

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0873.01 Debbie Haskins x2045

HOUSE BILL 15-1282

HOUSE SPONSORSHIP

Saine, Humphrey, Nordberg

SENATE SPONSORSHIP

Newell, Marble

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF CRIMES INVOLVING DECEPTION ABOUT
102 MATERIAL INFORMATION IN CONNECTION WITH THE
103 PREPARATION OF BIRTH CERTIFICATES.

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/bills summaries>.)

The bill makes it a class 2 misdemeanor for a birth parent to intentionally omit material information regarding his or her own personal data for use in the preparation of an original birth certificate registering the birth of a child. "Material information" is defined as the name of a birth parent, the birth date of a birth parent, the mother's maiden name

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.

prior to a first marriage, if applicable, and the place of birth of a birth parent. If the birth parent intentionally omits material information in the preparation of a birth certificate for the purpose of obtaining or creating identification documents to assist in the commission of human trafficking, the penalty for the crime is enhanced to a class 1 misdemeanor.

The bill creates a crime of submitting false information for the preparation of a birth certificate if a person knowingly:

- ! Creates a false record for use in the preparation of an original birth certificate or an amended birth certificate; or
- ! Supplies false information about material information, knowingly submits the wrong name of a birth parent, or knowingly submits a fictitious name of a birth parent for use in the preparation of an original birth certificate or an amended birth certificate; or
- ! Directs another person to supply false information about material information, to submit the wrong name of a birth parent, or to submit a fictitious name of a birth parent for use in the preparation of an original birth certificate or an amended birth certificate.

Supplying false information for the preparation of a birth certificate is a class 2 misdemeanor; except that, if the person intentionally supplies false information in the preparation of a birth certificate for the purpose of obtaining or creating identification documents to assist in the commission of human trafficking, the penalty for the crime is enhanced to a class 1 misdemeanor.

The bill defines "person" as a natural person and includes a person employed by or representing a licensed child placement agency or an agency or organization facilitating adoptions or a person holding himself or herself out as a person involved in adoptions.

To avoid overlap with another criminal statute on making false statements in or supplying false information for any vital statistics certificate, which would include birth certificates, the bill makes a conforming amendment to except these new crimes from that statute.

The state registrar of vital statistics is required to revise the application for a certificate of live birth to include a statement that intentionally omitting material information on the application about a person's own personal data is a misdemeanor and that knowingly submitting false information on the application, knowingly submitting the wrong name of a birth parent or knowingly submitting a false name or fictitious name on the application, or knowingly directing another person to supply false information or a false or fictitious name on the application is a misdemeanor.

1 **SECTION 1.** In Colorado Revised Statutes, **add 25-2-112.7** as
2 follows:

3 **25-2-112.7. Crime of omitting material information in the**
4 **preparation of a birth certificate - crime of submitting false**
5 **information for the preparation of a birth certificate - intent to**
6 **commit human trafficking - misdemeanor penalty - definitions -**
7 **legislative declaration.** (1) THE GENERAL ASSEMBLY FINDS THAT
8 CHILDREN ARE HARMED WHEN A BIRTH CERTIFICATE THAT IS ISSUED AFTER
9 A CHILD IS BORN IS INCOMPLETE, CONTAINS FALSE INFORMATION, OR
10 CONTAINS THE WRONG NAME OR A FICTITIOUS NAME OF A BIOLOGICAL
11 PARENT. WHEN THE CORRECT NAME OF A BIOLOGICAL PARENT IS NOT ON
12 THE ORIGINAL BIRTH CERTIFICATE, THE CHILD IS LESS LIKELY TO HAVE
13 PATERNITY LEGALLY ESTABLISHED AND LESS LIKELY TO HAVE THE
14 CHANCE TO DEVELOP A PARENT-CHILD RELATIONSHIP WITH THAT
15 BIOLOGICAL PARENT. IN ADDITION, THE CHILD MAY NOT BE ABLE TO
16 ACCESS PATERNAL OR MATERNAL MEDICAL HISTORY OR CULTURAL
17 HISTORY BECAUSE THE TIE WITH THE BIOLOGICAL PARENT HAS NOT BEEN
18 ESTABLISHED AND RECORDED ON THE BIRTH CERTIFICATE. IN ADDITION,
19 WHEN BIRTH CERTIFICATES CONTAIN ALTERED, FALSE, OR MISSING
20 INFORMATION, FUTURE GENERATIONS WILL NOT BE ABLE TO HAVE
21 ACCURATE INFORMATION ABOUT THE MEDICAL HISTORY OR HERITAGE OF
22 THEIR RELATIVES. THE GENERAL ASSEMBLY FURTHER FINDS THAT WHEN
23 A BIRTH CERTIFICATE IS INACCURATE, ALTERED, OR CONTAINS A
24 FICTITIOUS OR FALSE NAME OR IS MISSING THE NAME OF A BIOLOGICAL
25 PARENT, THERE IS A GREATER LIKELIHOOD THAT THE CHILD MAY BE
26 HARMED AND EXPLOITED AS A RESULT OF HUMAN TRAFFICKING. THE
27 GENERAL ASSEMBLY, THEREFORE, STATES THAT ONE PURPOSE OF THIS

