

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-0933.01 Michael Dohr x4347

SENATE BILL 17-189

SENATE SPONSORSHIP

Cooke,

HOUSE SPONSORSHIP

Foote,

Senate Committees
Judiciary

House Committees
Judiciary

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.

SENATE
3rd Reading Unamended
March 7, 2017

SENATE
Amended 2nd Reading
March 6, 2017

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 ANY THIRD
8 PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION to obtain
9 a fingerprint-based criminal history record check. IF A THIRD PARTY
10 TAKES THE PERSON'S FINGERPRINTS, THE FINGERPRINTS MAY BE
11 ELECTRONICALLY CAPTURED USING COLORADO BUREAU OF
12 INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. THIRD-PARTY VENDORS
13 SHALL NOT KEEP THE APPLICANT INFORMATION FOR MORE THAN THIRTY
14 DAYS UNLESS REQUESTED TO DO SO BY THE APPLICANT. The applicant is
15 required to submit payment by certified check or money order for the
16 fingerprints and for the actual costs of the record check when the
17 fingerprints are submitted to the Colorado bureau of investigation. Upon
18 receipt of fingerprints and receipt of the payment for costs, the Colorado
19 bureau of investigation shall conduct a state and national
20 fingerprint-based criminal history record check utilizing records of the
21 Colorado bureau of investigation and the federal bureau of investigation.

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

1 **12-35.5-107. License - reciprocity - denial of license**
2 **application.** (2) In addition to the requirements of subsection (1) of this
3 section, each applicant ~~shall~~ MUST have his or her fingerprints taken by
4 a local law enforcement agency OR ANY THIRD PARTY APPROVED BY THE
5 COLORADO BUREAU OF INVESTIGATION for the purpose of obtaining a
6 fingerprint-based criminal history record check. IF AN APPROVED THIRD
7 PARTY TAKES THE PERSON'S FINGERPRINTS, THE FINGERPRINTS MAY BE
8 ELECTRONICALLY CAPTURED USING COLORADO BUREAU OF
9 INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. THIRD-PARTY VENDORS
10 SHALL NOT KEEP THE APPLICANT INFORMATION FOR MORE THAN THIRTY
11 DAYS UNLESS REQUESTED TO DO SO BY THE APPLICANT. The applicant is
12 ~~required to~~ SHALL submit payment by certified check or money order for
13 the fingerprints and for the actual costs of the record check at the time the
14 fingerprints are submitted to the Colorado bureau of investigation. Upon
15 receipt of fingerprints and receipt of the payment for costs, the Colorado
16 bureau of investigation shall conduct a state and national
17 fingerprint-based criminal history record check utilizing records of the
18 Colorado bureau of investigation and the federal bureau of investigation
19 and shall forward the results of the criminal history record check to the
20 director.

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

23 **12-42.5-304. Criminal history record check.** Prior to submission
24 of an application, each designated representative ~~shall~~ MUST have his or
25 her fingerprints taken by a local law enforcement agency OR ANY THIRD
26 PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION for the
27 purpose of obtaining a fingerprint-based criminal history record check. IF

1 AN APPROVED THIRD PARTY TAKES THE PERSON'S FINGERPRINTS, THE
2 FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING COLORADO
3 BUREAU OF INVESTIGATION-APPROVED LIVESCAN EQUIPMENT.
4 THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT INFORMATION
5 FOR MORE THAN THIRTY DAYS UNLESS REQUESTED TO DO SO BY THE
6 APPLICANT. The designated representative shall submit payment by
7 certified check or money order for the fingerprints and for the actual costs
8 of the record check at the time the fingerprints are submitted to the
9 Colorado bureau of investigation. Upon receipt of fingerprints and receipt
10 of the payment for costs, the Colorado bureau of investigation shall
11 conduct a state and national fingerprint-based criminal history record
12 check utilizing records of the Colorado bureau of investigation and the
13 federal bureau of investigation.

