

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 18-1162.01 Megan Waples x4348

HOUSE BILL 18-1339

HOUSE SPONSORSHIP

Rankin, Hamner, Young

SENATE SPONSORSHIP

Lambert, Lundberg, Moreno

House Committees
Appropriations

Senate Committees
Appropriations

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT FOR FINGERPRINT-BASED CRIMINAL**
102 **HISTORY RECORD CHECKS FOR INDIVIDUALS WITH ACCESS TO**
103 **FEDERAL TAX INFORMATION, AND, IN CONNECTION THEREWITH,**
104 **MAKING AN APPROPRIATION.**

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/>.)

Joint Budget Committee. The bill requires fingerprint-based criminal history record checks (record checks) for every applicant, contractor, employee, or other individual who has or may have access to

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.

SENATE
3rd Reading Unamended
April 5, 2018

SENATE
Amended 2nd Reading
April 4, 2018

HOUSE
3rd Reading Unamended
March 29, 2018

HOUSE
Amended 2nd Reading
March 28, 2018

federal tax information received from the federal government by a state agency in accordance with federal internal revenue service publication 1075. The state agency is authorized to collect the fingerprints of the individuals or to use the fingerprinting services of another agency or entity authorized by law to collect them and is required to pay the costs of the record checks to the Colorado bureau of investigation.

A state agency that receives federal tax information from the federal government and shares that information with a county department or another state agency may authorize and require the county department or other state agency to conduct record checks for all of its applicants, employees, contractors, or other individuals who may have access to the shared information. The county or other state agency is required to pay the costs of the record checks to the Colorado bureau of investigation.

The bill prohibits a state agency that receives federal tax information from the federal government from sharing that information with another agency that refuses or fails to comply with the requirement to conduct record checks.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 10 to article
3 50 of title 24 as follows:

4 **PART 10**

5 **BACKGROUND CHECKS FOR INDIVIDUALS WITH ACCESS**
6 **TO FEDERAL TAX INFORMATION**

7 **24-50-1001. Definitions.** AS USED IN THIS PART 10, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

9 (1) "APPLICANT" MEANS AN INDIVIDUAL APPLYING TO BE A
10 COUNTY EMPLOYEE, STATE EMPLOYEE, COUNTY CONTRACTOR, OR STATE
11 CONTRACTOR.

12 (2) "COUNTY CONTRACTOR" MEANS AN INDIVIDUAL ACTING UNDER
13 A CONTRACT, PURCHASE ORDER, OR OTHER SIMILAR AGREEMENT FOR THE
14 PROCUREMENT OF GOODS OR SERVICES WITH A COUNTY OR COUNTY
15 DEPARTMENT.

16 (3) "COUNTY EMPLOYEE" MEANS AN INDIVIDUAL EMPLOYED BY A

1 COUNTY.

2 (4) "FEDERAL TAX INFORMATION" HAS THE SAME MEANING AS
3 SPECIFIED IN FEDERAL INTERNAL REVENUE SERVICE PUBLICATION 1075
4 DATED SEPTEMBER 30, 2016, AS AMENDED.

5 (5) "STATE AGENCY" MEANS ALL DEPARTMENTS, INSTITUTIONS,
6 AND AGENCIES OF STATE GOVERNMENT, INCLUDING THE OFFICE OF THE
7 GOVERNOR, INSTITUTIONS OF HIGHER EDUCATION, ALL PRINCIPAL
8 DEPARTMENTS, AND THE LEGISLATIVE AND JUDICIAL DEPARTMENTS OF THE
9 STATE.

10 (6) "STATE CONTRACTOR" MEANS AN INDIVIDUAL ACTING UNDER
11 A CONTRACT, PURCHASE ORDER, OR OTHER SIMILAR AGREEMENT FOR THE
12 PROCUREMENT OF GOODS OR SERVICES WITH A STATE AGENCY.

13 (7) "STATE EMPLOYEE" MEANS AN INDIVIDUAL EMPLOYED BY A
14 STATE AGENCY, WHETHER THE INDIVIDUAL IS UNDER THE STATE
15 PERSONNEL SYSTEM OR EXEMPT FROM THE STATE PERSONNEL SYSTEM.

