

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0445.01 Kristen Forrestal x4217

HOUSE BILL 24-1004

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HOUSE SPONSORSHIP

Bacon and Bird,

SENATE SPONSORSHIP

Coleman,

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**House Committees**  
Business Affairs & Labor

**Senate Committees**

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A BILL FOR AN ACT

101 CONCERNING THE ABILITY OF EX-OFFENDERS TO RECEIVE  
102 AUTHORIZATION TO PRACTICE IN STATE-REGULATED  
103 OCCUPATIONS.

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

In determining whether an applicant for a state-regulated occupation is qualified to be registered, certified, or licensed (regulator), the bill allows the regulator to consider an applicant's conviction for a criminal offense if the criminal offense is a violent felony or misdemeanor. If an offense is not violent but would otherwise disqualify

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

a person from becoming registered, certified, or licensed, the regulator of each profession is not permitted to consider the person's criminal conviction for the offense after a 3-year period has passed.

The bill allows an individual to petition a regulator to determine whether a criminal conviction will preclude the person from becoming registered, certified, or licensed prior to that person completing any other requirements for such credentialing.

The bill places the burden of proof for denial of an applicant on the regulator to demonstrate that denial based on the applicant's criminal conviction directly connects to potential performance in the occupation or profession for which the applicant seeks credentialing.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 12-20-206 as  
3 follows:

4 **12-20-206. Regulators - consideration of criminal records -**  
5 **petition process - denials.** (1) THIS SECTION APPLIES TO ALL  
6 REGULATORS IN THE DIVISION.

7 (2) (a) WHEN REVIEWING AN INDIVIDUAL APPLICANT'S CRIMINAL  
8 RECORD TO DETERMINE WHETHER THE INDIVIDUAL APPLICANT IS  
9 QUALIFIED FOR A REGISTRATION, CERTIFICATION, OR LICENSE PURSUANT  
10 TO THIS TITLE 12, A REGULATOR MAY CONSIDER ONLY THE APPLICANT'S  
11 CONVICTION FOR THE FOLLOWING CRIMINAL OFFENSES:

12 (I) A CRIMINAL SEXUAL ACT;

13 (II) CRIMINAL FRAUD OR EMBEZZLEMENT;

14 (III) AN AGGRAVATED ASSAULT;

15 (IV) AGGRAVATED ROBBERY;

16 (V) AGGRAVATED ABUSE, NEGLECT, OR ENDANGERMENT OF A  
17 CHILD OR AN AT-RISK PERSON AS DEFINED IN SECTION 18-6.5-102 (4.5);

18 (VI) ARSON;

19 (VII) A CARJACKING;

1 (VIII) KIDNAPPING; AND

2 (IX) MANSLAUGHTER, HOMICIDE, OR MURDER.

3 (b) IF AN INDIVIDUAL APPLICANT HAS A VALID CONVICTION FOR AN  
4 OFFENSE THAT IS NOT INCLUDED IN SUBSECTION (2)(a) OF THIS SECTION,  
5 THE REGULATOR SHALL NOT CONSIDER THE APPLICANT'S CRIMINAL  
6 CONVICTION FOR THE OFFENSE UNTIL THREE YEARS AFTER THE DATE OF  
7 CONVICTION, END OF INCARCERATION, OR END OF PERIOD OF PAROLE,  
8 WHICHEVER DATE IS LATER, IF THE APPLICANT HAS NOT BEEN CONVICTED  
9 OF ANY OTHER CRIMINAL OFFENSE DURING THE THREE-YEAR PERIOD.  
10 BEYOND THE THREE-YEAR PERIOD, THE REGULATOR SHALL CONSIDER AN  
11 EX-OFFENDER'S APPLICATION FOR REGISTRATION, CERTIFICATION, OR  
12 LICENSURE IN THE SAME MANNER AS AN APPLICANT WHO DOES NOT  
13 POSSESS A PRIOR CRIMINAL RECORD AS LONG AS THE EX-OFFENDER DOES  
14 NOT HAVE ADDITIONAL CONVICTIONS.

15 (c) A REGULATOR SHALL NOT:

16 (I) AUTOMATICALLY REFUSE TO GRANT OR RENEW A  
17 REGISTRATION, CERTIFICATION, OR LICENSE TO WORK IN A LAWFUL  
18 OCCUPATION BECAUSE OF AN INDIVIDUAL'S CRIMINAL RECORD BUT SHALL  
19 CONSIDER EACH INDIVIDUAL'S CRIMINAL RECORD AND CURRENT  
20 CIRCUMSTANCES; OR

21 (II) USE VAGUE TERMS IN ITS CONSIDERATIONS AND DECISIONS,  
22 INCLUDING "GOOD MORAL CHARACTER", "MORAL TURPITUDE", OR  
23 "CHARACTER AND FITNESS".

24 (d) AN AMBIGUITY IN AN OCCUPATIONAL REGULATION RELATING  
25 TO THE BOARD OR EXECUTIVE DIRECTOR'S USE OF AN INDIVIDUAL'S  
26 CRIMINAL RECORD MUST BE RESOLVED IN FAVOR OF THE INDIVIDUAL.

