

CHAPTER 264

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 21-1287

BY REPRESENTATIVE(S) Gonzales-Gutierrez and Soper, Bennett, Duran, Esgar, Exum, Hooton, Titone, Valdez A., Garnett;
also SENATOR(S) Gonzales, Bridges, Moreno, Simpson.

AN ACT

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

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

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

14-2-106.5. License to marry without appearing in person - repeal.

(1) NOTWITHSTANDING SECTION 14-2-106 TO THE CONTRARY, A COUNTY CLERK AND RECORDER MAY PERMIT THE PARTIES TO A PROSPECTIVE MARRIAGE TO SATISFY THE REQUIREMENT TO APPEAR BEFORE THE COUNTY CLERK AND RECORDER BY AN INTERACTIVE AUDIOVISUAL COMMUNICATION TECHNOLOGY OR ONLINE FUNCTIONALITY, FOR THE FOLLOWING LIMITED PURPOSES:

(a) TO VERIFY APPLICATION INFORMATION;

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

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

(d) TO PAY REQUIRED FEES.

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

TECHNOLOGY AND ARE UNABLE TO APPEAR TOGETHER. NOTHING IN THIS SECTION CHANGES ANY REQUIREMENT THAT MUST BE SATISFIED IN THE STATE OF COLORADO.

(3) A COUNTY CLERK AND RECORDER WHO PERMITS THE PARTIES TO A PROSPECTIVE MARRIAGE TO SATISFY CERTAIN REQUIREMENTS WITHOUT APPEARING IN PERSON AND STAFF MEMBERS WHO CARRY OUT DUTIES ON BEHALF OF THE COUNTY CLERK AND RECORDER PURSUANT TO THIS SECTION SHALL COMPLETE THE TRAINING AND CURRICULA DEVELOPED BY THE HUMAN TRAFFICKING COUNCIL CREATED IN SECTION 18-3-505 FOR PERSONS WHO WORK IN OR WHO FREQUENT PLACES WHERE HUMAN TRAFFICKING VICTIMS ARE LIKELY TO APPEAR. THE TRAINING AND CURRICULA MUST BE COMPLETED PRIOR TO PERMITTING PARTIES TO A PROSPECTIVE MARRIAGE TO SATISFY CERTAIN REQUIREMENTS WITHOUT APPEARING IN PERSON PURSUANT TO THIS SECTION; EXCEPT THAT IF A COUNTY CLERK AND RECORDER PERMITS THE PARTIES TO A PROSPECTIVE MARRIAGE TO SATISFY CERTAIN REQUIREMENTS WITHOUT APPEARING IN PERSON ON AND BEFORE THE EFFECTIVE DATE OF HB 21-1287, THE TRAINING AND CURRICULA MUST BE COMPLETED NO LATER THAN THIRTY DAYS AFTER THE EFFECTIVE DATE OF HB 21-1287. A COUNTY CLERK AND RECORDER WHO PERMITS THE PARTIES TO A PROSPECTIVE MARRIAGE TO SATISFY CERTAIN REQUIREMENTS WITHOUT APPEARING IN PERSON SHALL MAINTAIN RECORDS DEMONSTRATING COMPLIANCE WITH THIS SUBSECTION (3) AND SHALL DISPLAY A NOTICE OF COMPLIANCE WITH THIS SUBSECTION (3) IN A PLACE THAT IS ACCESSIBLE TO THE PUBLIC IN THE COUNTY CLERK AND RECORDER'S OFFICE AND ON ITS WEBSITE.

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

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

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

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

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

(3) A COUNTY CLERK AND RECORDER WHO PERMITS THE PARTIES TO A PROPOSED 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 PURSUANT TO THIS SECTION SHALL COMPLETE THE TRAINING AND CURRICULA DEVELOPED BY THE HUMAN TRAFFICKING COUNCIL CREATED IN SECTION 18-3-505 FOR PERSONS WHO WORK IN OR WHO FREQUENT PLACES WHERE HUMAN TRAFFICKING VICTIMS ARE LIKELY TO APPEAR. THE TRAINING AND CURRICULA MUST BE COMPLETED PRIOR TO PERMITTING PARTIES TO A PROPOSED CIVIL UNION TO SATISFY CERTAIN REQUIREMENTS WITHOUT APPEARING IN PERSON PURSUANT TO THIS SECTION; EXCEPT THAT IF A COUNTY CLERK AND RECORDER PERMITS THE PARTIES TO A PROPOSED CIVIL UNION TO SATISFY CERTAIN REQUIREMENTS WITHOUT APPEARING IN PERSON ON AND BEFORE THE EFFECTIVE DATE OF HB 21-1287, THE TRAINING AND CURRICULA MUST BE COMPLETED NO LATER THAN THIRTY DAYS AFTER THE EFFECTIVE DATE OF HB 21-1287. A COUNTY CLERK AND RECORDER WHO PERMITS THE PARTIES TO A PROPOSED CIVIL UNION TO SATISFY CERTAIN REQUIREMENTS WITHOUT APPEARING IN PERSON SHALL MAINTAIN RECORDS DEMONSTRATING COMPLIANCE WITH THIS SUBSECTION (3) AND SHALL DISPLAY A NOTICE OF COMPLIANCE WITH THIS SUBSECTION (3) IN A PLACE THAT IS ACCESSIBLE TO THE PUBLIC IN THE COUNTY CLERK AND RECORDER'S OFFICE AND ON ITS WEBSITE.

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

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

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

(XIX) (A) Except as provided in ~~sub-subparagraph (C) of this subparagraph~~ ~~(XIX)~~ SUBSECTION (3)(a)(XIX)(C) OF THIS SECTION, applications for a marriage license submitted pursuant to ~~section 14-2-106, C.R.S.,~~ PART 1 OF ARTICLE 2 OF TITLE 14 and, except as provided in ~~sub-subparagraph (C) of this subparagraph~~ ~~(XIX)~~ SUBSECTION (3)(a)(XIX)(C) OF THIS SECTION, applications for a civil union license submitted pursuant to ~~section 14-15-110, C.R.S.,~~ ARTICLE 15 OF TITLE 14. A person in interest under this ~~subparagraph (XIX)~~ SUBSECTION (3)(a)(XIX) includes an immediate family member of either party to the marriage application. As used in this ~~subparagraph (XIX)~~ SUBSECTION (3)(a)(XIX), "immediate family member" means a person who is related by blood, marriage, or adoption. Nothing in this ~~subparagraph (XIX) shall be~~ SUBSECTION (3)(a)(XIX) IS construed to prohibit the inspection of marriage licenses or marriage certificates or of civil union certificates or to otherwise change the status of those licenses or certificates as public records.

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

26-7.5-105. Funding of domestic abuse programs. (1) (b) ~~Moneys~~ MONEY generated from fees collected pursuant to ~~sections 14-2-106 (1)(a) and 14-15-110,~~

~~C.R.S.~~, PART 1 OF ARTICLE 2 OF TITLE 14 AND ARTICLE 15 OF TITLE 14 or transferred pursuant to section 13-32-101 (5)(a)(X) or (5)(b)(II) ~~C.R.S.~~, shall be used to reimburse domestic abuse programs that provide services as provided in section 26-7.5-103 to persons or their families, which persons are married, separated, or divorced or parties to a civil union or an invalidated, legally separated, or dissolved civil union.

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, or safety.

Approved: June 18, 2021