

CHAPTER 125

LABOR AND INDUSTRY

HOUSE BILL 19-1166

BY REPRESENTATIVE(S) Singer and Larson, Arndt, Buckner, Buentello, Exum, Gray, Sandridge, Snyder, Soper, Titone, Sirota; also SENATOR(S) Zenzinger, Gonzales, Lee, Tate, Williams A., Winter, Woodward.

AN ACT

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

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

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

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

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

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

(II) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF A PERSON PERFORMED PURSUANT TO THIS SUBSECTION (1)(b) REVEAL A

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

RECORD OF ARREST WITHOUT A DISPOSITION, THE COMMISSIONER SHALL REQUIRE THAT PERSON TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

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

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

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

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

10-15-103. License procedure - records - examination of records. (1) (b) (I.5) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS SUBSECTION (1)(b) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE COMMISSIONER SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

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

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

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

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

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

11-110-107.5. Name-based criminal history record check. WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO SECTION 11-110-107 (1)(e) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE BANKING BOARD SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d). THE APPLICANT SHALL PAY THE ACTUAL COSTS OF THE NAME-BASED CRIMINAL HISTORY RECORD CHECK.

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

12-15.5-105. Licensing. (4) With the submission of an application for a license granted pursuant to this section, each applicant and its officers, directors, and general partners shall submit a complete set of his or her fingerprints to the Colorado bureau of investigation for the purpose of conducting fingerprint-based criminal history record checks. The Colorado bureau of investigation shall forward the fingerprints to the federal bureau of investigation for the purpose of conducting fingerprint-based criminal history record checks. ~~The director may acquire a name-based criminal history record check for a person who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable.~~ A person who has previously submitted fingerprints for state or local licensing purposes may request the use of the fingerprints on file. THE DIRECTOR SHALL REQUIRE A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d), FOR A PERSON WHO HAS TWICE SUBMITTED TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND WHOSE FINGERPRINTS ARE UNCLASSIFIABLE OR WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF A PERSON PERFORMED PURSUANT TO THIS SUBSECTION (4) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION. The director shall use the information resulting from the fingerprint-based OR NAME-BASED criminal history record check to investigate and determine whether an applicant is qualified to hold a license pursuant to this section. The director may verify the information an applicant is required to submit. The applicant shall pay the costs associated with the fingerprint-based criminal history record check to the Colorado bureau of investigation. THE APPLICANT IS RESPONSIBLE FOR THE COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD CHECK.

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

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

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

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

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

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

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

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

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

12-43.2-105.5. Criminal history record check required. (1) Each applicant for registration must have his or her fingerprints taken by a local law enforcement agency or any third party approved by the Colorado bureau of investigation for the purpose of obtaining a fingerprint-based criminal history record check. If an approved third party takes the person's fingerprints, the fingerprints may be electronically captured using Colorado bureau of investigation-approved livescan equipment. Third-party vendors shall not keep the applicant information for more than thirty days unless requested to do so by the applicant. The applicant shall submit payment by certified check or money order for the fingerprints and for the actual costs of the record check at the time the fingerprints are submitted to the Colorado bureau of investigation. Upon receipt of fingerprints and receipt of the payment for costs, the Colorado bureau of investigation shall conduct a state and national fingerprint-based criminal history record check utilizing records of the

Colorado bureau of investigation and the federal bureau of investigation and shall forward the results of the criminal history record check to the director.

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

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

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

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

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

12-61-103. Application for license - rules. (1) (b) (I) Prior to submitting an application for a license pursuant to ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION, each applicant shall submit a set of fingerprints to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation. The applicant shall pay the fee established by the Colorado bureau of investigation for conducting the fingerprint-based criminal history record check to the bureau. Upon completion of the criminal history record check, the bureau shall forward the results to the real estate commission. The real estate commission ~~may~~ SHALL acquire a name-based criminal history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an

applicant who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable OR WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS SUBSECTION (1)(b)(I) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY THE COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD CHECK.

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

12-61-706. Qualifications for licensing and certification of appraisers - continuing education - definitions - rules. (6) (a) The board shall not issue a license or certification until the applicant demonstrates that he or she meets the fitness standards established by board rule and submits a set of fingerprints to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation. Each person submitting a set of fingerprints shall pay the fee established by the Colorado bureau of investigation for conducting the fingerprint-based criminal history record check to the bureau. Upon completion of the criminal history record check, the bureau shall forward the results to the board. The board ~~may~~ SHALL require a name-based criminal history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an applicant who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable OR WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS SUBSECTION (6) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY THE COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD CHECK. The board may deny an application for licensure or certification based on the outcome of the criminal history record check and may establish criminal history requirements more stringent than those established by any applicable federal law. At a minimum, the board shall adopt the criminal history requirements established by any applicable federal law.