14 **SECTION 4.** In Colorado Revised Statutes, **amend**
15 12-43.2-105.5 as follows:

16 **12-43.2-105.5. Criminal history record check required.** Each
17 applicant for registration ~~shall~~ MUST have his or her fingerprints taken by
18 a local law enforcement agency OR ANY THIRD PARTY APPROVED BY THE
19 COLORADO BUREAU OF INVESTIGATION for the purpose of obtaining a
20 fingerprint-based criminal history record check. IF AN APPROVED THIRD
21 PARTY TAKES THE PERSON'S FINGERPRINTS, THE FINGERPRINTS MAY BE
22 ELECTRONICALLY CAPTURED USING COLORADO BUREAU OF
23 INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. THIRD-PARTY VENDORS
24 SHALL NOT KEEP THE APPLICANT INFORMATION FOR MORE THAN THIRTY
25 DAYS UNLESS REQUESTED TO DO SO BY THE APPLICANT. The applicant ~~is~~
26 ~~required to~~ SHALL submit payment by certified check or money order for
27 the fingerprints and for the actual costs of the record check at the time the

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

8 **SECTION 5.** In Colorado Revised Statutes, 12-58.5-106, **amend**
9 (2) as follows:

10 **12-58.5-106. Private investigator licenses - qualifications - fees**
11 **- renewal - rules.** (2) In addition to the requirements of subsection (1)
12 of this section, each applicant for a level I or level II private investigator
13 license must have his or her fingerprints taken by a local law enforcement
14 agency OR ANY THIRD PARTY APPROVED BY THE COLORADO BUREAU OF
15 INVESTIGATION for the purpose of obtaining a fingerprint-based criminal
16 history record check. IF AN APPROVED THIRD PARTY TAKES THE PERSON'S
17 FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED
18 USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVSCAN
19 EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT
20 INFORMATION FOR MORE THAN THIRTY DAYS UNLESS REQUESTED TO DO SO
21 BY THE APPLICANT. The applicant ~~is required to~~ SHALL submit payment by
22 certified check or money order for the fingerprints and for the actual costs
23 of the record check at the time the fingerprints are submitted to the
24 Colorado bureau of investigation. Upon receipt of fingerprints and receipt
25 of the payment for costs, the Colorado bureau of investigation shall
26 conduct a state and national fingerprint-based criminal history record
27 check utilizing records of the Colorado bureau of investigation and the

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

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

5 **19-3-406. Fingerprint-based criminal history record check -**
6 **providers of emergency placement for children - use of criminal**
7 **justice records - definitions - rules.** (1) (c) The child may be placed
8 with the relative or other available person if the initial criminal history
9 record check does not reflect a criminal history described in subsection
10 (4) of this section; except that the relative or other person who is not
11 disqualified based upon the results of the initial criminal history record
12 check conducted pursuant to paragraph (a) of this subsection (1)
13 SUBSECTION (1)(a) OF THIS SECTION shall report to local law enforcement,
14 or to the county department when the county department has a fingerprint
15 machine, and undergo OR TO ANOTHER DESIGNATED THIRD PARTY
16 APPROVED BY THE COLORADO BUREAU OF INVESTIGATION TO OBTAIN A
17 SET OF FINGERPRINTS FOR a fingerprint-based criminal history record
18 check as described in subsections (2) and (3) of this section and all of the
19 other required background checks described in subsection (4.5) of this
20 section. IF AN APPROVED THIRD PARTY TAKES THE PERSON'S
21 FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED
22 USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVSCAN
23 EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE RELATIVE'S OR
24 OTHER PERSON'S INFORMATION FOR MORE THAN THIRTY DAYS UNLESS
25 REQUESTED TO DO SO BY THE RELATIVE OR OTHER PERSON.

26 (2) A relative or other available person who is not disqualified as
27 an emergency placement for a child pursuant to ~~paragraph (b) of~~

