

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

INTRODUCED

LLS NO. 21-0971.01 Jacob Baus x2173

HOUSE BILL 21-1287

HOUSE SPONSORSHIP

Gonzales-Gutierrez and Soper,

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Gonzales,

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES RELATED TO PERMITTING PARTIES TO**
102 **CERTAIN PROPOSED LEGAL RELATIONSHIPS UNDER TITLE 14,**
103 **COLORADO REVISED STATUTES, TO SATISFY CERTAIN**
104 **REQUIREMENTS WITHOUT HAVING TO APPEAR IN PERSON.**

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>.)

The bill authorizes, subject to limitations, a county clerk and recorder to permit the parties to a proposed marriage or civil union to satisfy the requirement to appear before the county clerk and recorder by

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.

interactive audiovisual communication technology, mail, fax, or online functionality, for the purpose of satisfying certain requirements for a marriage license or civil union license.

A county clerk and recorder who permits the parties to a proposed marriage or 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 are encouraged to seek and receive training from a law enforcement agency concerning human trafficking in Colorado.

The bill repeals the option of using these procedures for a marriage license or civil union license effective December 31, 2023.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 14-2-106.5 as
3 follows:

4 **14-2-106.5. License to marry without appearing in person -**
5 **repeal.** (1) NOTWITHSTANDING SECTION 14-2-106 TO THE CONTRARY, A
6 COUNTY CLERK AND RECORDER MAY PERMIT THE PARTIES TO A
7 PROSPECTIVE MARRIAGE TO SATISFY THE REQUIREMENT TO APPEAR
8 BEFORE THE COUNTY CLERK AND RECORDER BY AN INTERACTIVE
9 AUDIOVISUAL COMMUNICATION TECHNOLOGY, MAIL, FAX, OR ONLINE
10 FUNCTIONALITY, FOR THE FOLLOWING LIMITED PURPOSES:

11 (a) TO VERIFY APPLICATION INFORMATION;

12 (b) TO PRESENT SATISFACTORY PROOF THAT EACH PARTY TO THE
13 MARRIAGE WILL HAVE ATTAINED THE AGE OF EIGHTEEN YEARS AT THE
14 TIME THE MARRIAGE LICENSE BECOMES EFFECTIVE;

15 (c) TO PRESENT SATISFACTORY PROOF THAT THE MARRIAGE IS NOT
16 PROHIBITED; OR

17 (d) TO PAY REQUIRED FEES.

18 (2) A COUNTY CLERK AND RECORDER SHALL NOT PERMIT THE
19 PROCEDURE DESCRIBED IN SUBSECTION (1) OF THIS SECTION IF EITHER OF
20 THE PARTIES ARE UNDER EIGHTEEN YEARS OF AGE, OR IF THE PARTIES ARE

1 USING INTERACTIVE AUDIOVISUAL TECHNOLOGY AND ARE UNABLE TO
2 APPEAR TOGETHER. NOTHING IN THIS SECTION CHANGES ANY
3 REQUIREMENT THAT MUST BE SATISFIED IN THE STATE OF COLORADO.

4 (3) A COUNTY CLERK AND RECORDER WHO PERMITS THE PARTIES
5 TO A PROPOSED MARRIAGE OR CIVIL UNION TO SATISFY CERTAIN
6 REQUIREMENTS WITHOUT APPEARING IN PERSON AND STAFF MEMBERS WHO
7 CARRY OUT DUTIES ON BEHALF OF THE COUNTY CLERK AND RECORDER
8 PURSUANT TO THIS SECTION ARE ENCOURAGED TO SEEK AND RECEIVE
9 TRAINING FROM A LAW ENFORCEMENT AGENCY CONCERNING HUMAN
10 TRAFFICKING IN COLORADO.

11 (4) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2023.

12 **SECTION 2.** In Colorado Revised Statutes, **add** 14-15-110.5 as
13 follows:

14 **14-15-110.5. Civil union license and certificate without**
15 **appearing in person - repeal.** (1) NOTWITHSTANDING SECTION
16 14-15-110 TO THE CONTRARY, A COUNTY CLERK AND RECORDER MAY
17 PERMIT THE PARTIES TO A PROPOSED CIVIL UNION TO SATISFY THE
18 REQUIREMENT TO APPEAR BEFORE THE COUNTY CLERK AND RECORDER BY
19 AN INTERACTIVE AUDIOVISUAL COMMUNICATION TECHNOLOGY, MAIL,
20 FAX, OR ONLINE FUNCTIONALITY, FOR THE FOLLOWING LIMITED PURPOSES:

- 21 (a) TO VERIFY APPLICATION INFORMATION;
- 22 (b) TO PRESENT SATISFACTORY PROOF, AS REQUIRED, THAT EACH
23 PARTY TO THE CIVIL UNION MEETS THE CRITERIA TO ENTER INTO A CIVIL
24 UNION;
- 25 (c) TO PRESENT SATISFACTORY PROOF THAT THE CIVIL UNION IS
26 NOT PROHIBITED; OR
- 27 (d) TO PAY REQUIRED FEES.