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

12-61-707. Appraisal management companies - application for license - exemptions. (3) The board shall not issue a license to any partnership, limited liability company, or corporation unless and until the appraiser designated by the partnership, limited liability company, or corporation as controlling appraiser and each individual who owns more than ten percent of the entity demonstrates that he or she meets the fitness standards established by board rule and submits a set of fingerprints to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation. Each person submitting a set of fingerprints shall pay the fee established by the Colorado bureau of investigation for conducting the fingerprint-based criminal history record check to the bureau. Upon completion of the criminal history record check, the bureau shall forward the results to the board. The board ~~may~~ SHALL require a name-based criminal history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an applicant who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable OR WHEN

THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS SUBSECTION (3) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY THE COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD CHECK. The board may deny an application for licensure or refuse to renew a license based on the outcome of the criminal history record check. The board may require criminal history requirements more stringent than those established by any applicable federal law. At a minimum, the board shall adopt the criminal history requirements established by any applicable federal law.

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

12-61-710. Expiration of licenses - renewal - penalties - fees - rules. (4) At the time of renewal or reinstatement, every licensee, certificate holder, and person or individual who owns more than ten percent of an appraisal management company shall submit a set of fingerprints to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation, if the person has not previously done so for issuance of a license or certification by the board. Each person submitting a set of fingerprints shall pay the fee established by the Colorado bureau of investigation for conducting the fingerprint-based criminal history record check to the bureau. The bureau shall forward the results to the board. The board ~~may~~ SHALL require a name-based criminal history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an applicant who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable OR WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY THE COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD CHECK. The board may refuse to renew or reinstate a license or certification based on the outcome of the criminal history record check.

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

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

A NAME-BASED CRIMINAL HISTORY RECORD CHECK.

(5.5) (c) The board ~~may~~ SHALL acquire a name-based criminal history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an applicant who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable OR WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY THE COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD CHECK.

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

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

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

14-10-116.5. Appointment in domestic relations cases - child and family investigator - disclosure - background check. (4) (b) FOR ANY PERSON WHOSE FINGERPRINTS ARE UNCLASSIFIABLE OR WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF A PERSON PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE DEPARTMENT SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d). Upon request of the department PURSUANT TO THIS SECTION, the Colorado bureau of investigation shall also provide a name-based criminal history record check for any person. ~~whose fingerprints are unclassifiable.~~

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

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

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

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

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

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

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

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

(b) All costs arising from a fingerprint-based criminal history record check performed by the Colorado bureau of investigation and the federal bureau of investigation pursuant to the provisions of this section ~~shall~~ OR A NAME-BASED CRIMINAL HISTORY RECORD CHECK PERFORMED PURSUANT TO THIS SECTION MUST be borne by the nonpublic school. Such costs may be passed on to the employee or the prospective employee.

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

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

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

SECTION 23. In Colorado Revised Statutes, 22-30.5-110.7, **amend** (4), (5)(a)

introductory portion, (6), (6.5), and (9) as follows:

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

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

(5) (a) A charter school may employ a person in the charter school prior to receiving the results of the person's fingerprint-based criminal history record check OR NAME-BASED CRIMINAL HISTORY RECORD CHECK; except that:

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

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

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

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

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

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

22-30.5-511.5. Background investigation - prohibition against employing persons - institute charter school employees' information provided to department. (1) An institute charter school shall conduct a background investigation, including a fingerprint-based criminal history record check, as described in sections 22-30.5-110.5 and 22-30.5-110.7, of an applicant to whom an offer of employment is extended by the institute charter school to determine whether the applicant is suitable to work in an environment with children. An applicant who applies for a position of employment with an institute charter school shall submit to a background investigation, including a fingerprint-based criminal history record check, AND, AS NECESSARY, A NAME-BASED CRIMINAL HISTORY RECORD CHECK, as described in sections 22-30.5-110.5 and 22-30.5-110.7.

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

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

SECTION 25. In Colorado Revised Statutes, 22-30.7-111, **amend** (1)(b) introductory portion and (1)(b)(VII) as follows:

22-30.7-111. Learning centers - memoranda of understanding - rules - appeal process. (1) (b) A multi-district online school that intends to provide instruction to students within a learning center shall notify the school district in

which the proposed learning center is located of the multi-district online school's intention in writing at least ninety days before the multi-district online school intends to commence providing such instruction. The notice ~~shall~~ **MUST** include the standard MOU form that addresses, at a minimum, the following information as it applies to each learning center to be located within the school district:

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

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

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

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

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

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

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

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

22-32-109.9. Licensed personnel - submittal of fingerprints. (2) (a) Any school district to which fingerprints are submitted pursuant to subsection (1) of this section shall forward such fingerprints to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing the records of the Colorado bureau of investigation and the

federal bureau of investigation.

