



COLORADO
MUNICIPAL
LEAGUE



AMEND HB26-1283

Protections Regarding Seizures of Identification Documents

WHAT DOES THE BILL DO?

House Bill 26-1283 creates ambiguous new prohibitions regarding the confiscation or retention of government-issued identification documents. While the bill is intended to prevent coercive practices by employers, it also introduces confusing provisions regarding government agencies and law enforcement and creates broadly defined misdemeanor offenses that could expose even well-intentioned public employees and individuals to liability. The bill also duplicates conduct that is already addressed under existing criminal and labor laws, creating potential overlap and confusion in enforcement.

WHY THE BILL SHOULD BE AMENDED

HB26-1283 creates significant legal and operational concerns for municipalities and public employees.

- The bill duplicates existing criminal statutes related to theft, coercion, and unlawful possession of identification documents, without clearly identifying a gap in current law.
- The bill does not use consistent language about the persons subject to and protected by the bill (e.g., inconsistently uses terms such as “employee” and “individual”).
- The bill provides conditional exceptions for government agencies and law enforcement, but the relationship between these exceptions and the bill’s prohibitions is unclear.
- The bill risks criminalizing minor administrative errors or well-intentioned actions like holding onto a lost ID for safekeeping, rather than focusing on knowing and intentional misconduct.
- Municipalities will face new, unconstitutional unfunded mandates, including written notice requirements, training, and internal compliance systems.

AMENDMENTS ARE RESPECTFULLY REQUESTED

CML respectfully requests that HB26-1283 be amended to address its ambiguity, refine the scope of the criminal offenses, and address unnecessary limitations and potential conflicts with federal law and existing statutes. Without these changes, the bill introduces unnecessary confusion and complexity, creates enforcement uncertainty, exposes public servants to unintended personal liability, and imposes unfunded mandates on local governments.

CONTACT

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