1 ~~subsection (1)~~ SUBSECTION (1)(b) of this section and who authorizes a
2 child to be placed with him or her on an emergency basis pursuant to the
3 provisions of this part 4 shall ~~report to a local law enforcement agency or~~
4 ~~to a county department that has a fingerprint machine for the purpose of~~
5 ~~providing fingerprints to the law enforcement agency or to the county~~
6 ~~department~~ SUBMIT A COMPLETE SET OF HIS OR HER FINGERPRINTS TO THE
7 COUNTY DEPARTMENT no later than five days after the child is placed in
8 the person's home or no later than fifteen calendar days when exigent
9 circumstances exist. If the relative or other available person fails to ~~report~~
10 ~~to the local law enforcement agency or to the county department, if~~
11 ~~applicable, for fingerprinting within this time period~~ SUBMIT A COMPLETE
12 SET OF HIS OR HER FINGERPRINTS TO THE COUNTY DEPARTMENT, the
13 county department or the law enforcement officer, as appropriate, shall
14 immediately remove the child from the physical custody of the person.
15 The county department shall confirm within fifteen days after the child
16 has been placed with the relative or other available person that the relative
17 or other available person identified by the county department ~~reported to~~
18 ~~the local law enforcement agency for fingerprinting~~ SUBMITTED A
19 COMPLETE SET OF HIS OR HER FINGERPRINTS within the time period
20 specified by this subsection (2).

21 (3) ~~When a person reports to a local law enforcement agency or~~
22 ~~to a county department that has a fingerprint machine, pursuant to the~~
23 ~~provisions of subsection (2) of this section, the local law enforcement~~
24 ~~agency or the county department, if applicable, shall fingerprint the~~
25 ~~person and~~ WHEN A PERSON SUBMITS A COMPLETE SET OF HIS OR HER
26 FINGERPRINTS TO THE COUNTY DEPARTMENT, THE COUNTY DEPARTMENT
27 SHALL immediately forward the fingerprints to the Colorado bureau of

1 investigation for the purpose of obtaining a fingerprint-based criminal
2 history record check. Upon receipt of fingerprints and payment for the
3 costs, the Colorado bureau of investigation shall conduct a state and
4 national fingerprint-based criminal history record check utilizing records
5 of the Colorado bureau of investigation and the federal bureau of
6 investigation. The results of the state and national fingerprint-based
7 criminal history record checks conducted pursuant to this section shall be
8 forwarded immediately to the agency authorized to receive the
9 information. If the fingerprint-based criminal history record check
10 indicates that the person has a criminal history described in subsection (4)
11 of this section, the county department or the local law enforcement
12 officer, whichever is appropriate, shall immediately remove the child
13 from the emergency placement and shall not place a child with the person
14 who has the criminal history without court involvement and an order of
15 the court affirming placement of the child with the person.

16 SECTION 7. In Colorado Revised Statutes, 19-3-407, amend (1)
17 introductory portion and (1)(a) introductory portion as follows:

18 19-3-407. Noncertified kinship care - requirement for
19 background checks and other checks - definitions. (1) EXCEPT AS
20 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION, A county department
21 shall request that a local law enforcement agency conduct the following
22 background checks of kin or any adult who resides at the home prior to
23 placing a child in noncertified kinship care, unless such placement is an
24 emergency placement pursuant to section 19-3-406:

25 (a) A fingerprint-based criminal history record check through the
26 Colorado bureau of investigation, WHICH CRIMINAL HISTORY RECORD
27 CHECK MAY BE CONDUCTED BY ANY THIRD PARTY APPROVED BY THE

1 BUREAU, and the federal bureau of investigation to determine if the kin or
2 an adult who resides at the home has been convicted of:

3 **SECTION 8.** 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 ANY 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.
16 THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT'S OR EMPLOYEE'S
17 INFORMATION FOR MORE THAN THIRTY DAYS UNLESS REQUESTED TO DO SO
18 BY THE APPLICANT OR EMPLOYEE. The governing board shall forward the
19 set of fingerprints together with a check to cover the direct and indirect
20 costs of conducting a fingerprint-based criminal history record check of
21 the applicant or employee to the Colorado bureau of investigation for the
22 purpose of conducting a state and national fingerprint-based criminal
23 history record check utilizing records of the Colorado bureau of
24 investigation and the federal bureau of investigation. The department
25 ~~shall be~~ IS the authorized agency to receive and disseminate information
26 regarding the result of any national criminal history record check. Any
27 such national check ~~shall~~ MUST be handled in accordance with Pub.L.

1 92-544, as amended. The department shall notify the governing board
2 whether a fingerprint-based criminal history record check has identified
3 any conviction, plea of nolo contendere, deferred sentence, or deferred
4 prosecution described in subsection (1) of this section.