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

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

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

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

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

23-64-110. Submittal of fingerprints for persons teaching at designated schools - fingerprint-based criminal history record checks - prerequisite for commencing or continuing employment. (1) (a) (I) Instructional staff or prospective instructional staff who may be teaching students in a school designated by the board pursuant to section 23-64-108 (1)(I) shall, beginning July 1, 2006, in order to commence or continue employment at a designated school, submit a set of his or her fingerprints to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation. Nothing in this section ~~shall preclude~~ PRECLUDES the board from making further inquiries into the background of instructional staff or prospective instructional staff. Instructional staff or prospective instructional staff shall pay the fee established by the Colorado bureau of investigation for conducting the fingerprint-based criminal history record check. Upon completion of the criminal history record check, the bureau shall forward the results to the board. The board shall conduct a review of the results of the criminal history record check forwarded by the bureau and consider the results in assessing whether instructional staff or prospective instructional staff meet minimum standards of qualification, as established by the board pursuant to section 23-64-112, necessary to commence or continue employment at the designated school.

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

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

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

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

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

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

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

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

(b) Conduct criminal background investigations on candidates for credentialing as auxiliary emergency communicators in accordance with the security needs of the department. WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE DIRECTOR SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d). The unit may deny credentialing to any candidate based upon the results of ~~that~~ a background check.

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

24-50-1002. State agencies with access to federal tax information - authorization for background checks - procedure - costs. (1) Each applicant, state employee, state contractor, or other individual who has or may have access through a state agency to federal tax information received from the federal government shall submit a complete set of his or her fingerprints to the state agency. The state agency shall submit the fingerprints to the Colorado bureau of investigation for the purpose of conducting fingerprint-based criminal history record checks. The Colorado bureau of investigation shall forward the fingerprints to the federal bureau of investigation for the purpose of conducting fingerprint-based criminal history record checks. The state agency ~~may~~ SHALL acquire a name-based criminal history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an applicant, state employee, state contractor, or other individual who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable OR WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF A PERSON PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION. The state agency may collect the fingerprints of the applicant, state employee, state contractor, or other individual or may use the fingerprinting services of another state agency or other entity authorized to collect fingerprints for the purpose of conducting fingerprint-based criminal history record checks.

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

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

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

24-50-1003. County departments with access to federal tax information - authorization for background checks - procedure - costs. (2) Each applicant, county employee, county contractor, or other individual who has or may have access to federal tax information subject to an agreement authorized under subsection (1) of this section shall submit a complete set of his or her fingerprints to the county department. The county department shall submit the fingerprints to the Colorado bureau of investigation for the purpose of conducting fingerprint-based criminal history record checks. The Colorado bureau of investigation shall forward the fingerprints to the federal bureau of investigation for the purpose of conducting fingerprint-based criminal history record checks. The county department ~~may~~ **SHALL** acquire a name-based criminal history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an applicant, county employee, county contractor, or other individual who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable OR WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF A PERSON PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION.

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

(4) The county department shall pay the costs associated with fingerprint-based criminal history record checks to the Colorado bureau of investigation ~~AND PAY THE COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD CHECK.~~

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

25-1-124.5. Nursing care facilities - employees - criminal history check - adult protective services data system check. (1) On and after September 1, 1996, prior to employing any person, a nursing care facility or the person seeking employment at a nursing care facility shall make an inquiry to the director of the Colorado bureau of investigation or to private criminal background check companies authorized to do business in the state of Colorado to ascertain whether such person has a criminal history, including arrest and conviction records. The Colorado bureau of investigation or private criminal background check companies are authorized to utilize fingerprints to ascertain from the federal bureau of investigation whether such person has a criminal history record. ~~WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE NURSING CARE FACILITY SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN~~

SECTION 22-2-119.3 (6)(d). The nursing care facility or the person seeking employment in a nursing care facility shall pay the costs of such inquiry AN INQUIRY OR A NAME-BASED CRIMINAL HISTORY RECORD CHECK PERFORMED PURSUANT TO THIS SECTION. The criminal history check shall MUST be conducted not more than ninety days prior to the employment of the applicant. For purposes of this section, criminal background check companies shall MUST be approved by the state board of nursing. In approving such companies, approval shall MUST be based upon the provision of lawfully available, accurate, and thorough information pertaining to criminal histories, including arrest and conviction records.

