

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0933.01 Michael Dohr x4347

SENATE BILL 17-189

SENATE SPONSORSHIP

Cooke,

HOUSE SPONSORSHIP

Foote,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING ELIMINATION OF THE REQUIREMENT THAT A LAW
102 ENFORCEMENT AGENCY IS THE ONLY ENTITY AUTHORIZED TO
103 TAKE FINGERPRINTS FOR PURPOSES OF A BACKGROUND CHECK.

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>.)

Under current law, there are a number of professions that require fingerprint-based background checks. Some of those fingerprint requirements direct that the fingerprints must be taken by a law enforcement agency. The bill removes the requirement that a law enforcement agency is the only authorized entity able to take the

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

fingerprints. If an approved third party takes the person's fingerprints, the fingerprints may be electronically captured using Colorado bureau of investigation-approved or federal bureau of investigation-approved livescan equipment.

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

2 **SECTION 1.** In Colorado Revised Statutes, 10-23-103, **amend**
3 (2) as follows:

4 **10-23-103. Registration requirements - application -**
5 **qualification bond - forfeiture.** (2) Prior to submission of an application
6 under this ~~article~~ ARTICLE 23, each applicant shall have his or her
7 fingerprints taken by a local law enforcement agency OR A THIRD PARTY
8 APPROVED BY THE COLORADO BUREAU OF INVESTIGATION to obtain a
9 fingerprint-based criminal history record check. IF A THIRD PARTY TAKES
10 THE PERSON'S FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY
11 CAPTURED USING COLORADO BUREAU OF INVESTIGATION-APPROVED
12 LIVSCAN EQUIPMENT. The applicant is required to submit payment by
13 certified check or money order for the fingerprints and for the actual costs
14 of the record check when the fingerprints are submitted to the Colorado
15 bureau of investigation. Upon receipt of fingerprints and receipt of the
16 payment for costs, the Colorado bureau of investigation shall conduct a
17 state and national fingerprint-based criminal history record check utilizing
18 records of the Colorado bureau of investigation and the federal bureau of
19 investigation.

20 **SECTION 2.** In Colorado Revised Statutes, 12-35.5-107, **amend**
21 (2) as follows:

22 **12-35.5-107. License - reciprocity - denial of license**
23 **application.** (2) In addition to the requirements of subsection (1) of this

1 section, each applicant ~~shall~~ MUST have his or her fingerprints taken by
2 a local law enforcement agency OR A THIRD PARTY APPROVED BY THE
3 COLORADO BUREAU OF INVESTIGATION for the purpose of obtaining a
4 fingerprint-based criminal history record check. IF AN APPROVED THIRD
5 PARTY TAKES THE PERSON'S FINGERPRINTS, THE FINGERPRINTS MAY BE
6 ELECTRONICALLY CAPTURED USING COLORADO BUREAU OF
7 INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. The applicant ~~is~~
8 ~~required to~~ SHALL submit payment by certified check or money order for
9 the fingerprints and for the actual costs of the record check at the time the
10 fingerprints are submitted to the Colorado bureau of investigation. Upon
11 receipt of fingerprints and receipt of the payment for costs, the Colorado
12 bureau of investigation shall conduct a state and national
13 fingerprint-based criminal history record check utilizing records of the
14 Colorado bureau of investigation and the federal bureau of investigation
15 and shall forward the results of the criminal history record check to the
16 director.

17 **SECTION 3.** In Colorado Revised Statutes, **amend** 12-42.5-304
18 as follows:

19 **12-42.5-304. Criminal history record check.** Prior to submission
20 of an application, each designated representative ~~shall~~ MUST have his or
21 her fingerprints taken by a local law enforcement agency OR A THIRD
22 PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION for the
23 purpose of obtaining a fingerprint-based criminal history record check. IF
24 AN APPROVED THIRD PARTY TAKES THE PERSON'S FINGERPRINTS, THE
25 FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING COLORADO
26 BUREAU OF INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. The
27 designated representative shall submit payment by certified check or

1 money order for the fingerprints and for the actual costs of the record
2 check at the time the fingerprints are submitted to the Colorado bureau of
3 investigation. Upon receipt of fingerprints and receipt of the payment for
4 costs, the Colorado bureau of investigation shall conduct a state and
5 national fingerprint-based criminal history record check utilizing records
6 of the Colorado bureau of investigation and the federal bureau of
7 investigation.

