

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 18-0833.01 Bob Lackner x4350

SENATE BILL 18-116

SENATE SPONSORSHIP

Cooke,

HOUSE SPONSORSHIP

Williams D. and Van Winkle,

Senate Committees

Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ISSUANCE OF CAPITOL IDENTIFICATION CARDS TO**
102 **MEMBERS OF THE PUBLIC TO PERMIT THEM ENTRY TO STATE**
103 **BUILDINGS CONTAINING THE LEGISLATIVE BRANCH OF STATE**
104 **GOVERNMENT WITHOUT HAVING TO SUBMIT TO PERSONAL**
105 **SECURITY CHECKS.**

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://leg.colorado.gov>.)

The bill authorizes security personnel at the state capitol building, including the Colorado state patrol (CSP), to allow any member of the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

public who holds a capitol identification card (card) to enter the capitol building, the state services building, or the legislative services building without submitting to a search of his or her person or property by security personnel, electronic weapons screening devices, or other means.

The secretary of the senate (secretary) or the chief clerk of the house of representatives (chief clerk) may issue a card to any member of the public who applies for the same, pays a fee, and completes a fingerprint-based criminal history record check. Each card is issued for a 2-year period. The bill sets the initial amount of the fee at \$250.

The legislative council of the general assembly may adjust the amount of the fee not to exceed \$500 for any 2-year period for which the card is issued.

As part of the application submitted by an individual for a card, the individual is required to have his or her fingerprints taken by a local law enforcement agency or any third party approved by the Colorado bureau of investigation (CBI) for the purpose of obtaining a fingerprint-based criminal history record check. The costs of completing the check are paid by the applicant. The bill specifies how the check is completed. The bill requires the CBI to forward the results of the criminal history record check to the secretary and the chief clerk. The issuance of a card is conditional upon a satisfactory criminal history record check that demonstrates the applicant has not been convicted of a felony.

The card must list the name of the card holder and show a photograph of the card holder's face.

A card expires on the second anniversary of its date of issuance unless it has been renewed. The bill specifies procedures by which the card may be renewed and imposes additional restrictions governing issuance, use, and cancellation of the card.

The capitol identification card enterprise is established as a government-owned business within the legislative branch of state government.

All fees collected from issuance of the card are credited to the capitol identification card account, which is created within the existing legislative department cash fund.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 2-2-327 as
3 follows:

4 **2-2-327. Capitol identification card - access to state capitol**
5 **building - powers of secretary of the senate and chief clerk of the**

1 **house of representatives - issuance and renewal of card - denial or**
2 **cancellation of card ___ - capitol identification card account. (1) ON**
3 **AND AFTER JANUARY 1, 2019, SECURITY PERSONNEL AT THE STATE**
4 **CAPITOL BUILDING, INCLUDING THE COLORADO STATE PATROL, MAY**
5 **ALLOW ANY MEMBER OF THE PUBLIC WHO HOLDS A CAPITOL**
6 **IDENTIFICATION CARD ISSUED PURSUANT TO THIS SECTION TO ENTER THE**
7 **CAPITOL BUILDING, THE STATE SERVICES BUILDING, AND THE LEGISLATIVE**
8 **SERVICES BUILDING, WITHOUT SUBMITTING TO A SEARCH OF HIS OR HER**
9 **PERSON OR PROPERTY BY SECURITY PERSONNEL, ELECTRONIC WEAPONS**
10 **SCREENING DEVICES, OR OTHER MEANS.**

11 (2) THE SECRETARY OF THE SENATE OR THE CHIEF CLERK OF THE
12 HOUSE OF REPRESENTATIVES MAY ISSUE A CAPITOL IDENTIFICATION CARD
13 TO ANY MEMBER OF THE PUBLIC UPON RECEIPT OF THE APPLICATION AND
14 FEE DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION AND BASED UPON
15 A SATISFACTORY FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
16 IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION. EACH CARD IS
17 ISSUED FOR A TWO-YEAR PERIOD.

