

**Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**ENGROSSED**

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

LLS NO. 20-0602.01 Jerry Barry x4341

**HOUSE BILL 20-1088**

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**HOUSE SPONSORSHIP**

**Gonzales-Gutierrez,**

**SENATE SPONSORSHIP**

**Danielson,**

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

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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.

HOUSE  
Amended 2nd Reading  
February 27, 2020

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 HE OR  
17 SHE 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 HAS RESPONSIBILITY 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 FEDERAL REGISTER AT 72 FR 53016.

5 **24-4.1-402. Immigration certification forms - completion**  
6 **deadlines.** (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION,  
7 A CERTIFYING AGENCY SHALL PROCESS AND EITHER SIGN OR DECLINE TO  
8 SIGN A CERTIFICATION FORM WITHIN NINETY DAYS AFTER RECEIPT OF A  
9 REQUEST.

10 (2) A CERTIFYING AGENCY SHALL PROCESS AND EITHER SIGN OR  
11 DECLINE TO SIGN A CERTIFICATION FORM WITHIN THIRTY DAYS AFTER  
12 RECEIPT OF A REQUEST IF:

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

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

20 **24-4.1-403. Certification forms - signature requirement -**  
21 **limitation on factors for consideration.** (1) UPON REQUEST, A  
22 CERTIFYING OFFICIAL FROM A CERTIFYING AGENCY SHALL EXECUTE AND  
23 SIGN THE CERTIFICATION FORM WHEN IT IS DETERMINED THAT THE VICTIM:

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

25 (b) HAS BEEN HELPFUL, IS BEING HELPFUL, OR IS LIKELY TO BE  
26 HELPFUL TO THE DETECTION, INVESTIGATION, OR PROSECUTION OF THAT  
27 QUALIFYING CRIMINAL ACTIVITY.

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

7 (b) A CERTIFYING AGENCY'S INABILITY TO COMMUNICATE WITH A  
8 VICTIM DUE TO THE VICTIM'S LANGUAGE SHALL NOT BE CONSIDERED A  
9 REFUSAL OR FAILURE TO PROVIDE ASSISTANCE.

10 (3) THE CERTIFYING AGENCY SHALL NOT CONSIDER ANY OTHER  
11 FACTORS IN DECIDING WHETHER TO SIGN THE CERTIFICATION FORM,  
12 EXCEPT THE FACTORS LISTED IN SUBSECTION (1) OF THIS SECTION.

13 (4) IF A CERTIFYING OFFICIAL OR AGENCY SIGNS THE  
14 CERTIFICATION FORM, THE OFFICIAL OR AGENCY SHALL RETURN THE  
15 SIGNED CERTIFICATION FORM TO THE REQUESTOR, ALONG WITH, FREE OF  
16 CHARGE, OFFENSE REPORTS RELATED TO THE CRIMINAL ACTIVITY SUBJECT  
17 TO RELEASE BY LAW. THE TIMING OF RELEASE OF SUCH REPORTS FOR OPEN  
18 CASES IS SUBJECT TO THE CERTIFYING AGENCY'S DISCRETION.

19 (5) THE CERTIFYING AGENCY IS NEITHER A SPONSOR NOR A  
20 DECISION-MAKER OF THE U VISA . A CERTIFYING OFFICIAL'S COMPLETION  
21 OF A CERTIFICATION FORM IS NOT SUFFICIENT EVIDENCE THAT AN  
22 APPLICANT FOR A U VISA HAS MET ALL ELIGIBILITY REQUIREMENTS AND  
23 DOES NOT GUARANTEE THAT THE VICTIM WILL RECEIVE A U VISA. IT IS THE  
24 EXCLUSIVE RESPONSIBILITY OF FEDERAL IMMIGRATION OFFICIALS TO  
25 DETERMINE WHETHER A PERSON IS ELIGIBLE FOR A U VISA. COMPLETION  
26 OF A CERTIFICATION FORM BY A CERTIFYING OFFICIAL MERELY VERIFIES  
27 FACTUAL INFORMATION RELEVANT FOR FEDERAL IMMIGRATION OFFICIALS

1 TO DETERMINE ELIGIBILITY FOR A U VISA. BY COMPLETING A  
2 CERTIFICATION FORM, THE CERTIFYING OFFICIAL ATTESTS THAT THE  
3 INFORMATION IS TRUE AND CORRECT TO THE BEST OF THE CERTIFYING  
4 OFFICIAL'S KNOWLEDGE.