5 **SECTION 9.** In Colorado Revised Statutes, 22-30.5-110.7,
6 **amend** (1) and (6) as follows:

7 **22-30.5-110.7. Fingerprint-based criminal history record**
8 **checks - charter school employees - procedures - definitions.** (1) A
9 person applying for employment with a charter school to whom an offer
10 of employment is extended shall submit to the charter school a complete
11 set of his or her fingerprints taken by a qualified law enforcement agency,
12 ~~or~~ an authorized employee of the charter school and notarized, OR ANY
13 ~~THIRD~~ PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION.
14 IF AN APPROVED THIRD PARTY TAKES THE PERSON'S FINGERPRINTS, THE
15 FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING COLORADO
16 BUREAU OF INVESTIGATION-APPROVED LIVESCAN EQUIPMENT.
17 THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT INFORMATION
18 FOR MORE THAN THIRTY DAYS UNLESS REQUESTED TO DO SO BY THE
19 APPLICANT.

20 (6) When a charter school finds good cause to believe that a
21 person employed by the charter school has been convicted of a felony or
22 misdemeanor, other than a misdemeanor traffic offense or traffic
23 infraction, subsequent to such employment, the charter school shall
24 require the person to submit to the charter school a complete set of his or
25 her fingerprints taken by a qualified law enforcement agency, ~~or~~ an
26 authorized employee of the charter school, OR ANY ~~THIRD~~ PARTY
27 APPROVED BY THE COLORADO BUREAU OF INVESTIGATION. IF AN

1 APPROVED THIRD PARTY TAKES THE PERSON'S FINGERPRINTS, THE
2 FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING COLORADO
3 BUREAU OF INVESTIGATION-APPROVED LIVESCAN EQUIPMENT.
4 THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT INFORMATION
5 FOR MORE THAN THIRTY DAYS UNLESS REQUESTED TO DO SO BY THE
6 APPLICANT. The employee shall submit his or her fingerprints within
7 twenty days after receipt of written notification from the charter school.
8 The charter school shall forward the employee's fingerprints to the
9 Colorado bureau of investigation for the purpose of conducting a state
10 and national fingerprint-based criminal history record check utilizing the
11 records of the Colorado bureau of investigation and the federal bureau of
12 investigation.

13 **SECTION 10.** In Colorado Revised Statutes, 22-32-109.8,
14 **amend** (1) and (6)(a) as follows:

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

1 ELECTRONICALLY CAPTURED USING COLORADO BUREAU OF
2 INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. THIRD-PARTY VENDORS
3 SHALL NOT KEEP THE APPLICANT INFORMATION FOR MORE THAN THIRTY
4 DAYS UNLESS REQUESTED TO DO SO BY THE APPLICANT. Said THE
5 fingerprints and form shall be submitted to the school district at the time
6 requested by such school district.

7 (6) (a) When a school district finds good cause to believe that a
8 nonlicensed person employed by the school district has been convicted of
9 a felony or misdemeanor other than a misdemeanor traffic offense or
10 traffic infraction subsequent to his or her employment, the school district
11 shall require the person to submit to the school district a complete set of
12 his or her fingerprints taken by a qualified law enforcement agency OR
13 ANY THIRD PARTY APPROVED BY THE COLORADO BUREAU OF
14 INVESTIGATION. IF AN APPROVED THIRD PARTY TAKES THE PERSON'S
15 FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED
16 USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN
17 EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT
18 INFORMATION FOR MORE THAN THIRTY DAYS UNLESS REQUESTED TO DO SO
19 BY THE APPLICANT. The fingerprints shall be submitted within twenty
20 days after receipt of written notification from the school district. The
21 school district shall forward the fingerprints of the person to the Colorado
22 bureau of investigation for the purpose of conducting a state and national
23 fingerprint-based criminal history record check utilizing the records of the
24 Colorado bureau of investigation and the federal bureau of investigation.
25 If the results of the fingerprint-based criminal history record check
26 completed on or after August 10, 2011, disclose a conviction for an
27 offense described in subsection (6.5) of this section, the school district

1 shall terminate the person's employment.

