

CIRC LEGISLATIVE REPORT 2021

JUNE 2021



A LETTER FROM OUR POLICY TEAM

A WATERSHED YEAR FOR IMMIGRANT RIGHTS

This year's legislative session was **monumental for immigrant rights** in our state. In 2020 we faced the catastrophic impacts of COVID-19 on our communities, our health, and our wellbeing in addition to one of the most challenging state sessions. Coming into the 2021 legislative session, we confronted a great deal of uncertainty - with massive budget cuts, an unstable economy, and a shifting legislative timeline. Still **our coalition pressed forward and helped write history in Colorado.**

We knew that this moment called for more. The disparate impact of COVID-19, the Movement for Black Lives, and the renewed national racial reckoning created opportunities to shift the political window of possibility. Members were able to make intersectional connections for legislators and explain how racial disparities persist in nearly every policy and systemic structure - and show how COVID only made these longstanding inequalities worse. It was a tough year for so many reasons, yet members continued to show up and move legislators to stand up for our community. Thanks to the strength and tenacity of our members, we achieved bipartisan support on our data privacy campaign in both chambers and moved the Democratic legislators to elevate the Legal Defense Fund as a top caucus priority!

We also saw the growing power of our legislative champions at play. This year the Black and Latino caucus members stepped into key roles in leadership and on important committees - helping elevate our issues and rally their colleagues in support. This was a year when legislators wielded their political power to make the transformational changes that this historic moment called for.



For the first time, we saw a big package of pro-immigrant bills enter the Capitol AND PASS (read on for more details)! **CIRC was able to lead and successfully pass our top 2 priorities** - Data Privacy and the Creation of a Statewide Legal Defense Fund! We are also proud to have partnered with the incredible coalition for agricultural workers (Towards Justice, Project Protect Food Systems, Hispanic Affairs Project, and many more) to make history in passing the Agricultural Workers' Bill of Rights to extend basic and critical labor protections to farmworkers who have been carved out for far too long.

These bills are just the beginning. This is a testament to our members and the immigrant rights leaders who have dreamt and worked to build a better Colorado. In this moment, we honor and thank those who have guided our state and politics from the 2006 "Show Me Your Papers" law to a new horizon, where we have the power to stop anti-immigrant bills in their tracks.

Colorado is undergoing a political transformational change and we are excited to turn the tides in favor of a Colorado that welcomes all.

- THE CIRC POLICY TEAM



CIRC PRIORITY CAMPAIGNS

LEGAL DEFENSE FUND

We are excited to share that HB21-1194 has passed the legislature and is heading to the Governor's desk for his signature! After 2 years of working on this campaign since it was chosen as a top priority at the 2019 CIRC assembly, we have come one important step closer to building universal representation in Colorado immigration court. We want to thank the community members who shared their stories confronting unjust immigration courts, to our CIRC members who worked tirelessly on our steering committee, and to our legislative champions who rallied support and strategized to get this bill across the finish line. This would not have been possible without you.

HB21-1194 establishes a statewide Immigration Legal Defense Fund - **making Colorado the FIRST state to create a fund through law.** This legal defense fund will create a grant program for qualifying, experienced nonprofit legal service providers to do pro-bono legal representation for individuals in removal proceedings, with a focus on detained representation. All cases taken on will be guaranteed legal representation until the case is concluded; unless the client stops meeting the eligibility requirements or the client no longer resides in the state.

Our bill also clarified the law to give power to and encourage local counties to form their own legal defense funds or contribute to the statewide fund. This is important since CIRC and

our members currently have several local efforts underway to expand local legal defense funds across the state. For the statewide fund, \$100,000 will continuously be appropriated from the state general fund for the program and we expect seed funding from the Vera National Institute of Justice. The fund will be housed in the Department of Labor and Employment under the Office of New Americans who will administer the grant.

While this is a huge step forward for the campaign for universal representation in Colorado, **we know there is work ahead to grow the fund to fully meet the need in our state.** This is just the beginning of building statewide and local support for families and individuals forced to face the immigration court system alone.

WHAT HB21-1194 DOES:

- Creates a fund that permits both public and private donations and allocates funding through a competitive grant program for nonprofit organizations across the state that offer representation in immigration removal proceedings.
- Creates a public defender model of universal representation for those meeting the income guidelines and regardless of the perceived likelihood of success for a given case.
- Provides legal representation free of cost to Coloradans facing deportation proceedings in immigration court and are below the 200% Federal Poverty Guideline, as resources are available.



Thank you to our steering committee, sponsors, and community members who shared their stories and made this possible!