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

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

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

25-3.5-203. Emergency medical service providers - certification - renewal of certificate - duties of department - rules - criminal history record checks - definitions. (4) (f) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF A PERSON PERFORMED PURSUANT TO THIS SUBSECTION (4) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE DEPARTMENT, GOVERNMENT ENTITY, OR PRIVATE, NOT-FOR-PROFIT, OR FOR-PROFIT ORGANIZATION THAT REQUIRED THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK SHALL REQUIRE THAT PERSON TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

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

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

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

25-3.5-1305. License - application - inspection - criminal history record check - issuance. (3) (a) (IV) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF A PERSON PERFORMED PURSUANT TO THIS

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

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

25-27-105. License - application - inspection - issuance. (2.5) (a.7) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE DEPARTMENT SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

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

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

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

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

26-3.1-107. Background check - adult protective services data system check. (1) Each county department shall require each protective services employee hired on or after May 29, 2012, to complete a fingerprint-based criminal history ~~records~~ RECORD check utilizing the records of the Colorado bureau of investigation and the federal bureau of investigation. The employee shall pay the cost of the fingerprint-based criminal history ~~records~~ RECORD check unless the county department chooses to pay the cost. Upon completion of the criminal history ~~records~~ RECORD check, the Colorado bureau of investigation shall forward the results to the county department. The county department ~~may~~ SHALL require a name-based criminal history ~~records~~ RECORD check for an applicant or an employee who has twice submitted to a fingerprint-based criminal history ~~records~~ RECORD check and whose fingerprints are unclassifiable OR WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

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

26-6-103.3. Substitute child care providers - substitute placement agency - licensing - rules. (2) The state board shall promulgate rules for substitute placement agencies and substitute child care providers. At a minimum, state board rules must require that the substitute child care provider demonstrate that he or she has the training and certification for the child care license type and position in which the substitute child care provider is placed. Pursuant to section 26-6-107 (1)(a)(I)(C), each substitute child care provider shall pay for and submit to a fingerprint-based criminal history record check and a review of the records and reports of child abuse or neglect maintained by the state department to determine whether the substitute child care provider has been found to be responsible in a confirmed report of child abuse or neglect. WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OR ANY OTHER RECORDS CHECK PERFORMED ON A PERSON PURSUANT TO THIS SUBSECTION (2) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE STATE BOARD SHALL REQUIRE THAT PERSON TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d). The substitute placement agency shall not place a substitute child care provider who is convicted of any of the crimes specified in section 26-6-104 (7) or section 26-6-108.

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

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

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

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

26-6-104. Licenses - out-of-state notices and consent - demonstration pilot program - rules. (7.5) (a) No later than January 1, 2004, the state board shall promulgate rules that require all current and prospective employees of a county department who in their position have direct contact with any child in the process of being placed, or who has been placed, in foster care to submit a set of fingerprints for purposes of obtaining a fingerprint-based criminal history record check, unless the person has already submitted a set of fingerprints. The check ~~shall~~ MUST be conducted in the same manner as provided in subsection (7) of this section and in section 26-6-107 (1)(a). The person's employment ~~shall be~~ IS conditional upon a satisfactory criminal background check and subject to the same grounds for denial or dismissal as set forth in subsection (7) of this section and in section 26-6-107 (1)(a). The costs for the fingerprint-based criminal history record check ~~shall~~ MUST

be borne by the applicant.

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

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

26-6-106.3. Certification and annual recertification of foster care homes by county departments and licensed child placement agencies - background and reference check requirements - definitions. (5) Prior to issuing a certificate or a recertification to an applicant to operate a foster care home, a county department or a child placement agency licensed under the provisions of this part 1 shall conduct the following background checks for the applicant for a certificate, a person employed by the applicant, or a person who resides at the facility or the home:

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

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

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

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

26-6-107. Investigations and inspections - local authority - reports - rules. (1) (a) (I.5) Rules promulgated by the state board pursuant to ~~subparagraph (I) of this paragraph (a) shall~~ SUBSECTION (1)(a)(I) OF THIS SECTION MUST ALSO INCLUDE:

(A) A comparison search on the ICON system at the state judicial department with the name and date of birth information and any other available source of criminal history information that the state department determines is appropriate for each circumstance in which the CBI fingerprint check either does not confirm a criminal history or confirms a criminal history, in order to determine the crime or

crimes for which the person was arrested or convicted and the disposition thereof;
~~and~~