2 **SECTION 11.** In Colorado Revised Statutes, 22-32-109.9,
3 **amend** (1)(a) as follows:

4 **22-32-109.9. Licensed personnel - submittal of fingerprints.**

5 (1) (a) When any school district finds good cause to believe that any
6 licensed personnel employed by such school district has been convicted
7 of any felony or misdemeanor, other than a misdemeanor traffic offense
8 or traffic infraction, subsequent to such employment, such school district
9 shall require such person to submit a complete set of his or her
10 fingerprints taken by a qualified law enforcement agency OR ANY THIRD
11 PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION. IF AN
12 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 THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT INFORMATION
16 FOR MORE THAN THIRTY DAYS UNLESS REQUESTED TO DO SO BY THE
17 APPLICANT. ~~Said~~ THE fingerprints ~~shall~~ MUST be submitted within twenty
18 days of receipt of written notification from the school district.

19 **SECTION 12.** In Colorado Revised Statutes, 22-60.5-103,
20 **amend** (1)(a) and (6)(a) as follows:

21 **22-60.5-103. Applicants - licenses - authorizations - submittal**
22 **of form and fingerprints - failure to comply constitutes grounds for**

23 **denial.** (1) (a) Prior to submitting to the department of education an
24 application for any license specified in section 22-60.5-201, 22-60.5-210,
25 22-60.5-301, or 22-60.5-306 or for any authorization specified in section
26 22-60.5-111, each applicant shall submit to the Colorado bureau of
27 investigation a complete set of fingerprints of such applicant, taken by a

1 qualified law enforcement agency OR ANY THIRD PARTY APPROVED BY
2 THE COLORADO BUREAU OF INVESTIGATION, unless the applicant
3 previously submitted a complete set of his or her fingerprints to the
4 department of education or the Colorado bureau of investigation in
5 connection with an application for a license or authorization specified in
6 this article 60.5. IF AN APPROVED THIRD PARTY TAKES THE PERSON'S
7 FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED
8 USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVSCAN
9 EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT
10 INFORMATION FOR MORE THAN THIRTY DAYS UNLESS REQUESTED TO DO SO
11 BY THE APPLICANT. The applicant shall submit the fingerprints for the
12 purpose of obtaining a fingerprint-based criminal history record check
13 through the Colorado bureau of investigation and the federal bureau of
14 investigation to determine whether the applicant for licensure or
15 authorization has a criminal history. The applicant shall pay to the
16 Colorado bureau of investigation the fee established by the bureau for
17 conducting the criminal history record check. Upon completion of the
18 criminal history record check, the bureau shall forward the results to the
19 department of education.

20 (6) (a) When the department of education finds probable cause to
21 believe that an educator licensed or authorized pursuant to this ~~article~~
22 ARTICLE 60.5 has been convicted of a felony or misdemeanor, other than
23 a misdemeanor traffic offense or traffic infraction, subsequent to the
24 educator's licensure or authorization, the department of education shall
25 require the educator to submit a complete set of the educator's fingerprints
26 taken by a qualified law enforcement agency OR ANY THIRD PARTY
27 APPROVED BY THE COLORADO BUREAU OF INVESTIGATION. IF AN

1 APPROVED THIRD PARTY TAKES THE PERSON'S FINGERPRINTS, THE
2 FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING COLORADO
3 BUREAU OF INVESTIGATION-APPROVED LIVESCAN EQUIPMENT.
4 THIRD-PARTY VENDORS SHALL NOT KEEP THE EDUCATOR'S INFORMATION
5 FOR MORE THAN THIRTY DAYS UNLESS REQUESTED TO DO SO BY THE
6 EDUCATOR. The educator shall submit the fingerprints within thirty days
7 after receipt of the written request for fingerprints from the department of
8 education. The department of education shall deny, suspend, annul, or
9 revoke, pursuant to section 22-60.5-107 (2.5), the educator's license or
10 authorization if he or she fails to submit fingerprints on a timely basis
11 pursuant to this subsection (6).