8 **SECTION 4.** In Colorado Revised Statutes, **amend**
9 12-43.2-105.5 as follows:

10 **12-43.2-105.5. Criminal history record check required.** Each
11 applicant for registration ~~shall~~ MUST have his or her fingerprints taken by
12 a local law enforcement agency OR A THIRD PARTY APPROVED BY THE
13 COLORADO BUREAU OF INVESTIGATION for the purpose of obtaining a
14 fingerprint-based criminal history record check. IF AN APPROVED THIRD
15 PARTY TAKES THE PERSON'S FINGERPRINTS, THE FINGERPRINTS MAY BE
16 ELECTRONICALLY CAPTURED USING COLORADO BUREAU OF
17 INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. The applicant ~~is~~
18 ~~required to~~ SHALL submit payment by certified check or money order for
19 the fingerprints and for the actual costs of the record check at the time the
20 fingerprints are submitted to the Colorado bureau of investigation. Upon
21 receipt of fingerprints and receipt of the payment for costs, the Colorado
22 bureau of investigation shall conduct a state and national
23 fingerprint-based criminal history record check utilizing records of the
24 Colorado bureau of investigation and the federal bureau of investigation
25 and shall forward the results of the criminal history record check to the
26 director.

27 **SECTION 5.** In Colorado Revised Statutes, 12-58.5-106, **amend**

1 (2) as follows:

2 **12-58.5-106. Private investigator licenses - qualifications - fees**
3 **- renewal - rules.** (2) In addition to the requirements of subsection (1)
4 of this section, each applicant for a level I or level II private investigator
5 license must have his or her fingerprints taken by a local law enforcement
6 agency OR A THIRD PARTY APPROVED BY THE COLORADO BUREAU OF
7 INVESTIGATION for the purpose of obtaining a fingerprint-based criminal
8 history record check. IF AN APPROVED THIRD PARTY TAKES THE PERSON'S
9 FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED
10 USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVSCAN
11 EQUIPMENT. The applicant ~~is required to~~ SHALL submit payment by
12 certified check or money order for the fingerprints and for the actual costs
13 of the record check at the time the fingerprints are submitted to the
14 Colorado bureau of investigation. Upon receipt of fingerprints and receipt
15 of the payment for costs, the Colorado bureau of investigation shall
16 conduct a state and national fingerprint-based criminal history record
17 check utilizing records of the Colorado bureau of investigation and the
18 federal bureau of investigation and shall forward the results of the
19 criminal history record check to the director.

20 **SECTION 6.** In Colorado Revised Statutes, 19-3-406, **amend**
21 (1)(c), (2), and (3) as follows:

22 **19-3-406. Fingerprint-based criminal history record check -**
23 **providers of emergency placement for children - use of criminal**
24 **justice records - definitions - rules.** (1) (c) The child may be placed
25 with the relative or other available person if the initial criminal history
26 record check does not reflect a criminal history described in subsection
27 (4) of this section; except that the relative or other person who is not

1 disqualified based upon the results of the initial criminal history record
2 check conducted pursuant to ~~paragraph (a) of this subsection (1) shall~~
3 ~~report to local law enforcement, or to the county department when the~~
4 ~~county department has a fingerprint machine~~, SUBSECTION (1)(a) OF THIS
5 SECTION SHALL SUBMIT A COMPLETE SET OF HIS OR HER FINGERPRINTS TO
6 THE COUNTY DEPARTMENT and undergo a fingerprint-based criminal
7 history record check as described in subsections (2) and (3) of this section
8 and all of the other required background checks described in subsection
9 (4.5) of this section. IF AN APPROVED THIRD PARTY TAKES THE PERSON'S
10 FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED
11 USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVSCAN
12 EQUIPMENT.

