

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0233.01 Conrad Imel x2313

HOUSE BILL 19-1166

HOUSE SPONSORSHIP

Singer,

SENATE SPONSORSHIP

(None),

House Committees

Business Affairs & Labor
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING NAME-BASED CRIMINAL HISTORY RECORD CHECKS, AND,**
102 **IN CONNECTION THEREWITH, REQUIRING CERTAIN PERSONS AND**
103 **ENTITIES TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY**
104 **RECORD CHECK AS A CONDITION OF EMPLOYMENT,**
105 **APPOINTMENT, REGISTRATION, LICENSURE, OR CERTIFICATION.**

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>.)

Current law requires certain people, including applicants for certain licenses, employment, or volunteer activities, to undergo a

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.

fingerprint-based criminal history record check. The bill adds the requirement that the person submit to a name-based criminal history record check when the fingerprint-based check reveals a record of arrest but does not show a disposition in the case.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 5-19-206.5 as
3 follows:

4 **5-19-206.5. Name-based criminal history record check.** WHEN
5 THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
6 OF AN OFFICER OF THE APPLICANT OR EMPLOYEE OR AGENT OF THE
7 APPLICANT PERFORMED PURSUANT TO SECTION 5-19-206 (12) REVEAL A
8 RECORD OF ARREST WITHOUT A DISPOSITION, THE ADMINISTRATOR SHALL
9 REQUIRE THAT PERSON TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY
10 RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

11 **SECTION 2.** In Colorado Revised Statutes, 10-3-112, **amend**
12 (1)(b) as follows:

13 **10-3-112. Directors - terms - election - conflicts of interest -**
14 **recovery of profits.** (1) (b) (I) Each executive officer and director of a
15 domestic company applying for a certificate of authority to do business
16 in Colorado shall submit a set of fingerprints to the commissioner. The
17 commissioner shall forward such fingerprints to the Colorado bureau of
18 investigation for the purpose of conducting a state and national
19 fingerprint-based criminal history record check utilizing records of the
20 Colorado bureau of investigation and the federal bureau of investigation.
21 Only the actual costs of such record check ~~shall~~ **MUST** be borne by the
22 employer.

23 (II) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL

1 HISTORY RECORD CHECK OF A PERSON PERFORMED PURSUANT TO THIS
2 SUBSECTION (1)(b) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION,
3 THE COMMISSIONER SHALL REQUIRE THAT PERSON TO SUBMIT TO A
4 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION
5 22-2-119.3 (6)(d).

6 **SECTION 3.** In Colorado Revised Statutes, 10-3-803, **amend** (3)
7 as follows:

8 **10-3-803. Acquisition of control of or merger with domestic**
9 **insurer - definitions.** (3) (a) Each person described in ~~paragraph (b) of~~
10 ~~subsection (1)~~ SUBSECTION (1)(b) of this section shall submit a set of
11 fingerprints to the commissioner at the time of filing the statement
12 described in ~~paragraph (a) of subsection (1)~~ SUBSECTION (1)(a) of this
13 section. The commissioner shall forward the fingerprints to the Colorado
14 bureau of investigation for the purpose of conducting a state and national
15 fingerprint-based criminal history record check utilizing records of the
16 Colorado bureau of investigation and the federal bureau of investigation.
17 The employer bears only the actual costs of the record check.

18 (b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
19 HISTORY RECORD CHECK OF A PERSON PERFORMED PURSUANT TO THIS
20 SUBSECTION (3) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION,
21 THE COMMISSIONER SHALL REQUIRE THAT PERSON TO SUBMIT TO A
22 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION
23 22-2-119.3 (6)(d).

24 **SECTION 4.** In Colorado Revised Statutes, 10-15-103, **add**
25 (1)(b)(I.5) as follows:

26 **10-15-103. License procedure - records - examination of**
27 **records.** (1) (b) (I.5) WHEN THE RESULTS OF A FINGERPRINT-BASED

1 CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT PERFORMED
2 PURSUANT TO THIS SUBSECTION (1)(b) REVEAL A RECORD OF ARREST
3 WITHOUT A DISPOSITION, THE COMMISSIONER SHALL REQUIRE THAT
4 APPLICANT TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD
5 CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

6 **SECTION 5.** In Colorado Revised Statutes, 10-23-103, **amend**
7 (2) as follows:

8 **10-23-103. Registration requirements - application -**
9 **qualification bond - forfeiture.** (2) (a) Prior to submission of an
10 application ~~under~~ PURSUANT TO this article 23, each applicant shall have
11 his or her fingerprints taken by a local law enforcement agency or any
12 third party approved by the Colorado bureau of investigation to obtain a
13 fingerprint-based criminal history record check. If a third party takes the
14 person's fingerprints, the fingerprints may be electronically captured using
15 Colorado bureau of investigation-approved livescan equipment.
16 Third-party vendors shall not keep the applicant information for more
17 than thirty days unless requested to do so by the applicant. The applicant
18 is required to submit payment by certified check or money order for the
19 fingerprints and for the actual costs of the record check when the
20 fingerprints are submitted to the Colorado bureau of investigation. Upon
21 receipt of fingerprints and receipt of the payment for costs, the Colorado
22 bureau of investigation shall conduct a state and national
23 fingerprint-based criminal history record check utilizing records of the
24 Colorado bureau of investigation and the federal bureau of investigation.

25 (b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
26 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS
27 SUBSECTION (2) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION,

1 THE DIVISION SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A
2 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION
3 22-2-119.3 (6)(d).

4 **SECTION 6.** In Colorado Revised Statutes, **add** 11-110-107.5 as
5 follows:

6 **11-110-107.5. Name-based criminal history record check.**

7 WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD
8 CHECK OF AN APPLICANT PERFORMED PURSUANT TO SECTION 11-110-107
9 (1)(e) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE
10 BANKING BOARD SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A
11 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION
12 22-2-119.3 (6)(d). THE APPLICANT SHALL PAY THE ACTUAL COSTS OF THE
13 NAME-BASED CRIMINAL HISTORY RECORD CHECK.

14 **SECTION 7.** In Colorado Revised Statutes, 12-15.5-105, **amend**
15 (4) as follows:

16 **12-15.5-105. Licensing.** (4) With the submission of an
17 application for a license granted pursuant to this section, each applicant
18 and its officers, directors, and general partners shall submit a complete set
19 of his or her fingerprints to the Colorado bureau of investigation for the
20 purpose of conducting fingerprint-based criminal history record checks.
21 The Colorado bureau of investigation shall forward the fingerprints to the
22 federal bureau of investigation for the purpose of conducting
23 fingerprint-based criminal history record checks. ~~The director may~~
24 ~~acquire a name-based criminal history record check for a person who has~~
25 ~~twice submitted to a fingerprint-based criminal history record check and~~
26 ~~whose fingerprints are unclassifiable.~~ A person who has previously
27 submitted fingerprints for state or local licensing purposes may request

1 the use of the fingerprints on file. THE DIRECTOR SHALL REQUIRE A
2 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION
3 22-2-119.3 (6)(d), FOR A PERSON WHO HAS TWICE SUBMITTED TO A
4 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND WHOSE
5 FINGERPRINTS ARE UNCLASSIFIABLE OR WHEN THE RESULTS OF A
6 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF A PERSON
7 PERFORMED PURSUANT TO THIS SUBSECTION (4) REVEAL A RECORD OF
8 ARREST WITHOUT A DISPOSITION. The director shall use the information
9 resulting from the fingerprint-based OR NAME-BASED criminal history
10 record check to investigate and determine whether an applicant is
11 qualified to hold a license pursuant to this section. The director may
12 verify the information an applicant is required to submit. The applicant
13 shall pay the costs associated with the fingerprint-based criminal history
14 record check to the Colorado bureau of investigation. THE APPLICANT IS
15 RESPONSIBLE FOR THE COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL
16 HISTORY RECORD CHECK.

17 **SECTION 8.** In Colorado Revised Statutes, 12-35.5-107, **amend**
18 (1)(e) and (3); and **add** (2.5) as follows:

19 **12-35.5-107. License - reciprocity - denial of license**
20 **application.** (1) Every applicant for a license to practice massage therapy
21 shall:

22 (e) Submit to a criminal history record check in the form and
23 manner as described in subsection (2) OF THIS SECTION AND, IF
24 NECESSARY, SUBSECTION (2.5) of this section; and

25 (2.5) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
26 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS
27 SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE

1 DIRECTOR SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A NAME-BASED
2 CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3
3 (6)(d).

4 (3) After an applicant has fulfilled the requirements of subsections
5 (1) and (2) OF THIS SECTION AND, IF NECESSARY, SUBSECTION (2.5) of this
6 section, the director shall issue a license to the applicant.

7 **SECTION 9.** In Colorado Revised Statutes, **amend** 12-42.5-304
8 as follows:

9 **12-42.5-304. Criminal history record check.** (1) Prior to
10 submission of an application, each designated representative must have
11 his or her fingerprints taken by a local law enforcement agency or any
12 third party approved by the Colorado bureau of investigation for the
13 purpose of obtaining a fingerprint-based criminal history record check. If
14 an approved third party takes the person's fingerprints, the fingerprints
15 may be electronically captured using Colorado bureau of
16 investigation-approved livescan equipment. Third-party vendors shall not
17 keep the applicant information for more than thirty days unless requested
18 to do so by the applicant. The designated representative shall submit
19 payment by certified check or money order for the fingerprints and for the
20 actual costs of the record check at the time the fingerprints are submitted
21 to the Colorado bureau of investigation. Upon receipt of fingerprints and
22 receipt of the payment for costs, the Colorado bureau of investigation
23 shall conduct a state and national fingerprint-based criminal history
24 record check utilizing records of the Colorado bureau of investigation and
25 the federal bureau of investigation.

26 (2) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
27 HISTORY RECORD CHECK OF A DESIGNATED REPRESENTATIVE PERFORMED

1 PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST WITHOUT A
2 DISPOSITION, THE BOARD SHALL REQUIRE THAT DESIGNATED
3 REPRESENTATIVE TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY
4 RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d). THE
5 DESIGNATED REPRESENTATIVE SHALL PAY THE ACTUAL COSTS OF THE
6 NAME-BASED CRIMINAL HISTORY RECORD CHECK.

