A BILL FOR AN ACT

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

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
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.

---

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 follows:

3 2-2-327. Capitol identification card - access to state capitol building - powers of secretary of the senate and chief clerk of the
(1) Security personnel at the state capitol building, including the Colorado state patrol, may allow any member of the public who holds a capitol identification card issued pursuant to this section to enter the capitol building, the state services building, and 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.

(2) The secretary of the senate or the chief clerk of the house of representatives may issue a capitol identification card to any member of the public upon receipt of the application and fee described in subsection (3)(a) of this section and based upon a satisfactory fingerprint-based criminal history record check in accordance with subsection (4) of this section. Each card is issued for a two-year period.

(3) (a) Any person interested in obtaining a capitol identification card shall pay a fee to the secretary of the senate or the chief clerk of the house of representatives for a capitol identification card upon making an application for the card. Subject to any modification of the fee in accordance with subsection (3)(b) of this section, the fee for issuance of the card is two hundred fifty dollars for the two-year period in which the card is valid.

(b) The legislative council of the general assembly created in section 2-3-301 (1) may adjust the amount of the fee
SPECIFIED IN SUBSECTION (3)(a) OR (6) OF THIS SECTION TO REFLECT ANY
INCREASE IN THE COSTS OF ISSUING AND RENEWING CAPITOL
IDENTIFICATION CARDS; EXCEPT THAT THE AMOUNT OF THE FEE SHALL NOT
EXCEED FIVE HUNDRED DOLLARS. THE LEGISLATIVE COUNCIL MAY EXPEND
ANY SURPLUS OF MONEY IN THE CAPITOL IDENTIFICATION CARD ACCOUNT
FOR ANY PURPOSE IT DEEMS APPROPRIATE.

(4) AS PART OF THE APPLICATION SUBMITTED BY AN INDIVIDUAL
FOR A CAPITOL IDENTIFICATION CARD, THE INDIVIDUAL SHALL HAVE HIS OR
HER FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY OR
ANY THIRD PARTY APPROVED BY THE COLORADO BUREAU OF
INVESTIGATION FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED
CRIMINAL HISTORY RECORD CHECK. THE APPLICANT IS REQUIRED TO
SUBMIT PAYMENT BY CERTIFIED CHECK OR MONEY ORDER TO COVER THE
ACTUAL COSTS OF OBTAINING THE FINGERPRINTS AND FOR UNDERTAKING
THE RECORD CHECK AT THE TIME THE FINGERPRINTS ARE SUBMITTED TO
THE COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT OF THE
FINGERPRINTS AND PAYMENT COVERING THE COSTS OF THE RECORD
CHECK, THE COLORADO BUREAU OF INVESTIGATION SHALL CONDUCT A
STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD
CHECK USING RECORDS OF THE COLORADO BUREAU OF INVESTIGATION
AND THE FEDERAL BUREAU OF INVESTIGATION AND SHALL FORWARD THE
RESULTS OF THE CRIMINAL HISTORY RECORD CHECK TO THE SECRETARY OF
THE SENATE AND THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES.
THE ISSUANCE OF A CAPITOL IDENTIFICATION CARD IS CONDITIONAL UPON
THE COMPLETION OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD
CHECK THAT DEMONSTRATES THE APPLICANT HAS NOT BEEN CONVICTED
OF A FELONY.
(5) The capitol identification card must list the name of
the card holder and show a photograph of the card holder's
face. The card may bear a tab or sticker denoting the years for
which the card is valid.

(6) A capitol identification card expires on the second
anniversary of its date of issuance unless it has been renewed in
accordance with the requirements of this section. An individual
who wishes to renew a capitol identification card shall, at least
sixty days prior to the expiration date of such card, submit to
the secretary of the senate or the chief clerk of the house of
representatives a completed renewal form and pay a fee for
renewal of the card. Subject to any modification of the fee in
accordance with subsection (3)(b) of this section, the fee for a
renewal of a card for the following two-year period is the same
as is specified in subsection (3)(a) of this section for the initial
issuance of the card. The application for a renewal of a card
must be reviewed and acted upon in the same manner as provided
in this section for the initial issuance of such card. The
fingerprint-based criminal history record check described in
subsection (4) of this section must be conducted every two years
in connection with a renewal of a capitol identification card.

