

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0833.01 Bob Lackner x4350

SENATE BILL 18-116

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SENATE SPONSORSHIP

Cooke,

HOUSE SPONSORSHIP

Williams D. and Van Winkle,

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Senate Committees

Finance

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE ISSUANCE OF CAPITOL IDENTIFICATION CARDS TO  
102 MEMBERS OF THE PUBLIC TO PERMIT THEM ENTRY TO STATE  
103 BUILDINGS CONTAINING THE LEGISLATIVE BRANCH OF STATE  
104 GOVERNMENT WITHOUT HAVING TO SUBMIT TO PERSONAL  
105 SECURITY CHECKS.

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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>.)*

The bill authorizes security personnel at the state capitol building, including the Colorado state patrol (CSP), to allow any member of the

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.

public who holds a capitol identification card (card) to enter the capitol building, the state services building, or the legislative services building without submitting to a search of his or her person or property by security personnel, electronic weapons screening devices, or other means.

The secretary of the senate (secretary) or the chief clerk of the house of representatives (chief clerk) may issue a card to any member of the public who applies for the same, pays a fee, and completes a fingerprint-based criminal history record check. Each card is issued for a 2-year period. The bill sets the initial amount of the fee at \$250.

The legislative council of the general assembly may adjust the amount of the fee not to exceed \$500 for any 2-year period for which the card is issued.

As part of the application submitted by an individual for a card, the individual is required to have his or her fingerprints taken by a local law enforcement agency or any third party approved by the Colorado bureau of investigation (CBI) for the purpose of obtaining a fingerprint-based criminal history record check. The costs of completing the check are paid by the applicant. The bill specifies how the check is completed. The bill requires the CBI to forward the results of the criminal history record check to the secretary and the chief clerk. The issuance of a card is conditional upon a satisfactory criminal history record check that demonstrates the applicant has not been convicted of a felony.

The card must list the name of the card holder and show a photograph of the card holder's face.

A card expires on the second anniversary of its date of issuance unless it has been renewed. The bill specifies procedures by which the card may be renewed and imposes additional restrictions governing issuance, use, and cancellation of the card.

The capitol identification card enterprise is established as a government-owned business within the legislative branch of state government.

All fees collected from issuance of the card are credited to the capitol identification card account, which is created within the existing legislative department cash fund.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 2-2-327 as  
3 follows:

4           **2-2-327. Capitol identification card - access to state capitol**  
5 **building - powers of secretary of the senate and chief clerk of the**

1 **house of representatives - issuance and renewal of card - denial or**  
2 **cancellation of card - creation of capitol identification card enterprise**  
3 **- capitol identification card account. (1) SECURITY PERSONNEL AT THE**

4 STATE CAPITOL BUILDING, INCLUDING THE COLORADO STATE PATROL, MAY  
5 ALLOW ANY MEMBER OF THE PUBLIC WHO HOLDS A CAPITOL  
6 IDENTIFICATION CARD ISSUED PURSUANT TO THIS SECTION TO ENTER THE  
7 CAPITOL BUILDING, THE STATE SERVICES BUILDING, AND THE LEGISLATIVE  
8 SERVICES BUILDING, WITHOUT SUBMITTING TO A SEARCH OF HIS OR HER  
9 PERSON OR PROPERTY BY SECURITY PERSONNEL, ELECTRONIC WEAPONS  
10 SCREENING DEVICES, OR OTHER MEANS.

11 (2) THE SECRETARY OF THE SENATE OR THE CHIEF CLERK OF THE  
12 HOUSE OF REPRESENTATIVES MAY ISSUE A CAPITOL IDENTIFICATION CARD  
13 TO ANY MEMBER OF THE PUBLIC UPON RECEIPT OF THE APPLICATION AND  
14 FEE DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION AND BASED UPON  
15 A SATISFACTORY FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK  
16 IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION. EACH CARD IS  
17 ISSUED FOR A TWO-YEAR PERIOD.

18 (3) (a) ANY PERSON INTERESTED IN OBTAINING A CAPITOL  
19 IDENTIFICATION CARD SHALL PAY A FEE TO THE SECRETARY OF THE  
20 SENATE OR THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES FOR A  
21 CAPITOL IDENTIFICATION CARD UPON MAKING AN APPLICATION FOR THE  
22 CARD. SUBJECT TO ANY MODIFICATION OF THE FEE IN ACCORDANCE WITH  
23 SUBSECTION (3)(b) OF THIS SECTION, THE FEE FOR ISSUANCE OF THE CARD  
24 IS TWO HUNDRED FIFTY DOLLARS FOR THE TWO-YEAR PERIOD IN WHICH  
25 THE CARD IS VALID.

26 (b) THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY  
27 CREATED IN SECTION 2-3-301 (1) MAY ADJUST THE AMOUNT OF THE FEE

1 SPECIFIED IN SUBSECTION (3)(a) OR (6) OF THIS SECTION TO REFLECT ANY  
2 INCREASE IN THE COSTS OF ISSUING AND RENEWING CAPITOL  
3 IDENTIFICATION CARDS; EXCEPT THAT THE AMOUNT OF THE FEE SHALL NOT  
4 EXCEED FIVE HUNDRED DOLLARS. THE LEGISLATIVE COUNCIL MAY EXPEND  
5 ANY SURPLUS OF MONEY IN THE CAPITOL IDENTIFICATION CARD ACCOUNT  
6 FOR ANY PURPOSE IT DEEMS APPROPRIATE.

7 (4) AS PART OF THE APPLICATION SUBMITTED BY AN INDIVIDUAL  
8 FOR A CAPITOL IDENTIFICATION CARD, THE INDIVIDUAL SHALL HAVE HIS OR  
9 HER FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY OR  
10 ANY THIRD PARTY APPROVED BY THE COLORADO BUREAU OF  
11 INVESTIGATION FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED  
12 CRIMINAL HISTORY RECORD CHECK. THE APPLICANT IS REQUIRED TO  
13 SUBMIT PAYMENT BY CERTIFIED CHECK OR MONEY ORDER TO COVER THE  
14 ACTUAL COSTS OF OBTAINING THE FINGERPRINTS AND FOR UNDERTAKING  
15 THE RECORD CHECK AT THE TIME THE FINGERPRINTS ARE SUBMITTED TO  
16 THE COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT OF THE  
17 FINGERPRINTS AND PAYMENT COVERING THE COSTS OF THE RECORD  
18 CHECK, THE COLORADO BUREAU OF INVESTIGATION SHALL CONDUCT A  
19 STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD  
20 CHECK USING RECORDS OF THE COLORADO BUREAU OF INVESTIGATION  
21 AND THE FEDERAL BUREAU OF INVESTIGATION AND SHALL FORWARD THE  
22 RESULTS OF THE CRIMINAL HISTORY RECORD CHECK TO THE SECRETARY OF  
23 THE SENATE AND THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES.  
24 THE ISSUANCE OF A CAPITOL IDENTIFICATION CARD IS CONDITIONAL UPON  
25 THE COMPLETION OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD  
26 CHECK THAT DEMONSTRATES THE APPLICANT HAS NOT BEEN CONVICTED  
27 OF A FELONY.

1           (5) THE CAPITOL IDENTIFICATION CARD MUST LIST THE NAME OF  
2 THE CARD HOLDER AND SHOW A PHOTOGRAPH OF THE CARD HOLDER'S  
3 FACE. THE CARD MAY BEAR A TAB OR STICKER DENOTING THE YEARS FOR  
4 WHICH THE CARD IS VALID.

5           (6) A CAPITOL IDENTIFICATION CARD EXPIRES ON THE SECOND  
6 ANNIVERSARY OF ITS DATE OF ISSUANCE UNLESS IT HAS BEEN RENEWED IN  
7 ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION. AN INDIVIDUAL  
8 WHO WISHES TO RENEW A CAPITOL IDENTIFICATION CARD SHALL, AT LEAST  
9 SIXTY DAYS PRIOR TO THE EXPIRATION DATE OF SUCH CARD, SUBMIT TO  
10 THE SECRETARY OF THE SENATE OR THE CHIEF CLERK OF THE HOUSE OF  
11 REPRESENTATIVES A COMPLETED RENEWAL FORM AND PAY A FEE FOR  
12 RENEWAL OF THE CARD. SUBJECT TO ANY MODIFICATION OF THE FEE IN  
13 ACCORDANCE WITH SUBSECTION (3)(b) OF THIS SECTION, THE FEE FOR A  
14 RENEWAL OF A CARD FOR THE FOLLOWING TWO-YEAR PERIOD IS THE SAME  
15 AS IS SPECIFIED IN SUBSECTION (3)(a) OF THIS SECTION FOR THE INITIAL  
16 ISSUANCE OF THE CARD. THE APPLICATION FOR A RENEWAL OF A CARD  
17 MUST BE REVIEWED AND ACTED UPON IN THE SAME MANNER AS PROVIDED  
18 IN THIS SECTION FOR THE INITIAL ISSUANCE OF SUCH CARD. THE  
19 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK DESCRIBED IN  
20 SUBSECTION (4) OF THIS SECTION MUST BE CONDUCTED EVERY TWO YEARS  
21 IN CONNECTION WITH A RENEWAL OF A CAPITOL IDENTIFICATION CARD.

22           (7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION:

23           (a) THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES, THE  
24 SECRETARY OF THE SENATE, OR THE COLORADO STATE PATROL MAY DENY  
25 THE ISSUANCE OF A CAPITOL IDENTIFICATION CARD TO ANY INDIVIDUAL ON  
26 THE BASIS OF ANY REASONABLE CONCERNS THAT THE INDIVIDUAL MAY  
27 POSE A SAFETY THREAT TO HIMSELF OR HERSELF OR TO ANY OTHER

1 MEMBER OF THE PUBLIC REGARDLESS OF THE RESULTS OF THE CRIMINAL  
2 HISTORY RECORD CHECK COMPLETED ON SUCH INDIVIDUAL. UPON THE  
3 DENIAL OF THE ISSUANCE OF A CAPITOL IDENTIFICATION CARD TO ANY  
4 INDIVIDUAL, THE INDIVIDUAL WHOSE APPLICATION WAS DENIED MAY  
5 APPEAL THE DENIAL TO THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE  
6 COUNCIL AS DESCRIBED IN SECTION 2-3-301 (1), WHICH MAY HEAR THE  
7 APPEAL AND, IN ITS SOLE DISCRETION, REVERSE THE DENIAL OF THE  
8 APPLICATION.

9 (b) NOTHING IN THIS SECTION IS INTENDED IN ANY WAY TO  
10 RESTRICT, CURTAIL, OR EFFECT THE OPERATION OF EXISTING LAWS, RULES,  
11 OR POLICIES GOVERNING SECURITY PROCEDURES AT THE STATE CAPITOL  
12 BUILDING. A VIOLATION OF ANY SUCH LAWS, RULES, OR POLICIES BY THE  
13 HOLDER OF A CAPITOL IDENTIFICATION CARD CONSTITUTES SUFFICIENT  
14 GROUNDS FOR THE REVOCATION OF SUCH CARD HOLDER'S CAPITOL  
15 IDENTIFICATION CARD.

16 (c) THE HOLDER OF A CAPITOL IDENTIFICATION CARD IS NOT  
17 PERMITTED TO ENTER THE CAPITOL BUILDING, THE STATE SERVICES  
18 BUILDING, OR THE LEGISLATIVE SERVICES BUILDING THROUGH ANY  
19 ENTRANCES THAT LIMIT ACCESS TO THE BUILDING TO STATE EMPLOYEES  
20 AND MUST ENTER THE BUILDING ONLY THROUGH ENTRANCES DESIGNATED  
21 FOR PUBLIC ACCESS. AS NECESSARY, THE CAPITOL IDENTIFICATION CARD  
22 MUST BE FORMATTED OR ISSUED IN A MANNER THAT PREVENTS ENTRY  
23 INTO THE CAPITOL BUILDING BY MEANS OF ENTRANCES RESERVED FOR  
24 STATE EMPLOYEES.

25 (d) THE COLORADO STATE PATROL MAY PROPOSE ADDITIONAL  
26 RULES OR POLICIES GOVERNING THE ADMINISTRATION OF THE CAPITOL  
27 IDENTIFICATION CARD. ANY SUCH RULES OR POLICIES MUST BE APPROVED

1 BY THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL CREATED IN  
2 SECTION 2-3-301 (1).

3 (8) A CAPITOL IDENTIFICATION CARD MAY BE CANCELLED OR THE  
4 RENEWAL OF THE CARD DENIED UPON NOTIFICATION TO THE SECRETARY  
5 OF THE SENATE OR THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES  
6 BY THE COLORADO STATE PATROL OF AN UNSATISFACTORY  
7 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF THE HOLDER  
8 OF THE CARD, A VIOLATION OF THE RULES OR POLICIES OF THE COLORADO  
9 STATE PATROL REGARDING USAGE OF THE CARD, AN UNAUTHORIZED USE  
10 OF THE CARD, OR CRIMINAL ACTIVITY OF THE HOLDER OF THE CARD IN THE  
11 STATE CAPITOL BUILDING. UPON SUCH CANCELLATION OR DENIAL OF  
12 RENEWAL, THE HOLDER SHALL SURRENDER HIS OR HER CAPITOL  
13 IDENTIFICATION CARD TO THE COLORADO STATE PATROL.

14 (9) (a) THE CAPITOL IDENTIFICATION CARD ENTERPRISE IS HEREBY  
15 ESTABLISHED. THE CAPITOL IDENTIFICATION CARD ENTERPRISE IS AND  
16 OPERATES AS A GOVERNMENT-OWNED BUSINESS WITHIN THE LEGISLATIVE  
17 BRANCH OF STATE GOVERNMENT. THE LEGISLATIVE COUNCIL OF THE  
18 GENERAL ASSEMBLY CREATED IN SECTION 2-3-301 (1) HAS OVERSIGHT  
19 RESPONSIBILITY OVER AND SHALL ADMINISTER THE ENTERPRISE. THE  
20 CAPITOL IDENTIFICATION CARD ENTERPRISE CONSTITUTES AN ENTERPRISE  
21 FOR THE PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE  
22 CONSTITUTION SO LONG AS THE ENTERPRISE RETAINS THE AUTHORITY TO  
23 ISSUE REVENUE BONDS PURSUANT TO SUBSECTION (9)(b) OF THIS SECTION  
24 AND THE ENTERPRISE RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL  
25 REVENUES FROM GRANTS, AS DEFINED IN SECTION 24-77-102 (7) FROM ALL  
26 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS THE  
27 ENTERPRISE CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SECTION,

1 THE ENTERPRISE IS NOT SUBJECT TO ANY PROVISIONS OF SECTION 20 OF  
2 ARTICLE X OF THE STATE CONSTITUTION.

3 (b) THE ENTERPRISE IS HEREBY AUTHORIZED TO ISSUE REVENUE  
4 BONDS TO FINANCE THE ISSUANCE AND ADMINISTRATION OF CAPITOL  
5 IDENTIFICATION CARDS PURSUANT TO THIS SECTION. THE BONDS ARE  
6 PAYABLE ONLY FROM THE MONEY IN THE CAPITOL IDENTIFICATION CARD  
7 ACCOUNT CREATED IN SUBSECTION (10)(a) OF THIS SECTION. SUCH BONDS  
8 MAY BE ISSUED ONLY AFTER APPROVAL BY BOTH HOUSES OF THE GENERAL  
9 ASSEMBLY ACTING EITHER BY BILL OR JOINT RESOLUTION AND AFTER  
10 APPROVAL BY THE GOVERNOR IN ACCORDANCE WITH SECTION 39 OF  
11 ARTICLE V OF THE STATE CONSTITUTION.

12 (10) (a) ALL FEES COLLECTED PURSUANT TO SUBSECTIONS (3)(a)  
13 AND (6) OF THIS SECTION MUST BE CREDITED TO THE CAPITOL  
14 IDENTIFICATION CARD ACCOUNT, WHICH ACCOUNT IS HEREBY CREATED IN  
15 THE LEGISLATIVE DEPARTMENT CASH FUND CREATED IN SECTION 2-2-1601  
16 (1). MONEY IN THE ACCOUNT IS CONTINUOUSLY APPROPRIATED TO THE  
17 HOUSE OF REPRESENTATIVES AND THE SENATE FOR THE PAYMENT OF  
18 COSTS INCURRED IN CONNECTION WITH THE ORIGINAL ISSUANCE AND  
19 RENEWAL OF CAPITOL IDENTIFICATION CARDS IN ACCORDANCE WITH THIS  
20 SECTION.

21 (b) SUBJECT TO THE RESTRICTIONS SPECIFIED IN SUBSECTION  
22 (10)(a) OF THIS SECTION, THE CAPITOL IDENTIFICATION CARD ENTERPRISE  
23 MAY ACCEPT GIFTS, GRANTS, OR OTHER DONATIONS COLLECTED FOR THE  
24 ISSUANCE AND ADMINISTRATION OF CAPITOL IDENTIFICATION CARDS  
25 PURSUANT TO THIS SECTION.

26 **SECTION 2.** In Colorado Revised Statutes, 2-2-1601, **amend**  
27 (1)(a) and (2) as follows:

1           **2-2-1601. Legislative department cash fund - redistricting**  
2           **account - creation - definition.** (1) (a) There is hereby created in the  
3           state treasury the legislative department cash fund. Except as otherwise  
4           provided in ~~paragraph (b) of this subsection (1)~~ SUBSECTION (1)(b) OF  
5           THIS SECTION, the fund ~~shall be~~ IS comprised of ~~such moneys~~ MONEY that  
6           the general assembly, the house of representatives, the senate, or any  
7           legislative service agency accepts as gifts, grants, or donations, collects  
8           or otherwise receives from private and public sources, MONEY CREDITED  
9           TO THE FUND IN ACCORDANCE WITH SECTION 2-2-327 (10), and any other  
10          ~~moneys~~ MONEY appropriated or transferred to the fund.

11           (2) Except for ~~moneys~~ MONEY in the redistricting account created  
12          pursuant to subsection (2.5) of this section, ~~moneys~~ AND EXCEPT AS  
13          PROVIDED IN SECTION 2-2-327 (10)(a), MONEY in the legislative  
14          department cash fund ~~are~~ IS continuously appropriated to the executive  
15          committee of the legislative council to pay for expenses of the legislative  
16          department of the state of Colorado. ~~Moneys~~ MONEY in the fund shall be  
17          expended consistent with any terms and conditions imposed as a  
18          condition of receiving such ~~moneys~~ MONEY as gifts, grants, or donations.

19           **SECTION 3. Safety clause.** The general assembly hereby finds,  
20          determines, and declares that this act is necessary for the immediate  
21          preservation of the public peace, health, and safety.