

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 11-0086.01 Debbie Haskins

HOUSE BILL 11-1149

HOUSE SPONSORSHIP

Acree, Barker, McKinley, Baumgardner, Conti, Coram, Kerr J.

SENATE SPONSORSHIP

Harvey, Scheffel, Lambert, Grantham, Lundberg, Renfroe, Mitchell, Brophy, King S.

House Committees

State, Veterans, & Military Affairs
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE TYPES OF DOCUMENTS USED FOR VERIFICATION OF**
102 **A PERSON'S LAWFUL PRESENCE IN THE UNITED STATES IN**
103 **CERTAIN CIRCUMSTANCES.**

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://www.leg.state.co.us/billsummaries>.)

Current law requires an agency or political subdivision of the state to verify the lawful presence of each applicant 18 years of age or older for federal public benefits or state or local public benefits. The bill amends that law by requiring the applicant to provide the applicant's social

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

security card for inspection.

Current law requires an applicant to sign an affidavit attesting that he or she is a United States citizen or legal permanent resident or that he or she is otherwise lawfully present in the United States pursuant to federal law and the attestation is subject to the perjury laws. Instead of signing the affidavit, the bill provides that an applicant may submit for inspection a birth certificate or other documents that indicate the applicant's lawful presence in the United States.

The bill clarifies that an employer of a newly hired employee must check legally acceptable documents to verify the identity of the employee as well as check the authority of the person to legally work in the United States.

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

2 **SECTION 1.** 24-76.5-103 (4), Colorado Revised Statutes, is
3 amended, and the said 24-76.5-103 is further amended BY THE
4 **ADDITION OF A NEW SUBSECTION**, to read:

5 **24-76.5-103. Verification of lawful presence - exceptions -**
6 **reporting - rules.** (4) An agency or a political subdivision shall verify
7 the lawful presence in the United States of each applicant eighteen years
8 of age or older for federal public benefits or state or local public benefits
9 by requiring the applicant to PRODUCE A SOCIAL SECURITY CARD AND TO:

10 (a) Produce:

11 (I) A valid Colorado driver's license or a Colorado identification
12 card, issued pursuant to article 2 of title 42, C.R.S.; or

13 (II) A United States military card or a military dependent's
14 identification card; or

15 (III) A United States Coast Guard Merchant Mariner card; or

16 (IV) A Native American tribal document; and

17 (b) EITHER:

18 ~~(b)~~ (I) Execute an affidavit stating:

19 ~~(b)~~ (A) That he or she is a United States citizen or legal permanent

1 resident; or

2 ~~(H)~~ (B) That he or she is otherwise lawfully present in the United
3 States pursuant to federal law; OR

4 (II) PRODUCE AN ORIGINAL OR A CERTIFIED COPY OF THE
5 APPLICANT'S BIRTH CERTIFICATE OR OTHER DOCUMENTS THAT PROVE THAT
6 THE APPLICANT MEETS THE CRITERIA OF SUB-SUBPARAGRAPH (A) OR (B)
7 OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b).

8 (4.7) NOTWITHSTANDING THE REQUIREMENTS OF SUBSECTION (4)
9 OF THIS SECTION, AN AGENCY OR POLITICAL SUBDIVISION OF THE STATE IS
10 NOT REQUIRED TO CHECK THE SOCIAL SECURITY CARD OF AN APPLICANT
11 WHO APPLIES FOR STATE OR LOCAL PUBLIC BENEFITS OR FOR FEDERAL
12 PUBLIC BENEFITS IF THE AGENCY OR POLITICAL SUBDIVISION OF THE STATE
13 HAS EXISTING PROCEDURES THAT VERIFY THE IDENTITY AS WELL AS THE
14 LAWFUL PRESENCE OF THE APPLICANT BY EXAMINING THE APPLICANT'S
15 COLORADO DRIVER'S LICENSE OR COLORADO IDENTIFICATION CARD OR
16 OTHER DOCUMENTS DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (4) OF
17 THIS SECTION.

18 **SECTION 2.** 8-2-122 (2), Colorado Revised Statutes, is amended
19 to read:

20 **8-2-122. Employment verification requirements - audits - fine**
21 **for fraudulent documents - cash fund created - definitions.** (2) On
22 and after January 1, 2007, within twenty days after hiring a new
23 employee, each employer in Colorado shall affirm that the employer has
24 examined the DOCUMENTS REQUIRED TO ESTABLISH THE IDENTITY OF THE
25 NEWLY HIRED EMPLOYEE AND HAS EXAMINED THE legal work status of
26 such newly hired employee and has retained file copies of the documents
27 required by 8 U.S.C. sec. 1324a; that the employer has not altered or

1 falsified the employee's identification documents; and that the employer
2 has not knowingly hired an unauthorized alien. The employer shall keep
3 a written or electronic copy of the affirmation, and of the documents
4 required by 8 U.S.C. sec. 1324a, for the term of employment of each
5 employee.

6 **SECTION 3. Act subject to petition - effective date.** This act
7 shall take effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly (August
9 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
10 referendum petition is filed pursuant to section 1 (3) of article V of the
11 state constitution against this act or an item, section, or part of this act
12 within such period, then the act, item, section, or part shall not take effect
13 unless approved by the people at the general election to be held in
14 November 2012 and shall take effect on the date of the official
15 declaration of the vote thereon by the governor.