

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

PREAMENDED

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

LLS NO. 19-0852.01 Michael Dohr x4347

HOUSE BILL 19-1186

HOUSE SPONSORSHIP

McLachlan,

SENATE SPONSORSHIP

Bridges and Cooke,

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING FINGERPRINTING OPTIONS FOR BACKGROUND CHECKS**
102 **FOR SCHOOL EMPLOYEES.**

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, school employees are required to undergo a fingerprint-based background check. In most statutes, the fingerprints can be taken by a qualified law enforcement agency, an authorized employee of the school or school district, or a third party approved by the Colorado bureau of investigation, but a few statutes do not authorize fingerprints to be taken by an authorized school or school district employee. The bill

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

adds that authorization to those statutes. The bill requires a law enforcement agency to take the fingerprints of an applicant if an approved third-party vendor is not operating within 20 miles of a school district, charter school, or nonpublic school in the agency's jurisdiction. The bill states that a school or school district employee can use any fingerprinting equipment that meets the federal bureau of investigation 500 ppi standards.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) The general assembly passed Senate Bill 17-189, enacted in
5 2017, to allow third-party vendors approved by the Colorado bureau of
6 investigation to take fingerprints for the purpose of submitting those
7 fingerprints for statutorily required criminal background checks. Under
8 the law, a local law enforcement agency was also authorized to take
9 fingerprints;

10 (b) In the summer of 2018, the Colorado bureau of investigation
11 selected two third-party vendors, pursuant to Senate Bill 17-189, and
12 directed law enforcement to stop taking fingerprints for the purpose of
13 submitting those fingerprints for statutorily required criminal background
14 checks. This directive was ultimately reversed, but many law enforcement
15 agencies remain closed for fingerprinting.

16 (c) The two vendors are not meeting the considerable demand for
17 fingerprints throughout the state and, as a result, educators, classified
18 staff, and volunteers are forced to travel significant distances to have their
19 statutorily required fingerprints taken; take time off of work and away
20 from the school building to make the limited appointments available with
21 the vendors; and spend considerable time navigating complex
22 administrative and financial processes established by the vendors.

1 (2) Therefore, the general assembly finds it necessary to provide
2 additional alternatives for school employees and applicants for school
3 employment to easily and conveniently have their fingerprints taken.

4 **SECTION 2.** In Colorado Revised Statutes, 22-1-121, **amend**
5 (1.7)(a) as follows:

6 **22-1-121. Nonpublic schools - employment of personnel -**
7 **notification by department of education.** (1.7) (a) To facilitate the
8 inquiry permitted by subsection (1) or (1.5) of this section, the governing
9 board of a participating nonpublic school shall require an applicant or
10 employee to submit to the governing board of the school a complete set
11 of his or her fingerprints taken by a qualified law enforcement agency, an
12 authorized ~~school~~ **employee**, or any third party approved by the Colorado
13 bureau of investigation. AT THE REQUEST OF A NONPUBLIC SCHOOL, A LAW
14 ENFORCEMENT AGENCY SHALL TAKE THE FINGERPRINTS OF AN APPLICANT
15 OR EMPLOYEE PURSUANT TO THIS SECTION IF AN APPROVED THIRD-PARTY
16 VENDOR IS NOT OPERATING WITHIN TWENTY MILES OF THE NONPUBLIC
17 SCHOOL WITHIN THE LAW ENFORCEMENT AGENCY'S JURISDICTION. A
18 SCHOOL EMPLOYEE MAY USE ANY FINGERPRINTING EQUIPMENT THAT
19 MEETS THE 500 PPI STANDARDS ESTABLISHED BY THE FEDERAL BUREAU OF
20 INVESTIGATION. If an approved third party takes the person's fingerprints,
21 the fingerprints may be electronically captured using Colorado bureau of
22 investigation-approved livescan equipment. Third-party vendors shall not
23 keep the applicant's or employee's information for more than thirty days
24 unless requested to do so by the applicant or employee. The governing
25 board shall forward the set of fingerprints together with a check to cover
26 the direct and indirect costs of conducting a fingerprint-based criminal
27 history record check of the applicant or employee to the Colorado bureau

1 of investigation for the purpose of conducting a state and national
2 fingerprint-based criminal history record check utilizing records of the
3 Colorado bureau of investigation and the federal bureau of investigation.
4 The department is the authorized agency to receive and disseminate
5 information regarding the result of any national criminal history record
6 check. Any such national check must be handled in accordance with
7 Pub.L. 92-544, as amended. The department shall notify the governing
8 board whether a fingerprint-based criminal history record check has
9 identified any conviction, plea of nolo contendere, deferred sentence, or
10 deferred prosecution described in subsection (1) of this section.

