

CHAPTER 325

HEALTH AND ENVIRONMENT

HOUSE BILL 15-1282

BY REPRESENTATIVE(S) Saine, Humphrey, Nordberg, Kagan, Klingenschmitt;
also SENATOR(S) Newell, Marble, Jones.

AN ACT**CONCERNING THE CREATION OF CRIMES INVOLVING DECEPTION ABOUT MATERIAL INFORMATION
IN CONNECTION WITH THE PREPARATION OF BIRTH CERTIFICATES.**

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

SECTION 1. In Colorado Revised Statutes, **add** 25-2-112.7 as follows:

25-2-112.7. Crime of misrepresentation of material information in the preparation of a birth certificate - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "BIRTH PARENT" MEANS A NATURAL PARENT, BY BIRTH, OF A CHILD BORN IN THIS STATE. "BIRTH PARENT" ALSO INCLUDES A PRESUMED FATHER OR PUTATIVE FATHER IN ACCORDANCE WITH THE PRESUMPTIONS FOR DETERMINATION OF PATERNITY AS SET FORTH IN SECTION 25-2-112 (3), OR A PUTATIVE FATHER THAT IS NOT MARRIED TO THE MOTHER WHO SIGNS A VOLUNTARY ACKNOWLEDGMENT OF PATERNITY.

(b) "MATERIAL INFORMATION" MEANS THE LEGAL NAME OF A BIRTH PARENT, THE BIRTH DATE OF A BIRTH PARENT, THE MOTHER'S MAIDEN NAME PRIOR TO A FIRST MARRIAGE, IF APPLICABLE, AND THE PLACE OF BIRTH OF A BIRTH PARENT.

(2) A BIRTH PARENT COMMITS THE CRIME OF MISREPRESENTATION OF MATERIAL INFORMATION IN THE PREPARATION OF A BIRTH CERTIFICATE IF THE BIRTH PARENT KNOWINGLY AND INTENTIONALLY MISREPRESENTS MATERIAL INFORMATION THAT IS USED TO CREATE A CHILD'S BIRTH CERTIFICATE.

(3) A PERSON WHO COMMITS THE CRIME OF MISREPRESENTATION OF MATERIAL INFORMATION IN THE PREPARATION OF A BIRTH CERTIFICATE IS GUILTY OF A

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

MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BY IMPRISONMENT IN THE COUNTY JAIL FOR NOT MORE THAN ONE YEAR, OR BY BOTH SUCH FINE AND IMPRISONMENT.

SECTION 2. In Colorado Revised Statutes, 25-2-118, **amend** (1) as follows:

25-2-118. Penalties. (1) EXCEPT AS OTHERWISE PROVIDED FOR IN SECTION 25-2-112.7 WITH RESPECT TO MISREPRESENTATION OF MATERIAL INFORMATION IN THE PREPARATION OF A BIRTH CERTIFICATE, any person who knowingly and willfully makes any false statement in or supplies any false information for or for purposes of deception applies for, alters, mutilates, uses, attempts to use, applies for amendments thereto, or furnishes to another for deceptive use any vital statistics certificate, and any person who knowingly and willfully and for purposes of deception uses or attempts to use or furnishes for use by another any vital statistics certificate knowing that such certificate contains false information or relates to a person other than the person with respect to whom it purports to relate, and any person who manufactures, advertises for sale, sells, or alters any vital statistics certificate knowing or having reason to know that such document establishes or may be used to establish a false status, occupation, membership, license, privilege, or identity for himself or any other person, and any person who uses any such document to commit a crime is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

SECTION 3. In Colorado Revised Statutes, 25-2-112, **add** (7) as follows:

25-2-112. Certificates of birth - filing - establishment of paternity. (7) THE STATE REGISTRAR SHALL REVISE THE BIRTH CERTIFICATE WORKSHEET FORM USED FOR THE PREPARATION OF A CERTIFICATE OF LIVE BIRTH TO INCLUDE A STATEMENT THAT KNOWINGLY AND INTENTIONALLY MISREPRESENTING MATERIAL INFORMATION ON THE WORKSHEET FORM USED FOR THE PREPARATION OF A BIRTH CERTIFICATE IS A MISDEMEANOR.

SECTION 4. Effective date - applicability. This act takes effect July 1, 2015, and applies to offenses committed on or after said date.

SECTION 5. 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, 2015