

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.

SB24-191 be amended as follows:

- 1    Amend printed bill, page 2, line 17, strike "TWENTY-TWO" and substitute "TWENTY-THREE".
- 3    Page 2, strike line 23 and substitute "OF THE COUNTY DEPARTMENT;".
- 4    Page 2, line 25, strike "BACKGROUND" and substitute "CRIMINAL HISTORY RECORD".
- 6    Page 3, line 1, strike "SECTION 24-33.5-424" and substitute "SUBSECTION (5) OF THIS SECTION".
- 8    Page 3, line 17, strike "BACKGROUND CHECK" and substitute "CRIMINAL HISTORY RECORD CHECK CONDUCTED PURSUANT TO SUBSECTION (5) OF THIS SECTION".
- 11   Page 4, line 3, strike "BACKGROUND CHECK;" and substitute "CRIMINAL HISTORY RECORD CHECK IN COMPLIANCE WITH SUBSECTION (5) OF THIS SECTION;".
- 14   Page 4, after line 5, insert:
  - 15         "(5) (a) BEFORE AN INDIVIDUAL MAY OPERATE A HOST HOME PURSUANT TO THIS SECTION, THE INDIVIDUAL MUST UNDERGO FINGERPRINTING PERFORMED BY A LOCAL LAW ENFORCEMENT AGENCY OR THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION. THE INDIVIDUAL MUST PAY THE COSTS ASSOCIATED WITH THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.
  - 21         (b) AFTER TAKING THE INDIVIDUAL'S FINGERPRINTS, THE LOCAL LAW ENFORCEMENT AGENCY OR THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION SHALL SUBMIT THE COMPLETE SET OF THE INDIVIDUAL'S FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.
  - 27         (c) IF A THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION CONDUCTS THE FINGERPRINTING, THE INDIVIDUAL'S FINGERPRINTS MAY BE CAPTURED ELECTRONICALLY USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. THE THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION MUST NOT KEEP THE INDIVIDUAL'S INFORMATION COLLECTED FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK FOR MORE THAN THIRTY DAYS, UNLESS OTHERWISE REQUESTED BY THE

1 INDIVIDUAL.

2 (d) THE COLORADO BUREAU OF INVESTIGATION SHALL USE THE  
3 INDIVIDUAL'S FINGERPRINTS TO CONDUCT A CRIMINAL HISTORY RECORD  
4 CHECK USING THE COLORADO BUREAU OF INVESTIGATION'S RECORDS. THE  
5 COLORADO BUREAU OF INVESTIGATION MUST SEND THE INDIVIDUAL'S  
6 FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE  
7 PURPOSE OF CONDUCTING A FEDERAL FINGERPRINT-BASED CRIMINAL  
8 HISTORY RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION,  
9 INDIVIDUAL, STATE DEPARTMENT, AND ENTITY CONDUCTING THE  
10 FINGERPRINTING MUST COMPLY WITH THE FEDERAL BUREAU OF  
11 INVESTIGATION'S REQUIREMENTS TO CONDUCT A FINGERPRINT-BASED  
12 CRIMINAL HISTORY RECORD CHECK.

13 (e) THE COLORADO BUREAU OF INVESTIGATION SHALL RETURN THE  
14 RESULTS OF ITS FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK  
15 TO THE STATE DEPARTMENT AND THE STATE DEPARTMENT IS AUTHORIZED  
16 TO RECEIVE THE RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION'S  
17 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE STATE  
18 DEPARTMENT MUST USE THE INFORMATION FROM THE FINGERPRINT-BASED  
19 CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE AND DETERMINE  
20 WHETHER AN INDIVIDUAL IS QUALIFIED TO OPERATE A HOST HOME  
21 PURSUANT TO THIS SECTION.

22 (f) IF THE RESULTS OF AN INDIVIDUAL'S FINGERPRINT-BASED  
23 CRIMINAL HISTORY RECORD CHECK PERFORMED PURSUANT TO THIS  
24 SUBSECTION (5) REVEAL A RECORD OF ARRESTS WITHOUT A DISPOSITION,  
25 THE ORGANIZATION OPERATING A HOST HOME PROGRAM MUST REQUIRE  
26 THE INDIVIDUAL TO SUBMIT TO A NAME-BASED JUDICIAL RECORD CHECK,  
27 AS DEFINED IN SECTION 22-2-119.3.".

28 Renumber succeeding subsections accordingly.

29 Page 4, line 20, strike "TWENTY-TWO" and substitute "TWENTY-THREE".

30 Page 4, line 25, strike "TWENTY-TWO" and substitute "TWENTY-THREE".

31 Page 5, line 12, strike "TWENTY-ONE" and substitute "TWENTY-THREE".

32 Page 5, after line 13, insert:

33 "(7) A LICENSED FOSTER CARE HOME APPROVED AS A LICENSED  
34 HOST FAMILY HOME SHALL NOT ACCEPT A YOUTH FOR PLACEMENT ~~UNDER~~  
35 PURSUANT TO THIS SECTION IF THERE ARE ANY FOSTER CHILDREN  
36 CURRENTLY PLACED IN THAT HOME.

37 (8) NOTHING IN THIS SECTION APPLIES TO HOST HOMES PROVIDING  
38 RESIDENTIAL SERVICES TO ADULTS WITH INTELLECTUAL AND

1 DEVELOPMENTAL DISABILITIES.".

2 Renumber succeeding subsection accordingly.

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