

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

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 21-0259.01 Jane Ritter x4342

**HOUSE BILL 21-1060**

**HOUSE SPONSORSHIP**

**Gonzales-Gutierrez and Jodeh**, Bacon, Benavidez, Bennett, Bird, Duran, Esgar, Exum, Garnett, Herod, Jackson, Kennedy, Lontine, Michaelson Jenet, Ortiz, Ricks, Sirota, Valdez A., Weissman, Woodrow

**SENATE SPONSORSHIP**

**Gonzales**, Danielson, Jaquez Lewis, Lee, Moreno, Winter

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**House Committees**  
Judiciary

**Senate Committees**  
Judiciary

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**A BILL FOR AN ACT**

101 **CONCERNING THE CERTIFICATION PROCESS FOR THE PURPOSE OF**  
102 **APPLICATION FOR U NONIMMIGRANT STATUS.**

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**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>.)*

To be eligible for U nonimmigrant status (U visa) from the federal government, a requestor must receive a certification form from a certifying official attesting that the person has been the victim of certain criminal activity and has been, is being, or is likely to be helpful to the detection, investigation, or prosecution of the criminal activity. The bill sets a required time frame for completion or denial of the certification

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

SENATE  
3rd Reading Unamended  
April 21, 2021

SENATE  
2nd Reading Unamended  
April 20, 2021

HOUSE  
3rd Reading Unamended  
March 17, 2021

HOUSE  
Amended 2nd Reading  
March 16, 2021

request and sets forth the factors that may and may not be considered in the certification process. The bill also prohibits certain disclosures to immigration authorities and requires law enforcement to provide crime victims with information about the U visa.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 4 to article  
3 4.1 of title 24 as follows:

4 **PART 4**  
5 **CERTIFICATION OF CERTAIN FEDERAL**  
6 **IMMIGRATION FORMS**

7 **24-4.1-401. Definitions.** AS USED IN THIS PART 4, UNLESS THE  
8 CONTEXT OTHERWISE REQUIRES:

9 (1) "CERTIFICATION FORM" OR "CERTIFICATION" MEANS THE  
10 FEDERAL FORM I-918, SUPPLEMENT B, "U NONIMMIGRANT STATUS  
11 CERTIFICATION", OR ANY SUCCESSOR FORM, REQUIRED UNDER 8 U.S.C.  
12 SEC. 1184 (p)(1) AND 8 CFR 214.14 (c)(2)(i) AND AS DEFINED UNDER 8  
13 CFR 214.14 (a)(12), WHICH CONFIRMS THAT THE PETITIONER IS A VICTIM  
14 OF QUALIFYING CRIMINAL ACTIVITY AND HAS BEEN HELPFUL, IS BEING  
15 HELPFUL, OR IS LIKELY TO BE HELPFUL IN THE INVESTIGATION OR  
16 PROSECUTION OF THE QUALIFYING CRIMINAL ACTIVITY OF WHICH THE  
17 PETITIONER IS A VICTIM.

18 (2) "CERTIFYING AGENCY" OR "AGENCY" HAS THE SAME MEANING  
19 AS DEFINED IN 8 CFR 214.14 (a)(2) AND INCLUDES BUT IS NOT LIMITED TO:

20 (a) A STATE OR LOCAL LAW ENFORCEMENT AGENCY;

21 (b) THE OFFICE OF A DISTRICT, COUNTY, OR CITY ATTORNEY;

22 (c) A COURT;

23 (d) THE OFFICE OF THE ATTORNEY GENERAL;

1 (e) ANY OTHER AGENCY THAT IS RESPONSIBLE FOR THE  
2 DETECTION, INVESTIGATION, OR PROSECUTION OF A QUALIFYING CRIME OR  
3 CRIMINAL ACTIVITY; OR

4 (f) ENTITIES THAT HAVE CRIMINAL DETECTION OR INVESTIGATIVE  
5 JURISDICTION IN THEIR RESPECTIVE AREAS OF EXPERTISE, INCLUDING BUT  
6 NOT LIMITED TO A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES  
7 AND THE DEPARTMENT OF LABOR AND EMPLOYMENT.

8 (3) "CERTIFYING OFFICIAL" HAS THE SAME MEANING AS DEFINED  
9 IN 8 CFR 214.14 (a)(3) AND INCLUDES BUT IS NOT LIMITED TO:

10 (a) THE HEAD OF THE CERTIFYING AGENCY;

11 (b) A PERSON IN A SUPERVISORY ROLE WHO HAS BEEN  
12 SPECIFICALLY DESIGNATED BY THE HEAD OF A CERTIFYING AGENCY TO  
13 ISSUE CERTIFICATIONS ON BEHALF OF THAT AGENCY; OR

14 (c) A JUDGE OR MAGISTRATE.