27 (3)(a) AN INDIVIDUAL WHOSE CRIMINAL RECORD MAY AFFECT THE

1 INDIVIDUAL'S REGISTRATION, CERTIFICATION, OR LICENSURE PURSUANT TO  
2 SUBSECTION (2) OF THIS SECTION MAY PETITION AT ANY TIME, INCLUDING  
3 WHILE INCARCERATED OR BEFORE OBTAINING ANY REQUIRED PERSONAL  
4 QUALIFICATIONS, FOR A DECISION FROM A REGULATOR AS TO WHETHER  
5 THE INDIVIDUAL'S CRIMINAL RECORD WILL DISQUALIFY THE INDIVIDUAL  
6 FROM OBTAINING A REGISTRATION, CERTIFICATION, OR LICENSE.

7 (b) AN INDIVIDUAL WHO PETITIONS A REGULATOR SHALL INCLUDE  
8 IN THE PETITION:

9 (I) THE INDIVIDUAL'S CRIMINAL RECORD OR AUTHORIZATION FOR  
10 THE REGULATOR TO OBTAIN THE INDIVIDUAL'S CRIMINAL RECORD; AND

11 (II) ANY ADDITIONAL INFORMATION ABOUT THE INDIVIDUAL'S  
12 CURRENT CIRCUMSTANCES, INCLUDING THE TIME SINCE THE CRIMINAL  
13 OFFENSE WAS COMMITTED AND THE SENTENCE WAS COMPLETED, THE  
14 PAYMENT OF ANY COURT-ORDERED RESTITUTION, EVIDENCE OF  
15 REHABILITATION, TESTIMONIALS, EMPLOYMENT HISTORY, AND  
16 EMPLOYMENT ASPIRATIONS.

17 (c) IF A REGULATOR DETERMINES THAT A PETITIONER'S CRIMINAL  
18 CONVICTION WILL DISQUALIFY THE PETITIONER FROM BECOMING  
19 REGISTERED, CERTIFIED, OR LICENSED, THE REGULATOR SHALL ADVISE THE  
20 PETITIONER OF ANY ACTIONS THE PETITIONER MAY TAKE TO REMEDY THE  
21 DISQUALIFICATION. IF REMEDIAL ACTION IS ADVISED BY THE REGULATOR,  
22 THE PETITIONER MAY SUBMIT A REVISED PETITION ON OR BEFORE A DATE  
23 SET BY THE REGULATOR FOR COMPLETION OF THE REMEDIAL ACTIONS.

24 (d) A REGULATOR WHO MAKES AN INITIAL DETERMINATION  
25 PURSUANT TO THIS SUBSECTION (3) MAY REQUIRE A NEW DETERMINATION  
26 AT THE TIME AN INDIVIDUAL FORMALLY APPLIES FOR REGISTRATION,  
27 CERTIFICATION, OR LICENSURE.

1 (4) IN ORDER TO DENY AN APPLICATION FOR REGISTRATION,  
2 CERTIFICATION, OR LICENSURE PURSUANT TO THIS SECTION, A REGULATOR  
3 BEARS THE BURDEN OF PROOF TO SHOW BY CLEAR AND CONVINCING  
4 EVIDENCE THAT THE DENIAL DIRECTLY CONNECTS INFORMATION IN AN  
5 APPLICANT'S CRIMINAL RECORD TO POTENTIAL PERFORMANCE IN THE  
6 PARTICULAR OCCUPATION OR PROFESSION FOR WHICH THE APPLICANT IS  
7 APPLYING FOR REGISTRATION, CERTIFICATION, OR LICENSURE.

8 (5) THIS SECTION DOES NOT NEGATE:

9 (a) ANY PROVISION FOR REGISTRATION, CERTIFICATION, OR  
10 LICENSURE IN THIS TITLE 12 THAT REQUIRES AN APPLICANT TO SUBMIT  
11 INFORMATION REGARDING THE APPLICANT'S CRIMINAL HISTORY TO A  
12 REGULATOR WITH AN APPLICATION; OR

13 (b) ANY OTHER REASON SPECIFIED IN THIS TITLE 12 FOR WHICH A  
14 REGULATOR MAY DENY AN APPLICANT REGISTRATION, CERTIFICATION, OR  
15 LICENSURE FOR A PROFESSION OR AN OCCUPATION.

16 **SECTION 2.** In Colorado Revised Statutes, 12-20-202, **repeal** (5)  
17 as follows:

18 **12-20-202. Licenses, certifications, and registrations - renewal**  
19 **- reinstatement - fees - occupational credential portability program**  
20 **- temporary authority for military spouses - exceptions for military**  
21 **personnel - rules - consideration of criminal convictions or driver's**  
22 **history - executive director authority - definitions. (5) ~~Criminal~~**  
23 **~~convictions.~~ Unless there is a specific statutory disqualification that**  
24 **~~prohibits an applicant from obtaining licensure, certification, or~~**  
25 **~~registration based on a criminal conviction, if a regulator determines that~~**  
26 **~~an applicant for licensure, certification, or registration has a criminal~~**  
27 **~~record, the regulator is governed by section 24-5-101 for purposes of~~**

1 ~~granting or denying, or placing any conditions on, licensure, certification,~~  
2 ~~or registration.~~

3           **SECTION 3. Act subject to petition - effective date -**  
4 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
5 the expiration of the ninety-day period after final adjournment of the  
6 general assembly; except that, if a referendum petition is filed pursuant  
7 to section 1 (3) of article V of the state constitution against this act or an  
8 item, section, or part of this act within such period, then the act, item,  
9 section, or part will not take effect unless approved by the people at the  
10 general election to be held in November 2024 and, in such case, will take  
11 effect on the date of the official declaration of the vote thereon by the  
12 governor.

13           (2) This act applies to applications for registration, certification,  
14 or licensure submitted on or after the applicable effective date of this act.