7 **SECTION 10.** In Colorado Revised Statutes, **amend**
8 12-43.2-105.5 as follows:

9 **12-43.2-105.5. Criminal history record check required.**

10 (1) Each applicant for registration must have his or her fingerprints taken
11 by a local law enforcement agency or any third party approved by the
12 Colorado bureau of investigation for the purpose of obtaining a
13 fingerprint-based criminal history record check. If an approved third party
14 takes the person's fingerprints, the fingerprints may be electronically
15 captured using Colorado bureau of investigation-approved livescan
16 equipment. Third-party vendors shall not keep the applicant information
17 for more than thirty days unless requested to do so by the applicant. The
18 applicant shall submit payment by certified check or money order for the
19 fingerprints and for the actual costs of the record check at the time the
20 fingerprints are submitted to the Colorado bureau of investigation. Upon
21 receipt of fingerprints and receipt of the payment for costs, the Colorado
22 bureau of investigation shall conduct a state and national
23 fingerprint-based criminal history record check utilizing records of the
24 Colorado bureau of investigation and the federal bureau of investigation
25 and shall forward the results of the criminal history record check to the
26 director.

27 (2) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL

1 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS
2 SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE
3 DIRECTOR SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A NAME-BASED
4 CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3
5 (6)(d). THE APPLICANT SHALL PAY THE ACTUAL COSTS OF THE
6 NAME-BASED CRIMINAL HISTORY RECORD CHECK.

7 **SECTION 11.** In Colorado Revised Statutes, 12-58.5-106,
8 **amend** (2) as follows:

9 **12-58.5-106. Private investigator licenses - qualifications - fees**
10 **- renewal - rules.** (2) (a) In addition to the requirements of subsection
11 (1) of this section, each applicant for a level I or level II private
12 investigator license must have his or her fingerprints taken by a local law
13 enforcement agency or any third party approved by the Colorado bureau
14 of investigation for the purpose of obtaining a fingerprint-based criminal
15 history record check. If an approved third party takes the person's
16 fingerprints, the fingerprints may be electronically captured using
17 Colorado bureau of investigation-approved livescan equipment.
18 Third-party vendors shall not keep the applicant information for more
19 than thirty days unless requested to do so by the applicant. The applicant
20 shall submit payment by certified check or money order for the
21 fingerprints and for the actual costs of the record check at the time the
22 fingerprints are submitted to the Colorado bureau of investigation. Upon
23 receipt of fingerprints and receipt of the payment for costs, the Colorado
24 bureau of investigation shall conduct a state and national
25 fingerprint-based criminal history record check utilizing records of the
26 Colorado bureau of investigation and the federal bureau of investigation
27 and shall forward the results of the criminal history record check to the

1 director.

2 (b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
3 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS
4 SUBSECTION (2) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION,
5 THE DIRECTOR SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A
6 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION
7 22-2-119.3 (6)(d). THE APPLICANT SHALL PAY THE ACTUAL COSTS OF THE
8 NAME-BASED CRIMINAL HISTORY RECORD CHECK.

9 **SECTION 12.** In Colorado Revised Statutes, 12-61-103, **amend**
10 (1)(b)(I) as follows:

11 **12-61-103. Application for license - rules.** (1) (b) (I) Prior to
12 submitting an application for a license pursuant to ~~paragraph (a) of this~~
13 ~~subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION, each applicant shall
14 submit a set of fingerprints to the Colorado bureau of investigation for the
15 purpose of conducting a state and national fingerprint-based criminal
16 history record check utilizing records of the Colorado bureau of
17 investigation and the federal bureau of investigation. The applicant shall
18 pay the fee established by the Colorado bureau of investigation for
19 conducting the fingerprint-based criminal history record check to the
20 bureau. Upon completion of the criminal history record check, the bureau
21 shall forward the results to the real estate commission. The real estate
22 commission ~~may~~ SHALL acquire a name-based criminal history record
23 check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an applicant who has
24 twice submitted to a fingerprint-based criminal history record check and
25 whose fingerprints are unclassifiable OR WHEN THE RESULTS OF A
26 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT
27 PERFORMED PURSUANT TO THIS SUBSECTION (1)(b)(I) REVEAL A RECORD

1 OF ARREST WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY THE
2 COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD
3 CHECK.

4 **SECTION 13.** In Colorado Revised Statutes, 12-61-706, **amend**
5 (6)(a) as follows:

6 **12-61-706. Qualifications for licensing and certification of**
7 **appraisers - continuing education - definitions - rules.** (6) (a) The
8 board shall not issue a license or certification until the applicant
9 demonstrates that he or she meets the fitness standards established by
10 board rule and submits a set of fingerprints to the Colorado bureau of
11 investigation for the purpose of conducting a state and national
12 fingerprint-based criminal history record check utilizing records of the
13 Colorado bureau of investigation and the federal bureau of investigation.
14 Each person submitting a set of fingerprints shall pay the fee established
15 by the Colorado bureau of investigation for conducting the
16 fingerprint-based criminal history record check to the bureau. Upon
17 completion of the criminal history record check, the bureau shall forward
18 the results to the board. The board ~~may~~ SHALL require a name-based
19 criminal history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d),
20 for an applicant who has twice submitted to a fingerprint-based criminal
21 history record check and whose fingerprints are unclassifiable OR WHEN
22 THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
23 OF AN APPLICANT PERFORMED PURSUANT TO THIS SUBSECTION (6) REVEAL
24 A RECORD OF ARREST WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY
25 THE COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD
26 CHECK. The board may deny an application for licensure or certification
27 based on the outcome of the criminal history record check and may

1 establish criminal history requirements more stringent than those
2 established by any applicable federal law. At a minimum, the board shall
3 adopt the criminal history requirements established by any applicable
4 federal law.

5 **SECTION 14.** In Colorado Revised Statutes, 12-61-707, **amend**
6 (3) as follows:

7 **12-61-707. Appraisal management companies - application for**
8 **license - exemptions.** (3) The board shall not issue a license to any
9 partnership, limited liability company, or corporation unless and until the
10 appraiser designated by the partnership, limited liability company, or
11 corporation as controlling appraiser and each individual who owns more
12 than ten percent of the entity demonstrates that he or she meets the fitness
13 standards established by board rule and submits a set of fingerprints to the
14 Colorado bureau of investigation for the purpose of conducting a state
15 and national fingerprint-based criminal history record check utilizing
16 records of the Colorado bureau of investigation and the federal bureau of
17 investigation. Each person submitting a set of fingerprints shall pay the
18 fee established by the Colorado bureau of investigation for conducting the
19 fingerprint-based criminal history record check to the bureau. Upon
20 completion of the criminal history record check, the bureau shall forward
21 the results to the board. The board ~~may~~ SHALL require a name-based
22 criminal history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d),
23 for an applicant who has twice submitted to a fingerprint-based criminal
24 history record check and whose fingerprints are unclassifiable OR WHEN
25 THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
26 OF AN APPLICANT PERFORMED PURSUANT TO THIS SUBSECTION (3) REVEAL
27 A RECORD OF ARREST WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY

1 THE COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD
2 CHECK. The board may deny an application for licensure or refuse to
3 renew a license based on the outcome of the criminal history record
4 check. The board may require criminal history requirements more
5 stringent than those established by any applicable federal law. At a
6 minimum, the board shall adopt the criminal history requirements
7 established by any applicable federal law.

8 **SECTION 15.** In Colorado Revised Statutes, 12-61-710, **amend**
9 (4) as follows:

10 **12-61-710. Expiration of licenses - renewal - penalties - fees -**
11 **rules.** (4) At the time of renewal or reinstatement, every licensee,
12 certificate holder, and person or individual who owns more than ten
13 percent of an appraisal management company shall submit a set of
14 fingerprints to the Colorado bureau of investigation for the purpose of
15 conducting a state and national fingerprint-based criminal history record
16 check utilizing records of the Colorado bureau of investigation and the
17 federal bureau of investigation, if the person has not previously done so
18 for issuance of a license or certification by the board. Each person
19 submitting a set of fingerprints shall pay the fee established by the
20 Colorado bureau of investigation for conducting the fingerprint-based
21 criminal history record check to the bureau. The bureau shall forward the
22 results to the board. The board ~~may~~ SHALL require a name-based criminal
23 history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an
24 applicant who has twice submitted to a fingerprint-based criminal history
25 record check and whose fingerprints are unclassifiable OR WHEN THE
26 RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF
27 AN APPLICANT PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD

1 OF ARREST WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY THE
2 COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD
3 CHECK. The board may refuse to renew or reinstate a license or
4 certification based on the outcome of the criminal history record check.

5 **SECTION 16.** In Colorado Revised Statutes, 12-61-903, **amend**
6 (5)(a) and (5.5)(c) as follows:

7 **12-61-903. License required - rules.** (5) (a) Prior to submitting
8 an application for a license, an applicant shall submit a set of fingerprints
9 to the Colorado bureau of investigation. Upon receipt of the applicant's
10 fingerprints, the Colorado bureau of investigation shall use the
11 fingerprints to conduct a state and national criminal history record check
12 using records of the Colorado bureau of investigation and the federal
13 bureau of investigation. All costs arising from such criminal history
14 record check ~~shall~~ MUST be borne by the applicant and ~~shall~~ MUST be paid
15 when the set of fingerprints is submitted. Upon completion of the criminal
16 history record check, the bureau shall forward the results to the board.
17 The board ~~may~~ SHALL acquire a name-based criminal history record
18 check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an applicant who has
19 twice submitted to a fingerprint-based criminal history record check and
20 whose fingerprints are unclassifiable OR WHEN THE RESULTS OF A
21 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT
22 PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST
23 WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY THE COSTS
24 ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD CHECK.

25 (5.5) (c) The board ~~may~~ SHALL acquire a name-based criminal
26 history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an
27 applicant who has twice submitted to a fingerprint-based criminal history

1 record check and whose fingerprints are unclassifiable OR WHEN THE
2 RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF
3 AN APPLICANT PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD
4 OF ARREST WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY THE
5 COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD
6 CHECK.

7 **SECTION 17.** In Colorado Revised Statutes, 13-93-101, **amend**
8 (3) as follows:

9 **13-93-101. License to practice necessary.** (3) Upon request of
10 the supreme court or a representative of its office of attorney regulation
11 counsel, the Colorado bureau of investigation shall also provide a
12 name-based criminal history record check, AS DEFINED IN SECTION
13 22-2-119.3 (6)(d), for any applicant whose fingerprints are unclassifiable
14 OR WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY
15 RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS SECTION
16 REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION.