13 (2) A relative or other available person who is not disqualified as
14 an emergency placement for a child pursuant to ~~paragraph (b) of~~
15 ~~subsection (1)~~ SUBSECTION (1)(b) of this section and who authorizes a
16 child to be placed with him or her on an emergency basis pursuant to the
17 provisions of this part 4 shall ~~report to a local law enforcement agency or~~
18 ~~to a county department that has a fingerprint machine for the purpose of~~
19 ~~providing fingerprints to the law enforcement agency or to the county~~
20 ~~department~~ SUBMIT A COMPLETE SET OF HIS OR HER FINGERPRINTS TO THE
21 COUNTY DEPARTMENT no later than five days after the child is placed in
22 the person's home or no later than fifteen calendar days when exigent
23 circumstances exist. If the relative or other available person fails to ~~report~~
24 ~~to the local law enforcement agency or to the county department, if~~
25 ~~applicable, for fingerprinting within this time period~~ SUBMIT A COMPLETE
26 SET OF HIS OR HER FINGERPRINTS TO THE COUNTY DEPARTMENT, the
27 county department or the law enforcement officer, as appropriate, shall

1 immediately remove the child from the physical custody of the person.
2 The county department shall confirm within fifteen days after the child
3 has been placed with the relative or other available person that the relative
4 or other available person identified by the county department ~~reported to~~
5 ~~the local law enforcement agency for fingerprinting~~ SUBMITTED A
6 COMPLETE SET OF HIS OR HER FINGERPRINTS within the time period
7 specified by this subsection (2).

8 (3) ~~When a person reports to a local law enforcement agency or~~
9 ~~to a county department that has a fingerprint machine, pursuant to the~~
10 ~~provisions of subsection (2) of this section, the local law enforcement~~
11 ~~agency or the county department, if applicable, shall fingerprint the~~
12 ~~person and~~ WHEN A PERSON SUBMITS A COMPLETE SET OF HIS OR HER
13 FINGERPRINTS TO THE COUNTY DEPARTMENT, THE COUNTY DEPARTMENT
14 SHALL immediately forward the fingerprints to the Colorado bureau of
15 investigation for the purpose of obtaining a fingerprint-based criminal
16 history record check. Upon receipt of fingerprints and payment for the
17 costs, the Colorado bureau of investigation shall conduct a state and
18 national fingerprint-based criminal history record check utilizing records
19 of the Colorado bureau of investigation and the federal bureau of
20 investigation. The results of the state and national fingerprint-based
21 criminal history record checks conducted pursuant to this section shall be
22 forwarded immediately to the agency authorized to receive the
23 information. If the fingerprint-based criminal history record check
24 indicates that the person has a criminal history described in subsection (4)
25 of this section, the county department or the local law enforcement
26 officer, whichever is appropriate, shall immediately remove the child
27 from the emergency placement and shall not place a child with the person

1 who has the criminal history without court involvement and an order of
2 the court affirming placement of the child with the person.

3 **SECTION 7.** In Colorado Revised Statutes, 22-1-121, **amend**
4 (1.7)(a) as follows:

5 **22-1-121. Nonpublic schools - employment of personnel -**
6 **notification by department of education.** (1.7) (a) To facilitate the
7 inquiry permitted by subsection (1) or ~~subsection (1.5)~~ of this section, the
8 governing board of a participating nonpublic school shall require an
9 applicant or employee to submit to the governing board of the school a
10 complete set of his or her fingerprints taken by a qualified law
11 enforcement agency, ~~or an authorized school employee, OR A THIRD~~
12 ~~PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION. IF AN~~
13 ~~APPROVED THIRD PARTY TAKES THE PERSON'S FINGERPRINTS, THE~~
14 ~~FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING COLORADO~~
15 ~~BUREAU OF INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. The~~
16 governing board shall forward the set of fingerprints together with a
17 check to cover the direct and indirect costs of conducting a
18 fingerprint-based criminal history record check of the applicant or
19 employee to the Colorado bureau of investigation for the purpose of
20 conducting a state and national fingerprint-based criminal history record
21 check utilizing records of the Colorado bureau of investigation and the
22 federal bureau of investigation. The department ~~shall be~~ IS the authorized
23 agency to receive and disseminate information regarding the result of any
24 national criminal history record check. Any such national check ~~shall~~
25 MUST be handled in accordance with Pub.L. 92-544, as amended. The
26 department shall notify the governing board whether a fingerprint-based
27 criminal history record check has identified any conviction, plea of nolo

