

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

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 21-0767.01 Conrad Imel x2313

SENATE BILL 21-153

SENATE SPONSORSHIP

Coleman and Cooke, Bridges, Buckner, Donovan, Fenberg, Fields, Gardner, Ginal, Gonzales, Hansen, Hisey, Jaquez Lewis, Kolker, Lee, Liston, Moreno, Pettersen, Rankin, Simpson, Story, Winter, Zenzinger

HOUSE SPONSORSHIP

Ortiz and Tipper,

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING A PROGRAM TO ASSIST OFFENDERS WITH ACQUIRING**
102 **STATE-ISSUED IDENTIFICATION.**

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 requires the department of corrections (department) to operate a program to assist offenders with acquiring state-issued identification cards and other identification documents necessary for offenders to obtain state-issued identification. The department can enter into agreements with the Colorado department of revenue and federal social security administration as necessary to operate the program.

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
March 22, 2021

SENATE
Amended 2nd Reading
March 19, 2021

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 17-33-102 as
3 follows:

4 **17-33-102. Colorado offender identification program - rules**
5 **- report - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE
6 CONTEXT OTHERWISE REQUIRES:

7 (a) "OFFENDER ID BANK" MEANS THE FACILITY IN THE
8 DEPARTMENT WHERE THE DEPARTMENT SECURELY STORES OFFENDER
9 IDENTIFICATION DOCUMENTS IT HAS ACQUIRED.

10 (b) "PROGRAM" MEANS THE PROGRAM ESTABLISHED IN THIS
11 SECTION TO PROCURE STATE-ISSUED IDENTIFICATION CARDS FOR
12 OFFENDERS.

13 (c) "STATE-ISSUED IDENTIFICATION CARD" MEANS A DRIVER'S
14 LICENSE OR OTHER IDENTIFICATION CARD ISSUED BY THE DEPARTMENT OF
15 REVENUE PURSUANT TO ARTICLE 2 OF TITLE 42 THAT COMPLIES WITH THE
16 FEDERAL "REAL ID ACT OF 2005", 49 U.S.C. SEC. 30301 NOTE.

17 (2) (a) THE DEPARTMENT SHALL ESTABLISH AND OPERATE A
18 PROGRAM TO PROCURE STATE-ISSUED IDENTIFICATION CARDS FOR
19 OFFENDERS.

20 (b) AN OFFENDER MAY PARTICIPATE IN THE PROGRAM IF THE
21 OFFENDER IS ELIGIBLE FOR, BUT DOES NOT HAVE, A VALID STATE-ISSUED
22 IDENTIFICATION CARD. AN OFFENDER MAY ELECT NOT TO PARTICIPATE IN
23 THE PROGRAM, BUT THE DEPARTMENT SHALL NOT DENY AN ELIGIBLE
24 OFFENDER THE OPPORTUNITY TO PARTICIPATE IN THE PROGRAM.

25 (c) THE DEPARTMENT SHALL ENSURE THAT EACH OFFENDER
26 RELEASED FROM A CORRECTIONAL FACILITY ON AND AFTER JANUARY 1,

1 2022, WHO IS ELIGIBLE FOR A STATE-ISSUED IDENTIFICATION CARD AND
2 WHO PARTICIPATES IN THE PROGRAM, HAS A STATE-ISSUED
3 IDENTIFICATION CARD UPON RELEASE.

4 (d) THE DEPARTMENT SHALL COLLABORATE WITH THE
5 DEPARTMENT OF REVENUE TO OPERATE THE PROGRAM.

6 (e) THE EXECUTIVE DIRECTOR SHALL ENTER INTO AGREEMENTS
7 WITH THE DEPARTMENT OF REVENUE OR THE FEDERAL SOCIAL SECURITY
8 ADMINISTRATION AS NECESSARY FOR THE ADMINISTRATION OF THIS
9 SECTION.