18 (3) (a) ANY PERSON INTERESTED IN OBTAINING A CAPITOL
19 IDENTIFICATION CARD SHALL PAY A FEE TO THE SECRETARY OF THE
20 SENATE OR THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES FOR A
21 CAPITOL IDENTIFICATION CARD UPON MAKING AN APPLICATION FOR THE
22 CARD. SUBJECT TO ANY MODIFICATION OF THE FEE IN ACCORDANCE WITH
23 SUBSECTION (3)(b) OF THIS SECTION, THE FEE FOR ISSUANCE OF THE CARD
24 IS ONE HUNDRED DOLLARS FOR THE TWO-YEAR PERIOD IN WHICH THE CARD
25 IS VALID. THE AMOUNT OF THE FEE MUST BE SET AT A LEVEL THAT
26 INCLUDES THE ACTUAL COSTS INCURRED BY THE COLORADO BUREAU OF
27 INVESTIGATION IN COMPLETING THE FINGERPRINT-BASED CRIMINAL

1 HISTORY RECORD CHECK REQUIRED BY SUBSECTION (4) OF THIS SECTION.

2 (b) THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY
3 CREATED IN SECTION 2-3-301 (1) MAY ADJUST THE AMOUNT OF THE FEE
4 SPECIFIED IN SUBSECTION (3)(a) OR (6) OF THIS SECTION TO REFLECT ANY
5 INCREASE IN THE COSTS OF ISSUING AND RENEWING CAPITOL
6 IDENTIFICATION CARDS; EXCEPT THAT THE AMOUNT OF THE FEE SHALL NOT
7 EXCEED FIVE HUNDRED DOLLARS. THE LEGISLATIVE COUNCIL MAY EXPEND
8 ANY SURPLUS OF MONEY IN THE CAPITOL IDENTIFICATION CARD ACCOUNT
9 FOR ANY PURPOSE PROMOTING SECURITY OF THE CAPITOL COMPLEX IT
10 DEEMS APPROPRIATE.

11 (4) AS PART OF THE APPLICATION SUBMITTED BY AN INDIVIDUAL
12 FOR A CAPITOL IDENTIFICATION CARD, THE INDIVIDUAL SHALL HAVE HIS OR
13 HER FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY OR
14 ANY THIRD PARTY APPROVED BY THE COLORADO BUREAU OF
15 INVESTIGATION FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED
16 CRIMINAL HISTORY RECORD CHECK. THE APPLICANT IS REQUIRED TO
17 SUBMIT PAYMENT BY CERTIFIED CHECK OR MONEY ORDER TO COVER THE
18 ACTUAL COSTS OF OBTAINING THE FINGERPRINTS AND FOR UNDERTAKING
19 THE RECORD CHECK AT THE TIME THE FINGERPRINTS ARE SUBMITTED TO
20 THE COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT OF THE
21 FINGERPRINTS, THE COLORADO BUREAU OF INVESTIGATION SHALL
22 CONDUCT A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY
23 RECORD CHECK USING RECORDS OF THE COLORADO BUREAU OF
24 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION AND SHALL
25 FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK TO THE
26 SECRETARY OF THE SENATE AND THE CHIEF CLERK OF THE HOUSE OF
27 REPRESENTATIVES. THE ISSUANCE OF A CAPITOL IDENTIFICATION CARD IS

1 CONDITIONAL UPON THE COMPLETION OF A FINGERPRINT-BASED CRIMINAL
2 HISTORY RECORD CHECK THAT DEMONSTRATES THE APPLICANT HAS NOT
3 BEEN CONVICTED OF A FELONY. AN APPLICANT WHO FAILS HIS OR HER
4 CRIMINAL HISTORY RECORD CHECK IS NOT ENTITLED TO A REFUND OF ANY
5 MONEY THE APPLICANT HAS PAID TO COMPLETE THE RECORD CHECK.

6 (5) THE CAPITOL IDENTIFICATION CARD MUST LIST THE NAME OF
7 THE CARD HOLDER AND SHOW A PHOTOGRAPH OF THE CARD HOLDER'S
8 FACE. THE CARD MAY BEAR A TAB OR STICKER DENOTING THE YEARS FOR
9 WHICH THE CARD IS VALID.