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

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

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

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

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

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

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

26-6-120. Exempt family child care home providers - fingerprint-based criminal history record check - child care assistance program money - temporary care - rules - definitions. (1.5) (a) WHEN THE RESULTS OF AN FCC PERFORMED PURSUANT TO SUBSECTION (1) OF THIS SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE STATE DEPARTMENT SHALL REQUIRE THAT PERSON TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

(b) A PERSON WHO UNDERGOES A NAME-BASED CRIMINAL HISTORY RECORD CHECK SHALL PAY TO THE STATE DEPARTMENT A FEE ESTABLISHED BY RULE OF THE

STATE BOARD PURSUANT TO SUBSECTION (5) OF THIS SECTION TO OFFSET THE COSTS ASSOCIATED WITH PERFORMING THE NAME-BASED CRIMINAL HISTORY RECORD CHECK.

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

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

27-90-111. Employment of personnel - screening of applicants - disqualifications from employment - contracts - rules - definitions. (4) Prior to the department's permanent employment of a person in a position that would require that person to have direct contact with a vulnerable person, the executive director or any division head of the department shall make an inquiry to the director of the Colorado bureau of investigation to ascertain whether the person has a criminal history. The person's employment is conditional upon a satisfactory state and national fingerprint-based criminal history record check. A criminal history record check conducted pursuant to this subsection (4) must include but need not be limited to arrests, conviction records, and the disposition of any criminal charges. The department shall require the person to have his or her fingerprints taken by a local law enforcement agency or any third party approved by the Colorado bureau of investigation. If an approved third party takes the person's fingerprints, the fingerprints may be electronically captured using Colorado bureau of investigation-approved livescan equipment. Third-party vendors shall not keep the applicant information for more than thirty days unless requested to do so by the applicant. The department shall forward those fingerprints to the Colorado bureau of investigation for the purpose of fingerprint processing utilizing the files and records of the Colorado bureau of investigation and the federal bureau of investigation. WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF A PERSON PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE DEPARTMENT SHALL REQUIRE THAT PERSON TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d). The department shall pay for the costs of criminal history record checks conducted pursuant to this section out of existing appropriations.

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

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

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

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

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

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

44-3-307. Persons prohibited as licensees - definition. (3) (c) At the time of the application for a license, the applicant shall submit fingerprints and file personal history information concerning the applicant's qualifications for a license on forms prepared by the state licensing authority. The state and local licensing authorities shall submit such fingerprints to the Colorado bureau of investigation for the purpose of conducting ~~fingerprint-based~~ FINGERPRINT-BASED criminal history record checks. The Colorado bureau of investigation shall forward the fingerprints to the federal bureau of investigation for the purpose of conducting ~~fingerprint-based~~ FINGERPRINT-BASED criminal history record checks. An applicant who has previously submitted fingerprints for alcohol beverage licensing purposes may request that the fingerprints on file be used. WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE LICENSING AUTHORITY SHALL REQUIRE THE APPLICANT TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d). The licensing authorities shall use the information resulting from the ~~fingerprint-based~~ FINGERPRINT-BASED AND, IF APPLICABLE, NAME-BASED

criminal history record check to investigate and to determine if an applicant is qualified for a license pursuant to this article 3 and article 4 of this title 44. The licensing authority shall not be prohibited from verifying any of the information required to be submitted by an applicant pursuant to this section. An applicant shall not be required to submit additional information beyond that required in this subsection (3) unless the licensing authority has determined any of the following:

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

44-11-202. Powers and duties of state licensing authority - rules.

(2) (a) Rules promulgated pursuant to subsection (1)(b) of this section may include, but need not be limited to, the following subjects:

(VIII) Development of individual identification cards for owners, officers, managers, contractors, employees, and other support staff of entities licensed pursuant to this article 11, including a fingerprint-based criminal history record check AND A NAME-BASED CRIMINAL HISTORY RECORD CHECK AS MAY BE REQUIRED BY THE STATE LICENSING AUTHORITY PRIOR TO ISSUING A CARD;