1 SECTION IS TO MAKE IT A CRIME FOR A BIOLOGICAL PARENT TO
2 INTENTIONALLY OMIT MATERIAL INFORMATION ABOUT HIS OR HER OWN
3 PERSONAL DATA IN THE PREPARATION OF A BIRTH CERTIFICATE. THE
4 GENERAL ASSEMBLY FURTHER STATES THAT A SECOND PURPOSE OF THIS
5 SECTION IS TO MAKE IT A CRIME FOR A PERSON OR A LICENSED CHILD
6 PLACEMENT AGENCY OR AN AGENCY OR ORGANIZATION FACILITATING
7 ADOPTIONS OR A PERSON HOLDING HIMSELF OR HERSELF OUT AS A PERSON
8 INVOLVED IN ADOPTIONS TO KNOWINGLY SUPPLY FALSE INFORMATION FOR
9 THE PREPARATION OF A BIRTH CERTIFICATE. THE GENERAL ASSEMBLY
10 FURTHER FINDS THAT THE PENALTY FOR THESE CRIMES SHOULD BE
11 ENHANCED IF THE CRIMES ARE COMMITTED FOR THE PURPOSE OF
12 OBTAINING OR CREATING IDENTIFICATION DOCUMENTS TO ASSIST IN THE
13 COMMISSION OF HUMAN TRAFFICKING.

14 (2) FOR PURPOSES OF THIS SECTION:

15 (a) "MATERIAL INFORMATION" MEANS THE NAME OF A BIRTH
16 PARENT, THE BIRTH DATE OF A BIRTH PARENT, THE MOTHER'S MAIDEN
17 NAME PRIOR TO A FIRST MARRIAGE, IF APPLICABLE, AND THE PLACE OF
18 BIRTH OF A BIRTH PARENT.

19 (b) "PERSON" MEANS A NATURAL PERSON AND INCLUDES A PERSON
20 EMPLOYED BY OR REPRESENTING A LICENSED CHILD PLACEMENT AGENCY
21 OR AN AGENCY OR ORGANIZATION FACILITATING ADOPTIONS OR A PERSON
22 HOLDING HIMSELF OR HERSELF OUT AS A PERSON INVOLVED IN ADOPTIONS.

23 (3) (a) A PERSON WHO IS A BIRTH PARENT COMMITS THE CRIME OF
24 OMITTING MATERIAL INFORMATION IN THE PREPARATION OF A BIRTH
25 CERTIFICATE IF THE PERSON INTENTIONALLY OMITTS MATERIAL
26 INFORMATION ABOUT HIS OR HER OWN PERSONAL DATA FOR USE IN THE
27 PREPARATION OF AN ORIGINAL BIRTH CERTIFICATE REGISTERING THE

1 BIRTH OF A CHILD.

2 (b) OMITTING MATERIAL INFORMATION IN THE PREPARATION OF A
3 BIRTH CERTIFICATE IS A CLASS 2 MISDEMEANOR; EXCEPT THAT, IF THE
4 PERSON INTENTIONALLY OMITTS MATERIAL INFORMATION IN THE
5 PREPARATION OF A BIRTH CERTIFICATE FOR THE PURPOSE OF OBTAINING
6 OR CREATING IDENTIFICATION DOCUMENTS TO ASSIST IN THE COMMISSION
7 OF HUMAN TRAFFICKING, AS DEFINED IN SECTION 18-3-503, C.R.S., OR
8 SECTION 18-3-504, C.R.S., OR AS DEFINED UNDER THE LAWS OF ANY
9 OTHER STATE, THE UNITED STATES, OR ANY TERRITORY SUBJECT TO THE
10 JURISDICTION OF THE UNITED STATES, IF COMMITTED WITHIN THIS STATE
11 WOULD VIOLATE SECTION 18-3-503, C.R.S., OR SECTION 18-3-504, C.R.S.,
12 THE CRIME IS A CLASS 1 MISDEMEANOR.