17 **SECTION 18.** In Colorado Revised Statutes, 14-10-116.5,
18 **amend** (4)(b) as follows:

19 **14-10-116.5. Appointment in domestic relations cases - child**
20 **and family investigator - disclosure - background check.** (4) (b) FOR
21 ANY PERSON WHOSE FINGERPRINTS ARE UNCLASSIFIABLE OR WHEN THE
22 RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF
23 A PERSON PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF
24 ARREST WITHOUT A DISPOSITION, THE DEPARTMENT SHALL REQUIRE THAT
25 APPLICANT TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD
26 CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d). Upon request of the
27 department PURSUANT TO THIS SECTION, the Colorado bureau of

1 investigation shall also provide a name-based criminal history record
2 check for any person. ~~whose fingerprints are unclassifiable.~~

3 **SECTION 19.** In Colorado Revised Statutes, 15-14-110, **amend**
4 (5) as follows:

5 **15-14-110. Letters of office.** (5) (a) Nothing in this section shall
6 be construed to prohibit the court from requiring a nominee to obtain
7 additional background information as the court deems necessary to assist
8 the court in determining the fitness of the nominee for the appointment
9 sought by the nominee, including requiring a nominee to obtain
10 fingerprint-based criminal history record checks through the Colorado
11 bureau of investigation and the federal bureau of investigation. If the
12 court requires a nominee to submit fingerprint-based criminal history
13 record checks, the nominee shall be responsible for providing a complete
14 set of fingerprints to the Colorado bureau of investigation and for
15 obtaining the fingerprint-based criminal history record checks and
16 presenting them with the acceptance of office. The nominee shall also be
17 responsible for the cost of the fingerprint-based criminal history record
18 checks.

19 (b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
20 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS
21 SUBSECTION (5) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION,
22 THE COURT SHALL REQUIRE THAT NOMINEE TO SUBMIT TO A NAME-BASED
23 CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3
24 (6)(d). THE APPLICANT IS RESPONSIBLE FOR THE COST OF THE NAME-BASED
25 CRIMINAL HISTORY RECORD CHECK.

26 **SECTION 20.** In Colorado Revised Statutes, 19-2-411.5, **amend**
27 (4) as follows:

1 **19-2-411.5. Juvenile facility - contract for operation.** (4) The
2 contractor shall require applicants for employment at the facility to submit
3 a set of fingerprints to the Colorado bureau of investigation for a criminal
4 background check, and the Colorado bureau of investigation may accept
5 such fingerprints. For the purpose of conducting background checks, to
6 the extent authorized by federal law, the Colorado bureau of investigation
7 may exchange with the department any state, multistate, and federal
8 criminal history records of individuals who apply for employment at the
9 facility. WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY
10 RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS SECTION
11 REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE CONTRACTOR
12 SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A NAME-BASED CRIMINAL
13 HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

14 **SECTION 21.** In Colorado Revised Statutes, 22-1-121, **amend**
15 (1.7)(b); and **add** (1.7)(a.5) as follows:

16 **22-1-121. Nonpublic schools - employment of personnel -**
17 **notification by department of education.** (1.7) (a.5) WHEN THE
18 RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF
19 AN APPLICANT OR EMPLOYEE PERFORMED PURSUANT TO THIS SECTION
20 REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE GOVERNING
21 BOARD SHALL REQUIRE THAT APPLICANT OR EMPLOYEE TO SUBMIT TO A
22 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION
23 22-2-119.3 (6)(d).

24 (b) All costs arising from a fingerprint-based criminal history
25 record check performed by the Colorado bureau of investigation and the
26 federal bureau of investigation pursuant to the provisions of this section
27 ~~shall~~ OR A NAME-BASED CRIMINAL HISTORY RECORD CHECK PERFORMED

1 PURSUANT TO THIS SECTION MUST be borne by the nonpublic school. Such
2 costs may be passed on to the employee or the prospective employee.

3 **SECTION 22.** In Colorado Revised Statutes, 22-30.5-110.5,
4 **amend** (2) introductory portion and (2)(b)(I) as follows:

5 **22-30.5-110.5. Background investigation - charter school**
6 **employees - information provided to department.** (2) The background
7 investigation of an applicant, at a minimum, ~~shall~~ MUST include:

8 (b) (I) A fingerprint-based criminal history record check AND, IF
9 NECESSARY, A NAME-BASED CRIMINAL HISTORY RECORD CHECK, as
10 described in section 22-30.5-110.7.

11 **SECTION 23.** In Colorado Revised Statutes, 22-30.5-110.7,
12 **amend** (4), (5)(a) introductory portion, (6), (6.5), and (9) as follows:

13 **22-30.5-110.7. Fingerprint-based criminal history record**
14 **checks - charter school employees - procedures - definitions -**
15 **exceptions.** (4) (a) A charter school to which fingerprints are submitted
16 pursuant to subsection (1) of this section shall forward the fingerprints to
17 the Colorado bureau of investigation for the purpose of conducting a state
18 and national fingerprint-based criminal history record check utilizing the
19 records of the Colorado bureau of investigation and the federal bureau of
20 investigation.

21 (b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
22 HISTORY RECORD CHECK OF AN EMPLOYEE PERFORMED PURSUANT TO THIS
23 SUBSECTION (4) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION,
24 THE CHARTER SCHOOL SHALL REQUIRE THAT EMPLOYEE TO SUBMIT TO A
25 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION
26 22-2-119.3 (6)(d).

27 (5) (a) A charter school may employ a person in the charter school

1 prior to receiving the results of the person's fingerprint-based criminal
2 history record check OR NAME-BASED CRIMINAL HISTORY RECORD CHECK;
3 except that:

4 (6) (a) When a charter school finds good cause to believe that a
5 person employed by the charter school has been convicted of a felony or
6 misdemeanor, other than a misdemeanor traffic offense or traffic
7 infraction, subsequent to such employment, the charter school shall
8 require the person to submit to the charter school a complete set of his or
9 her fingerprints taken by a qualified law enforcement agency, an
10 authorized employee of the charter school, or any third party approved by
11 the Colorado bureau of investigation. If an approved third party takes the
12 person's fingerprints, the fingerprints may be electronically captured using
13 Colorado bureau of investigation-approved livescan equipment.
14 Third-party vendors shall not keep the applicant information for more
15 than thirty days unless requested to do so by the applicant. The employee
16 shall submit his or her fingerprints within twenty days after receipt of
17 written notification from the charter school. The charter school shall
18 forward the employee's fingerprints to the Colorado bureau of
19 investigation for the purpose of conducting a state and national
20 fingerprint-based criminal history record check utilizing the records of the
21 Colorado bureau of investigation and the federal bureau of investigation.

22 (b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
23 HISTORY RECORD CHECK OF AN EMPLOYEE PERFORMED PURSUANT TO
24 SUBSECTION (6)(a) OF THIS SECTION REVEAL A RECORD OF ARREST
25 WITHOUT A DISPOSITION, THE CHARTER SCHOOL SHALL REQUIRE THAT
26 EMPLOYEE TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD
27 CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

1 (6.5) An employee or an applicant for employment with a charter
2 school is disqualified from employment if the results of a
3 fingerprint-based criminal history record check OR NAME-BASED
4 CRIMINAL HISTORY RECORD CHECK completed on or after August 10,
5 2011, disclose a conviction for an offense described in section
6 22-32-109.8 (6.5). Nothing in this section or in section 22-32-109.8 shall
7 ~~create~~ CREATES for a person a property right in or entitlement to
8 employment or continued employment with a charter school or ~~impair~~
9 IMPAIRS a charter school's right to terminate employment for a
10 nondiscriminatory reason.

11 (9) (a) The employing charter school shall be responsible for costs
12 arising from a fingerprint-based criminal history record check performed
13 by the Colorado bureau of investigation and the federal bureau of
14 investigation pursuant to the provisions of this section. The charter school
15 may collect the costs from the employee or the prospective employee.

16 (b) THE EMPLOYING CHARTER SCHOOL SHALL BE RESPONSIBLE FOR
17 COSTS ARISING FROM A NAME-BASED CRIMINAL HISTORY RECORD CHECK
18 PERFORMED PURSUANT TO THIS SECTION. THE CHARTER SCHOOL MAY
19 COLLECT THE COSTS FROM THE EMPLOYEE OR THE PROSPECTIVE
20 EMPLOYEE.

21 **SECTION 24.** In Colorado Revised Statutes, 22-30.5-511.5,
22 **amend** (1), (2), and (2.5) as follows:

23 **22-30.5-511.5. Background investigation - prohibition against**
24 **employing persons - institute charter school employees' information**
25 **provided to department.** (1) An institute charter school shall conduct
26 a background investigation, including a fingerprint-based criminal history
27 record check, as described in sections 22-30.5-110.5 and 22-30.5-110.7,

1 of an applicant to whom an offer of employment is extended by the
2 institute charter school to determine whether the applicant is suitable to
3 work in an environment with children. An applicant who applies for a
4 position of employment with an institute charter school shall submit to a
5 background investigation, including a fingerprint-based criminal history
6 record check, AND, AS NECESSARY, A NAME-BASED CRIMINAL HISTORY
7 RECORD CHECK, as described in sections 22-30.5-110.5 and
8 22-30.5-110.7.

9 (2) When an institute charter school finds good cause to believe
10 that a person employed by the institute charter school has been convicted
11 of a felony or misdemeanor, other than a misdemeanor traffic offense or
12 traffic infraction subsequent to such employment, the institute charter
13 school shall require the person to submit to the institute charter school a
14 complete set of his or her fingerprints for a fingerprint-based criminal
15 history record check AND, AS NECESSARY, A NAME-BASED CRIMINAL
16 HISTORY RECORD CHECK, as described in section 22-30.5-110.7 (6).

17 (2.5) An employee or an applicant for employment with an
18 institute charter school is disqualified from employment if the results of
19 a fingerprint-based criminal history record check OR A NAME-BASED
20 CRIMINAL HISTORY RECORD CHECK completed on or after August 10,
21 2011, disclose a conviction for an offense described in section
22 22-32-109.8 (6.5). Nothing in this section or in section 22-32-109.8 shall
23 ~~create~~ CREATES for a person a property right in or entitlement to
24 employment or continued employment with an institute charter school or
25 ~~impair~~ IMPAIRS an institute charter school's right to terminate employment
26 for a nondiscriminatory reason.