1 (2) A COUNTY CLERK AND RECORDER SHALL NOT PERMIT THE
2 PROCEDURE DESCRIBED IN SUBSECTION (1) OF THIS SECTION IF EITHER OF
3 THE PARTIES ARE UNDER EIGHTEEN YEARS OF AGE, OR IF THE PARTIES ARE
4 USING INTERACTIVE AUDIOVISUAL TECHNOLOGY AND ARE UNABLE TO
5 APPEAR TOGETHER. NOTHING IN THIS SECTION CHANGES ANY
6 REQUIREMENT THAT MUST BE SATISFIED IN THE STATE OF COLORADO.

7 (3) A COUNTY CLERK AND RECORDER WHO PERMITS THE PARTIES
8 TO A PROPOSED MARRIAGE OR CIVIL UNION TO SATISFY CERTAIN
9 REQUIREMENTS WITHOUT APPEARING IN PERSON AND STAFF MEMBERS WHO
10 CARRY OUT DUTIES ON BEHALF OF THE COUNTY CLERK AND RECORDER
11 PURSUANT TO THIS SECTION ARE ENCOURAGED TO SEEK AND RECEIVE
12 TRAINING FROM A LAW ENFORCEMENT AGENCY CONCERNING HUMAN
13 TRAFFICKING IN COLORADO.

14 (4) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2023.

15 **SECTION 3.** In Colorado Revised Statutes, 24-72-204, **amend**
16 (3)(a) introductory portion and (3)(a)(XIX)(A) as follows:

17 **24-72-204. Allowance or denial of inspection - grounds -**
18 **procedure - appeal - definitions - repeal.** (3) (a) The custodian shall
19 deny the right of inspection of the following records, unless otherwise
20 provided by law; except that any of the following records, other than
21 letters of reference concerning employment, licensing, or issuance of
22 permits, ~~shall~~ MUST be available to the person in interest pursuant to this
23 subsection (3):

24 (XIX) (A) Except as provided in ~~sub-subparagraph (C) of this~~
25 ~~subparagraph (XIX)~~ SUBSECTION (3)(a)(XIX)(C) OF THIS SECTION,
26 applications for a marriage license submitted pursuant to ~~section~~
27 ~~14-2-106, C.R.S.~~, PART 1 OF ARTICLE 2 OF TITLE 14 and, except as

1 provided in ~~sub-subparagraph (C) of this subparagraph (XIX)~~
2 SUBSECTION (3)(a)(XIX)(C) OF THIS SECTION, applications for a civil
3 union license submitted pursuant to ~~section 14-15-110, C.R.S.~~ ARTICLE
4 15 OF TITLE 14. A person in interest under this ~~subparagraph (XIX)~~
5 SUBSECTION (3)(a)(XIX) includes an immediate family member of either
6 party to the marriage application. As used in this ~~subparagraph (XIX)~~
7 SUBSECTION (3)(a)(XIX), "immediate family member" means a person
8 who is related by blood, marriage, or adoption. Nothing in this
9 ~~subparagraph (XIX) shall be~~ SUBSECTION (3)(a)(XIX) IS construed to
10 prohibit the inspection of marriage licenses or marriage certificates or of
11 civil union certificates or to otherwise change the status of those licenses
12 or certificates as public records.

13 **SECTION 4.** In Colorado Revised Statutes, 26-7.5-105, **amend**
14 (1)(b) as follows:

15 **26-7.5-105. Funding of domestic abuse programs.**

16 (1) (b) ~~Moneys~~ MONEY generated from fees collected pursuant to
17 ~~sections 14-2-106 (1)(a) and 14-15-110, C.R.S.,~~ PART 1 OF ARTICLE 2 OF
18 TITLE 14 AND ARTICLE 15 OF TITLE 14 or transferred pursuant to section
19 13-32-101 (5)(a)(X) or (5)(b)(II) ~~C.R.S.~~, shall be used to reimburse
20 domestic abuse programs that provide services as provided in section
21 26-7.5-103 to persons or their families, which persons are married,
22 separated, or divorced or parties to a civil union or an invalidated, legally
23 separated, or dissolved civil union.

24 **SECTION 5. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, or safety.