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

44-11-306. Persons prohibited as licensees - definition. (2) (c) At the time of filing an application for issuance or renewal of a state medical marijuana center license, medical marijuana-infused product manufacturer license, or optional premises cultivation license, an applicant shall submit a set of his or her fingerprints and file personal history information concerning the applicant's qualifications for a state license on forms prepared by the state licensing authority. The state or local licensing authority shall submit the fingerprints to the Colorado bureau of investigation for the purpose of conducting fingerprint-based criminal history record checks. The Colorado bureau of investigation shall forward the fingerprints to the federal bureau of investigation for the purpose of conducting fingerprint-based criminal history record checks. ~~The state or local licensing authority may acquire a name-based criminal history record check for an applicant or a license holder who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable.~~ An applicant who has previously submitted fingerprints for state licensing purposes may request that the fingerprints on file be used. THE STATE OR LOCAL LICENSING AUTHORITY SHALL ACQUIRE A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d), FOR AN APPLICANT OR LICENSE HOLDER WHO HAS TWICE SUBMITTED TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND WHOSE FINGERPRINTS ARE UNCLASSIFIABLE OR WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT OR LICENSE HOLDER PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION. The state or local licensing authority shall use the information resulting from the fingerprint-based OR NAME-BASED criminal history record check to investigate and determine whether an applicant is qualified to hold a state license pursuant to this article 11. The state or local licensing authority may verify any of the information an applicant is required to submit.

SECTION 55. In Colorado Revised Statutes, 44-11-307, **amend** (5)(b) as follows:

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

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

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

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

44-11-313. Unlawful financial assistance. (2) A person shall not have an unreported financial interest in a license pursuant to this article 11 unless that person has undergone a fingerprint-based criminal history record check AND, IF NECESSARY, A NAME-BASED CRIMINAL HISTORY CHECK, as provided for by the state licensing authority in its rules; except that this subsection (2) does not apply to banks or savings and loan associations supervised and regulated by an agency of the state or federal government, or to FHA-approved mortgagees, or to stockholders, directors, or officers thereof.

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

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

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

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

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

SECTION 59. In Colorado Revised Statutes, 44-12-305, **amend** (2)(c) as follows:

44-12-305. Persons prohibited as licensees - definition. (2) (c) At the time of filing an application for issuance of a state retail marijuana establishment license, an applicant shall submit a set of his or her fingerprints and file personal history information concerning the applicant's qualifications for a state license on forms prepared by the state licensing authority. The state licensing authority or local jurisdiction shall submit the fingerprints to the Colorado bureau of investigation for the purpose of conducting fingerprint-based criminal history record checks. The Colorado bureau of investigation shall forward the fingerprints to the federal bureau of investigation for the purpose of conducting fingerprint-based criminal history record checks. ~~The state licensing authority or local jurisdiction may acquire a name-based criminal history record check for an applicant or a license holder who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable.~~ An applicant who has previously submitted fingerprints for state or local licensing purposes may request that the fingerprints on file be used. THE STATE LICENSING AUTHORITY OR LOCAL JURISDICTION SHALL ACQUIRE A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d), FOR AN APPLICANT OR LICENSE HOLDER WHO HAS TWICE SUBMITTED TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND WHOSE FINGERPRINTS ARE UNCLASSIFIABLE OR WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT OR LICENSE HOLDER PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION. The state licensing authority or local jurisdiction shall use the information resulting from the fingerprint-based criminal history record check OR NAME-BASED CRIMINAL HISTORY RECORD CHECK to investigate and determine whether an applicant is qualified to hold a state or local license pursuant to this article 12. The state licensing authority or local jurisdiction may verify any of the information an applicant is required to submit.

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

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

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

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

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

44-20-118. Application - prelicensing education - fingerprint-based criminal history record check - rules. (8) (a.5) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS SUBSECTION (8) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE DEPARTMENT SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

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

44-20-417. Application - fingerprint-based criminal history record check - rules. (8) (a.5) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS SUBSECTION (8) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE DEPARTMENT SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

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

44-30-510. Applicants and licensees - providing information - criminal history record check. (3) (a) With the submission of an application for a license or an application for a finding of suitability pursuant to this article 30, each applicant shall submit a set of fingerprints to the commission. The commission shall forward the fingerprints to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation. ~~Nothing in this subsection (3) shall preclude the commission from making further inquiries into the background of the applicant.~~

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

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

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

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

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

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

44-40-106. Contractors supplying services, equipment, or materials - gaming equipment - disclosures - definitions. (10) (a.5) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF A SUPPLIER PERFORMED PURSUANT TO THIS SUBSECTION (10) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE DIVISION SHALL REQUIRE THE SUPPLIER TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

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

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

SECTION 68. In Colorado Revised Statutes, 12-10-203, **amend as relocated by House Bill 19-1172** (1)(b)(I) as follows:

12-10-203. Application for license - rules - definition. (1) (b) (I) Prior to submitting an application for a license pursuant to subsection (1)(a) of this section, each applicant shall submit a set of fingerprints to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation. The applicant shall pay the fee established by the Colorado bureau of investigation for conducting the fingerprint-based criminal history record check to the bureau. Upon completion of the criminal history record check, the bureau shall forward the results to the commission. The commission ~~may~~ SHALL acquire a name-based criminal history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an applicant who has twice submitted to a fingerprint-based criminal history record check and whose

fingerprints are unclassifiable OR WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS SUBSECTION (1)(b)(I) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY THE COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD CHECK.