16 **24-50-1002. State agencies with access to federal tax**
17 **information - authorization for background checks - procedure -**
18 **costs.** (1) EACH APPLICANT, STATE EMPLOYEE, STATE CONTRACTOR, OR
19 OTHER INDIVIDUAL WHO HAS OR MAY HAVE ACCESS THROUGH A STATE
20 AGENCY TO FEDERAL TAX INFORMATION RECEIVED FROM THE FEDERAL
21 GOVERNMENT SHALL SUBMIT A COMPLETE SET OF HIS OR HER
22 FINGERPRINTS TO THE STATE AGENCY. THE STATE AGENCY SHALL SUBMIT
23 THE FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE
24 PURPOSE OF CONDUCTING FINGERPRINT-BASED CRIMINAL HISTORY RECORD
25 CHECKS. THE COLORADO BUREAU OF INVESTIGATION SHALL FORWARD THE
26 FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE
27 PURPOSE OF CONDUCTING FINGERPRINT-BASED CRIMINAL HISTORY RECORD

1 CHECKS. THE STATE AGENCY MAY ACQUIRE A NAME-BASED CRIMINAL
2 HISTORY RECORD CHECK FOR AN APPLICANT, STATE EMPLOYEE, STATE
3 CONTRACTOR, OR OTHER INDIVIDUAL WHO HAS TWICE SUBMITTED TO A
4 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND WHOSE
5 FINGERPRINTS ARE UNCLASSIFIABLE. THE STATE AGENCY MAY COLLECT
6 THE FINGERPRINTS OF THE APPLICANT, STATE EMPLOYEE, STATE
7 CONTRACTOR, OR OTHER INDIVIDUAL OR MAY USE THE FINGERPRINTING
8 SERVICES OF ANOTHER STATE AGENCY OR OTHER ENTITY AUTHORIZED TO
9 COLLECT FINGERPRINTS FOR THE PURPOSE OF CONDUCTING
10 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS.

11 (2) THE STATE AGENCY SHALL USE THE INFORMATION RESULTING
12 FROM THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO
13 INVESTIGATE AND DETERMINE WHETHER THE APPLICANT, STATE
14 EMPLOYEE, STATE CONTRACTOR, OR OTHER INDIVIDUAL IS QUALIFIED TO
15 HAVE ACCESS TO FEDERAL TAX INFORMATION IN ACCORDANCE WITH
16 FEDERAL INTERNAL REVENUE SERVICE PUBLICATION 1075. THE STATE
17 AGENCY MAY VERIFY THE INFORMATION AN INDIVIDUAL IS REQUIRED TO
18 SUBMIT. THE STATE AGENCY SHALL DENY ACCESS TO FEDERAL TAX
19 INFORMATION RECEIVED FROM THE FEDERAL GOVERNMENT TO AN
20 APPLICANT, STATE EMPLOYEE, STATE CONTRACTOR, OR OTHER INDIVIDUAL
21 WHO DOES NOT PASS THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD
22 CHECK REQUIRED BY THIS SECTION.

23 (3) THE STATE AGENCY SHALL PAY THE COSTS ASSOCIATED WITH
24 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS TO THE
25 COLORADO BUREAU OF INVESTIGATION.

26 **24-50-1003. County departments with access to federal tax**
27 **information - authorization for background checks - procedure -**

1 **costs.** (1) A STATE AGENCY THAT RECEIVES FEDERAL TAX INFORMATION
2 FROM THE FEDERAL GOVERNMENT AND SHARES THAT INFORMATION WITH
3 A COUNTY DEPARTMENT ADMINISTERING PUBLIC ASSISTANCE, CHILD
4 SUPPORT SERVICES, OR OTHER PROGRAMS MAY AUTHORIZE AND REQUIRE
5 THE COUNTY DEPARTMENT BY WRITTEN AGREEMENT TO COLLECT THE
6 FINGERPRINTS OF ALL APPLICANTS, COUNTY EMPLOYEES, COUNTY
7 CONTRACTORS, OR OTHER INDIVIDUALS WHO HAVE OR MAY HAVE ACCESS
8 TO THE SHARED FEDERAL TAX INFORMATION FOR THE PURPOSE OF
9 CONDUCTING FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS IN
10 ACCORDANCE WITH THIS SECTION.

11 (2) EACH APPLICANT, COUNTY EMPLOYEE, COUNTY CONTRACTOR,
12 OR OTHER INDIVIDUAL WHO HAS OR MAY HAVE ACCESS TO FEDERAL TAX
13 INFORMATION SUBJECT TO AN AGREEMENT AUTHORIZED UNDER
14 SUBSECTION (1) OF THIS SECTION SHALL SUBMIT A COMPLETE SET OF HIS
15 OR HER FINGERPRINTS TO THE COUNTY DEPARTMENT. THE COUNTY
16 DEPARTMENT SHALL SUBMIT THE FINGERPRINTS TO THE COLORADO
17 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING
18 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS. THE COLORADO
19 BUREAU OF INVESTIGATION SHALL FORWARD THE FINGERPRINTS TO THE
20 FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING
21 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS. THE COUNTY
22 DEPARTMENT MAY ACQUIRE A NAME-BASED CRIMINAL HISTORY RECORD
23 CHECK FOR AN APPLICANT, COUNTY EMPLOYEE, COUNTY CONTRACTOR, OR
24 OTHER INDIVIDUAL WHO HAS TWICE SUBMITTED TO A FINGERPRINT-BASED
25 CRIMINAL HISTORY RECORD CHECK AND WHOSE FINGERPRINTS ARE
26 UNCLASSIFIABLE.