27 **SECTION 25.** In Colorado Revised Statutes, 22-30.7-111,

1 **amend** (1)(b) introductory portion and (1)(b)(VII) as follows:

2 **22-30.7-111. Learning centers - memoranda of understanding**
3 **- rules - appeal process.** (1) (b) A multi-district online school that
4 intends to provide instruction to students within a learning center shall
5 notify the school district in which the proposed learning center is located
6 of the multi-district online school's intention in writing at least ninety
7 days before the multi-district online school intends to commence
8 providing such instruction. The notice ~~shall~~ **MUST** include the standard
9 MOU form that addresses, at a minimum, the following information as it
10 applies to each learning center to be located within the school district:

11 (VII) Measures to ensure compliance with state and federal laws
12 concerning educator ~~licensing and~~ LICENSING, fingerprint-based criminal
13 history record CHECKS, AND NAME-BASED CRIMINAL HISTORY RECORD
14 checks;

15 **SECTION 26.** In Colorado Revised Statutes, 22-32-109.8,
16 **amend** (4), (5)(a) introductory portion, and (5)(a)(II); and **add** (6)(a.5) as
17 follows:

18 **22-32-109.8. Applicants selected for nonlicensed positions -**
19 **submittal of form and fingerprints - prohibition against employing**
20 **persons - department database.** (4) (a) Any school district to which
21 fingerprints are submitted pursuant to subsection (1) of this section shall
22 forward such fingerprints to the Colorado bureau of investigation for the
23 purpose of conducting a state and national fingerprint-based criminal
24 history record check utilizing the records of the Colorado bureau of
25 investigation and the federal bureau of investigation.

26 (b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
27 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS

1 SUBSECTION (4) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION,
2 THE SCHOOL DISTRICT SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A
3 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION
4 22-2-119.3 (6)(d).

5 (5) (a) A school district may employ a person in a nonlicensed
6 position in the school district prior to receiving the results regarding the
7 selected applicant's ~~fingerprints~~ FINGERPRINT-BASED OR NAME-BASED
8 CRIMINAL HISTORY RECORD CHECK; however:

9 (II) The school district shall terminate the person's employment
10 if the results of a fingerprint-based criminal history record check OR
11 NAME-BASED CRIMINAL HISTORY RECORD CHECK completed on or after
12 August 10, 2011, disclose a conviction for an offense described in
13 subsection (6.5) of this section.

14 (6) (a.5) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
15 HISTORY RECORD CHECK OF AN EMPLOYEE PERFORMED PURSUANT TO THIS
16 SUBSECTION (6) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION,
17 THE SCHOOL DISTRICT SHALL REQUIRE THAT EMPLOYEE TO SUBMIT TO A
18 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION
19 22-2-119.3 (6)(d).

20 **SECTION 27.** In Colorado Revised Statutes, 22-32-109.9,
21 **amend** (2) and (3) as follows:

22 **22-32-109.9. Licensed personnel - submittal of fingerprints.**

23 (2) (a) Any school district to which fingerprints are submitted pursuant
24 to subsection (1) of this section shall forward such fingerprints to the
25 Colorado bureau of investigation for the purpose of conducting a state
26 and national fingerprint-based criminal history record check utilizing the
27 records of the Colorado bureau of investigation and the federal bureau of

1 investigation.

2 (b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
3 HISTORY RECORD CHECK OF AN EMPLOYEE PERFORMED PURSUANT TO THIS
4 SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE
5 SCHOOL DISTRICT SHALL REQUIRE THAT EMPLOYEE TO SUBMIT TO A
6 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION
7 22-2-119.3 (6)(d).

8 (3) All costs arising from the taking of fingerprints and from any
9 fingerprint processing performed by the Colorado bureau of investigation
10 pursuant to the provisions of subsection (1) of this section ~~shall~~ AND
11 COSTS ARISING FROM THE PERFORMANCE OF A NAME-BASED CRIMINAL
12 HISTORY RECORD CHECK MUST be borne by school districts. School
13 districts shall not charge licensed personnel any fees for the direct and
14 indirect costs of such school district for fingerprint processing OR
15 CRIMINAL HISTORY RECORD CHECKS performed pursuant to the provisions
16 of subsection (1) of this section.

17 **SECTION 28.** In Colorado Revised Statutes, 22-60.5-103, **add**
18 (7) as follows:

19 **22-60.5-103. Applicants - licenses - authorizations - submittal**
20 **of form and fingerprints - failure to comply constitutes grounds for**
21 **denial.** (7) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
22 HISTORY RECORD CHECK OF AN APPLICANT OR A SEARCH OF ANY OTHER
23 SOURCE OF CRIMINAL HISTORY INFORMATION PERFORMED PURSUANT TO
24 THIS SECTION REVEALS A RECORD OF ARREST WITHOUT A DISPOSITION, THE
25 DEPARTMENT OF EDUCATION SHALL REQUIRE THAT APPLICANT TO SUBMIT
26 TO A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN
27 SECTION 22-2-119.3 (6)(d).

1 **SECTION 29.** In Colorado Revised Statutes, 23-64-110, **amend**
2 (1)(a) as follows:

3 **23-64-110. Submittal of fingerprints for persons teaching at**
4 **designated schools - fingerprint-based criminal history record checks**
5 **- prerequisite for commencing or continuing employment.**

6 (1) (a) (I) Instructional staff or prospective instructional staff who may
7 be teaching students in a school designated by the board pursuant to
8 section 23-64-108 (1)(l) shall, beginning July 1, 2006, in order to
9 commence or continue employment at a designated school, submit a set
10 of his or her fingerprints to the Colorado bureau of investigation for the
11 purpose of conducting a state and national fingerprint-based criminal
12 history record check utilizing records of the Colorado bureau of
13 investigation and the federal bureau of investigation. Nothing in this
14 section ~~shall preclude~~ PRECLUDES the board from making further inquiries
15 into the background of instructional staff or prospective instructional
16 staff. Instructional staff or prospective instructional staff shall pay the fee
17 established by the Colorado bureau of investigation for conducting the
18 fingerprint-based criminal history record check. Upon completion of the
19 criminal history record check, the bureau shall forward the results to the
20 board. The board shall conduct a review of the results of the criminal
21 history record check forwarded by the bureau and consider the results in
22 assessing whether instructional staff or prospective instructional staff
23 meet minimum standards of qualification, as established by the board
24 pursuant to section 23-64-112, necessary to commence or continue
25 employment at the designated school.

26 (II) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
27 HISTORY RECORD CHECK OF INSTRUCTIONAL STAFF OR PROSPECTIVE

1 INSTRUCTIONAL STAFF PERFORMED PURSUANT TO THIS SECTION REVEAL
2 A RECORD OF ARREST WITHOUT A DISPOSITION, THE BOARD SHALL REQUIRE
3 THE INSTRUCTIONAL STAFF OR PROSPECTIVE INSTRUCTIONAL STAFF TO
4 SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED
5 IN SECTION 22-2-119.3 (6)(d). INSTRUCTIONAL STAFF OR PROSPECTIVE
6 INSTRUCTIONAL STAFF SHALL PAY THE FEE ESTABLISHED BY THE BOARD
7 FOR CONDUCTING THE NAMED-BASED CRIMINAL HISTORY RECORD CHECK.

8 **SECTION 30.** In Colorado Revised Statutes, 24-31-304, **amend**
9 (3) as follows:

10 **24-31-304. Applicant for training - fingerprint-based criminal**
11 **history record check.** (3) (a) A person seeking to enroll in a training
12 academy shall submit a set of fingerprints to the training academy prior
13 to enrolling in the academy. The training academy shall forward the
14 fingerprints to the Colorado bureau of investigation for the purpose of
15 obtaining a fingerprint-based criminal history record check. Upon receipt
16 of fingerprints and payment for the costs, the Colorado bureau of
17 investigation shall conduct a state and national fingerprint-based criminal
18 history record check utilizing records of the Colorado bureau of
19 investigation and the federal bureau of investigation. The P.O.S.T. board
20 ~~shall be~~ IS the authorized agency to receive information regarding the
21 result of a national criminal history record check. The P.O.S.T. board
22 shall notify the training academy if the fingerprint-based criminal history
23 record check indicates that the person is prohibited from enrolling in the
24 training academy pursuant to subsection (2) of this section. The person
25 seeking to enroll in the training academy shall bear only the actual costs
26 of the state and national fingerprint-based criminal history record check.

27 (b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL

1 HISTORY RECORD CHECK OF A PERSON SEEKING TO ENROLL IN A TRAINING
2 ACADEMY PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF
3 ARREST WITHOUT A DISPOSITION, THE P.O.S.T. BOARD SHALL REQUIRE
4 THAT PERSON TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD
5 CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

6 **SECTION 31.** In Colorado Revised Statutes, 24-31-702, **amend**
7 (2)(f) as follows:

8 **24-31-702. Colorado domestic violence fatality review board**
9 **- creation - membership - purpose - duties.** (2) (f) Before commencing
10 his or her service on the review team, each member shall submit his or her
11 fingerprints to the Colorado bureau of investigation for the purposes of
12 a criminal background check. The bureau shall forward the results of each
13 background check to the attorney general. WHEN THE RESULTS OF A
14 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF A MEMBER
15 PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST
16 WITHOUT A DISPOSITION, THE ATTORNEY GENERAL SHALL REQUIRE THAT
17 MEMBER TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD
18 CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

19 **SECTION 32.** In Colorado Revised Statutes, 24-33.5-705.5,
20 **amend** (4)(b) as follows:

21 **24-33.5-705.5. Auxiliary emergency communications unit -**
22 **powers and duties of unit and office of emergency management**
23 **regarding auxiliary communications - definitions.** (4) In connection
24 with the powers and duties of the unit as specified in this section, the
25 director of the office may:

26 (b) Conduct criminal background investigations on candidates for
27 credentialing as auxiliary emergency communicators in accordance with

1 the security needs of the department. WHEN THE RESULTS OF A
2 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT
3 PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST
4 WITHOUT A DISPOSITION, THE DIRECTOR SHALL REQUIRE THAT APPLICANT
5 TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS
6 DEFINED IN SECTION 22-2-119.3 (6)(d). The unit may deny credentialing
7 to any candidate based upon the results of ~~that~~ A background check.

