

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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
State, Veterans, & Military Affairs

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.*

HOUSE
3rd Reading Unamended
April 21, 2015

HOUSE
Amended 2nd Reading
April 20, 2015

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 misrepresentation of material**
4 **information in the preparation of a birth certificate - definitions.**

5 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
6 REQUIRES:

7 (a) "BIRTH PARENT" MEANS A NATURAL PARENT, BY BIRTH, OF A
8 CHILD BORN IN THIS STATE. "BIRTH PARENT" ALSO INCLUDES A PRESUMED
9 FATHER OR PUTATIVE FATHER IN ACCORDANCE WITH THE PRESUMPTIONS
10 FOR DETERMINATION OF PATERNITY AS SET FORTH IN SECTION 25-2-112
11 (3), OR A PUTATIVE FATHER THAT IS NOT MARRIED TO THE MOTHER WHO
12 SIGNS A VOLUNTARY ACKNOWLEDGMENT OF PATERNITY.

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

17 (2) A BIRTH PARENT COMMITS THE CRIME OF MISREPRESENTATION
18 OF MATERIAL INFORMATION IN THE PREPARATION OF A BIRTH CERTIFICATE
19 IF THE BIRTH PARENT KNOWINGLY AND INTENTIONALLY MISREPRESENTS
20 MATERIAL INFORMATION THAT IS USED TO CREATE A CHILD'S BIRTH
21 CERTIFICATE.

22 (3) A PERSON WHO COMMITS THE CRIME OF MISREPRESENTATION
23 OF MATERIAL INFORMATION IN THE PREPARATION OF A BIRTH CERTIFICATE
24 IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL
25 BE PUNISHED BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR
26 BY IMPRISONMENT IN THE COUNTY JAIL FOR NOT MORE THAN ONE YEAR,
27 OR BY BOTH SUCH FINE AND IMPRISONMENT.

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

3 **25-2-118. Penalties.** (1) EXCEPT AS OTHERWISE PROVIDED FOR IN
4 SECTION 25-2-112.7 WITH RESPECT TO MISREPRESENTATION OF MATERIAL
5 INFORMATION IN THE PREPARATION OF A BIRTH CERTIFICATE, any person
6 who knowingly and willfully makes any false statement in or supplies any
7 false information for or for purposes of deception applies for, alters,
8 mutilates, uses, attempts to use, applies for amendments thereto, or
9 furnishes to another for deceptive use any vital statistics certificate, and
10 any person who knowingly and willfully and for purposes of deception
11 uses or attempts to use or furnishes for use by another any vital statistics
12 certificate knowing that such certificate contains false information or
13 relates to a person other than the person with respect to whom it purports
14 to relate, and any person who manufactures, advertises for sale, sells, or
15 alters any vital statistics certificate knowing or having reason to know
16 that such document establishes or may be used to establish a false status,
17 occupation, membership, license, privilege, or identity for himself or any
18 other person, and any person who uses any such document to commit a
19 crime is guilty of a misdemeanor and, upon conviction thereof, shall be
20 punished by a fine of not more than one thousand dollars, or by
21 imprisonment in the county jail for not more than one year, or by both
22 such fine and imprisonment.

23 == ==
24 **SECTION 3. Effective date - applicability.** This act takes effect
25 July 1, 2015, and applies to offenses committed on or after said date.

26 **SECTION 4. 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, and safety.