

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 16-1134.01 Debbie Haskins x2045

HOUSE BILL 16-1396

HOUSE SPONSORSHIP

Lebsock,

SENATE SPONSORSHIP

(None),

House Committees

Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CHANGING OUTDATED REFERENCES TO ALIENS IN THE**
102 **COLORADO REVISED STATUTES WITH RESPECT TO COLORADO**
103 **PROGRAMS.**

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://www.leg.state.co.us/billsummaries>.)

The bill replaces references to "illegal alien" and "alien" in the Colorado Revised Statutes that relate to state laws and state programs with the term "undocumented immigrant" or other references, such as "foreign national", which indicate a person's immigration status. For purposes of the Colorado Revised Statutes, the bill defines the term

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
2nd Reading Unamended
March 31, 2016

"undocumented immigrant" as a person who is not a U.S. citizen and who is residing in or is present in the United States without official documents that authorize the person to enter, live in, or work in the United States.

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

2 **SECTION 1.** In Colorado Revised Statutes, 2-4-401, **add** (14.5)

3 as follows:

4 **2-4-401. Definitions.** The following definitions apply to every
5 statute, unless the context otherwise requires:

6 (14.5) "UNDOCUMENTED IMMIGRANT" MEANS A PERSON WHO IS
7 NOT A UNITED STATES CITIZEN AND WHO IS RESIDING IN OR IS PRESENT IN
8 THE UNITED STATES WITHOUT OFFICIAL DOCUMENTS THAT AUTHORIZE
9 THE PERSON TO ENTER, LIVE IN, OR WORK IN THE UNITED STATES.

10 **SECTION 2.** In Colorado Revised Statutes, 8-17.5-102, **amend**

11 (1) and (2) as follows:

12 **8-17.5-102. Undocumented immigrants - prohibition - public
13 contracts for services - rules.** (1) A state agency or political subdivision
14 shall not enter into or renew a public contract for services with a
15 contractor who knowingly employs or contracts with an ~~illegal alien~~
16 UNDOCUMENTED IMMIGRANT to perform work under the contract or who
17 knowingly contracts with a subcontractor who knowingly employs or
18 contracts with an ~~illegal alien~~ UNDOCUMENTED IMMIGRANT to perform
19 work under the contract. Prior to executing a public contract for services,
20 each prospective contractor shall certify that, at the time of the
21 certification, it does not knowingly employ or contract with an ~~illegal~~
22 ~~alien~~ UNDOCUMENTED IMMIGRANT who will perform work under the
23 public contract for services and that the contractor will participate in the
24 e-verify program or department program in order to confirm the

1 employment eligibility of all employees who are newly hired for
2 employment to perform work under the public contract for services.

3 (2) (a) Each public contract for services shall include a provision
4 that the contractor shall not:

5 (I) Knowingly employ or contract with an ~~illegal alien~~
6 UNDOCUMENTED IMMIGRANT to perform work under the public contract
7 for services; or

8 (II) Enter into a contract with a subcontractor that fails to certify
9 to the contractor that the subcontractor shall not knowingly employ or
10 contract with an ~~illegal alien~~ UNDOCUMENTED IMMIGRANT to perform
11 work under the public contract for services.

12 (b) Each public contract for services shall also include the
13 following provisions:

14 (I) A provision stating that the contractor has confirmed the
15 employment eligibility of all employees who are newly hired for
16 employment to perform work under the public contract for services
17 through participation in either the e-verify program or the department
18 program;

19 (II) A provision that prohibits the contractor from using either the
20 e-verify program or the department program procedures to undertake
21 preemployment screening of job applicants while the public contract for
22 services is being performed;

23 (III) A provision that, if the contractor obtains actual knowledge
24 that a subcontractor performing work under the public contract for
25 services knowingly employs or contracts with an ~~illegal alien~~
26 UNDOCUMENTED IMMIGRANT, the contractor shall be required to:

27 (A) Notify the subcontractor and the contracting state agency or

1 political subdivision within three days that the contractor has actual
2 knowledge that the subcontractor is employing or contracting with an
3 ~~illegal alien~~ UNDOCUMENTED IMMIGRANT; and

4 (B) Terminate the subcontract with the subcontractor if within
5 three days of receiving the notice required pursuant to sub subparagraph
6 (A) of this subparagraph (III) the subcontractor does not stop employing
7 or contracting with the ~~illegal alien~~ UNDOCUMENTED IMMIGRANT; except
8 that the contractor shall not terminate the contract with the subcontractor
9 if during such three days the subcontractor provides information to
10 establish that the subcontractor has not knowingly employed or contracted
11 with an ~~illegal alien~~ UNDOCUMENTED IMMIGRANT;

12 (IV) A provision that requires the contractor to comply with any
13 reasonable request by the department made in the course of an
14 investigation that the department is undertaking pursuant to the authority
15 established in subsection (5) of this section.

