

Colorado

Colorado Imposes Employer Obligations Related to Employee Identity Documents

On June 3, 2026, Colorado enacted [House Bill \(HB\) 26-1283](#), prohibiting employers from confiscating or improperly retaining government-issued identification documents. The new law took effect immediately.

Overview

Under HB 26-1283, employers (or their agents) are generally prohibited from demanding, confiscating, retaining or otherwise requiring employees or applicants, including migrant workers or seasonal employees, to surrender their government-issued identification card. **Government-issued identification card** means:

- A state-issued driver's license or identification card containing the person's photograph;
- An identification card or passport issued by the federal government containing the person's photograph;
- A Native American tribal document identifying the person and containing the person's photograph; or
- Any other form of identification issued by the federal or a state government that contains the person's photograph and identifying information.

Employers may request and temporarily retain an individual's government-issued identification card for the purpose of verifying their employment eligibility status through completion of the Employment Eligibility Verification form (Form I-9) for employment in the United States. Employers may also retain an individual's government-issued identification card only as long as is necessary to verify their employment eligibility and make a copy of the card, **up to 10 hours**. In addition, employers may retain a copy of an individual's government-issued identity card in their records.

Notice Requirements

When an employer verifies an individual's employment eligibility, the employer must notify the individual of the law's prohibitions in writing. The law requires employers to notify individuals in English and the individual's primary language, if the employer knows the individual's primary language is not English. The

Highlights

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individual must acknowledge the notification. Employers must retain a record of the notification and acknowledgment in their employment records.

Exceptions

HB 26-1283 allows employers to retain an individual's government-issued identification document if:

- The employer is required or permitted to do so by state or federal law or regulation, including for the purpose of verifying an individual's employment eligibility; or
- The retention is performed pursuant to a signed judicial warrant.

Enforcement

Employers that knowingly violate the law commit criminal possession of an identification document under Colorado law. Criminal possession of one or more identification documents issued to the same individual is a **Class 2 misdemeanor**. Individuals harmed by a violation of the law may request that a court order the return of the identification document immediately and bring a civil action to recover damages.

Under HB 26-1283, employers commit a bias-motivated crime if, with the intent to intimidate or harass another person because of that person's actual or perceived race, color, religion, ancestry, national origin, physical or mental disability, sexual orientation or transgender identity, the employer, among other things:

- Commits criminal possession of an identification document; or
- Provides or threatens to provide an individual's government-issued identification document to federal immigration authorities, except where otherwise required or permitted under state or federal law.

Employers that commit a bias-motivated crime are guilty of a **Class 1 misdemeanor**.

Next Steps for Employers

Colorado employers should review their document-handling and control processes and procedures, such as Form I-9 and onboarding, to ensure compliance with the new law's requirements. Employers should also ensure they comply with HB 26-1283's notice and acknowledgment requirements. Employers should consider training HR personnel and others responsible for inspecting government-issued identification documents to avoid potential violations.