10 (6) A CAPITOL IDENTIFICATION CARD EXPIRES ON THE SECOND
11 ANNIVERSARY OF ITS DATE OF ISSUANCE UNLESS IT HAS BEEN RENEWED IN
12 ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION. AN INDIVIDUAL
13 WHO WISHES TO RENEW A CAPITOL IDENTIFICATION CARD SHALL, AT LEAST
14 SIXTY DAYS PRIOR TO THE EXPIRATION DATE OF SUCH CARD, SUBMIT TO
15 THE SECRETARY OF THE SENATE OR THE CHIEF CLERK OF THE HOUSE OF
16 REPRESENTATIVES A COMPLETED RENEWAL FORM AND PAY A FEE FOR
17 RENEWAL OF THE CARD. SUBJECT TO ANY MODIFICATION OF THE FEE IN
18 ACCORDANCE WITH SUBSECTION (3)(b) OF THIS SECTION, THE FEE FOR A
19 RENEWAL OF A CARD FOR THE FOLLOWING TWO-YEAR PERIOD IS THE SAME
20 AS IS SPECIFIED IN SUBSECTION (3)(a) OF THIS SECTION FOR THE INITIAL
21 ISSUANCE OF THE CARD. THE APPLICATION FOR A RENEWAL OF A CARD
22 MUST BE REVIEWED AND ACTED UPON IN THE SAME MANNER AS PROVIDED
23 IN THIS SECTION FOR THE INITIAL ISSUANCE OF SUCH CARD. THE
24 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK DESCRIBED IN
25 SUBSECTION (4) OF THIS SECTION MUST BE CONDUCTED EVERY TWO YEARS
26 IN CONNECTION WITH A RENEWAL OF A CAPITOL IDENTIFICATION CARD.

27 (7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION:

1 (a) THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES, THE
2 SECRETARY OF THE SENATE, OR THE COLORADO STATE PATROL MAY DENY
3 THE ISSUANCE OF A CAPITOL IDENTIFICATION CARD TO ANY INDIVIDUAL ON
4 THE BASIS OF ANY REASONABLE CONCERNS THAT THE INDIVIDUAL MAY
5 POSE A SAFETY THREAT TO HIMSELF OR HERSELF OR TO ANY OTHER
6 MEMBER OF THE PUBLIC REGARDLESS OF THE RESULTS OF THE CRIMINAL
7 HISTORY RECORD CHECK COMPLETED ON SUCH INDIVIDUAL. UPON THE
8 DENIAL OF THE ISSUANCE OF A CAPITOL IDENTIFICATION CARD TO ANY
9 INDIVIDUAL, THE INDIVIDUAL WHOSE APPLICATION WAS DENIED MAY
10 APPEAL THE DENIAL TO THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE
11 COUNCIL AS DESCRIBED IN SECTION 2-3-301 (1), WHICH MAY HEAR THE
12 APPEAL AND, IN ITS SOLE DISCRETION, REVERSE THE DENIAL OF THE
13 APPLICATION.

14 (b) NOTHING IN THIS SECTION IS INTENDED IN ANY WAY TO
15 RESTRICT, CURTAIL, OR EFFECT THE OPERATION OF EXISTING LAWS, RULES,
16 OR POLICIES GOVERNING SECURITY PROCEDURES AT THE STATE CAPITOL
17 BUILDING. A VIOLATION OF ANY SUCH LAWS, RULES, OR POLICIES BY THE
18 HOLDER OF A CAPITOL IDENTIFICATION CARD CONSTITUTES SUFFICIENT
19 GROUNDS FOR THE REVOCATION OF SUCH CARD HOLDER'S CAPITOL
20 IDENTIFICATION CARD.

21 (c) THE HOLDER OF A CAPITOL IDENTIFICATION CARD IS NOT
22 PERMITTED TO ENTER THE CAPITOL BUILDING, THE STATE SERVICES
23 BUILDING, OR THE LEGISLATIVE SERVICES BUILDING THROUGH ANY
24 ENTRANCES THAT LIMIT ACCESS TO THE BUILDING TO STATE EMPLOYEES
25 AND MUST ENTER THE BUILDING ONLY THROUGH ENTRANCES DESIGNATED
26 FOR PUBLIC ACCESS. AS NECESSARY, THE CAPITOL IDENTIFICATION CARD
27 MUST BE FORMATTED OR ISSUED IN A MANNER THAT PREVENTS ENTRY

1 INTO THE CAPITOL BUILDING BY MEANS OF ENTRANCES RESERVED FOR
2 STATE EMPLOYEES.

3 (d) THE COLORADO STATE PATROL MAY PROPOSE ADDITIONAL
4 RULES OR POLICIES GOVERNING THE ADMINISTRATION OF THE CAPITOL
5 IDENTIFICATION CARD. ANY SUCH RULES OR POLICIES MUST BE APPROVED
6 BY THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL CREATED IN
7 SECTION 2-3-301 (1).