8 **SECTION 33.** In Colorado Revised Statutes, **amend 24-50-1002**
9 as follows:

10 **24-50-1002. State agencies with access to federal tax**
11 **information - authorization for background checks - procedure -**
12 **costs.** (1) Each applicant, state employee, state contractor, or other
13 individual who has or may have access through a state agency to federal
14 tax information received from the federal government shall submit a
15 complete set of his or her fingerprints to the state agency. The state
16 agency shall submit the fingerprints to the Colorado bureau of
17 investigation for the purpose of conducting fingerprint-based criminal
18 history record checks. The Colorado bureau of investigation shall forward
19 the fingerprints to the federal bureau of investigation for the purpose of
20 conducting fingerprint-based criminal history record checks. The state
21 agency ~~may~~ SHALL acquire a name-based criminal history record check,
22 AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an applicant, state
23 employee, state contractor, or other individual who has twice submitted
24 to a fingerprint-based criminal history record check and whose
25 fingerprints are unclassifiable OR WHEN THE RESULTS OF A
26 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF A PERSON
27 PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST

1 WITHOUT A DISPOSITION. The state agency may collect the fingerprints of
2 the applicant, state employee, state contractor, or other individual or may
3 use the fingerprinting services of another state agency or other entity
4 authorized to collect fingerprints for the purpose of conducting
5 fingerprint-based criminal history record checks.

6 (2) The state agency shall use the information resulting from the
7 fingerprint-based OR NAME-BASED criminal history record check to
8 investigate and determine whether the applicant, state employee, state
9 contractor, or other individual is qualified to have access to federal tax
10 information in accordance with federal internal revenue service
11 publication 1075. The state agency may verify the information an
12 individual is required to submit. The state agency shall deny access to
13 federal tax information received from the federal government to an
14 applicant, state employee, state contractor, or other individual who does
15 not pass the ~~fingerprint-based~~ criminal history record check required by
16 this section.

17 (3) The state agency shall pay the costs associated with
18 fingerprint-based criminal history record checks to the Colorado bureau
19 of investigation AND PAY THE COSTS ASSOCIATED WITH A NAME-BASED
20 CRIMINAL HISTORY RECORD CHECK.

21 **SECTION 34.** In Colorado Revised Statutes, 24-50-1003, **amend**
22 (2), (3), and (4) as follows:

23 **24-50-1003. County departments with access to federal tax**
24 **information - authorization for background checks - procedure -**
25 **costs.** (2) Each applicant, county employee, county contractor, or other
26 individual who has or may have access to federal tax information subject
27 to an agreement authorized under subsection (1) of this section shall

1 submit a complete set of his or her fingerprints to the county department.
2 The county department shall submit the fingerprints to the Colorado
3 bureau of investigation for the purpose of conducting fingerprint-based
4 criminal history record checks. The Colorado bureau of investigation
5 shall forward the fingerprints to the federal bureau of investigation for the
6 purpose of conducting fingerprint-based criminal history record checks.
7 The county department ~~may~~ SHALL acquire a name-based criminal history
8 record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an applicant,
9 county employee, county contractor, or other individual who has twice
10 submitted to a fingerprint-based criminal history record check and whose
11 fingerprints are unclassifiable OR WHEN THE RESULTS OF A
12 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF A PERSON
13 PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST
14 WITHOUT A DISPOSITION.

15 (3) The county department shall use the information resulting
16 from the fingerprint-based OR NAME-BASED criminal history record check
17 to investigate and determine whether the applicant, county employee,
18 county contractor, or other individual is qualified to have access to the
19 shared federal tax information in accordance with federal internal revenue
20 service publication 1075. The county department may verify the
21 information an individual is required to submit. The county department
22 shall deny access to the shared federal tax information to an applicant,
23 county employee, county contractor, or other individual who does not
24 pass the ~~fingerprint-based~~ criminal history record check required in
25 accordance with this section.

26 (4) The county department shall pay the costs associated with
27 fingerprint-based criminal history record checks to the Colorado bureau

1 of investigation AND PAY THE COSTS ASSOCIATED WITH A NAME-BASED
2 CRIMINAL HISTORY RECORD CHECK.

3 **SECTION 35.** In Colorado Revised Statutes, 25-1-124.5, **amend**
4 (1) as follows:

5 **25-1-124.5. Nursing care facilities - employees - criminal**
6 **history check - adult protective services data system check.** (1) On
7 and after September 1, 1996, prior to employing any person, a nursing
8 care facility or the person seeking employment at a nursing care facility
9 shall make an inquiry to the director of the Colorado bureau of
10 investigation or to private criminal background check companies
11 authorized to do business in the state of Colorado to ascertain whether
12 such person has a criminal history, including arrest and conviction
13 records. The Colorado bureau of investigation or private criminal
14 background check companies are authorized to utilize fingerprints to
15 ascertain from the federal bureau of investigation whether such person
16 has a criminal history record. WHEN THE RESULTS OF A
17 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT
18 PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST
19 WITHOUT A DISPOSITION, THE NURSING CARE FACILITY SHALL REQUIRE
20 THAT APPLICANT TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY
21 RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d). The nursing
22 care facility or the person seeking employment in a nursing care facility
23 shall pay the costs of ~~such inquiry~~ AN INQUIRY OR A NAME-BASED
24 CRIMINAL HISTORY RECORD CHECK PERFORMED PURSUANT TO THIS
25 SECTION. The criminal history check ~~shall~~ MUST be conducted not more
26 than ninety days prior to the employment of the applicant. For purposes
27 of this section, criminal background check companies ~~shall~~ MUST be

1 approved by the state board of nursing. In approving such companies,
2 approval ~~shall~~ MUST be based upon the provision of lawfully available,
3 accurate, and thorough information pertaining to criminal histories,
4 including arrest and conviction records.

5 **SECTION 36.** In Colorado Revised Statutes, 25-1.5-302, **amend**
6 (8) as follows:

7 **25-1.5-302. Administration of medications - powers and duties**
8 **of department - criminal history record checks.** (8) Each owner,
9 operator, or supervisor of a facility who employs a person who is not
10 licensed to administer medications shall conduct a criminal background
11 check on each employee prior to employment or promotion to a position
12 in which the person has access to medications. WHEN THE RESULTS OF A
13 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN EMPLOYEE
14 PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST
15 WITHOUT A DISPOSITION, THE OWNER, OPERATOR, OR SUPERVISOR OF THE
16 FACILITY SHALL REQUIRE THAT EMPLOYEE TO SUBMIT TO A NAME-BASED
17 CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3
18 (6)(d).

19 **SECTION 37.** In Colorado Revised Statutes, 25-3.5-203, **add**
20 (4)(f) as follows:

21 **25-3.5-203. Emergency medical service providers -**
22 **certification - renewal of certificate - duties of department - rules -**
23 **criminal history record checks - definitions.** (4) (f) WHEN THE
24 RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF
25 A PERSON PERFORMED PURSUANT TO THIS SUBSECTION (4) REVEAL A
26 RECORD OF ARREST WITHOUT A DISPOSITION, THE DEPARTMENT,
27 GOVERNMENT ENTITY, OR PRIVATE, NOT-FOR-PROFIT, OR FOR-PROFIT

1 ORGANIZATION THAT REQUIRED THE FINGERPRINT-BASED CRIMINAL
2 HISTORY RECORD CHECK SHALL REQUIRE THAT PERSON TO SUBMIT TO A
3 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION
4 22-2-119.3 (6)(d).

5 **SECTION 38.** In Colorado Revised Statutes, 25-3.5-1103, **add**
6 (5)(c) as follows:

7 **25-3.5-1103. Registration - rules - funds.** (5) (c) WHEN THE
8 RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF
9 A PERSON PERFORMED PURSUANT TO THIS SUBSECTION (5) REVEAL A
10 RECORD OF ARREST WITHOUT A DISPOSITION, THE DEPARTMENT SHALL
11 REQUIRE THAT PERSON TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY
12 RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

13 **SECTION 39.** In Colorado Revised Statutes, 25-3.5-1305, **add**
14 (3)(a)(IV) as follows:

15 **25-3.5-1305. License - application - inspection - criminal**
16 **history record check - issuance.** (3) (a) (IV) WHEN THE RESULTS OF A
17 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF A PERSON
18 PERFORMED PURSUANT TO THIS SUBSECTION (3) REVEAL A RECORD OF
19 ARREST WITHOUT A DISPOSITION, THE DEPARTMENT SHALL REQUIRE THAT
20 PERSON TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD CHECK,
21 AS DEFINED IN SECTION 22-2-119.3 (6)(d).

22 **SECTION 40.** In Colorado Revised Statutes, 25-27-105, **add**
23 (2.5)(a.7) as follows:

24 **25-27-105. License - application - inspection - issuance.**
25 (2.5) (a.7) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
26 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS
27 SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE

1 DEPARTMENT SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A
2 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION
3 22-2-119.3 (6)(d).

4 **SECTION 41.** In Colorado Revised Statutes, 25-27.5-106,
5 **amend** (7); and **add** (3)(a.5) as follows:

6 **25-27.5-106. License or registration - application - inspection**
7 **- issuance - rules.** (3) (a.5) WHEN THE RESULTS OF A FINGERPRINT-BASED
8 CRIMINAL HISTORY RECORD CHECK OF A PERSON PERFORMED PURSUANT
9 TO THIS SUBSECTION (3) REVEAL A RECORD OF ARREST WITHOUT A
10 DISPOSITION, THE DEPARTMENT SHALL REQUIRE THAT PERSON TO SUBMIT
11 TO A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN
12 SECTION 22-2-119.3 (6)(d).

13 (7) If requested by the Colorado department of health care policy
14 and financing, the department may issue a provisional license for a period
15 of ninety days to an agency that has applied to be a certified home care
16 agency as defined in section 25-27.5-102. A provisional license shall not
17 be granted prior to the completion of a ~~fingerprint-based~~ criminal history
18 record check in accordance with subsection (3) of this section and a
19 finding in accordance with subsection (4) of this section. A second
20 provisional license may be issued, for a like term and fee, to effect
21 compliance. No further provisional licenses may be issued for the current
22 year after the second issuance.