10 (3) THE PROGRAM MUST:

11 (a) REVIEW EACH OFFENDER UPON INTAKE AT THE DENVER
12 RECEPTION AND DIAGNOSTIC CENTER TO DETERMINE EACH OFFENDER'S
13 ELIGIBILITY FOR A STATE-ISSUED IDENTIFICATION CARD AND THE
14 IDENTIFICATION OPTIONS AVAILABLE TO THE OFFENDER;

15 (b) AT LEAST ONCE EACH YEAR, REVIEW DEPARTMENT RECORDS
16 TO DETERMINE WHETHER EACH OFFENDER SCHEDULED FOR RELEASE
17 WITHIN THE NEXT FIVE YEARS HAS A VALID, UNEXPIRED STATE-ISSUED
18 IDENTIFICATION CARD, INCLUDING AT THE OFFENDER ID BANK; AND

19 (c) ASSIST AN OFFENDER WHO ELECTS TO PARTICIPATE IN THE
20 PROGRAM WITH OBTAINING A STATE-ISSUED IDENTIFICATION CARD. THE
21 ASSISTANCE MAY INCLUDE, BUT IS NOT LIMITED TO:

22 (I) PROVIDING TRANSPORTATION TO AN OFFICE THAT ISSUES
23 IDENTIFICATION CARDS, ITS LOCATION SELECTED BY THE DEPARTMENT;

24 (II) REQUESTING NECESSARY IDENTIFICATION DOCUMENTS ON THE
25 OFFENDER'S BEHALF FROM THE OFFENDER ID BANK;

26 (III) IF THE OFFENDER IS ELIGIBLE, ASSISTING THE OFFENDER WITH
27 ORDERING A STATE-ISSUED IDENTIFICATION CARD ONLINE; AND

1 (IV) ASSISTING AN OFFENDER WITH OBTAINING ANY
2 IDENTIFICATION DOCUMENTS NECESSARY TO OBTAIN A STATE-ISSUED
3 IDENTIFICATION CARD, INCLUDING A REPLACEMENT SOCIAL SECURITY
4 CARD OR BIRTH CERTIFICATE.

5 (4) THE DEPARTMENT SHALL DELIVER TO EACH OFFENDER, UPON
6 RELEASE FROM A CORRECTIONAL FACILITY, THE OFFENDER'S
7 IDENTIFICATION DOCUMENTS, INCLUDING A STATE-ISSUED IDENTIFICATION
8 CARD, OBTAINED BY THE DEPARTMENT PURSUANT TO THIS SECTION.

9 (5) THE DEPARTMENT SHALL PROMULGATE RULES OR POLICIES
10 NECESSARY FOR THE ADMINISTRATION OF THE PROGRAM.

11 (6) ON OR BEFORE JULY 31, 2022, AND ON OR BEFORE JULY 31 OF
12 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL POST ON A PUBLICLY
13 AVAILABLE PAGE OF ITS WEBSITE THE FOLLOWING INFORMATION ABOUT
14 THE PROGRAM:

15 (a) THE NUMBER OF OFFENDERS RELEASED FROM A CORRECTIONAL
16 FACILITY IN THE PRECEDING CALENDAR YEAR WHO WERE IDENTIFIED BY
17 THE PROGRAM AS NOT HAVING A STATE-ISSUED IDENTIFICATION CARD AND
18 WERE ELIGIBLE TO PARTICIPATE IN THE PROGRAM; AND

19 (b) THE NUMBER OF OFFENDERS WHO ELECTED TO PARTICIPATE IN
20 THE PROGRAM AND WERE RELEASED WITH STATE-ISSUED IDENTIFICATION
21 CARDS OBTAINED WITH THE ASSISTANCE OF THE PROGRAM.

22 **SECTION 2.** In Colorado Revised Statutes, **add** 24-35-121 as
23 follows:

24 **24-35-121. Colorado offender identification program.** THE
25 DEPARTMENT OF REVENUE SHALL COLLABORATE WITH THE DEPARTMENT
26 OF CORRECTIONS TO OPERATE THE PROGRAM ESTABLISHED IN SECTION
27 17-33-102 TO PROVIDE STATE-ISSUED IDENTIFICATION FOR OFFENDERS.

1 **SECTION 3. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly; except
4 that, if a referendum petition is filed pursuant to section 1 (3) of article V
5 of the state constitution against this act or an item, section, or part of this
6 act within such period, then the act, item, section, or part will not take
7 effect unless approved by the people at the general election to be held in
8 November 2022 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.