12 **SECTION 13.** In Colorado Revised Statutes, 25-3.5-203, **amend**
13 (4)(b)(I) as follows:

14 **25-3.5-203. Emergency medical service providers -**
15 **certification - renewal of certificate - duties of department - rules -**
16 **criminal history record checks - definitions.** (4) (b) (I) Any
17 government entity that employs a person as or allows a person to
18 volunteer as an emergency medical service provider in a position
19 requiring direct contact with patients shall require all volunteer and
20 employed emergency medical service providers, who have lived in the
21 state for three years or less at the time of the initial certification or
22 certification renewal, to submit to a federal bureau of investigation
23 fingerprint-based national criminal history record check to determine
24 eligibility for employment. Each emergency medical service provider
25 required to submit to a federal bureau of investigation fingerprint-based
26 national criminal history record check shall obtain a complete set of
27 fingerprints taken by a local law enforcement agency, ~~or~~ another entity

1 designated by the department, OR ANY THIRD PARTY APPROVED BY THE
2 COLORADO BUREAU OF INVESTIGATION. IF AN APPROVED THIRD PARTY
3 TAKES THE PERSON'S FINGERPRINTS, THE FINGERPRINTS MAY BE
4 ELECTRONICALLY CAPTURED USING COLORADO BUREAU OF
5 INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. THIRD-PARTY VENDORS
6 SHALL NOT KEEP THE PERSON'S INFORMATION FOR MORE THAN THIRTY
7 DAYS UNLESS REQUESTED TO DO SO BY THE PERSON. The ~~local law~~
8 ~~enforcement agency or other designated entity that took the fingerprints~~
9 APPROVED THIRD PARTY OR GOVERNMENT ENTITY shall transmit ~~them~~ THE
10 FINGERPRINTS to the Colorado bureau of investigation, which shall in turn
11 forward them to the federal bureau of investigation for a national criminal
12 history record check. The department or other authorized government
13 entity is the authorized agency to receive and disseminate information
14 regarding the result of a national criminal history record check. Each
15 entity handling the national criminal history record check shall comply
16 with Pub.L. 92-544, as amended. Each government entity acting as the
17 authorized recipient of the result of a national criminal history record
18 check shall forward the result of the initial national criminal history
19 record check and any subsequent notification of activity on the record to
20 the department to determine the individual's eligibility for initial
21 certification or certification renewal.

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

24 **27-90-111. Employment of personnel - screening of applicants**
25 **- disqualifications from employment.** (4) Prior to the department's
26 permanent employment of a person in a position that would require that
27 person to have direct contact with any vulnerable person, the executive

1 director or any division head of the department shall make an inquiry to
2 the director of the Colorado bureau of investigation to ascertain whether
3 the person has a criminal history. The person's employment ~~shall be~~ IS
4 conditional upon a satisfactory criminal background check. Any criminal
5 background check conducted pursuant to this subsection (4) ~~shall~~ MUST
6 include but need not be limited to arrests, conviction records, and the
7 disposition of any criminal charges. The department shall require the
8 person to have his or her fingerprints taken by a local law enforcement
9 agency OR ANY THIRD PARTY APPROVED BY THE COLORADO BUREAU OF
10 INVESTIGATION. IF AN APPROVED THIRD PARTY TAKES THE PERSON'S
11 FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED
12 USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVSCAN
13 EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT
14 INFORMATION FOR MORE THAN THIRTY DAYS UNLESS REQUESTED TO DO SO
15 BY THE APPLICANT. The ~~local law enforcement agency~~ DEPARTMENT shall
16 forward those fingerprints to the Colorado bureau of investigation for the
17 purpose of fingerprint processing utilizing the files and records of the
18 Colorado bureau of investigation and the federal bureau of investigation.
19 The department shall pay for the costs of criminal background checks
20 conducted pursuant to this section out of existing appropriations.

21 **SECTION 15.** In Colorado Revised Statutes, **add 24-33.5-429** as
22 follows:

23 **24-33.5-429. Electronic fingerprint security - rules.** THE
24 DEPARTMENT MAY PROMULGATE RULES CONCERNING THE SECURITY OF
25 FINGERPRINTS THAT ARE ELECTRONICALLY SUBMITTED BY ANY
26 THIRD-PARTY VENDOR APPROVED BY THE DEPARTMENT.

27 **SECTION 16. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly (August
3 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
4 referendum petition is filed pursuant to section 1 (3) of article V of the
5 state constitution against this act or an item, section, or part of this act
6 within such period, then the act, item, section, or part will not take effect
7 unless approved by the people at the general election to be held in
8 November 2018 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.