23 **SECTION 42.** In Colorado Revised Statutes, 26-3.1-107, **amend**
24 (1) as follows:

25 **26-3.1-107. Background check - adult protective services data**
26 **system check.** (1) Each county department shall require each protective
27 services employee hired on or after May 29, 2012, to complete a

1 fingerprint-based criminal history ~~records~~ RECORD check utilizing the
2 records of the Colorado bureau of investigation and the federal bureau of
3 investigation. The employee shall pay the cost of the fingerprint-based
4 criminal history ~~records~~ RECORD check unless the county department
5 chooses to pay the cost. Upon completion of the criminal history ~~records~~
6 RECORD check, the Colorado bureau of investigation shall forward the
7 results to the county department. The county department ~~may~~ SHALL
8 require a name-based criminal history ~~records~~ RECORD check for an
9 applicant or an employee who has twice submitted to a fingerprint-based
10 criminal history ~~records~~ RECORD check and whose fingerprints are
11 unclassifiable OR WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
12 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS
13 SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, AS
14 DEFINED IN SECTION 22-2-119.3 (6)(d).

15 **SECTION 43.** In Colorado Revised Statutes, 26-6-103.3, **amend**
16 (2) as follows:

17 **26-6-103.3. Substitute child care providers - substitute**
18 **placement agency - licensing - rules.** (2) The state board shall
19 promulgate rules for substitute placement agencies and substitute child
20 care providers. At a minimum, state board rules must require that the
21 substitute child care provider demonstrate that he or she has the training
22 and certification for the child care license type and position in which the
23 substitute child care provider is placed. Pursuant to section 26-6-107
24 (1)(a)(I)(C), each substitute child care provider shall pay for and submit
25 to a fingerprint-based criminal history record check and a review of the
26 records and reports of child abuse or neglect maintained by the state
27 department to determine whether the substitute child care provider has

1 been found to be responsible in a confirmed report of child abuse or
2 neglect. WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY
3 RECORD CHECK OR ANY OTHER RECORDS CHECK PERFORMED ON A PERSON
4 PURSUANT TO THIS SUBSECTION (2) REVEAL A RECORD OF ARREST
5 WITHOUT A DISPOSITION, THE STATE BOARD SHALL REQUIRE THAT PERSON
6 TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS
7 DEFINED IN SECTION 22-2-119.3 (6)(d). The substitute placement agency
8 shall not place a substitute child care provider who is convicted of any of
9 the crimes specified in section 26-6-104 (7) or section 26-6-108.

10 **SECTION 44.** In Colorado Revised Statutes, 26-6-103.5, **add**
11 (2)(f)(V) as follows:

12 **26-6-103.5. Application of part - guest child care facilities -**
13 **public services short-term child care facilities - definition.** (2) A
14 person or entity shall not operate a guest child care facility or a public
15 services short-term child care facility unless the following requirements
16 are met:

17 (f) (V) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
18 HISTORY RECORD CHECK OR ANY OTHER RECORDS CHECK PERFORMED
19 PURSUANT TO THIS SUBSECTION (2)(f) REVEAL A RECORD OF ARREST
20 WITHOUT A DISPOSITION, THE GUEST CHILD CARE FACILITY OR PUBLIC
21 SERVICES SHORT-TERM CHILD CARE FACILITY SHALL REQUIRE THE
22 SUPERVISORY EMPLOYEE OR APPLICANT FOR A SUPERVISORY EMPLOYEE
23 POSITION TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD
24 CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d);

25 **SECTION 45.** In Colorado Revised Statutes, 26-6-104, **amend**
26 (7.5) as follows:

27 **26-6-104. Licenses - out-of-state notices and consent -**

1 **demonstration pilot program - rules.** (7.5) (a) No later than January 1,
2 2004, the state board shall promulgate rules that require all current and
3 prospective employees of a county department who in their position have
4 direct contact with any child in the process of being placed, or who has
5 been placed, in foster care to submit a set of fingerprints for purposes of
6 obtaining a fingerprint-based criminal history record check, unless the
7 person has already submitted a set of fingerprints. The check ~~shall~~ MUST
8 be conducted in the same manner as provided in subsection (7) of this
9 section and in section 26-6-107 (1)(a). The person's employment ~~shall be~~
10 IS conditional upon a satisfactory criminal background check and subject
11 to the same grounds for denial or dismissal as set forth in subsection (7)
12 of this section and in section 26-6-107 (1)(a). The costs for the
13 fingerprint-based criminal history record check ~~shall~~ MUST be borne by
14 the applicant.

15 (b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
16 HISTORY RECORD CHECK PERFORMED PURSUANT TO THIS SUBSECTION (7.5)
17 REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE STATE
18 DEPARTMENT SHALL REQUIRE THE PERSON TO SUBMIT TO A NAME-BASED
19 CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3
20 (6)(d). THE COSTS FOR THE NAME-BASED CRIMINAL HISTORY RECORD
21 CHECK MUST BE BORNE BY THE APPLICANT.

22 **SECTION 46.** In Colorado Revised Statutes, 26-6-106.3, **amend**
23 (6)(a); and **add** (5)(e) as follows:

24 **26-6-106.3. Certification and annual recertification of foster**
25 **care homes by county departments and licensed child placement**
26 **agencies - background and reference check requirements -**
27 **definitions.** (5) Prior to issuing a certificate or a recertification to an

1 applicant to operate a foster care home, a county department or a child
2 placement agency licensed under the provisions of this part 1 shall
3 conduct the following background checks for the applicant for a
4 certificate, a person employed by the applicant, or a person who resides
5 at the facility or the home:

6 (e) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
7 HISTORY RECORD CHECK OR ANY OTHER RECORDS CHECK PERFORMED
8 PURSUANT TO THIS SUBSECTION (5) REVEAL A RECORD OF ARREST
9 WITHOUT A DISPOSITION, THE COUNTY DEPARTMENT OR CHILD PLACEMENT
10 AGENCY SHALL REQUIRE THE PERSON TO SUBMIT TO A NAME-BASED
11 CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3
12 (6)(d).

13 (6) A county department or a child placement agency licensed
14 under the provisions of this part 1 shall not issue a certificate to operate,
15 or a recertification to operate, a foster care home and shall revoke or
16 suspend a certificate if the applicant for the certificate, a person employed
17 by the applicant, or a person who resides at the facility or home:

18 (a) Has been convicted of any of the crimes listed in ~~paragraph (a)~~
19 ~~of subsection (5)~~ SUBSECTION (5)(a) of this section as verified through A
20 fingerprint-based criminal history record ~~checks~~ CHECK, A NAME-BASED
21 CRIMINAL HISTORY RECORD CHECK, IF NECESSARY, and a check of the
22 ICON system at the state judicial department;

23 **SECTION 47.** In Colorado Revised Statutes, 26-6-107, **amend**
24 (1)(a)(I.5), (1)(a.7)(I)(C), and (1)(a.7)(I)(D); and **add** and (1)(a.7)(I)(E)
25 as follows:

26 **26-6-107. Investigations and inspections - local authority -**
27 **reports - rules.** (1) (a) (I.5) Rules promulgated by the state board

1 pursuant to ~~subparagraph (I) of this paragraph (a) shall~~ SUBSECTION
2 (1)(a)(I) OF THIS SECTION MUST also include:

3 (A) A comparison search on the ICON system at the state judicial
4 department with the name and date of birth information and any other
5 available source of criminal history information that the state department
6 determines is appropriate for each circumstance in which the CBI
7 fingerprint check either does not confirm a criminal history or confirms
8 a criminal history, in order to determine the crime or crimes for which the
9 person was arrested or convicted and the disposition thereof; ~~and~~

10 (B) Any other recognized database, if any, that is accessible on a
11 statewide basis as set forth by rules promulgated by the state board; AND

12 (C) WHEN THE RESULTS OF AN INVESTIGATION PERFORMED
13 PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION OR THIS SUBSECTION
14 (1)(a)(I.5) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, A
15 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION
16 22-2-119.3 (6)(d).

17 (a.7) (I) For all applicants applying to be a foster care home or
18 kinship foster care home, regardless of reimbursement, the county
19 department or child placement agency shall require each adult who is
20 eighteen years of age or older and who resides in the home to obtain a
21 fingerprint-based criminal history record check through the Colorado
22 bureau of investigation and the federal bureau of investigation. The
23 applicant must provide the county department or child placement agency
24 with the addresses where the applicant and any adult residing in the home
25 has lived in the preceding five years, including addresses from other
26 states. The county department or the child placement agency shall
27 conduct the following background checks of the applicant or an adult

1 residing in the home:

2 (C) A check of the state department's automated database for
3 information to determine if the applicant or adult who resides in the home
4 has been identified as having a finding of child abuse or neglect and
5 whether such finding has been determined to present an unsafe placement
6 for a child; ~~and~~

7 (D) A check against the state's sex offender registry and against
8 the national sex offender public registry operated by the United States
9 department of justice that checks names and addresses in the registries
10 and the interactive database system for Colorado to determine if the
11 applicant or adult who resides at the home is a registered sex offender;
12 AND

13 (E) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
14 HISTORY RECORD CHECK PERFORMED PURSUANT TO THIS SUBSECTION
15 (1)(a.7)(I) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, A
16 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION
17 22-2-119.3 (6)(d).

18 **SECTION 48.** In Colorado Revised Statutes, 26-6-120, **amend**
19 (5); and **add** (1.5) as follows:

20 **26-6-120. Exempt family child care home providers -**
21 **fingerprint-based criminal history record check - child care**
22 **assistance program money - temporary care - rules - definitions.**

23 (1.5) (a) WHEN THE RESULTS OF AN FCC PERFORMED PURSUANT TO
24 SUBSECTION (1) OF THIS SECTION REVEAL A RECORD OF ARREST WITHOUT
25 A DISPOSITION, THE STATE DEPARTMENT SHALL REQUIRE THAT PERSON TO
26 SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED
27 IN SECTION 22-2-119.3 (6)(d).

1 (b) A PERSON WHO UNDERGOES A NAME-BASED CRIMINAL HISTORY
2 RECORD CHECK SHALL PAY TO THE STATE DEPARTMENT A FEE
3 ESTABLISHED BY RULE OF THE STATE BOARD PURSUANT TO SUBSECTION (5)
4 OF THIS SECTION TO OFFSET THE COSTS ASSOCIATED WITH PERFORMING
5 THE NAME-BASED CRIMINAL HISTORY RECORD CHECK.