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

7 (7) IF A CERTIFYING OFFICIAL OR AGENCY DECLINES TO SIGN THE  
8 CERTIFICATION FORM, THE OFFICIAL OR AGENCY SHALL, IN WRITING,  
9 NOTIFY THE REQUESTOR OF THE REASON FOR THE DENIAL. THE DENIAL  
10 NOTIFICATION MUST CONTAIN A DETAILED EXPLANATION OF THE REASON  
11 FOR THE DENIAL, CONSISTING OF ONE OF THE FOLLOWING:

12 (a) THE REQUESTOR WAS NOT A VICTIM OF A QUALIFYING  
13 CRIMINAL ACTIVITY;

14 (b) LACK OF HELPFULNESS, INCLUDING DOCUMENTED INSTANCES  
15 OF FAILURE OR REFUSAL TO COMPLY WITH REASONABLE REQUESTS FOR  
16 ASSISTANCE; OR

17 (c) LACK OF JURISDICTION OVER THE CERTIFICATION FORM  
18 REQUEST DUE TO THE CERTIFYING AGENCY NOT HAVING BEEN INVOLVED  
19 IN THE DETECTION, INVESTIGATION, OR PROSECUTION OF THE QUALIFYING  
20 CRIMINAL ACTIVITY.

21 (8) UPON RECEIVING NOTICE THAT A REQUEST FOR A  
22 CERTIFICATION FORM PURSUANT TO THIS SECTION IS DENIED, A REQUESTOR  
23 MAY PROVIDE SUPPLEMENTAL INFORMATION TO THE CERTIFYING AGENCY  
24 AND REQUEST THAT THE CERTIFICATION FORM DENIAL BE REVIEWED BY  
25 THE CERTIFYING AGENCY. A REQUESTOR MAY ALSO SEEK A CERTIFICATION  
26 FORM FROM MULTIPLE CERTIFYING AGENCIES.

27 **24-4.1-404. Prohibition on disclosure of victim's immigration**

1 **status.** A CERTIFYING AGENCY IS PROHIBITED FROM DISCLOSING THE  
2 PERSONAL IDENTIFYING INFORMATION OR IMMIGRATION STATUS OF A  
3 VICTIM OR PERSON REQUESTING THE CERTIFICATION, EXCEPT TO COMPLY  
4 WITH FEDERAL LAW OR PROCESS.

5 **24-4.1-405. Duty to inform victims.** CERTIFYING AGENCIES  
6 SHALL PROVIDE INFORMATION REGARDING THE U VISA AND THE AGENCY'S  
7 PROCEDURES FOR CERTIFICATION TO VICTIMS.

8 **24-4.1-406. Reports.** ON OR BEFORE SEPTEMBER 1, 2021, AND ON  
9 OR BEFORE EACH MARCH 1 THEREAFTER, A CERTIFYING AGENCY THAT  
10 RECEIVES A REQUEST FOR A CERTIFICATION SHALL REPORT TO THE  
11 DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY ON  
12 AN ANNUAL BASIS THE NUMBER OF REQUESTS FOR CERTIFICATION  
13 RECEIVED, THE NUMBER OF CERTIFICATIONS THAT WERE SIGNED, THE  
14 TOTAL NUMBER THAT WERE DENIED, THE NUMBER DENIED FOR EACH  
15 REASON SUPPORTING THE DENIAL, AND THE NUMBER OF DECISIONS THAT  
16 FELL OUTSIDE THE PRESCRIBED COMPLETION DEADLINES. THE DIVISION  
17 SHALL MAKE THE REPORTS AVAILABLE TO THE PUBLIC UPON REQUEST.

18 **SECTION 2. Act subject to petition - effective date -**  
19 **applicability.** (1) This act takes effect September 1, 2020; except that,  
20 if a referendum petition is filed pursuant to section 1 (3) of article V of  
21 the state constitution against this act or an item, section, or part of this act  
22 within the ninety-day period after final adjournment of the general  
23 assembly, then the act, item, section, or part will not take effect unless  
24 approved by the people at the general election to be held in November  
25 2020 and, in such case, will take effect on the date of the official  
26 declaration of the vote thereon by the governor.

- 1 (2) This act applies to requests and resubmitted requests for
- 2 certifications made on or after the applicable effective date of this act.