15 (4) "QUALIFYING CRIMINAL ACTIVITY" HAS THE SAME MEANING AS  
16 DEFINED IN 8 CFR 214.14 (a)(9), INCLUDING ANY ACTIVITY THAT  
17 CONSTITUTES A CRIME AS DEFINED PURSUANT TO COLORADO LAW,  
18 REGARDLESS OF THE STATUTORY LANGUAGE OR TITLE USED PURSUANT TO  
19 COLORADO LAW, FOR WHICH THE NATURE AND ELEMENTS OF THE  
20 OFFENSES ARE SUBSTANTIALLY SIMILAR TO THE GENERAL CATEGORIES OF  
21 OFFENSES ENUMERATED IN 8 U.S.C. SEC. 1101 (a)(15)(U), OR ANY OTHER  
22 SIMILAR CRIMINAL ACTIVITIES, AND THE ATTEMPT, CONSPIRACY, OR  
23 SOLICITATION TO COMMIT ANY OF THOSE OFFENSES.

24 (5) "VICTIM OF QUALIFYING CRIMINAL ACTIVITY" OR "VICTIM" HAS  
25 THE SAME MEANING AS DEFINED IN 8 CFR 214.14 (a)(14) AND INCLUDES  
26 AN INDIVIDUAL WHO HAS SUFFERED DIRECT AND PROXIMATE HARM AS A  
27 RESULT OF THE COMMISSION OF QUALIFYING CRIMINAL ACTIVITY,

1 INCLUDING DIRECT VICTIMS; INDIRECT VICTIMS, AS DEFINED UNDER 8 CFR  
2 214.14 (a)(14)(i), REGARDLESS OF THE DIRECT VICTIM'S IMMIGRATION OR  
3 CITIZENSHIP STATUS; AND BYSTANDER VICTIMS, AS RECOGNIZED UNDER  
4 THE FEDERAL REGISTER AT 72 FR 53016.

5 **24-4.1-402. Immigration certification forms - completion**  
6 **deadlines.** (1) FOR THE TIME PERIOD OF SEPTEMBER 1, 2021, THROUGH  
7 JUNE 30, 2022, AND EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS  
8 SECTION, A CERTIFYING AGENCY SHALL PROCESS AND EITHER SIGN OR  
9 DECLINE TO SIGN A CERTIFICATION FORM WITHIN ONE HUNDRED TWENTY  
10 DAYS AFTER RECEIPT OF A REQUEST.

11 (2) FOR THE TIME PERIOD OF SEPTEMBER 1, 2021, THROUGH JUNE  
12 30, 2022, A CERTIFYING AGENCY SHALL PROCESS AND EITHER SIGN OR  
13 DECLINE TO SIGN A CERTIFICATION FORM WITHIN SIXTY DAYS AFTER  
14 RECEIPT OF A REQUEST IF:

15 (a) THE REQUESTOR PROVIDES DOCUMENTATION THAT HE OR SHE  
16 IS IN FEDERAL IMMIGRATION REMOVAL PROCEEDINGS; OR

17 (b) THE REQUESTOR PROVIDES DOCUMENTATION THAT ONE OR  
18 MORE CHILDREN, PARENTS, OR SIBLINGS OF THE REQUESTOR WOULD  
19 BECOME INELIGIBLE FOR U NONIMMIGRANT STATUS BY VIRTUE OF AGE  
20 WITHIN SIXTY BUSINESS DAYS AFTER THE DATE THAT THE CERTIFYING  
21 OFFICIAL RECEIVES THE CERTIFICATION FORM REQUEST.

22 (3) ON AND AFTER JULY 1, 2022, AND EXCEPT AS PROVIDED IN  
23 SUBSECTION (4) OF THIS SECTION, A CERTIFYING AGENCY SHALL PROCESS  
24 AND EITHER SIGN OR DECLINE TO SIGN A CERTIFICATION FORM WITHIN  
25 NINETY DAYS AFTER RECEIPT OF A REQUEST.

26 (4) ON AND AFTER JULY 1, 2022, A CERTIFYING AGENCY SHALL  
27 PROCESS AND EITHER SIGN OR DECLINE TO SIGN A CERTIFICATION FORM

1        WITHIN THIRTY DAYS AFTER RECEIPT OF A REQUEST IF:

2            (a) THE REQUESTOR PROVIDES DOCUMENTATION THAT HE OR SHE  
3        IS IN FEDERAL IMMIGRATION REMOVAL PROCEEDINGS; OR

4            (b) THE REQUESTOR PROVIDES DOCUMENTATION THAT ONE OR  
5        MORE CHILDREN, PARENTS, OR SIBLINGS OF THE REQUESTOR WOULD  
6        BECOME INELIGIBLE FOR U NONIMMIGRANT STATUS BY VIRTUE OF AGE  
7        WITHIN SIXTY BUSINESS DAYS AFTER THE DATE THAT THE CERTIFYING  
8        OFFICIAL RECEIVES THE CERTIFICATION FORM REQUEST.