16 **SECTION 3.** In Colorado Revised Statutes, **amend** 15-11-111 as
17 follows:

18 **15-11-111. No disqualification due to nationality or**
19 **immigration status.** ~~No~~ An individual is NOT disqualified to take as an
20 heir, devisee, grantee, lessee, mortgagee, assignee, or other transferee
21 because the individual or an individual through whom he or she claims is
22 or has been an ~~alien~~ UNDOCUMENTED IMMIGRANT OR A FOREIGN
23 NATIONAL.

24 **SECTION 4.** In Colorado Revised Statutes, 17-27.7-103, **amend**
25 (1) as follows:

26 **17-27.7-103. Regimented inmate training program - eligibility**
27 **of offenders.** (1) The executive director may assign an inmate to a

1 regimented inmate training program pursuant to section 17-40-102 (2).
2 The executive director shall assign to a regimented inmate training
3 program only those inmates who are nonviolent offenders thirty years of
4 age or younger who are not serving a sentence, and have not served a
5 previous sentence, in a correctional facility for an unlawful sexual
6 behavior offense described in section 16-22-102 (9), C.R.S., a crime of
7 violence described in section 18-1.3-406, C.R.S., an assault offense
8 described in part 2 of article 3 of title 18, C.R.S., or a child abuse offense
9 described in part 4 of article 6 of title 18, C.R.S., or who are not presently
10 serving a sentence for a nonviolent offense that was reduced from an
11 unlawful sexual behavior offense described in section 16-22-102 (9),
12 C.R.S., a crime of violence described in section 18-1.3-406, C.R.S., an
13 assault offense described in part 2 of article 3 of title 18, C.R.S., or a
14 child abuse offense described in part 4 of article 6 of title 18, C.R.S., as
15 a result of a plea agreement or who are not ~~aliens~~ UNDOCUMENTED
16 IMMIGRANTS subject to a removal order OR FOREIGN NATIONALS SUBJECT
17 TO A REMOVAL ORDER. Any offender assigned to the program shall be free
18 of any physical or mental ~~defect~~ DISABILITY which could jeopardize his
19 or her ability to complete the program. The department may eliminate any
20 offender from the program ~~upon a determination by~~ IF the department that
21 ~~a~~ DETERMINES THAT THE OFFENDER HAS A physical or mental ~~defect~~
22 DISABILITY THAT will prevent full participation in the program. ~~by such~~
23 ~~offender~~. The department is absolved of liability for participation in the
24 program.

25 **SECTION 5.** In Colorado Revised Statutes, 22-32-118, **amend**
26 (2) (a) as follows:

27 **22-32-118. Summer schools - continuation, evening, and**

1 **community education programs.** (2) (a) A board of education may
2 establish and maintain continuation programs, part-time programs,
3 evening programs, vocational programs, programs for ~~aliens~~
4 UNDOCUMENTED IMMIGRANTS OR FOREIGN NATIONALS, and other
5 opportunity programs and may pay for such programs out of the moneys
6 of the school district or charge a fee or tuition. A board may also establish
7 and maintain open-air schools, playgrounds, and museums and may pay
8 for the same out of moneys of the school district.

9 **SECTION 6.** In Colorado Revised Statutes, 23-7-110, **amend** (1)
10 introductory portion as follows:

11 **23-7-110. Tuition classification of students who successfully
12 complete high school or a high school equivalency examination in
13 Colorado.** (1) Notwithstanding any other provision of this article to the
14 contrary, a student, other than a STUDENT WITH A nonimmigrant ~~alien~~
15 VISA, must be classified as an in-state student for tuition purposes if:

16 **SECTION 7.** In Colorado Revised Statutes, 24-32-2003, **amend**
17 (5) introductory portion and (5) (b) (I) as follows:

18 **24-32-2003. Colorado youth conservation and service corps
19 council - creation - membership - duties.** (5) The council shall have
20 HAS the following powers, duties, and functions:

21 (b) To assist program agencies with the preparation of proposals
22 for grants to the commission on national and community service at such
23 time, in such manner, and containing such information as the commission
24 on national and community service may reasonably require, including, but
25 not limited to:

26 (I) That enrollment in such program be limited to individuals who,
27 at the time of enrollment, are not less than sixteen years of age nor more

1 than twenty-five years of age; except that a summer program may include
2 individuals who are not less than fifteen years of age nor more than
3 twenty-one years of age at the time of enrollment of such individuals and
4 who are citizens or nationals of the United States or ~~lawful permanent~~
5 ~~resident aliens of~~ ARE FOREIGN NATIONALS LAWFULLY RESIDING IN the
6 United States;

7 **SECTION 8. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly (August
10 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
11 referendum petition is filed pursuant to section 1 (3) of article V of the
12 state constitution against this act or an item, section, or part of this act
13 within such period, then the act, item, section, or part will not take effect
14 unless approved by the people at the general election to be held in
15 November 2016 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.