1 contendere, deferred sentence, or deferred prosecution described in
2 subsection (1) of this section.

3 **SECTION 8.** In Colorado Revised Statutes, 22-30.5-110.7,
4 **amend** (1) and (6) as follows:

5 **22-30.5-110.7. Fingerprint-based criminal history record**
6 **checks - charter school employees - procedures - definitions.** (1) A
7 person applying for employment with a charter school to whom an offer
8 of employment is extended shall submit to the charter school a complete
9 set of his or her fingerprints taken by a qualified law enforcement agency,
10 ~~or~~ an authorized employee of the charter school and notarized, OR A
11 THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION.
12 IF AN APPROVED THIRD PARTY TAKES THE PERSON'S FINGERPRINTS, THE
13 FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING COLORADO
14 BUREAU OF INVESTIGATION-APPROVED LIVESCAN EQUIPMENT.

15 (6) When a charter school finds good cause to believe that a
16 person employed by the charter school has been convicted of a felony or
17 misdemeanor, other than a misdemeanor traffic offense or traffic
18 infraction, subsequent to such employment, the charter school shall
19 require the person to submit to the charter school a complete set of his or
20 her fingerprints taken by a qualified law enforcement agency, ~~or~~ an
21 authorized employee of the charter school, OR A THIRD PARTY APPROVED
22 BY THE COLORADO BUREAU OF INVESTIGATION. IF AN APPROVED THIRD
23 PARTY TAKES THE PERSON'S FINGERPRINTS, THE FINGERPRINTS MAY BE
24 ELECTRONICALLY CAPTURED USING COLORADO BUREAU OF
25 INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. The employee shall
26 submit his or her fingerprints within twenty days after receipt of written
27 notification from the charter school. The charter school shall forward the

1 employee's fingerprints to the Colorado bureau of investigation for the
2 purpose of conducting a state and national fingerprint-based criminal
3 history record check utilizing the records of the Colorado bureau of
4 investigation and the federal bureau of investigation.

5 **SECTION 9.** In Colorado Revised Statutes, 22-32-109.8, **amend**
6 (1) and (6)(a) as follows:

7 **22-32-109.8. Applicants selected for nonlicensed positions -**
8 **submittal of form and fingerprints - prohibition against employing**
9 **persons - department database.** (1) Except as otherwise provided in
10 ~~paragraph (a) of subsection (10)~~ SUBSECTION (10)(a) of this section, any
11 person applying to any school district for any position of employment for
12 which a license issued pursuant to article 60.5 of this ~~title~~ TITLE 22 is not
13 required and who is selected for such position of employment by such
14 school district shall submit a complete set of fingerprints of such
15 applicant taken by a qualified law enforcement agency, ~~or~~ authorized
16 employee of such school district and ~~a~~ notarized, OR A THIRD PARTY
17 APPROVED BY THE COLORADO BUREAU OF INVESTIGATION, IN A completed
18 form as specified in subsection (2) of this section. IF AN APPROVED THIRD
19 PARTY TAKES THE PERSON'S FINGERPRINTS, THE FINGERPRINTS MAY BE
20 ELECTRONICALLY CAPTURED USING COLORADO BUREAU OF
21 INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. ~~Said~~ THE fingerprints
22 and form shall be submitted to the school district at the time requested by
23 such school district.