9            **24-4.1-403. Certification forms - signature requirement -**  
10        **limitation on factors for consideration.** (1) UPON REQUEST, A  
11        CERTIFYING OFFICIAL FROM A CERTIFYING AGENCY SHALL EXECUTE AND  
12        SIGN THE CERTIFICATION FORM WHEN IT IS DETERMINED THAT THE VICTIM:

13            (a) WAS A VICTIM OF QUALIFYING CRIMINAL ACTIVITY; AND

14            (b) HAS BEEN HELPFUL, IS BEING HELPFUL, OR IS LIKELY TO BE  
15        HELPFUL TO THE DETECTION, INVESTIGATION, OR PROSECUTION OF THAT  
16        QUALIFYING CRIMINAL ACTIVITY.

17            (2) (a) FOR PURPOSES OF DETERMINING HELPFULNESS PURSUANT  
18        TO SUBSECTION (1)(b) OF THIS SECTION, A VICTIM IS HELPFUL, HAS BEEN  
19        HELPFUL, OR IS LIKELY TO BE HELPFUL TO THE DETECTION, INVESTIGATION,  
20        OR PROSECUTION OF THAT QUALIFYING CRIMINAL ACTIVITY IF THERE IS NO  
21        DOCUMENTATION THAT THE VICTIM REFUSED OR FAILED TO PROVIDE  
22        ASSISTANCE REASONABLY REQUESTED BY LAW ENFORCEMENT.

23            (b) A CERTIFYING AGENCY'S INABILITY TO COMMUNICATE WITH A  
24        VICTIM DUE TO THE VICTIM'S LANGUAGE MUST NOT BE CONSIDERED A  
25        REFUSAL OR FAILURE TO PROVIDE ASSISTANCE.

26            (3) THE CERTIFYING AGENCY SHALL NOT CONSIDER ANY OTHER  
27        FACTORS IN DECIDING WHETHER TO SIGN THE CERTIFICATION FORM,

1 EXCEPT WHETHER THE INDIVIDUAL WAS A VICTIM OF QUALIFYING  
2 CRIMINAL ACTIVITY AND THE VICTIM'S HELPFULNESS, AS SPECIFIED IN  
3 SUBSECTION (1) OF THIS SECTION.

4 (4) IF A CERTIFYING OFFICIAL OR AGENCY SIGNS THE  
5 CERTIFICATION FORM, THE OFFICIAL OR AGENCY SHALL RETURN THE  
6 SIGNED CERTIFICATION FORM TO THE REQUESTOR, ALONG WITH, FREE OF  
7 CHARGE, RELEVANT PAGES OF OFFENSE REPORTS RELATED TO THE  
8 QUALIFYING CRIMINAL ACTIVITY SUBJECT TO RELEASE BY LAW, UNLESS  
9 ALREADY PROVIDED BY ANOTHER AGENCY. THE TIMING OF RELEASE OF  
10 SUCH REPORTS FOR OPEN INVESTIGATIONS OR PROSECUTIONS IS SUBJECT  
11 TO THE CERTIFYING AGENCY'S DISCRETION.

12 (5) THE CERTIFYING AGENCY IS NEITHER A SPONSOR NOR A  
13 DECISION-MAKER IN THE GRANTING OF A U VISA. A CERTIFYING OFFICIAL'S  
14 COMPLETION OF A CERTIFICATION FORM IS NOT SUFFICIENT EVIDENCE THAT  
15 AN APPLICANT FOR A U VISA HAS MET ALL ELIGIBILITY REQUIREMENTS  
16 AND DOES NOT GUARANTEE THAT THE VICTIM WILL RECEIVE A U VISA. IT  
17 IS THE EXCLUSIVE RESPONSIBILITY OF FEDERAL IMMIGRATION OFFICIALS  
18 TO DETERMINE WHETHER A PERSON IS ELIGIBLE FOR A U VISA.  
19 COMPLETION OF A CERTIFICATION FORM BY A CERTIFYING OFFICIAL  
20 MERELY VERIFIES FACTUAL INFORMATION RELEVANT FOR FEDERAL  
21 IMMIGRATION OFFICIALS TO DETERMINE ELIGIBILITY FOR A U VISA. BY  
22 COMPLETING A CERTIFICATION FORM, THE CERTIFYING OFFICIAL ATTESTS  
23 THAT THE INFORMATION IS TRUE AND CORRECT TO THE BEST OF THE  
24 CERTIFYING OFFICIAL'S KNOWLEDGE.