6 (5) The state board shall promulgate rules to establish the amount
7 of the fee to collect from a qualified provider or qualified adult who is
8 subject to an FCC pursuant to subsection (1) of this section OR A
9 NAME-BASED CRIMINAL HISTORY RECORD CHECK PURSUANT TO
10 SUBSECTION (1.5) OF THIS SECTION. The state department is authorized to
11 collect the fee at the time of the FCC OR NAME-BASED CRIMINAL HISTORY
12 RECORD CHECK.

13 **SECTION 49.** In Colorado Revised Statutes, 27-90-111, **amend**
14 (4) as follows:

15 **27-90-111. Employment of personnel - screening of applicants**
16 **- disqualifications from employment - contracts - rules - definitions.**

17 (4) Prior to the department's permanent employment of a person in a
18 position that would require that person to have direct contact with a
19 vulnerable person, the executive director or any division head of the
20 department shall make an inquiry to the director of the Colorado bureau
21 of investigation to ascertain whether the person has a criminal history.
22 The person's employment is conditional upon a satisfactory state and
23 national fingerprint-based criminal history record check. A criminal
24 history record check conducted pursuant to this subsection (4) must
25 include but need not be limited to arrests, conviction records, and the
26 disposition of any criminal charges. The department shall require the
27 person to have his or her fingerprints taken by a local law enforcement

1 agency or any third party approved by the Colorado bureau of
2 investigation. If an approved third party takes the person's fingerprints,
3 the fingerprints may be electronically captured using Colorado bureau of
4 investigation-approved livescan equipment. Third-party vendors shall not
5 keep the applicant information for more than thirty days unless requested
6 to do so by the applicant. The department shall forward those fingerprints
7 to the Colorado bureau of investigation for the purpose of fingerprint
8 processing utilizing the files and records of the Colorado bureau of
9 investigation and the federal bureau of investigation. WHEN THE RESULTS
10 OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF A PERSON
11 PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST
12 WITHOUT A DISPOSITION, THE DEPARTMENT SHALL REQUIRE THAT PERSON
13 TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS
14 DEFINED IN SECTION 22-2-119.3 (6)(d). The department shall pay for the
15 costs of criminal history record checks conducted pursuant to this section
16 out of existing appropriations.

17 **SECTION 50.** In Colorado Revised Statutes, 40-10.1-110, **add**
18 (1.5) as follows:

19 **40-10.1-110. Criminal history record check - rules.**
20 (1.5) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY
21 RECORD CHECK OF AN INDIVIDUAL PERFORMED PURSUANT TO THIS
22 SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE
23 COMMISSION SHALL REQUIRE THE INDIVIDUAL TO SUBMIT TO A
24 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION
25 22-2-119.3 (6)(d). THE INDIVIDUAL SHALL PAY THE COSTS ASSOCIATED
26 WITH A NAME-BASED CRIMINAL HISTORY RECORD CHECK.

27 **SECTION 51.** In Colorado Revised Statutes, **amend** 42-1-224 as

1 follows:

2 **42-1-224. Criminal history check.** (1) The department may
3 submit fingerprints of an employee or prospective employee to the
4 Colorado bureau of investigation to obtain a fingerprint-based criminal
5 history record check if the employee's duties do or will provide them with
6 access to Colorado driver's licenses and identification cards issued
7 pursuant to article 2 of this ~~title~~ TITLE 42 or personal identifying
8 information collected or stored by the department in order to issue driver's
9 licenses or identification cards. The department of revenue shall require
10 all such employees hired on or after April 15, 2010, to obtain a
11 fingerprint-based criminal history record check prior to performing their
12 official duties, and shall require all such employees hired before April 15,
13 2010, to obtain a fingerprint-based criminal history record check by July
14 1, 2011. The department may use this information to make employment
15 decisions concerning such employees. Upon receipt of fingerprints and
16 payment for the costs, the Colorado bureau of investigation shall conduct
17 a state and national fingerprint-based criminal history record check
18 utilizing records of the Colorado bureau of investigation and the federal
19 bureau of investigation. The department shall be the authorized agency to
20 receive information regarding the result of the national criminal history
21 record check. The Colorado bureau of investigation shall charge the
22 department a fee for record checks conducted pursuant to this section.
23 The Colorado bureau of investigation shall set such fee at a level
24 sufficient to cover the direct and indirect costs of processing requests
25 made pursuant to this section. ~~Moneys~~ MONEY collected by the bureau
26 pursuant to this section ~~shall be~~ IS subject to annual appropriation by the
27 general assembly for the administration of this section.

1 (2) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
2 HISTORY RECORD CHECK OF A PERSON PERFORMED PURSUANT TO THIS
3 SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE
4 DEPARTMENT SHALL REQUIRE THE PERSON TO SUBMIT TO A NAME-BASED
5 CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3
6 (6)(d). THE DEPARTMENT SHALL PAY THE COSTS ASSOCIATED WITH A
7 NAME-BASED CRIMINAL HISTORY RECORD CHECK.

8 **SECTION 52.** In Colorado Revised Statutes, 44-3-307, **amend**
9 (3)(c) introductory portion as follows:

10 **44-3-307. Persons prohibited as licensees - definition.**

11 (3) (c) At the time of the application for a license, the applicant shall
12 submit fingerprints and file personal history information concerning the
13 applicant's qualifications for a license on forms prepared by the state
14 licensing authority. The state and local licensing authorities shall submit
15 such fingerprints to the Colorado bureau of investigation for the purpose
16 of conducting ~~fingerprints-based~~ FINGERPRINT-BASED criminal history
17 record checks. The Colorado bureau of investigation shall forward the
18 fingerprints to the federal bureau of investigation for the purpose of
19 conducting ~~fingerprints-based~~ FINGERPRINT-BASED criminal history record
20 checks. An applicant who has previously submitted fingerprints for
21 alcohol beverage licensing purposes may request that the fingerprints on
22 file be used. WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
23 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS
24 SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE
25 LICENSING AUTHORITY SHALL REQUIRE THE APPLICANT TO SUBMIT TO A
26 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION
27 22-2-119.3 (6)(d). The licensing authorities shall use the information

1 resulting from the ~~fingerprints-based~~ FINGERPRINT-BASED AND, IF
2 APPLICABLE, NAME-BASED criminal history record check to investigate
3 and to determine if an applicant is qualified for a license pursuant to this
4 article 3 and article 4 of this title 44. The licensing authority ~~shall~~ IS not
5 ~~be~~ prohibited from verifying any of the information required to be
6 submitted by an applicant pursuant to this section. An applicant shall not
7 be required to submit additional information beyond that required in this
8 subsection (3) unless the licensing authority has determined any of the
9 following:

10 **SECTION 53.** In Colorado Revised Statutes, 44-11-202, **amend**
11 (2)(a)(VIII) as follows:

12 **44-11-202. Powers and duties of state licensing authority -**
13 **rules.** (2) (a) Rules promulgated pursuant to subsection (1)(b) of this
14 section may include, but need not be limited to, the following subjects:

15 (VIII) Development of individual identification cards for owners,
16 officers, managers, contractors, employees, and other support staff of
17 entities licensed pursuant to this article 11, including a fingerprint-based
18 criminal history record check AND A NAME-BASED CRIMINAL HISTORY
19 RECORD CHECK as may be required by the state licensing authority prior
20 to issuing a card;

21 **SECTION 54.** In Colorado Revised Statutes, 44-11-306, **amend**
22 (2)(c) as follows:

23 **44-11-306. Persons prohibited as licensees - definition.**

24 (2) (c) At the time of filing an application for issuance or renewal of a
25 state medical marijuana center license, medical marijuana-infused product
26 manufacturer license, or optional premises cultivation license, an
27 applicant shall submit a set of his or her fingerprints and file personal

1 history information concerning the applicant's qualifications for a state
2 license on forms prepared by the state licensing authority. The state or
3 local licensing authority shall submit the fingerprints to the Colorado
4 bureau of investigation for the purpose of conducting fingerprint-based
5 criminal history record checks. The Colorado bureau of investigation
6 shall forward the fingerprints to the federal bureau of investigation for the
7 purpose of conducting fingerprint-based criminal history record checks.
8 ~~The state or local licensing authority may acquire a name-based criminal~~
9 ~~history record check for an applicant or a license holder who has twice~~
10 ~~submitted to a fingerprint-based criminal history record check and whose~~
11 ~~fingerprints are unclassifiable.~~ An applicant who has previously
12 submitted fingerprints for state licensing purposes may request that the
13 fingerprints on file be used. THE STATE OR LOCAL LICENSING AUTHORITY
14 SHALL ACQUIRE A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS
15 DEFINED IN SECTION 22-2-119.3 (6)(d), FOR AN APPLICANT OR LICENSE
16 HOLDER WHO HAS TWICE SUBMITTED TO A FINGERPRINT-BASED CRIMINAL
17 HISTORY RECORD CHECK AND WHOSE FINGERPRINTS ARE UNCLASSIFIABLE
18 OR WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY
19 RECORD CHECK OF AN APPLICANT OR LICENSE HOLDER PERFORMED
20 PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST WITHOUT A
21 DISPOSITION. The state or local licensing authority shall use the
22 information resulting from the fingerprint-based OR NAME-BASED criminal
23 history record check to investigate and determine whether an applicant is
24 qualified to hold a state license pursuant to this article 11. The state or
25 local licensing authority may verify any of the information an applicant
26 is required to submit.