24 (6) (a) When a school district finds good cause to believe that a
25 nonlicensed person employed by the school district has been convicted of
26 a felony or misdemeanor other than a misdemeanor traffic offense or
27 traffic infraction subsequent to his or her employment, the school district

1 shall require the person to submit to the school district a complete set of
2 his or her fingerprints taken by a qualified law enforcement agency OR A
3 THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION.
4 IF AN APPROVED THIRD PARTY TAKES THE PERSON'S FINGERPRINTS, THE
5 FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING COLORADO
6 BUREAU OF INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. The
7 fingerprints shall be submitted within twenty days after receipt of written
8 notification from the school district. The school district shall forward the
9 fingerprints of the person to the Colorado bureau of investigation for the
10 purpose of conducting a state and national fingerprint-based criminal
11 history record check utilizing the records of the Colorado bureau of
12 investigation and the federal bureau of investigation. If the results of the
13 fingerprint-based criminal history record check completed on or after
14 August 10, 2011, disclose a conviction for an offense described in
15 subsection (6.5) of this section, the school district shall terminate the
16 person's employment.

17 **SECTION 10.** In Colorado Revised Statutes, 22-32-109.9,
18 **amend** (1)(a) as follows:

19 **22-32-109.9. Licensed personnel - submittal of fingerprints.**

20 (1) (a) When any school district finds good cause to believe that any
21 licensed personnel employed by such school district has been convicted
22 of any felony or misdemeanor, other than a misdemeanor traffic offense
23 or traffic infraction, subsequent to such employment, such school district
24 shall require such person to submit a complete set of his or her
25 fingerprints taken by a qualified law enforcement agency OR A THIRD
26 PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION. IF AN
27 APPROVED THIRD PARTY TAKES THE PERSON'S FINGERPRINTS, THE

1 FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING COLORADO
2 BUREAU OF INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. ~~Said~~ THE
3 fingerprints ~~shall~~ MUST be submitted within twenty days of receipt of
4 written notification from the school district.

5 **SECTION 11.** In Colorado Revised Statutes, 22-60.5-103,
6 **amend** (1)(a) and (6)(a) as follows:

7 **22-60.5-103. Applicants - licenses - authorizations - submittal**
8 **of form and fingerprints - failure to comply constitutes grounds for**
9 **denial.** (1) (a) Prior to submitting to the department of education an
10 application for any license specified in section 22-60.5-201, 22-60.5-210,
11 22-60.5-301, or 22-60.5-306 or for any authorization specified in section
12 22-60.5-111, each applicant shall submit to the Colorado bureau of
13 investigation a complete set of fingerprints of such applicant, taken by a
14 qualified law enforcement agency OR A THIRD PARTY APPROVED BY THE
15 COLORADO BUREAU OF INVESTIGATION, unless the applicant previously
16 submitted a complete set of his or her fingerprints to the department of
17 education or the Colorado bureau of investigation in connection with an
18 application for a license or authorization specified in this article 60.5. IF
19 AN APPROVED THIRD PARTY TAKES THE PERSON'S FINGERPRINTS, THE
20 FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING COLORADO
21 BUREAU OF INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. The
22 applicant shall submit the fingerprints for the purpose of obtaining a
23 fingerprint-based criminal history record check through the Colorado
24 bureau of investigation and the federal bureau of investigation to
25 determine whether the applicant for licensure or authorization has a
26 criminal history. The applicant shall pay to the Colorado bureau of
27 investigation the fee established by the bureau for conducting the criminal

1 history record check. Upon completion of the criminal history record
2 check, the bureau shall forward the results to the department of education.

3 (6) (a) When the department of education finds probable cause to
4 believe that an educator licensed or authorized pursuant to this ~~article~~
5 ARTICLE 60.5 has been convicted of a felony or misdemeanor, other than
6 a misdemeanor traffic offense or traffic infraction, subsequent to the
7 educator's licensure or authorization, the department of education shall
8 require the educator to submit a complete set of the educator's fingerprints
9 taken by a qualified law enforcement agency OR A THIRD PARTY
10 APPROVED BY THE COLORADO BUREAU OF INVESTIGATION. IF AN
11 APPROVED THIRD PARTY TAKES THE PERSON'S FINGERPRINTS, THE
12 FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING COLORADO
13 BUREAU OF INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. The
14 educator shall submit the fingerprints within thirty days after receipt of
15 the written request for fingerprints from the department of education. The
16 department of education shall deny, suspend, annul, or revoke, pursuant
17 to section 22-60.5-107 (2.5), the educator's license or authorization if he
18 or she fails to submit fingerprints on a timely basis pursuant to this
19 subsection (6).

