

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 06-0557.02 Kristen Forrestal

SENATE BILL 06-110

SENATE SPONSORSHIP

Wiens,

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF FRAUDULENT DOCUMENTS FOR THE
102 PURPOSE OF UNLAWFULLY ESTABLISHING LEGAL STATUS, AND
103 MAKING AN APPROPRIATION THEREFOR.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Prohibits fraudulently making, for any purpose, the documents that are listed in the federal regulations for the purpose of verification of employment eligibility. Imposes civil and criminal penalties for document fraud. Transfers money from the general fund to the capital construction fund to implement these provisions.

Makes appropriations.

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.

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

2 **SECTION 1.** Part 1 of article 2 of title 8, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **8-2-121. Document fraud - penalties.** (1) A PERSON OR ENTITY
6 SHALL NOT KNOWINGLY FORGE, COUNTERFEIT, ALTER, OR FALSELY MAKE
7 OR PROVIDE ANY DOCUMENT LISTED IN 8 CFR 274a.2 (b) (1) (v) FOR ANY
8 PURPOSE.

9 (2) ANY PERSON OR ENTITY THAT VIOLATES SUBSECTION (1) OF
10 THIS SECTION:

11 (a) SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT LESS THAN
12 FIFTY THOUSAND DOLLARS FOR EACH DOCUMENT SUBJECT TO THE
13 VIOLATION FOR THE FIRST OFFENSE; AND

14 (b) COMMITS A CLASS 5 FELONY FOR THE SECOND OFFENSE AND
15 EACH SUBSEQUENT OFFENSE AND, UPON CONVICTION THEREOF, SHALL BE
16 PUNISHED AS PROVIDED IN SECTION 18-1.3-401, C.R.S.

17 **SECTION 2.** Part 1 of article 1 of title 17, Colorado Revised
18 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
19 read:

20 **17-1-153. Appropriation to comply with section 2-2-703 - SB**
21 **06-___.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING
22 STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE
23 NECESSARY, ARE MADE IN ORDER TO IMPLEMENT S.B. 06-___, ENACTED
24 AT THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL
25 ASSEMBLY:

26 (a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2006, IN ADDITION

1 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM
2 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
3 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
4 SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

5 (b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2007, IN
6 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY
7 APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN
8 SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE
9 FUND CREATED IN SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

10 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2007, IN ADDITION
11 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
12 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
13 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

14 (c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, IN ADDITION
15 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM
16 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
17 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
18 SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

19 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, IN ADDITION
20 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
21 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
22 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

23 (d) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN
24 ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY
25 APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN
26 SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE
27 FUND CREATED IN SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

1 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, IN ADDITION
2 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
3 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
4 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

5 (e) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN ADDITION
6 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM
7 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302,
8 C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN
9 SECTION 17-1-116, THE SUM OF _____ DOLLARS (\$).

10 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, IN ADDITION
11 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
12 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
13 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

14 **SECTION 3.** The introductory portion to 24-75-302 (2) and
15 24-75-302 (2) (s), (2) (t), and (2) (u), Colorado Revised Statutes, are
16 amended, and the said 24-75-302 (2) is further amended BY THE
17 ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

18 **24-75-302. Capital construction fund - capital assessment fees**
19 **- calculation.** (2) As of July 1, 1988, and July 1 of each year thereafter
20 through July 1, ~~2008~~ 2010, a sum as specified in this subsection (2) shall
21 accrue to the capital construction fund. The state treasurer and the
22 controller shall transfer such sum out of the general fund and into the
23 capital construction fund as moneys become available in the general fund
24 during the fiscal year beginning on said July 1. Transfers between funds
25 pursuant to this subsection (2) shall not be deemed to be appropriations
26 subject to the limitations of section 24-75-201.1. The amount ~~which~~
27 THAT shall accrue pursuant to this subsection (2) shall be as follows:

1 (s) On July 1, 2006, twenty-two thousand nine hundred
2 twenty-four dollars pursuant to section 3 of H.B. 02S-1006, enacted at the
3 third extraordinary session of the sixty-third general assembly; plus two
4 hundred ninety-one thousand seven hundred sixty-one dollars pursuant to
5 H.B. 03-1004, enacted at the first regular session of the sixty-fourth
6 general assembly; plus one hundred twenty-five thousand forty-one
7 dollars pursuant to H.B. 03-1138, enacted at the first regular session of
8 the sixty-fourth general assembly; plus sixty-nine thousand four hundred
9 sixty-seven dollars pursuant to H.B. 03-1213, enacted at the first regular
10 session of the sixty-fourth general assembly; plus sixty-nine thousand
11 four hundred sixty-seven dollars pursuant to H.B. 03-1317, enacted at the
12 first regular session of the sixty-fourth general assembly; plus ninety
13 thousand three hundred seven dollars pursuant to H.B. 04-1021, enacted
14 at the second regular session of the sixty-fourth general assembly; plus
15 sixty-nine thousand four hundred sixty-seven dollars pursuant to H.B.
16 04-1016, enacted at the second regular session of the sixty-fourth general
17 assembly; PLUS _____ DOLLARS PURSUANT TO S.B. 06-_____, ENACTED AT
18 THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY;

19 (t) On July 1, 2007, four hundred sixteen thousand eight hundred
20 two dollars pursuant to H.B. 03-1004, enacted at the first regular session
21 of the sixty-fourth general assembly; plus fifty-five thousand five hundred
22 seventy-four dollars pursuant to H.B. 03-1317, enacted at the first regular
23 session of the sixty-fourth general assembly; plus thirteen thousand eight
24 hundred ninety-three dollars pursuant to H.B. 04-1021, enacted at the
25 second regular session of the sixty-fourth general assembly; PLUS _____
26 DOLLARS PURSUANT TO S.B. 06-_____, ENACTED AT THE SECOND REGULAR
27 SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY;

1 (u) On July 1, 2008, sixty-nine thousand four hundred sixty-seven
2 dollars pursuant to H.B. 04-1021, enacted at the second regular session
3 of the sixty-fourth general assembly; PLUS _____ DOLLARS PURSUANT TO
4 S.B. 06-_____, ENACTED AT THE SECOND REGULAR SESSION OF THE
5 SIXTY-FIFTH GENERAL ASSEMBLY;

6 (v) ON JULY 1, 2009, _____ DOLLARS PURSUANT TO S.B. 06-_____,
7 ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL
8 ASSEMBLY;

9 (w) ON JULY 1, 2010, _____ DOLLARS PURSUANT TO S.B. 06-_____,
10 ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL
11 ASSEMBLY.

12 **SECTION 4. Applicability.** This act shall apply to offenses
13 committed on or after the effective date of this act.

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