25 (6) MORE THAN ONE VICTIM MAY BE IDENTIFIED AND PROVIDED  
26 WITH CERTIFICATION, DEPENDING UPON THE CIRCUMSTANCES.

27 (7) IF A CERTIFYING OFFICIAL OR AGENCY DECLINES TO SIGN THE

1 CERTIFICATION FORM, THE OFFICIAL OR AGENCY SHALL, IN WRITING,  
2 NOTIFY THE REQUESTOR OF THE REASON OR REASONS FOR THE DENIAL  
3 WITHIN THE TIMES SET FORTH IN SECTION 24-4.1-402. THE DENIAL  
4 NOTIFICATION MUST CONTAIN A DETAILED EXPLANATION OF THE REASON  
5 OR REASONS FOR THE DENIAL, CONSISTING OF ONE OF THE FOLLOWING:

6 (a) LACK OF JURISDICTION OVER THE CERTIFICATION FORM  
7 REQUEST DUE TO THE CERTIFYING AGENCY NOT HAVING BEEN INVOLVED  
8 IN THE DETECTION, INVESTIGATION, OR PROSECUTION OF THE QUALIFYING  
9 CRIMINAL ACTIVITY;

10 (b) THE REQUESTOR WAS NOT A VICTIM OF QUALIFYING CRIMINAL  
11 ACTIVITY; OR

12 (c) LACK OF HELPFULNESS, INCLUDING DOCUMENTED INSTANCES  
13 OF FAILURE OR REFUSAL TO COMPLY WITH REASONABLE REQUESTS FOR  
14 ASSISTANCE.

15 (8) UPON RECEIVING NOTICE THAT A REQUEST FOR A  
16 CERTIFICATION FORM PURSUANT TO THIS SECTION IS DENIED, A REQUESTOR  
17 MAY PROVIDE SUPPLEMENTAL INFORMATION TO THE CERTIFYING AGENCY  
18 AND REQUEST THAT THE CERTIFICATION FORM DENIAL BE REVIEWED BY  
19 THE CERTIFYING AGENCY.

20 (9) A REQUESTOR MAY SEEK A SUBSEQUENT CERTIFICATION FROM  
21 THE SAME CERTIFYING AGENCY OR MAY SEEK CERTIFICATION FROM  
22 MULTIPLE CERTIFYING AGENCIES.

23 **24-4.1-404. Prohibition on disclosure of victim's immigration**  
24 **status.** A CERTIFYING AGENCY IS PROHIBITED FROM DISCLOSING THE  
25 PERSONAL IDENTIFYING INFORMATION OR IMMIGRATION STATUS OF A  
26 VICTIM OR PERSON REQUESTING THE CERTIFICATION EXCEPT TO COMPLY  
27 WITH FEDERAL OR STATE LAW OR PROCESS.

1           **24-4.1-405. Duty to inform victims.** CERTIFYING AGENCIES  
2 SHALL PROVIDE INFORMATION REGARDING THE U VISA AND THE AGENCY'S  
3 PROCEDURES FOR CERTIFICATION TO VICTIMS.

4           **24-4.1-406. Reports.** (1) ON OR BEFORE SEPTEMBER 1, 2022, AND  
5 ON OR BEFORE EACH MARCH 1 THEREAFTER, A CERTIFYING AGENCY THAT  
6 RECEIVES A REQUEST FOR A CERTIFICATION SHALL REPORT TO THE  
7 DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY ON  
8 AN ANNUAL BASIS AND IN AGGREGATE FORM, **SUBJECT TO THE**  
9 **RESTRICTIONS SET FORTH IN SECTION 24-4.1-404, THE FOLLOWING:**

- 10           (a) THE NUMBER OF REQUESTS FOR CERTIFICATION RECEIVED;
  - 11           (b) THE NUMBER OF CERTIFICATIONS THAT WERE SIGNED;
  - 12           (c) THE TOTAL NUMBER THAT WERE DENIED;
  - 13           (d) THE NUMBER OF CERTIFICATIONS THAT WERE DENIED FOR EACH  
14 REASON SPECIFIED PURSUANT TO SECTION 24-4.1-403 (7); AND
  - 15           (e) THE NUMBER OF DECISIONS THAT FELL OUTSIDE THE  
16 PRESCRIBED COMPLETION DEADLINES.
- 17           (2) THE DIVISION SHALL MAKE THE REPORTS AVAILABLE TO THE  
18 PUBLIC UPON REQUEST.

19           **SECTION 2. Effective date - applicability.** This act takes effect  
20 September 1, 2021, and applies to requests for certifications made on or  
21 after said date.

22           **SECTION 3. Safety clause.** The general assembly hereby finds,  
23 determines, and declares that this act is necessary for the immediate  
24 preservation of the public peace, health, or safety.