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

13 **22-30.5-110.7. Fingerprint-based criminal history record**
14 **checks - charter school employees - procedures - exceptions -**
15 **definitions.** (1) A person applying for employment with a charter school
16 to whom an offer of employment is extended shall submit to the charter
17 school a complete set of his or her fingerprints taken by a qualified law
18 enforcement agency, an authorized employee of the charter school and
19 notarized, or any third party approved by the Colorado bureau of
20 investigation. AT THE REQUEST OF A CHARTER SCHOOL, A LAW
21 ENFORCEMENT AGENCY SHALL TAKE THE FINGERPRINTS OF AN APPLICANT
22 PURSUANT TO THIS SECTION IF AN APPROVED THIRD-PARTY VENDOR IS NOT
23 OPERATING WITHIN TWENTY MILES OF THE CHARTER SCHOOL WITHIN THE
24 LAW ENFORCEMENT AGENCY'S JURISDICTION. A SCHOOL EMPLOYEE MAY
25 USE ANY FINGERPRINTING EQUIPMENT THAT MEETS THE 500 PPI
26 STANDARDS ESTABLISHED BY THE FEDERAL BUREAU OF INVESTIGATION.
27 If an approved third party takes the person's fingerprints, the fingerprints

1 may be electronically captured using Colorado bureau of
2 investigation-approved livescan equipment. Third-party vendors shall not
3 keep the applicant information for more than thirty days unless requested
4 to do so by the applicant.

5 (6) When a charter school finds good cause to believe that a
6 person employed by the charter school has been convicted of a felony or
7 misdemeanor, other than a misdemeanor traffic offense or traffic
8 infraction, subsequent to such employment, the charter school shall
9 require the person to submit to the charter school a complete set of his or
10 her fingerprints taken by a qualified law enforcement agency, an
11 authorized employee of the charter school, or any third party approved by
12 the Colorado bureau of investigation. AT THE REQUEST OF THE CHARTER
13 SCHOOL, A LAW ENFORCEMENT AGENCY SHALL TAKE THE FINGERPRINTS
14 OF A PERSON PURSUANT TO THIS SECTION IF AN APPROVED THIRD-PARTY
15 VENDOR IS NOT OPERATING WITHIN TWENTY MILES OF THE CHARTER
16 SCHOOL WITHIN THE LAW ENFORCEMENT AGENCY'S JURISDICTION. A
17 SCHOOL EMPLOYEE MAY USE ANY FINGERPRINTING EQUIPMENT THAT
18 MEETS THE 500 PPI STANDARDS ESTABLISHED BY THE FEDERAL BUREAU OF
19 INVESTIGATION. If an approved third party takes the person's fingerprints,
20 the fingerprints may be electronically captured using Colorado bureau of
21 investigation-approved livescan equipment. Third-party vendors shall not
22 keep the applicant information for more than thirty days unless requested
23 to do so by the applicant. The employee shall submit his or her
24 fingerprints within twenty days after receipt of written notification from
25 the charter school. The charter school shall forward the employee's
26 fingerprints to the Colorado bureau of investigation for the purpose of
27 conducting a state and national fingerprint-based criminal history record

1 check utilizing the records of the Colorado bureau of investigation and
2 the federal bureau of investigation.

3 **SECTION 4.** In Colorado Revised Statutes, 22-32-109.8, **amend**
4 (1) and (6)(a) as follows:

5 **22-32-109.8. Applicants selected for nonlicensed positions -**
6 **submittal of form and fingerprints - prohibition against employing**
7 **persons - department database.** (1) Except as otherwise provided in
8 subsection (10) of this section, any person applying to any school district
9 for any position of employment for which a license issued pursuant to
10 article 60.5 of this title 22 is not required and who is selected for such
11 position of employment by such school district shall submit a complete
12 set of fingerprints of such applicant taken by a qualified law enforcement
13 agency, authorized employee of ~~such~~ A school district OR BOARD OF
14 COOPERATIVE SERVICES and notarized, or any third party approved by the
15 Colorado bureau of investigation, in a completed form as specified in
16 subsection (2) of this section. AT THE REQUEST OF A SCHOOL DISTRICT, A
17 LAW ENFORCEMENT AGENCY SHALL TAKE THE FINGERPRINTS OF AN
18 APPLICANT PURSUANT TO THIS SECTION IF AN APPROVED THIRD-PARTY
19 VENDOR IS NOT OPERATING WITHIN TWENTY MILES OF THE SCHOOL
20 DISTRICT WITHIN THE LAW ENFORCEMENT AGENCY'S JURISDICTION. A
21 SCHOOL DISTRICT EMPLOYEE OR BOARD OF COOPERATIVE SERVICES
22 EMPLOYEE MAY USE ANY FINGERPRINTING EQUIPMENT THAT MEETS THE
23 500 PPI STANDARDS ESTABLISHED BY THE FEDERAL BUREAU OF
24 INVESTIGATION. If an approved third party takes the person's fingerprints,
25 the fingerprints may be electronically captured using Colorado bureau of
26 investigation-approved livescan equipment. Third-party vendors shall not
27 keep the applicant information for more than thirty days unless requested

1 to do so by the applicant. The fingerprints and form must be submitted to
2 the school district at the time requested by such school district.