8 (8) A CAPITOL IDENTIFICATION CARD MAY BE CANCELLED OR THE
9 RENEWAL OF THE CARD DENIED UPON NOTIFICATION TO THE SECRETARY
10 OF THE SENATE OR THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES
11 BY THE COLORADO STATE PATROL OF AN UNSATISFACTORY
12 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF THE HOLDER
13 OF THE CARD, A VIOLATION OF THE RULES OR POLICIES OF THE COLORADO
14 STATE PATROL REGARDING USAGE OF THE CARD, AN UNAUTHORIZED USE
15 OF THE CARD, OR CRIMINAL ACTIVITY OF THE HOLDER OF THE CARD IN THE
16 STATE CAPITOL BUILDING. UPON SUCH CANCELLATION OR DENIAL OF
17 RENEWAL, THE HOLDER SHALL SURRENDER HIS OR HER CAPITOL
18 IDENTIFICATION CARD TO THE COLORADO STATE PATROL.

19 == ==
20 (9) (a) ALL FEES COLLECTED PURSUANT TO SUBSECTIONS (3)(a)
21 AND (6) OF THIS SECTION MUST BE CREDITED TO THE CAPITOL
22 IDENTIFICATION CARD ACCOUNT, WHICH ACCOUNT IS HEREBY CREATED IN
23 THE LEGISLATIVE DEPARTMENT CASH FUND CREATED IN SECTION 2-2-1601
24 (1). MONEY IN THE ACCOUNT IS CONTINUOUSLY APPROPRIATED TO THE
25 HOUSE OF REPRESENTATIVES AND THE SENATE FOR THE PAYMENT OF
26 COSTS INCURRED IN CONNECTION WITH THE ORIGINAL ISSUANCE AND
27 RENEWAL OF CAPITOL IDENTIFICATION CARDS IN ACCORDANCE WITH THIS

1 SECTION.

2 (b) SUBJECT TO THE RESTRICTIONS SPECIFIED IN SUBSECTION (9)(a)
3 OF THIS SECTION, THE CAPITOL IDENTIFICATION CARD ENTERPRISE MAY
4 ACCEPT GIFTS, GRANTS, OR OTHER DONATIONS COLLECTED FOR THE
5 ISSUANCE AND ADMINISTRATION OF CAPITOL IDENTIFICATION CARDS
6 PURSUANT TO THIS SECTION.

7 (c) THE COLORADO BUREAU OF INVESTIGATION SHALL BILL THE
8 LEGISLATIVE COUNCIL STAFF ON A MONTHLY BASIS FOR REIMBURSEMENT
9 OF THE COSTS THE BUREAU INCURS IN COMPLETING THE
10 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK REQUIRED BY
11 SUBSECTION (4) OF THIS SECTION, WHICH COSTS ARE INCLUDED IN THE FEE
12 CHARGED EACH APPLICANT FOR ISSUANCE OF THE CARD IN ACCORDANCE
13 WITH SUBSECTION (3)(a) OF THIS SECTION.

14 **SECTION 2.** In Colorado Revised Statutes, 2-2-1601, **amend**
15 (1)(a) and (2) as follows:

16 **2-2-1601. Legislative department cash fund - redistricting**
17 **account - creation - definition.** (1) (a) There is hereby created in the
18 state treasury the legislative department cash fund. Except as otherwise
19 provided in ~~paragraph (b) of this subsection (1)~~ SUBSECTION (1)(b) OF
20 THIS SECTION, the fund ~~shall be~~ IS comprised of ~~such moneys~~ MONEY that
21 the general assembly, the house of representatives, the senate, or any
22 legislative service agency accepts as gifts, grants, or donations, collects
23 or otherwise receives from private and public sources, MONEY CREDITED
24 TO THE FUND IN ACCORDANCE WITH SECTION 2-2-327 (10), and any other
25 ~~moneys~~ MONEY appropriated or transferred to the fund.

26 (2) Except for ~~moneys~~ MONEY in the redistricting account created
27 pursuant to subsection (2.5) of this section, ~~moneys~~ AND EXCEPT AS

1 PROVIDED IN SECTION 2-2-327 (10)(a), MONEY in the legislative
2 department cash fund ~~are~~ IS continuously appropriated to the executive
3 committee of the legislative council to pay for expenses of the legislative
4 department of the state of Colorado. ~~Moneys~~ MONEY in the fund shall be
5 expended consistent with any terms and conditions imposed as a
6 condition of receiving such ~~moneys~~ MONEY as gifts, grants, or donations.

7 **SECTION 3. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.