SECTION 69. In Colorado Revised Statutes, 12-10-606, **amend as relocated by House Bill 19-1172** (6)(a) as follows:

12-10-606. Qualifications for licensing and certification of appraisers - continuing education - definitions - rules. (6) (a) The board shall not issue a license or certification until the applicant demonstrates that he or she meets the fitness standards established by board rule and submits a set of fingerprints to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation. Each person submitting a set of fingerprints shall pay the fee established by the Colorado bureau of investigation for conducting the fingerprint-based criminal history record check to the bureau. Upon completion of the criminal history record check, the bureau shall forward the results to the board. The board ~~may~~ SHALL require a name-based criminal history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an applicant who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable OR WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS SUBSECTION (6) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY THE COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD CHECK. The board may deny an application for licensure or certification based on the outcome of the criminal history record check and may establish criminal history requirements more stringent than those established by any applicable federal law. At a minimum, the board shall adopt the criminal history requirements established by any applicable federal law.

SECTION 70. In Colorado Revised Statutes, 12-10-607, **amend as relocated by House Bill 19-1172** (3) as follows:

12-10-607. Appraisal management companies - application for license - exemptions. (3) The board shall not issue a license to any partnership, limited liability company, or corporation unless and until the appraiser designated by the partnership, limited liability company, or corporation as controlling appraiser and each individual who owns more than ten percent of the entity demonstrates that he or she meets the fitness standards established by board rule and submits a set of fingerprints to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation. Each person submitting a set of fingerprints shall pay the fee established by the Colorado bureau of investigation for conducting the fingerprint-based criminal history record check to the bureau. Upon completion of the criminal history record check, the bureau shall forward the results to the board. The board ~~may~~ SHALL require a name-based criminal history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an applicant who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable OR WHEN

THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS SUBSECTION (3) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY THE COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD CHECK. The board may deny an application for licensure or refuse to renew a license based on the outcome of the criminal history record check. The board may require criminal history requirements more stringent than those established by any applicable federal law. At a minimum, the board shall adopt the criminal history requirements established by any applicable federal law.

SECTION 71. In Colorado Revised Statutes, 12-10-610, **amend as relocated by House Bill 19-1172** (4) as follows:

12-10-610. Expiration of licenses - renewal - penalties - fees - rules. (4) At the time of renewal or reinstatement, every licensee, certificate holder, and person or individual who owns more than ten percent of an appraisal management company shall submit a set of fingerprints to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation, if the person has not previously done so for issuance of a license or certification by the board. Each person submitting a set of fingerprints shall pay the fee established by the Colorado bureau of investigation for conducting the fingerprint-based criminal history record check to the bureau. The bureau shall forward the results to the board. The board ~~may~~ SHALL require a name-based criminal history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an applicant who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable OR WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY THE COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD CHECK. The board may refuse to renew or reinstate a license or certification based on the outcome of the criminal history record check.

SECTION 72. In Colorado Revised Statutes, 12-10-704, **amend as relocated by House Bill 19-1172** (6)(a) and (7)(c) as follows:

12-10-704. License required - rules. (6) (a) Prior to submitting an application for a license, an applicant shall submit a set of fingerprints to the Colorado bureau of investigation. Upon receipt of the applicant's fingerprints, the Colorado bureau of investigation shall use the fingerprints to conduct a state and national criminal history record check using records of the Colorado bureau of investigation and the federal bureau of investigation. All costs arising from the criminal history record check ~~shall~~ MUST be borne by the applicant and ~~shall~~ MUST be paid when the set of fingerprints is submitted. Upon completion of the criminal history record check, the bureau shall forward the results to the board. The board ~~may~~ SHALL acquire a name-based criminal history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an applicant who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable OR WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST

WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY THE COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD CHECK.

(7)(c) The board ~~may~~ SHALL acquire a name-based criminal history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an applicant who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable OR WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY THE COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD CHECK.