3 (6) (a) When a school district finds good cause to believe that a
4 nonlicensed person employed by the school district has been convicted of
5 a felony or misdemeanor other than a misdemeanor traffic offense or
6 traffic infraction subsequent to his or her employment, the school district
7 shall require the person to submit to the school district a complete set of
8 his or her fingerprints taken by a qualified law enforcement agency, AN
9 AUTHORIZED EMPLOYEE OF THE SCHOOL DISTRICT OR BOARD OF
10 COOPERATIVE SERVICES, or any third party approved by the Colorado
11 bureau of investigation. AT THE REQUEST OF A SCHOOL DISTRICT, A LAW
12 ENFORCEMENT AGENCY SHALL TAKE THE FINGERPRINTS OF AN EMPLOYEE
13 PURSUANT TO THIS SECTION IF AN APPROVED THIRD-PARTY VENDOR IS NOT
14 OPERATING WITHIN TWENTY MILES OF THE SCHOOL DISTRICT WITHIN THE
15 LAW ENFORCEMENT AGENCY'S JURISDICTION. A SCHOOL DISTRICT
16 EMPLOYEE OR BOARD OF COOPERATIVE SERVICES EMPLOYEE MAY USE ANY
17 FINGERPRINTING EQUIPMENT THAT MEETS THE 500 PPI STANDARDS
18 ESTABLISHED BY THE FEDERAL BUREAU OF INVESTIGATION. If an approved
19 third party takes the person's fingerprints, the fingerprints may be
20 electronically captured using Colorado bureau of investigation-approved
21 livescan equipment. Third-party vendors shall not keep the applicant
22 information for more than thirty days unless requested to do so by the
23 applicant. The fingerprints shall be submitted within twenty days after
24 receipt of written notification from the school district. The school district
25 shall forward the fingerprints of the person to the Colorado bureau of
26 investigation for the purpose of conducting a state and national
27 fingerprint-based criminal history record check utilizing the records of the

1 Colorado bureau of investigation and the federal bureau of investigation.
2 If the results of the fingerprint-based criminal history record check
3 completed on or after August 10, 2011, disclose a conviction for an
4 offense described in subsection (6.5) of this section, the school district
5 shall terminate the person's employment.

6 **SECTION 5.** In Colorado Revised Statutes, 22-32-109.9, **amend**
7 (1)(a) as follows:

8 **22-32-109.9. Licensed personnel - submittal of fingerprints.**

9 (1) (a) When any school district finds good cause to believe that any
10 licensed personnel employed by such school district has been convicted
11 of any felony or misdemeanor, other than a misdemeanor traffic offense
12 or traffic infraction, subsequent to such employment, such school district
13 shall require such person to submit a complete set of his or her
14 fingerprints taken by a qualified law enforcement agency, AN
15 AUTHORIZED EMPLOYEE OF THE SCHOOL DISTRICT OR BOARD OF
16 COOPERATIVE SERVICES, or any third party approved by the Colorado
17 bureau of investigation. AT THE REQUEST OF A SCHOOL DISTRICT, A LAW
18 ENFORCEMENT AGENCY SHALL TAKE THE FINGERPRINTS OF AN EMPLOYEE
19 PURSUANT TO THIS SECTION IF AN APPROVED THIRD-PARTY VENDOR IS NOT
20 OPERATING WITHIN TWENTY MILES OF THE SCHOOL DISTRICT WITHIN THE
21 LAW ENFORCEMENT AGENCY'S JURISDICTION. A SCHOOL DISTRICT
22 EMPLOYEE OR BOARD OF COOPERATIVE SERVICES EMPLOYEE MAY USE ANY
23 FINGERPRINTING EQUIPMENT THAT MEETS THE 500 PPI STANDARDS
24 ESTABLISHED BY THE FEDERAL BUREAU OF INVESTIGATION. If an approved
25 third party takes the person's fingerprints, the fingerprints may be
26 electronically captured using Colorado bureau of investigation-approved
27 livescan equipment. Third-party vendors shall not keep the applicant

1 information for more than thirty days unless requested to do so by the
2 applicant. The fingerprints must be submitted within twenty days of
3 receipt of written notification from the school district.