(7) Notwithstanding any other provision of this section:

(a) The chief clerk of the house of representatives, the
secretary of the senate, or the Colorado state patrol may deny
the issuance of a capitol identification card to any individual on
the basis of any reasonable concerns that the individual may
pose a safety threat to himself or herself or to any other
MEMBER OF THE PUBLIC REGARDLESS OF THE RESULTS OF THE CRIMINAL
HISTORY RECORD CHECK COMPLETED ON SUCH INDIVIDUAL. UPON THE
DENIAL OF THE ISSUANCE OF A CAPITOL IDENTIFICATION CARD TO ANY
INDIVIDUAL, THE INDIVIDUAL WHOSE APPLICATION WAS DENIED MAY
APPEAL THE DENIAL TO THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE
COUNCIL AS DESCRIBED IN SECTION 2-3-301 (1), WHICH MAY HEAR THE
APPEAL AND, IN ITS SOLE DISCRETION, REVERSE THE DENIAL OF THE
APPLICATION.

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

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

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

-6-
BY THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL CREATED IN SECTION 2-3-301 (1).


(9) (a) THE CAPITOL IDENTIFICATION CARD ENTERPRISE IS HEREBY ESTABLISHED. THE CAPITOL IDENTIFICATION CARD ENTERPRISE IS AND OPERATES AS A GOVERNMENT-OWNED BUSINESS WITHIN THE LEGISLATIVE BRANCH OF STATE GOVERNMENT. THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY CREATED IN SECTION 2-3-301 (1) HAS OVERSIGHT RESPONSIBILITY OVER AND SHALL ADMINISTER THE ENTERPRISE. THE CAPITOL IDENTIFICATION CARD ENTERPRISE CONSTITUTES AN ENTERPRISE FOR THE PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS THE ENTERPRISE RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS PURSUANT TO SUBSECTION (9)(b) OF THIS SECTION AND THE ENTERPRISE RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL REVENUES FROM GRANTS, AS DEFINED IN SECTION 24-77-102 (7) FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS THE ENTERPRISE CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SECTION,
THE ENTERPRISE IS NOT SUBJECT TO ANY PROVISIONS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

(b) The enterprise is hereby authorized to issue revenue bonds to finance the issuance and administration of capitol identification cards pursuant to this section. The bonds are payable only from the money in the capitol identification card account created in subsection (10)(a) of this section. Such bonds may be issued only after approval by both houses of the general assembly acting either by bill or joint resolution and after approval by the governor in accordance with section 39 of article V of the state constitution.

(10) (a) All fees collected pursuant to subsections (3)(a) and (6) of this section must be credited to the capitol identification card account, which account is hereby created in the legislative department cash fund created in section 2-2-1601 (1). Money in the account is continuously appropriated to the house of representatives and the senate for the payment of costs incurred in connection with the original issuance and renewal of capitol identification cards in accordance with this section.

(b) Subject to the restrictions specified in subsection (10)(a) of this section, the capitol identification card enterprise may accept gifts, grants, or other donations collected for the issuance and administration of capitol identification cards pursuant to this section.

SECTION 2. In Colorado Revised Statutes, 2-2-1601, amend (1)(a) and (2) as follows:
2-2-1601. Legislative department cash fund - redistricting account - creation - definition. (1) (a) There is hereby created in the state treasury the legislative department cash fund. Except as otherwise provided in paragraph (b) of this subsection (1) of this section, the fund shall be comprised of such moneys that the general assembly, the house of representatives, the senate, or any legislative service agency accepts as gifts, grants, or donations, collects or otherwise receives from private and public sources, money credited to the fund in accordance with section 2-2-327 (10), and any other moneys appropriated or transferred to the fund.

(2) Except for moneys in the redistricting account created pursuant to subsection (2.5) of this section, and except as provided in section 2-2-327 (10)(a), money in the legislative department cash fund are continuously appropriated to the executive committee of the legislative council to pay for expenses of the legislative department of the state of Colorado. Money in the fund shall be expended consistent with any terms and conditions imposed as a condition of receiving such moneys as gifts, grants, or donations.

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