

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 21-0971.01 Jacob Baus x2173

HOUSE BILL 21-1287

HOUSE SPONSORSHIP

Gonzales-Gutierrez and Soper,

SENATE SPONSORSHIP

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.

HOUSE
Amended 2nd Reading
May 10, 2021

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** OR ONLINE FUNCTIONALITY,
10 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 PROSPECTIVE MARRIAGE TO SATISFY CERTAIN REQUIREMENTS
6 WITHOUT APPEARING IN PERSON AND STAFF MEMBERS WHO CARRY OUT
7 DUTIES ON BEHALF OF THE COUNTY CLERK AND RECORDER PURSUANT TO
8 THIS SECTION SHALL COMPLETE THE TRAINING AND CURRICULA
9 DEVELOPED BY THE HUMAN TRAFFICKING COUNCIL CREATED IN SECTION
10 18-3-505 FOR PERSONS WHO WORK IN OR WHO FREQUENT PLACES WHERE
11 HUMAN TRAFFICKING VICTIMS ARE LIKELY TO APPEAR. THE TRAINING AND
12 CURRICULA MUST BE COMPLETED PRIOR TO PERMITTING PARTIES TO A
13 PROSPECTIVE MARRIAGE TO SATISFY CERTAIN REQUIREMENTS WITHOUT
14 APPEARING IN PERSON PURSUANT TO THIS SECTION; EXCEPT THAT IF A
15 COUNTY CLERK AND RECORDER PERMITS THE PARTIES TO A PROSPECTIVE
16 MARRIAGE TO SATISFY CERTAIN REQUIREMENTS WITHOUT APPEARING IN
17 PERSON ON AND BEFORE THE EFFECTIVE DATE OF HB 21-1287, THE
18 TRAINING AND CURRICULA MUST BE COMPLETED NO LATER THAN THIRTY
19 DAYS AFTER THE EFFECTIVE DATE OF HB 21-1287. A COUNTY CLERK AND
20 RECORDER WHO PERMITS THE PARTIES TO A PROSPECTIVE MARRIAGE TO
21 SATISFY CERTAIN REQUIREMENTS WITHOUT APPEARING IN PERSON SHALL
22 MAINTAIN RECORDS DEMONSTRATING COMPLIANCE WITH THIS SUBSECTION
23 (3) AND SHALL DISPLAY A NOTICE OF COMPLIANCE WITH THIS SUBSECTION
24 (3) IN A PLACE THAT IS ACCESSIBLE TO THE PUBLIC IN THE COUNTY CLERK
25 AND RECORDER'S OFFICE AND ON ITS WEBSITE.

26 (4) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2023.

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

1 follows:

2 **14-15-110.5. Civil union license and certificate without**
3 **appearing in person - repeal.** (1) NOTWITHSTANDING SECTION
4 14-15-110 TO THE CONTRARY, A COUNTY CLERK AND RECORDER MAY
5 PERMIT THE PARTIES TO A PROPOSED CIVIL UNION TO SATISFY THE
6 REQUIREMENT TO APPEAR BEFORE THE COUNTY CLERK AND RECORDER BY
7 AN INTERACTIVE AUDIOVISUAL COMMUNICATION TECHNOLOGY OR ONLINE
8 FUNCTIONALITY, FOR THE FOLLOWING LIMITED PURPOSES:

9 (a) TO VERIFY APPLICATION INFORMATION;

10 (b) TO PRESENT SATISFACTORY PROOF, AS REQUIRED, THAT EACH
11 PARTY TO THE CIVIL UNION MEETS THE CRITERIA TO ENTER INTO A CIVIL
12 UNION;

13 (c) TO PRESENT SATISFACTORY PROOF THAT THE CIVIL UNION IS
14 NOT PROHIBITED; OR

15 (d) TO PAY REQUIRED FEES.