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

6 **22-60.5-103. Applicants - licenses - authorizations - submittal**
7 **of form and fingerprints - failure to comply constitutes grounds for**
8 **denial.** (1) (a) Prior to submitting to the department of education an
9 application for any license specified in section 22-60.5-201, 22-60.5-210,
10 22-60.5-301, or 22-60.5-306 or for any authorization specified in section
11 22-60.5-111, each applicant shall submit to the Colorado bureau of
12 investigation a complete set of fingerprints of such applicant, taken by a
13 qualified law enforcement agency, AN AUTHORIZED EMPLOYEE OF A
14 SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES, or any third party
15 approved by the Colorado bureau of investigation, unless the applicant
16 previously submitted a complete set of his or her fingerprints to the
17 department of education or the Colorado bureau of investigation in
18 connection with an application for a license or authorization specified in
19 this article 60.5 or, if the applicant has continuously resided in Colorado
20 since submitting fingerprints to the bureau, has previously submitted
21 fingerprints pursuant to section 22-2-119.3. AT THE REQUEST OF A
22 SCHOOL DISTRICT, A LAW ENFORCEMENT AGENCY SHALL TAKE THE
23 FINGERPRINTS OF AN APPLICANT PURSUANT TO THIS SECTION IF AN
24 APPROVED THIRD-PARTY VENDOR IS NOT OPERATING WITHIN TWENTY
25 MILES OF THE SCHOOL DISTRICT WITHIN THE LAW ENFORCEMENT AGENCY'S
26 JURISDICTION. A SCHOOL DISTRICT EMPLOYEE OR BOARD OF COOPERATIVE
27 SERVICES EMPLOYEE MAY USE ANY FINGERPRINTING EQUIPMENT THAT

1 MEETS THE 500 PPI STANDARDS ESTABLISHED BY THE FEDERAL BUREAU OF
2 INVESTIGATION. If an approved third party takes the person's fingerprints,
3 the fingerprints may be electronically captured using Colorado bureau of
4 investigation-approved livescan equipment. Third-party vendors shall not
5 keep the applicant information for more than thirty days unless requested
6 to do so by the applicant. The applicant shall submit the fingerprints for
7 the purpose of obtaining a fingerprint-based criminal history record check
8 through the Colorado bureau of investigation and the federal bureau of
9 investigation to determine whether the applicant for licensure or
10 authorization has a criminal history. The applicant shall pay to the
11 Colorado bureau of investigation the fee established by the bureau for
12 conducting the criminal history record check. Upon completion of the
13 criminal history record check, the bureau shall forward the results to the
14 department of education.

15 (6) (a) When the department of education finds probable cause to
16 believe that an educator licensed or authorized pursuant to this article
17 60.5 has been convicted of a felony or misdemeanor, other than a
18 misdemeanor traffic offense or traffic infraction, subsequent to the
19 educator's licensure or authorization, the department of education shall
20 require the educator to submit a complete set of the educator's fingerprints
21 taken by a qualified law enforcement agency, AN AUTHORIZED EMPLOYEE
22 OF THE LICENSEE'S EMPLOYING SCHOOL DISTRICT OR BOARD OF
23 COOPERATIVE SERVICES, or any third party approved by the Colorado
24 bureau of investigation. AT THE REQUEST OF A SCHOOL DISTRICT, A LAW
25 ENFORCEMENT AGENCY SHALL TAKE THE FINGERPRINTS OF AN EDUCATOR
26 PURSUANT TO THIS SECTION IF AN APPROVED THIRD-PARTY VENDOR IS NOT
27 OPERATING WITHIN TWENTY MILES OF THE SCHOOL DISTRICT WITHIN THE

1 LAW ENFORCEMENT AGENCY'S JURISDICTION. A SCHOOL DISTRICT OR
2 BOARD OF COOPERATIVE SERVICES EMPLOYEE MAY USE ANY
3 FINGERPRINTING EQUIPMENT THAT MEETS THE 500 PPI STANDARDS
4 ESTABLISHED BY THE FEDERAL BUREAU OF INVESTIGATION. If an approved
5 third party takes the person's fingerprints, the fingerprints may be
6 electronically captured using Colorado bureau of investigation-approved
7 livescan equipment. Third-party vendors shall not keep the educator's
8 information for more than thirty days unless requested to do so by the
9 educator. The educator shall submit the fingerprints within thirty days
10 after receipt of the written request for fingerprints from the department of
11 education. The department of education shall deny, suspend, annul, or
12 revoke, pursuant to section 22-60.5-107 (2.5), the educator's license or
13 authorization if he or she fails to submit fingerprints on a timely basis
14 pursuant to this subsection (6).

15 **SECTION 7. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, and safety.