IN THIS STATE OR ANY OTHER STATE OR UNDER FEDERAL LAW IF THE COURT FINDS THAT THE PETITIONER MUST HAVE A LEGAL NAME CHANGE IN ORDER TO BE ISSUED IN THAT NAME A DRIVER'S LICENSE OR IDENTIFICATION CARD FROM THE DEPARTMENT OF REVENUE AND IF ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

(a) THE PETITIONER MEETS ALL OF THE REQUIREMENTS OF SUBSECTIONS (1) AND (1.5) OF THIS SECTION AND PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION;

(b) THE PROPOSED NAME CHANGE IS TO A NAME UNDER WHICH THE PETITIONER WAS CONVICTED OR ADJUDICATED; EXCEPT THAT, FOR GOOD CAUSE, THE COURT MAY ALLOW A CHANGE TO A NAME OTHER THAN A NAME UNDER WHICH THE PETITIONER WAS CONVICTED OR ADJUDICATED;

(c) PRIOR TO FILING THE PETITION, THE NAME CHANGE APPLICANT:

(I) (A) SUBMITS HIS OR HER FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION FOR PURPOSES OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORDS CHECK ALONG WITH A WRITTEN REQUEST TO ADD HIS OR HER PROPOSED NAME AS AN ALIAS TO THE NAME CHANGE APPLICANT'S CRIMINAL HISTORY RECORD.

(B) THE COLORADO BUREAU OF INVESTIGATION IS AUTHORIZED TO ADD AN ALIAS TO A NAME CHANGE APPLICANT'S CRIMINAL HISTORY RECORD UPON REQUEST;

(II) (A) NOTIFIES THE DISTRICT ATTORNEY'S OFFICE IN ANY DISTRICT IN WHICH THE APPLICANT WAS CONVICTED OF A FELONY THAT HE OR SHE IS REQUESTING A NAME CHANGE PURSUANT TO THIS SUBSECTION (3).

(B) IF THE DISTRICT ATTORNEY'S OFFICE HAS A RECORD OF ANY VICTIM OF THE APPLICANT'S CRIME, THE DISTRICT ATTORNEY'S OFFICE SHALL SEND NOTICE OF THE PROPOSED NAME CHANGE TO THE VICTIM;

(III) IF, AT THE TIME THE PETITION IS FILED, THE APPLICANT IS IN CUSTODY OF THE DEPARTMENT OF CORRECTIONS, UNDER AN ORDER FOR PROBATION OR COMMUNITY CORRECTIONS, OR INCARCERATED IN A COUNTY JAIL, THE APPLICANT SHALL PROVIDE WRITTEN NOTICE TO THE SUPERVISING AGENCY THAT HE OR SHE IS REQUESTING A CHANGE OF NAME UNDER THIS SECTION; AND

(IV) PROVIDES THE COURT WITH A COPY OF HIS OR HER CRIMINAL HISTORY RECORD FROM BOTH THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION AND THE CRIMINAL HISTORY REPORT FROM THE COLORADO BUREAU OF INVESTIGATION REFLECTS THE ADDITION OF THE PROPOSED CHANGED NAME AS AN ALIAS; AND

(d) THE COURT FINDS THAT:

(I) THE NAME CHANGE IS NOT FOR THE PURPOSE OF FRAUD, TO AVOID THE CONSEQUENCES OF A CRIMINAL CONVICTION, OR TO FACILITATE A CRIMINAL ACTIVITY; AND

(II) THE DESIRED NAME CHANGE WOULD BE PROPER AND NOT DETRIMENTAL TO THE INTERESTS OF ANY OTHER PERSON.

(4) THE DEPARTMENT OF REVENUE SHALL NOT ISSUE A DRIVER'S LICENSE OR AN IDENTIFICATION CARD IN THE NEW NAME OF A NAME CHANGE APPLICANT UNLESS THE NAME CHANGE APPLICANT SUBMITS A COURT ORDER CHANGING THE APPLICANT'S NAME PURSUANT TO THIS SECTION.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 5, 2010