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

22 (3) A COUNTY CLERK AND RECORDER WHO PERMITS THE PARTIES
23 TO A PROPOSED CIVIL UNION TO SATISFY CERTAIN REQUIREMENTS
24 WITHOUT APPEARING IN PERSON AND STAFF MEMBERS WHO CARRY OUT
25 DUTIES ON BEHALF OF THE COUNTY CLERK AND RECORDER PURSUANT TO
26 THIS SECTION SHALL COMPLETE THE TRAINING AND CURRICULA
27 DEVELOPED BY THE HUMAN TRAFFICKING COUNCIL CREATED IN SECTION

1 18-3-505 FOR PERSONS WHO WORK IN OR WHO FREQUENT PLACES WHERE
2 HUMAN TRAFFICKING VICTIMS ARE LIKELY TO APPEAR. THE TRAINING AND
3 CURRICULA MUST BE COMPLETED PRIOR TO PERMITTING PARTIES TO A
4 PROPOSED CIVIL UNION TO SATISFY CERTAIN REQUIREMENTS WITHOUT
5 APPEARING IN PERSON PURSUANT TO THIS SECTION; EXCEPT THAT IF A
6 COUNTY CLERK AND RECORDER PERMITS THE PARTIES TO A PROPOSED
7 CIVIL UNION TO SATISFY CERTAIN REQUIREMENTS WITHOUT APPEARING IN
8 PERSON ON AND BEFORE THE EFFECTIVE DATE OF HB 21-1287, THE
9 TRAINING AND CURRICULA MUST BE COMPLETED NO LATER THAN THIRTY
10 DAYS AFTER THE EFFECTIVE DATE OF HB 21-1287. A COUNTY CLERK AND
11 RECORDER WHO PERMITS THE PARTIES TO A PROPOSED CIVIL UNION TO
12 SATISFY CERTAIN REQUIREMENTS WITHOUT APPEARING IN PERSON SHALL
13 MAINTAIN RECORDS DEMONSTRATING COMPLIANCE WITH THIS SUBSECTION
14 (3) AND SHALL DISPLAY A NOTICE OF COMPLIANCE WITH THIS SUBSECTION
15 (3) IN A PLACE THAT IS ACCESSIBLE TO THE PUBLIC IN THE COUNTY CLERK
16 AND RECORDER'S OFFICE AND ON ITS WEBSITE.

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

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

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

27 (XIX) (A) Except as provided in ~~sub-subparagraph (C) of this~~

1 ~~subparagraph (XIX)~~ SUBSECTION (3)(a)(XIX)(C) OF THIS SECTION,
2 applications for a marriage license submitted pursuant to ~~section~~
3 ~~14-2-106, C.R.S.~~ PART 1 OF ARTICLE 2 OF TITLE 14 and, except as
4 provided in ~~sub-subparagraph (C)~~ of this ~~subparagraph (XIX)~~
5 SUBSECTION (3)(a)(XIX)(C) OF THIS SECTION, applications for a civil
6 union license submitted pursuant to ~~section 14-15-110, C.R.S.~~ ARTICLE
7 15 OF TITLE 14. A person in interest under this ~~subparagraph (XIX)~~
8 SUBSECTION (3)(a)(XIX) includes an immediate family member of either
9 party to the marriage application. As used in this ~~subparagraph (XIX)~~
10 SUBSECTION (3)(a)(XIX), "immediate family member" means a person
11 who is related by blood, marriage, or adoption. Nothing in this
12 ~~subparagraph (XIX) shall be~~ SUBSECTION (3)(a)(XIX) IS construed to
13 prohibit the inspection of marriage licenses or marriage certificates or of
14 civil union certificates or to otherwise change the status of those licenses
15 or certificates as public records.

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

18 **26-7.5-105. Funding of domestic abuse programs.**
19 (1) (b) ~~Moneys~~ MONEY generated from fees collected pursuant to
20 ~~sections 14-2-106 (1)(a) and 14-15-110, C.R.S.~~ PART 1 OF ARTICLE 2 OF
21 TITLE 14 AND ARTICLE 15 OF TITLE 14 or transferred pursuant to section
22 13-32-101 (5)(a)(X) or (5)(b)(II) ~~C.R.S.~~ shall be used to reimburse
23 domestic abuse programs that provide services as provided in section
24 26-7.5-103 to persons or their families, which persons are married,
25 separated, or divorced or parties to a civil union or an invalidated, legally
26 separated, or dissolved civil union.

27 **SECTION 5. Safety clause.** The general assembly hereby finds,

1 determines, and declares that this act is necessary for the immediate
2 preservation of the public peace, health, or safety.