20 **SECTION 12.** In Colorado Revised Statutes, 25-3.5-203, **amend**
21 (4)(b)(I) as follows:

22 **25-3.5-203. Emergency medical service providers -**
23 **certification - renewal of certificate - duties of department - rules -**
24 **criminal history record checks - definitions.** (4) (b) (I) Any
25 government entity that employs a person as or allows a person to
26 volunteer as an emergency medical service provider in a position
27 requiring direct contact with patients shall require all volunteer and

1 employed emergency medical service providers, who have lived in the
2 state for three years or less at the time of the initial certification or
3 certification renewal, to submit to a federal bureau of investigation
4 fingerprint-based national criminal history record check to determine
5 eligibility for employment. Each emergency medical service provider
6 required to submit to a federal bureau of investigation fingerprint-based
7 national criminal history record check shall obtain a complete set of
8 fingerprints taken by a local law enforcement agency, ~~or~~ another entity
9 designated by the department, OR A THIRD PARTY APPROVED BY THE
10 COLORADO BUREAU OF INVESTIGATION. IF AN APPROVED THIRD PARTY
11 TAKES THE PERSON'S FINGERPRINTS, THE FINGERPRINTS MAY BE
12 ELECTRONICALLY CAPTURED USING COLORADO BUREAU OF
13 INVESTIGATION-APPROVED LIVSCAN EQUIPMENT. ~~The local law~~
14 ~~enforcement agency or other designated entity that took the fingerprints~~
15 APPROVED THIRD PARTY OR GOVERNMENT ENTITY shall transmit ~~them~~ THE
16 FINGERPRINTS to the Colorado bureau of investigation, which shall in turn
17 forward them to the federal bureau of investigation for a national criminal
18 history record check. The department or other authorized government
19 entity is the authorized agency to receive and disseminate information
20 regarding the result of a national criminal history record check. Each
21 entity handling the national criminal history record check shall comply
22 with Pub.L. 92-544, as amended. Each government entity acting as the
23 authorized recipient of the result of a national criminal history record
24 check shall forward the result of the initial national criminal history
25 record check and any subsequent notification of activity on the record to
26 the department to determine the individual's eligibility for initial
27 certification or certification renewal.

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

3 **27-90-111. Employment of personnel - screening of applicants**
4 **- disqualifications from employment.** (4) Prior to the department's
5 permanent employment of a person in a position that would require that
6 person to have direct contact with any vulnerable person, the executive
7 director or any division head of the department shall make an inquiry to
8 the director of the Colorado bureau of investigation to ascertain whether
9 the person has a criminal history. The person's employment ~~shall be~~ IS
10 conditional upon a satisfactory criminal background check. Any criminal
11 background check conducted pursuant to this subsection (4) ~~shall~~ MUST
12 include but need not be limited to arrests, conviction records, and the
13 disposition of any criminal charges. The department shall require the
14 person to have his or her fingerprints taken by a local law enforcement
15 agency OR A THIRD PARTY APPROVED BY THE COLORADO BUREAU OF
16 INVESTIGATION. IF AN APPROVED THIRD PARTY TAKES THE PERSON'S
17 FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED
18 USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN
19 EQUIPMENT. The ~~local law enforcement agency~~ DEPARTMENT shall
20 forward those fingerprints to the Colorado bureau of investigation for the
21 purpose of fingerprint processing utilizing the files and records of the
22 Colorado bureau of investigation and the federal bureau of investigation.
23 The department shall pay for the costs of criminal background checks
24 conducted pursuant to this section out of existing appropriations.

25 **SECTION 14. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly (August

1 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2018 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.