13 (4) (a) A PERSON COMMITS THE CRIME OF SUPPLYING FALSE
14 INFORMATION FOR THE PREPARATION OF A BIRTH CERTIFICATE IF THE
15 PERSON:

16 (I) KNOWINGLY CREATES A FALSE RECORD FOR USE IN THE
17 PREPARATION OF AN ORIGINAL BIRTH CERTIFICATE OR AN AMENDED BIRTH
18 CERTIFICATE; OR

19 (II) KNOWINGLY SUPPLIES FALSE INFORMATION ABOUT MATERIAL
20 INFORMATION, KNOWINGLY SUBMITS THE WRONG NAME OF A BIRTH
21 PARENT, OR KNOWINGLY SUBMITS A FICTITIOUS NAME OF A BIRTH PARENT
22 FOR USE IN THE PREPARATION OF AN ORIGINAL BIRTH CERTIFICATE OR AN
23 AMENDED BIRTH CERTIFICATE; OR

24 (III) KNOWINGLY DIRECTS ANOTHER PERSON TO SUPPLY FALSE
25 INFORMATION ABOUT MATERIAL INFORMATION, TO SUBMIT THE WRONG
26 NAME OF A BIRTH PARENT, OR TO SUBMIT A FICTITIOUS NAME OF A BIRTH
27 PARENT FOR USE IN THE PREPARATION OF AN ORIGINAL BIRTH CERTIFICATE

1 OR AN AMENDED BIRTH CERTIFICATE.

2 (b) SUPPLYING FALSE INFORMATION FOR THE PREPARATION OF A
3 BIRTH CERTIFICATE IS A CLASS 2 MISDEMEANOR; EXCEPT THAT, IF THE
4 PERSON INTENTIONALLY SUPPLIES FALSE INFORMATION IN THE
5 PREPARATION OF A BIRTH CERTIFICATE FOR THE PURPOSE OF OBTAINING
6 OR CREATING IDENTIFICATION DOCUMENTS TO ASSIST IN THE COMMISSION
7 OF HUMAN TRAFFICKING, AS DEFINED IN SECTION 18-3-503, C.R.S., OR
8 SECTION 18-3-504, C.R.S., OR AS DEFINED UNDER THE LAWS OF ANY
9 OTHER STATE, THE UNITED STATES, OR ANY TERRITORY SUBJECT TO THE
10 JURISDICTION OF THE UNITED STATES, IF COMMITTED WITHIN THIS STATE
11 WOULD VIOLATE SECTION 18-3-503, C.R.S., OR SECTION 18-3-504, C.R.S.,
12 THE CRIME IS A CLASS 1 MISDEMEANOR.

13 **SECTION 2.** In Colorado Revised Statutes, 25-2-118, **amend** (1)
14 as follows:

15 **25-2-118. Penalties.** (1) EXCEPT AS OTHERWISE PROVIDED FOR IN
16 SECTION 25-2-112.7 WITH RESPECT TO OMITTING MATERIAL INFORMATION
17 IN THE PREPARATION OF A BIRTH CERTIFICATE OR SUBMITTING FALSE
18 INFORMATION FOR THE PREPARATION OF A BIRTH CERTIFICATE, any person
19 who knowingly and willfully makes any false statement in or supplies any
20 false information for or for purposes of deception applies for, alters,
21 mutilates, uses, attempts to use, applies for amendments thereto, or
22 furnishes to another for deceptive use any vital statistics certificate, and
23 any person who knowingly and willfully and for purposes of deception
24 uses or attempts to use or furnishes for use by another any vital statistics
25 certificate knowing that such certificate contains false information or
26 relates to a person other than the person with respect to whom it purports
27 to relate, and any person who manufactures, advertises for sale, sells, or

1 alters any vital statistics certificate knowing or having reason to know
2 that such document establishes or may be used to establish a false status,
3 occupation, membership, license, privilege, or identity for himself or any
4 other person, and any person who uses any such document to commit a
5 crime is guilty of a misdemeanor and, upon conviction thereof, shall be
6 punished by a fine of not more than one thousand dollars, or by
7 imprisonment in the county jail for not more than one year, or by both
8 such fine and imprisonment.

9 **SECTION 3.** In Colorado Revised Statutes, 25-2-112, **add** (7) as
10 follows:

11 **25-2-112. Certificates of birth - filing - establishment of**
12 **paternity.** (7) THE STATE REGISTRAR SHALL REVISE THE APPLICATION
13 FOR A CERTIFICATE OF LIVE BIRTH TO INCLUDE A STATEMENT THAT
14 INTENTIONALLY OMITTING MATERIAL INFORMATION ON THE APPLICATION
15 ABOUT A PERSON'S OWN PERSONAL DATA IS A MISDEMEANOR AND THAT
16 KNOWINGLY SUBMITTING FALSE INFORMATION ON THE APPLICATION,
17 KNOWINGLY SUBMITTING THE WRONG NAME OF A BIRTH PARENT,
18 KNOWINGLY SUBMITTING A FALSE NAME OR FICTITIOUS NAME ON THE
19 APPLICATION, OR KNOWINGLY DIRECTING ANOTHER PERSON TO SUPPLY
20 FALSE INFORMATION OR A FALSE OR FICTITIOUS NAME ON THE
21 APPLICATION IS AN UNCLASSIFIED MISDEMEANOR.

22 **SECTION 4. Effective date - applicability.** This act takes effect
23 July 1, 2015, and applies to offenses committed on or after said date.

24 **SECTION 5. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.