27 (3) THE COUNTY DEPARTMENT SHALL USE THE INFORMATION

1 RESULTING FROM THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD
2 CHECK TO INVESTIGATE AND DETERMINE WHETHER THE APPLICANT,
3 COUNTY EMPLOYEE, COUNTY CONTRACTOR, OR OTHER INDIVIDUAL IS
4 QUALIFIED TO HAVE ACCESS TO THE SHARED FEDERAL TAX INFORMATION
5 IN ACCORDANCE WITH FEDERAL INTERNAL REVENUE SERVICE PUBLICATION
6 1075. THE COUNTY DEPARTMENT MAY VERIFY THE INFORMATION AN
7 INDIVIDUAL IS REQUIRED TO SUBMIT. THE COUNTY DEPARTMENT SHALL
8 DENY ACCESS TO THE SHARED FEDERAL TAX INFORMATION TO AN
9 APPLICANT, COUNTY EMPLOYEE, COUNTY CONTRACTOR, OR OTHER
10 INDIVIDUAL WHO DOES NOT PASS THE FINGERPRINT-BASED CRIMINAL
11 HISTORY RECORD CHECK REQUIRED IN ACCORDANCE WITH THIS SECTION.

12 (4) THE COUNTY DEPARTMENT SHALL PAY THE COSTS ASSOCIATED
13 WITH FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS TO THE
14 COLORADO BUREAU OF INVESTIGATION.

15 **24-50-1004. State agencies sharing federal tax information**
16 **with other state agencies.** A STATE AGENCY THAT RECEIVES FEDERAL
17 TAX INFORMATION FROM THE FEDERAL GOVERNMENT AND SHARES THAT
18 INFORMATION WITH ANOTHER STATE AGENCY MAY AUTHORIZE AND
19 REQUIRE THAT STATE AGENCY BY WRITTEN AGREEMENT TO CONDUCT
20 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS IN ACCORDANCE
21 WITH SECTION 24-50-1002 FOR ALL APPLICANTS, STATE EMPLOYEES,
22 STATE CONTRACTORS, OR OTHER INDIVIDUALS WHO HAVE OR MAY HAVE
23 ACCESS TO THE SHARED FEDERAL TAX INFORMATION. A STATE AGENCY
24 THAT RECEIVES FEDERAL TAX INFORMATION FROM THE FEDERAL
25 GOVERNMENT SHALL NOT SHARE THAT INFORMATION WITH ANOTHER
26 STATE AGENCY THAT FAILS OR REFUSES TO COMPLY WITH THE
27 REQUIREMENTS OF THIS SECTION OR SECTION 24-50-1002.

1 **SECTION 2. Appropriation.** (1) For the 2018-19 state fiscal
2 year, \$6,188 is appropriated to the office of the governor for use by the
3 office of information technology. This appropriation is from the general
4 fund. To implement this act, the office of information technology may use
5 this appropriation for the purchase of criminal history record checks.

6 (2) For the 2018-19 state fiscal year, \$36,630 is appropriated to
7 the department of human services. This appropriation is from the general
8 fund. To implement this act, the department may use this appropriation
9 for the purchase of criminal history record checks.

10 (3) For the 2018-19 state fiscal year, \$7,425 is appropriated to the
11 department of labor and employment. This appropriation is from the
12 employment support fund created in section 8-77-109 (1)(b)(I), C.R.S. To
13 implement this act, the department may use this appropriation for the
14 purchase of criminal history record checks.

15 (4) For the 2018-19 state fiscal year, \$6,683 is appropriated to the
16 department of local affairs. This appropriation is from the general fund.
17 To implement this act, the department may use this appropriation for the
18 purchase of criminal history record checks.

19 (5) For the 2018-19 state fiscal year, \$11,633 is appropriated to
20 the department of personnel. This appropriation is from the general fund.
21 To implement this act, the department may use this appropriation for the
22 purchase of criminal history record checks.

23 (6) For the 2018-19 state fiscal year, \$41,580 is appropriated to
24 the department of revenue. This appropriation is from the general fund.
25 To implement this act, the department may use this appropriation for the
26 purchase of criminal history record checks.

27 (7) For the 2018-19 state fiscal year, \$121,748 is appropriated to

1 the department of public safety for use by the biometric identification and
2 records unit. This appropriation is from reappropriated funds from state
3 agencies, including funds received from the office of the governor and
4 the departments of human services, labor and employment, local affairs,
5 personnel, and revenue under subsections (1) through (6) of this section,
6 and is based on an assumption that the bureau will require an additional
7 0.6 FTE. To implement this act, the unit may use this appropriation to
8 provide criminal history record checks for state agencies.

9 **SECTION 3. Effective date.** This act takes effect July 1, 2018.

10 **SECTION 4. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety.