

SENATE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

April 18, 2024  
Date

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

SB24-191 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar:

- 1 Amend printed bill, page 2, line 17, strike "TWENTY-TWO" and substitute  
2 "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  
5 RECORD".
- 6 Page 3, line 1, strike "SECTION 24-33.5-424" and substitute "SUBSECTION  
7 (5) OF THIS SECTION".
- 8 Page 3, line 17, strike "BACKGROUND CHECK" and substitute "CRIMINAL  
9 HISTORY RECORD CHECK CONDUCTED PURSUANT TO SUBSECTION (5) OF  
10 THIS SECTION".
- 11 Page 4, line 3, strike "BACKGROUND CHECK;" and substitute "CRIMINAL  
12 HISTORY RECORD CHECK IN COMPLIANCE WITH SUBSECTION (5) OF THIS  
13 SECTION;".
- 14 Page 4, after line 5, insert:  
  
15 "(5) (a) BEFORE AN INDIVIDUAL MAY OPERATE A HOST HOME  
16 PURSUANT TO THIS SECTION, THE INDIVIDUAL MUST UNDERGO  
17 FINGERPRINTING PERFORMED BY A LOCAL LAW ENFORCEMENT AGENCY OR  
18 THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION.  
19 THE INDIVIDUAL MUST PAY THE COSTS ASSOCIATED WITH THE  
20 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

1 (b) AFTER TAKING THE INDIVIDUAL'S FINGERPRINTS, THE LOCAL  
2 LAW ENFORCEMENT AGENCY OR THIRD PARTY APPROVED BY THE  
3 COLORADO BUREAU OF INVESTIGATION SHALL SUBMIT THE COMPLETE SET  
4 OF THE INDIVIDUAL'S FINGERPRINTS TO THE COLORADO BUREAU OF  
5 INVESTIGATION FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED  
6 CRIMINAL HISTORY RECORD CHECK.

7 (c) IF A THIRD PARTY APPROVED BY THE COLORADO BUREAU OF  
8 INVESTIGATION CONDUCTS THE FINGERPRINTING, THE INDIVIDUAL'S  
9 FINGERPRINTS MAY BE CAPTURED ELECTRONICALLY USING COLORADO  
10 BUREAU OF INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. THE THIRD  
11 PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION MUST  
12 NOT KEEP THE INDIVIDUAL'S INFORMATION COLLECTED FOR THE PURPOSE  
13 OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK  
14 FOR MORE THAN THIRTY DAYS, UNLESS OTHERWISE REQUESTED BY THE  
15 INDIVIDUAL.

16 (d) THE COLORADO BUREAU OF INVESTIGATION SHALL USE THE  
17 INDIVIDUAL'S FINGERPRINTS TO CONDUCT A CRIMINAL HISTORY RECORD  
18 CHECK USING THE COLORADO BUREAU OF INVESTIGATION'S RECORDS. THE  
19 COLORADO BUREAU OF INVESTIGATION MUST SEND THE INDIVIDUAL'S  
20 FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE  
21 PURPOSE OF CONDUCTING A FEDERAL FINGERPRINT-BASED CRIMINAL  
22 HISTORY RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION,  
23 INDIVIDUAL, STATE DEPARTMENT, AND ENTITY CONDUCTING THE  
24 FINGERPRINTING MUST COMPLY WITH THE FEDERAL BUREAU OF  
25 INVESTIGATION'S REQUIREMENTS TO CONDUCT A FINGERPRINT-BASED  
26 CRIMINAL HISTORY RECORD CHECK.

27 (e) THE COLORADO BUREAU OF INVESTIGATION SHALL RETURN THE  
28 RESULTS OF ITS FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK  
29 TO THE STATE DEPARTMENT AND THE STATE DEPARTMENT IS AUTHORIZED  
30 TO RECEIVE THE RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION'S  
31 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE STATE  
32 DEPARTMENT MUST USE THE INFORMATION FROM THE FINGERPRINT-BASED  
33 CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE AND DETERMINE  
34 WHETHER AN INDIVIDUAL IS QUALIFIED TO OPERATE A HOST HOME  
35 PURSUANT TO THIS SECTION.

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

42 Renumber succeeding subsections accordingly.

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

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

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

4 Page 5, after line 13, insert:

5 "(8) A LICENSED FOSTER CARE HOME APPROVED AS A HOST HOME  
6 SHALL NOT ACCEPT A YOUTH FOR PLACEMENT PURSUANT TO THIS SECTION  
7 IF THERE ARE ANY FOSTER CHILDREN CURRENTLY PLACED IN THAT HOME.

8 (9) NOTHING IN THIS SECTION APPLIES TO HOST HOMES PROVIDING  
9 RESIDENTIAL SERVICES TO ADULTS WITH INTELLECTUAL AND  
10 DEVELOPMENTAL DISABILITIES."

11 Renumber succeeding subsection accordingly.

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