CIRC PRIORITY CAMPAIGNS

DATA PRIVACY

Our coalition and movement have come a long way from the 2006 special session that passed SB90 - a “Show Me Your Papers” bill that required law enforcement to report people to ICE and led to the thousands of arrests and deportations. Since then we have repealed SB90, prohibited ICE detainers and ICE arrests in courthouses, and created the SB251 license program for our community to access a drivers license. As we continue to successfully limit ICE enforcement in our state, they have become increasingly **reliant on surveillance and data sharing** in order to track and detain our community members.

That is why we are extremely proud to share that **SB21-131 has passed both chambers with bipartisan support** and is heading to the Governor’s desk to be signed into law!! **SB131 stops agencies like ICE from accessing our personal data from state agencies, like the DMV, for immigration enforcement.** We could not have done this without the support of the I-Drive Coalition who mobilized powerful testimony and came prepared with ample evidence from community members underscoring the impact of information sharing. We also want to thank our organizational partners who engaged in countless meetings with the Governor’s office and other stakeholders to craft one of the strongest data privacy bills in the nation: FWD.us, Meyer Law Office, and the ACLU. Last but certainly not least, our legislative champions Senator Julie Gonzales and Representative Serena Gonzales-Gutierrez were instrumental in passing the legislation and helping us put pressure on the DMV and Department of Revenue throughout this process as we worked through amendments and fiscal notes. **Together we held them accountable and used our collective power to push them to adopt the strongest bill language and protections possible.**



This campaign has been a journey and a long time coming. After hearing community concerns that the DMV had shared SB251 license information with ICE, our team submitted a public records request to see what information the DMV was sharing. What we uncovered shocked us and solidified the fears we had heard from community leaders across the state. Emails between the DMV fraud investigations unit and ICE revealed a pervasive culture of information sharing that threatened to undermine the SB251 program and, more importantly, community trust in our state government.

The open records investigation was the evidence we needed to prove that state employees were violating the trust of our community members by sharing information with ICE. Legislators were shocked by the blatant dehumanizing language used in these emails and it brought unlikely allies to the table, including many Republican legislators who saw connections to their own fight to build stronger data protections.

SB21-131 will create guidelines for all state agencies to protect personal information (PII) held by the state. The bill prohibits the sharing of personal information with ICE or a third party without a court-issued subpoena, warrant or order. Additionally, for ICE or a third party to access the database, they must certify on an

CIRC PRIORITY CAMPAIGNS

DATA PRIVACY CONTINUED

annual basis starting in January 2022 that they will **not use or disclose the information in cooperation with federal immigration agencies**. Starting in 2022, the state will no longer collect any documents or information regarding an individual's immigration status, unless it's required by state or federal law. If an employee intentionally violates SB131, they will be subject to an injunction and a fine of a maximum of \$50,000.

This bill is a massive victory for our coalition against the surveillance and over policing efforts of ICE! Still, there is a lot of work left to undo the ICE enforcement apparatus.



WHAT SB21-131 DOES:

- Prohibits state agencies from sharing Personal Identifying Information (PII) with federal immigration agencies and 3rd parties without a court-issued warrant, order or subpoena
- After January 1, 2022, requires federal immigration agencies and 3rd parties to certify that information accessed through state databases will not be used for immigration enforcement purposes.
- After January 1st, 2022 no agency within the state will collect data concerning an individual's place of birth or immigration status.
- Requires all requests for records including PII from a state agency to be recorded in a written record.
- State employees that intentionally violate SB131 will be subject to an injunction and a fine.
- Amends the Colorado Open Records Act to ensure compliance with SB131.



Thank you to the I-Drive steering committee, Senator Gonzales and Representative Gonzales Gutierrez, partners, and community members who made this possible!



SECOND TIER

CIRC PRIORITY CAMPAIGN

AGRICULTURAL WORKERS' RIGHTS



One of the most historic bills passed this session was SB21-087, the Agricultural Worker Rights bill and one of our secondary priorities as a coalition. We want to uplift Towards Justice, Project Protect Food Systems, and the Hispanic Affairs Project (HAP) and the many others who worked on this campaign for their tireless efforts to bring these critical protections to agricultural workers in our state!

This bill faced intense and persistent pushback from the agricultural lobby that culminated in several late night debates on the House and Senate floor. The coalition for agricultural worker rights worked with opponents to create a bill that expanded protections for workers and made amendments that would allow the bill to pass. As a result, some major parts of the bill will be resolved through the rulemaking process with the Colorado Department of Labor and community/industry input. While major protections were created through this bill, there is still work ahead to make sure the rulemaking process and decisions on overtime are fair and center the needs of agricultural workers.