SECTION 73. In Colorado Revised Statutes, 12-125-106, **amend as relocated by House Bill 19-1172 (4)** as follows:

12-125-106. Licensing. (4) With the submission of an application for a license granted pursuant to this section, each applicant and its officers, directors, and general partners shall submit a complete set of his or her fingerprints to the Colorado bureau of investigation for the purpose of conducting fingerprint-based criminal history record checks. The Colorado bureau of investigation shall forward the fingerprints to the federal bureau of investigation for the purpose of conducting fingerprint-based criminal history record checks. ~~The director may acquire a name-based criminal history record check for a person who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable.~~ A person who has previously submitted fingerprints for state or local licensing purposes may request the use of the fingerprints on file. THE DIRECTOR SHALL REQUIRE A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d), FOR A PERSON WHO HAS TWICE SUBMITTED TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND WHOSE FINGERPRINTS ARE UNCLASSIFIABLE OR WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF A PERSON PERFORMED PURSUANT TO THIS SUBSECTION (4) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION. The director shall use the information resulting from the fingerprint-based OR NAME-BASED criminal history record check to investigate and determine whether an applicant is qualified to hold a license pursuant to this section. The director may verify the information an applicant is required to submit. The applicant shall pay the costs associated with the fingerprint-based criminal history record check to the Colorado bureau of investigation. THE APPLICANT IS RESPONSIBLE FOR THE COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD CHECK.

SECTION 74. In Colorado Revised Statutes, 12-160-107, **amend as relocated by House Bill 19-1172 (2)** as follows:

12-160-107. Private investigator licenses - qualifications - fees - renewal - rules. (2) (a) In addition to the requirements of subsection (1) of this section, each applicant for a level I or level II private investigator license must have his or her fingerprints taken by a local law enforcement agency or any third party approved by the Colorado bureau of investigation for the purpose of obtaining a fingerprint-based criminal history record check. If an approved third party takes the person's fingerprints, the fingerprints may be electronically captured using Colorado bureau of investigation-approved livescan equipment. Third-party vendors shall not keep the applicant information for more than thirty days unless requested to do so

by the applicant. The applicant shall submit payment by certified check or money order for the fingerprints and for the actual costs of the record check at the time the fingerprints are submitted to the Colorado bureau of investigation. Upon receipt of fingerprints and receipt of the payment for costs, the Colorado bureau of investigation shall conduct a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation and shall forward the results of the criminal history record check to the director.

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

SECTION 75. In Colorado Revised Statutes, 12-235-108, **amend as relocated by House Bill 19-1172** (1)(e) and (3); and **add as relocated by House Bill 19-1172** (2.5) as follows:

12-235-108. License - reciprocity - denial of license application. (1) Every applicant for a license to practice massage therapy shall:

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

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

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

SECTION 76. In Colorado Revised Statutes, **amend as relocated by House Bill 19-1172** 12-280-304 as follows:

12-280-304. Criminal history record check. (1) Prior to submission of an application, each designated representative must have his or her fingerprints taken by a local law enforcement agency or any third party approved by the Colorado bureau of investigation for the purpose of obtaining a fingerprint-based criminal history record check. If an approved third party takes the person's fingerprints, the fingerprints may be electronically captured using Colorado bureau of investigation-approved livescan equipment. Third-party vendors shall not keep the applicant information for more than thirty days unless requested to do so by the applicant. The designated representative shall submit payment by certified check or money order for the fingerprints and for the actual costs of the record check at the time the fingerprints are submitted to the Colorado bureau of investigation. Upon

receipt of fingerprints and receipt of the payment for costs, the Colorado bureau of investigation shall conduct a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation.

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

SECTION 77. In Colorado Revised Statutes, amend as relocated by House Bill 19-1172 12-310-107 as follows:

12-310-107. Criminal history record check required. (1) Each applicant for registration must have the applicant's fingerprints taken by a local law enforcement agency or any third party approved by the Colorado bureau of investigation for the purpose of obtaining a fingerprint-based criminal history record check. If an approved third party takes the applicant's fingerprints, the fingerprints may be electronically captured using Colorado bureau of investigation-approved livescan equipment. Third-party vendors shall not keep the applicant information for more than thirty days unless requested to do so by the applicant. The applicant shall submit payment by certified check or money order for the fingerprints and for the actual costs of the record check at the time the fingerprints are submitted to the Colorado bureau of investigation. Upon receipt of fingerprints and receipt of the payment for costs, the Colorado bureau of investigation shall conduct a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation and shall forward the results of the criminal history record check to the director.

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

SECTION 78. Effective date. (1) Except as otherwise provided in this section, this act takes effect upon passage.

(2) Sections 57 and 60 of this act take effect only if House Bill 19-1090 does not become law.

(3) Sections 68 through 77 of this act take effect only if House Bill 19-1172 becomes law, in which case sections 68 through 77 take effect on October 1, 2019.

SECTION 79. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 18, 2019