27 **SECTION 55.** In Colorado Revised Statutes, 44-11-307, **amend**

1 (5)(b) as follows:

2 **44-11-307. Business and owner requirements - legislative**
3 **declaration - definition.** (5) (b) The state licensing authority shall
4 perform a limited initial background check on qualified limited passive
5 investors. If the initial background check provides reasonable cause for
6 additional investigation, the state licensing authority may require a full
7 background check. WHEN THE RESULTS OF A FULL BACKGROUND CHECK
8 PERFORMED ON A PERSON PURSUANT TO THIS SECTION REVEAL A RECORD
9 OF ARREST WITHOUT A DISPOSITION, THE STATE LICENSING AUTHORITY
10 SHALL REQUIRE THAT PERSON TO SUBMIT TO A NAME-BASED CRIMINAL
11 HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

12 **SECTION 56.** In Colorado Revised Statutes, 44-11-310, **amend**
13 (4) as follows:

14 **44-11-310. Licensing in general.** (4) A medical marijuana
15 center, optional premises cultivation operation, or medical
16 marijuana-infused products manufacturer shall notify the state licensing
17 authority in writing of the name, address, and date of birth of an owner,
18 officer, or manager before the new owner, officer, or manager begins
19 managing, owning, or associating with the operation. Any owner, officer,
20 manager, or employee ~~shall~~ MUST pass a fingerprint-based criminal
21 history record check AND, IF NECESSARY, A NAME-BASED CRIMINAL
22 HISTORY CHECK, as required by the state licensing authority and obtain the
23 required identification prior to being associated with, managing, owning,
24 or working at the operation.

25 **SECTION 57.** In Colorado Revised Statutes, 44-11-313, **amend**
26 (2) as follows:

27 **44-11-313. Unlawful financial assistance.** (2) A person shall not

1 have an unreported financial interest in a license pursuant to this article
2 11 unless that person has undergone a fingerprint-based criminal history
3 record check AND, IF NECESSARY, A NAME-BASED CRIMINAL HISTORY
4 CHECK, as provided for by the state licensing authority in its rules; except
5 that this subsection (2) does not apply to banks or savings and loan
6 associations supervised and regulated by an agency of the state or federal
7 government, or to FHA-approved mortgagees, or to stockholders,
8 directors, or officers thereof.

9 **SECTION 58.** In Colorado Revised Statutes, 44-12-202, **amend**
10 (3)(a)(III) and (3)(c)(IV) as follows:

11 **44-12-202. Powers and duties of state licencing authority -**
12 **rules.** (3) (a) Rules promulgated pursuant to subsection (2)(b) of this
13 section must include, but need not be limited to, the following subjects:

14 (III) Qualifications for licensure under this article 12, including
15 but not limited to the requirement for a fingerprint-based criminal history
16 record check, AND A NAME-BASED CRIMINAL HISTORY RECORD CHECK AS
17 NECESSARY, for all owners, officers, managers, contractors, employees,
18 and other support staff of entities licensed pursuant to this article 12;

19 (c) Rules promulgated pursuant to subsection (2)(b) of this section
20 must also include the following subjects:

21 (IV) Development of individual identification cards for owners,
22 officers, managers, contractors, employees, and other support staff of
23 entities licensed pursuant to this article 12, including a fingerprint-based
24 criminal history record check OR NAME-BASED CRIMINAL HISTORY
25 RECORD CHECK, as may be required by the state licensing authority prior
26 to issuing a card;

27 **SECTION 59.** In Colorado Revised Statutes, 44-12-305, **amend**

1 (2)(c) as follows:

2 **44-12-305. Persons prohibited as licensees - definition.**

3 (2) (c) At the time of filing an application for issuance of a state retail
4 marijuana establishment license, an applicant shall submit a set of his or
5 her fingerprints and file personal history information concerning the
6 applicant's qualifications for a state license on forms prepared by the state
7 licensing authority. The state licensing authority or local jurisdiction shall
8 submit the fingerprints to the Colorado bureau of investigation for the
9 purpose of conducting fingerprint-based criminal history record checks.
10 The Colorado bureau of investigation shall forward the fingerprints to the
11 federal bureau of investigation for the purpose of conducting
12 fingerprint-based criminal history record checks. ~~The state licensing~~
13 ~~authority or local jurisdiction may acquire a name-based criminal history~~
14 ~~record check for an applicant or a license holder who has twice submitted~~
15 ~~to a fingerprint-based criminal history record check and whose~~
16 ~~fingerprints are unclassifiable.~~ An applicant who has previously
17 submitted fingerprints for state or local licensing purposes may request
18 that the fingerprints on file be used. THE STATE LICENCING AUTHORITY OR
19 LOCAL JURISDICTION SHALL ACQUIRE A NAME-BASED CRIMINAL HISTORY
20 RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d), FOR AN
21 APPLICANT OR LICENSE HOLDER WHO HAS TWICE SUBMITTED TO A
22 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND WHOSE
23 FINGERPRINTS ARE UNCLASSIFIABLE OR WHEN THE RESULTS OF A
24 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT
25 OR LICENSE HOLDER PERFORMED PURSUANT TO THIS SECTION REVEAL A
26 RECORD OF ARREST WITHOUT A DISPOSITION. The state licensing authority
27 or local jurisdiction shall use the information resulting from the

1 fingerprint-based criminal history record check OR NAME-BASED
2 CRIMINAL HISTORY RECORD CHECK to investigate and determine whether
3 an applicant is qualified to hold a state or local license pursuant to this
4 article 12. The state licensing authority or local jurisdiction may verify
5 any of the information an applicant is required to submit.

6 **SECTION 60.** In Colorado Revised Statutes, 44-12-306, **amend**
7 (5)(b) as follows:

8 **44-12-306. Business and owner requirements - legislative**
9 **declaration - definition.** (5) (b) The state licensing authority shall
10 perform a limited initial background check on qualified limited passive
11 investors. If the initial background check provides reasonable cause for
12 additional investigation, the state licensing authority may require a full
13 background check. WHEN THE RESULTS OF A FULL BACKGROUND CHECK
14 PERFORMED ON A PERSON PURSUANT TO THIS SECTION REVEAL A RECORD
15 OF ARREST WITHOUT A DISPOSITION, THE STATE LICENSING AUTHORITY
16 SHALL REQUIRE THAT PERSON TO SUBMIT TO A NAME-BASED CRIMINAL
17 HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

18 **SECTION 61.** In Colorado Revised Statutes, 44-12-309, **amend**
19 (3) as follows:

20 **44-12-309. Licensing in general.** (3) A retail marijuana
21 establishment shall notify the state licensing authority in writing of the
22 name, address, and date of birth of an owner, officer, or manager before
23 the new owner, officer, or manager begins managing, owning, or
24 associating with the operation. The owner, officer, manager, or employee
25 must pass a fingerprint-based criminal history record check AND, AS
26 NECESSARY, A NAME-BASED CRIMINAL HISTORY RECORD CHECK, as
27 required by the state licensing authority and obtain the required

1 identification prior to being associated with, managing, owning, or
2 working at the operation.

3 **SECTION 62.** In Colorado Revised Statutes, 44-20-118, **add**
4 (8)(a.5) as follows:

5 **44-20-118. Application - prelicensing education -**
6 **fingerprint-based criminal history record check - rules.**

7 (8) (a.5) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
8 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS
9 SUBSECTION (8) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION,
10 THE DEPARTMENT SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A
11 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION
12 22-2-119.3 (6)(d).

13 **SECTION 63.** In Colorado Revised Statutes, 44-20-417, **add**
14 (8)(a.5) as follows:

15 **44-20-417. Application - fingerprint-based criminal history**
16 **record check - rules.** (8) (a.5) WHEN THE RESULTS OF A

17 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT
18 PERFORMED PURSUANT TO THIS SUBSECTION (8) REVEAL A RECORD OF
19 ARREST WITHOUT A DISPOSITION, THE DEPARTMENT SHALL REQUIRE THAT
20 APPLICANT TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD
21 CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

22 **SECTION 64.** In Colorado Revised Statutes, 44-30-510, **amend**
23 (3) as follows:

24 **44-30-510. Applicants and licensees - providing information**
25 **- criminal history record check.** (3) (a) With the submission of an
26 application for a license or an application for a finding of suitability
27 pursuant to this article 30, each applicant shall submit a set of fingerprints

1 to the commission. The commission shall forward the fingerprints to the
2 Colorado bureau of investigation for the purpose of conducting a state
3 and national fingerprint-based criminal history record check utilizing
4 records of the Colorado bureau of investigation and the federal bureau of
5 investigation. ~~Nothing in this subsection (3) shall preclude the~~
6 ~~commission from making further inquiries into the background of the~~
7 ~~applicant.~~

8 (b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
9 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS
10 SUBSECTION (3) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION,
11 THE COMMISSION SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A
12 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION
13 22-2-119.3 (6)(d).

14 (c) NOTHING IN THIS SUBSECTION (3) PRECLUDES THE COMMISSION
15 FROM MAKING FURTHER INQUIRIES INTO THE BACKGROUND OF THE
16 APPLICANT.

17 **SECTION 65.** In Colorado Revised Statutes, 44-32-503, **amend**
18 (4) as follows:

19 **44-32-503. Rules of commission - licensing.** (4) (a) With the
20 submission of an application for a license granted pursuant to this article
21 32, each applicant shall submit a set of fingerprints to the commission.
22 The commission shall forward the fingerprints to the Colorado bureau of
23 investigation for the purpose of conducting a state and national
24 fingerprint-based criminal history record check utilizing records of the
25 Colorado bureau of investigation and the federal bureau of investigation.
26 Only the actual costs of the record check ~~shall~~ MUST be borne by the
27 applicant. ~~Nothing in this subsection (4) shall preclude~~ PRECLUDES the

1 commission from making further inquiries into the background of the
2 applicant.

3 (b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
4 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS
5 SUBSECTION (4) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION,
6 THE COMMISSION SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A
7 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION
8 22-2-119.3 (6)(d).

9 **SECTION 66.** In Colorado Revised Statutes, 44-40-106, **add**
10 (10)(a.5) as follows:

11 **44-40-106. Contractors supplying services, equipment, or**
12 **materials - gaming equipment - disclosures - definitions.**

13 (10) (a.5) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
14 HISTORY RECORD CHECK OF A SUPPLIER PERFORMED PURSUANT TO THIS
15 SUBSECTION (10) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION,
16 THE DIVISION SHALL REQUIRE THE SUPPLIER TO SUBMIT TO A NAME-BASED
17 CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3
18 (6)(d).

19 **SECTION 67.** In Colorado Revised Statutes, 44-40-107, **add**
20 (11)(a.5) as follows:

21 **44-40-107. Licenses.** (11) (a.5) WHEN THE RESULTS OF A
22 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT
23 PERFORMED PURSUANT TO THIS SUBSECTION (11) REVEAL A RECORD OF
24 ARREST WITHOUT A DISPOSITION, THE DIVISION SHALL REQUIRE THE
25 APPLICANT TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD
26 CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

27 **SECTION 68. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.