WHAT SB21-087 DOES:

- Requires farms to pay workers the state minimum wage of \$12.32 an hour, or local minimum wages if they're higher, and not just the federal wage of \$7.25
- Allows agriculture employees to join unions and collectively bargain
- Requires overtime pay for agriculture workers (details will be decided in rule making)
- Requires meal breaks and rest periods
- Limits the use of short-handled tools, except for organic operations and in some other specific cases
- Requires workers have access to key service providers, especially on employer provided housing
- Requires employers to provide additional safety and protection for workers during public health emergencies
- Creates the agricultural work advisory committee study and analyze agricultural wages and working conditions
- Makes it easier for employees to report, whistleblow, and pursue legal action against employers who violate these protections



Thank you to those who led this fight to a major victory! Towards Justice, Project Protect Food Systems, the Hispanic Affairs Project (HAP) and many others were instrumental in uplifting the stories of farmworkers and building the support needed to get this important bill across the finish line!

OTHER IMMIGRATION WINS THIS YEAR!

A WATERSHED YEAR FOR IMMIGRANT RIGHTS

SB21-009 Reproductive Rights Bill for Undocumented Women

COLOR's bill, **SB21-009**, will expand Medicaid to cover a years worth of supply of oral contraceptives for undocumented people. This bill was sponsored by Senator Jaquez Lewis and Representative Caraveo!

HB21-1313 Child Protection Ombudsman and Immigrant Children

Led by Representative Benavidez and Gonzales-Gutierrez, HB21-1313 will give the state Ombudsman the authority to investigate facilities that house unaccompanied minors in state-licensed residential childcare facilities in Colorado when they receive a complaint related to a child's wellbeing.

HB21-1150 Creation of the Office of New Americans

Led by the International Rescue Committee, HB21-1150 creates the Office of New Americans (ONA) within the Colorado Department of Labor and Employment as a state resource for Colorado immigrant communities. This is also where we are hoping to house our Immigration Legal Defense Fund once the office is officially created.

HB21-1011 Multilingual Ballot Access:

Common Cause successfully led HB21-1011 which expands access to translated ballots and creates more resources during elections for language justice, including an interpretation hotline for elections.

SB21-077 Remove Lawful Presence Verification Credentialing

SB21-077 expands access to all professional licenses for the undocumented community. Lawful presence would no longer be required for any applicant for any state or local professional license.

HB21-1060 U-Visa Standardization:

RMAIN and the ACLU of Colorado led **HB21-1060**, which sets standards for the certification process of U-Visas and ensures law enforcement follow the guidelines necessary to inform victims of their right to obtain u-visa status.

HB21-1054 Housing Exception for Public Benefits

HB21-1054 was ran by the Department of Local Affairs (DOLA). The bill **removes the previous requirement for DOLA and other agencies to ask for an individual's proof of lawful presence** before receiving any state or local public housing benefit.

HB21-1057 Extortion Of Immigrants Engaging In Lawful Acts

HB21-1057 makes it illegal to extort or threaten someone based on their immigration status to commit a crime or to keep them from reporting a crime.

SB21-199 Remove Barriers To Certain Public Opportunities

SB21-199, led by the Colorado Statewide Parent Coalition, repealed HB1023, making it easier for local jurisdictions to open up public benefits to undocumented community members through local ordinances.

SB21-233 CDLE Study to Create Parallel Unemployment Insurance for Left Behind Workers

Led by COPA and CFI, **SB21-233** commissions a study by the Colorado Department of Labor and Employment (CDLE) and the newly created Office of New Americans (ONA) to create recommendations for a wage replacement program for those who are unemployed through no fault of their own but are ineligible for regular unemployment due to their immigration status.

OTHER BILLS CIRC SUPPORTED THIS YEAR

HOUSING JUSTICE

HB21-1117 - Local Government Authority Promote Affordable Housing Units

Allows local governments to require housing developers to include affordable housing units in new developments ([Read more here](#)).

SB21-173 - Rights In Residential Lease Agreements

Establishes stronger protections for renters in lease agreements by giving renters more opportunities to avoid eviction. The new law allows renters to stop an eviction proceeding by repaying their overdue rent — at any point until a judge orders them to leave. The bill also caps late fees for renters at \$50 or 5 percent of the amount owed, and it makes it easier for renters to argue in court that they shouldn't owe rent because their property is uninhabitable.

HB21-1121 - Residential Tenancy Procedures

This bill creates additional protections for tenants by: restricting residential landlords from increasing rent more than once a year; requiring law enforcement to wait 10 days instead of 48 hours before carrying out an eviction; and requires landlords without written lease agreements to give 60 days notice before increasing the rent or terminating the tenancy.

CRIMINAL JUSTICE

HB21-1201 - Transparency Telecommunications Correctional Facilities

This bill will reduce the profiteering of phone calls at Colorado correctional facilities by capping prices across the state and requiring telecommunication providers to report quarterly to the Public Utilities Commission.

HB21-1280 - Pre-trial Detention Reform

Requires a bond hearing to be set within 48 hours of arriving at a jail and requires release within 6 hours for someone who has posted bond.

FAILED - SB21-062 - Jail Population Management Tools

This bill attempted to reduce the reliance on pre-trial incarceration by redirecting officers to issue a court summons instead of an arrest for petty offenses, misdemeanors, and some felonies. **This bill was effectively killed after law enforcement came out in strong opposition.**

FAILED - SB21-273 - Pre-trial Reform

SB21-273 was created after it was clear that SB21-062 did not have a pathway forward. This goal of this bill was also to keep people out of jail for low level offenses by having officers issue tickets and summons instead of making arrests. The bill also would have increased use of recognizance (no-cost bonds) to stop the practice of jailing people who cannot afford to pay. In an unexpected turn of events, **the bill failed by a vote of 9-4 in the House Finance Committee** on May 7 when Rep. Bird (Westminster) and Rep. Gray (Broomfield) joined Republicans to vote against the bill. ([Read more here](#))



OTHER BILLS CIRC SUPPORTED THIS YEAR CONTINUED

EDUCATION JUSTICE

HB21-1294 - K-12 Education Accountability Systems Performance Audit

This bill creates a study of our Colorado's public schools. The study will also look at how low-income students and students with disabilities are being served. The bill also encourages the auditor to review schools and districts for cultural bias and any discrimination issues students may be facing structurally or otherwise.

SB21-057 - Private Lenders Of Student Loans Acts And Practices

This bill provides increased protections for private student loan borrowers while holding predatory actors accountable. This issue has been growing in profile over the last year, especially as private borrowers have not been able to access any relief in the last year—despite the private loan companies getting lots of relief.

SB21-172 - Educator Pay Raise Fund

This bill creates the Educator Pay Raise Fund statewide that is dedicated to raising teacher pay across the state. Teacher turnover is a huge issue for low-income communities and teacher pay can be a way to help retain strong teachers who might otherwise leave the career or move on to higher paying school districts.

ECONOMIC JUSTICE

HB21-1311 - Income Tax & HB21-1312 - Insurance Premium Property Sales Severance Tax

These bills were run together to close tax loopholes and use the new revenue to double Colorado's Earned Income Tax Credit (EITC) - that is now accessible for ITIN filers - and to fully fund our state child tax credit.

SB21-148 - Creation Of Financial Empowerment Office

This bill creates the financial empowerment office to grow the financial resilience and well-being of Coloradans through specified community-derived goals, programs, and strategies to build wealth and financial stability.

HB21-1232 - Standardized Health Benefit Plan Colorado Option

This bill creates a new standardized health care plan - The Colorado Option - which will have lower premiums and be accessible for undocumented Coloradans. This bill also requires insurance companies to lower costs for consumers by 15% by 2025.

SB21-027 - Emergency Supplies For Colorado Babies And Families

This bill creates a program to distribute free diapers to families across the state. Anyone with a child who needs diapers in Colorado is eligible, regardless of immigration status.

OTHER BILLS CIRC SUPPORTED THIS YEAR CONTINUED

ENVIRONMENTAL JUSTICE

HB21-1189 - Regulate Air Toxics

This bill is a critical step for transparency from companies who release air toxics and important to help us hold them accountable when our communities health and air is in danger. The bill requires real-time, publicly disclosed tracking of dangerous pollutants.

HB21-1269 - Public Utilities Commission Study Of Community Choice Energy

This bill creates a study of "community choice energy" (CCE), under which a community may choose to purchase their electricity from a wholesale supplier other than the local investor-owned electric utility. This bill may help Many in Colorado do not have options when it comes to where their power comes from.

FAILED - SB21-200 - Reduce Greenhouse Gases Increase Environmental Justice

This bill would have ensured the goals established in Governor Polis' roadmap to address climate change will be met by setting strong, enforceable rules to limit pollution from the electricity, oil and gas, transportation, and building sectors and creating the tools to engage and empower disproportionately impacted communities. **SB21-200 died after Governor Polis threatened to veto the bill.**

ANTI- IMMIGRANT BILLS WE OPPOSED

FAILED - HB21-1086 - Voter Proof of Citizenship Requirement

HB21-1086 was an anti-immigrant bill to build on Amendment 76 - attacking voting accessibility in Colorado by requiring all voters to provide additional proof of citizenship to receive their mail in ballot. **We testified against the bill in House State, Civic, Military, and Veterans Affairs where it died on a 9-2 vote.**