

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**PREAMENDED**

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

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  
Appropriations

**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) ON AND AFTER JANUARY 1,**  
4 **2019, SECURITY PERSONNEL AT THE STATE CAPITOL BUILDING, INCLUDING**  
5 THE COLORADO STATE PATROL, MAY ALLOW ANY MEMBER OF THE PUBLIC  
6 WHO HOLDS A CAPITOL IDENTIFICATION CARD ISSUED PURSUANT TO THIS  
7 SECTION TO ENTER THE CAPITOL BUILDING, THE STATE SERVICES BUILDING,  
8 AND THE LEGISLATIVE SERVICES BUILDING, WITHOUT SUBMITTING TO A  
9 SEARCH OF HIS OR HER PERSON OR PROPERTY BY SECURITY PERSONNEL,  
10 ELECTRONIC WEAPONS 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. THE AMOUNT OF THE FEE MUST BE SET AT A LEVEL  
26 THAT INCLUDES THE ACTUAL COSTS INCURRED BY THE COLORADO BUREAU  
27 OF INVESTIGATION IN COMPLETING THE FINGERPRINT-BASED CRIMINAL

1 HISTORY RECORD CHECK REQUIRED BY SUBSECTION (4) OF THIS SECTION.

2 (b) THE LEGISLATIVE COUNCIL OF THE GENERAL ASSEMBLY  
3 CREATED IN SECTION 2-3-301 (1) MAY ADJUST THE AMOUNT OF THE FEE  
4 SPECIFIED IN SUBSECTION (3)(a) OR (6) OF THIS SECTION TO REFLECT ANY  
5 INCREASE IN THE COSTS OF ISSUING AND RENEWING CAPITOL  
6 IDENTIFICATION CARDS; EXCEPT THAT THE AMOUNT OF THE FEE SHALL NOT  
7 EXCEED FIVE HUNDRED DOLLARS. THE LEGISLATIVE COUNCIL MAY EXPEND  
8 ANY SURPLUS OF MONEY IN THE CAPITOL IDENTIFICATION CARD ACCOUNT  
9 FOR ANY PURPOSE IT DEEMS APPROPRIATE.

10 (4) AS PART OF THE APPLICATION SUBMITTED BY AN INDIVIDUAL  
11 FOR A CAPITOL IDENTIFICATION CARD, THE INDIVIDUAL SHALL HAVE HIS OR  
12 HER FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY OR  
13 ANY THIRD PARTY APPROVED BY THE COLORADO BUREAU OF  
14 INVESTIGATION FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED  
15 CRIMINAL HISTORY RECORD CHECK. THE APPLICANT IS REQUIRED TO  
16 SUBMIT PAYMENT BY CERTIFIED CHECK OR MONEY ORDER TO COVER THE  
17 ACTUAL COSTS OF OBTAINING THE FINGERPRINTS AND FOR UNDERTAKING  
18 THE RECORD CHECK AT THE TIME THE FINGERPRINTS ARE SUBMITTED TO  
19 THE COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT OF THE  
20 FINGERPRINTS, THE COLORADO BUREAU OF INVESTIGATION SHALL  
21 CONDUCT A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY  
22 RECORD CHECK USING RECORDS OF THE COLORADO BUREAU OF  
23 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION AND SHALL  
24 FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK TO THE  
25 SECRETARY OF THE SENATE AND THE CHIEF CLERK OF THE HOUSE OF  
26 REPRESENTATIVES. THE ISSUANCE OF A CAPITOL IDENTIFICATION CARD IS  
27 CONDITIONAL UPON THE COMPLETION OF A FINGERPRINT-BASED CRIMINAL

1 HISTORY RECORD CHECK THAT DEMONSTRATES THE APPLICANT HAS NOT  
2 BEEN CONVICTED OF A FELONY. AN APPLICANT WHO FAILS HIS OR HER  
3 CRIMINAL HISTORY RECORD CHECK IS NOT ENTITLED TO A REFUND OF ANY  
4 MONEY THE APPLICANT HAS PAID TO COMPLETE THE RECORD CHECK.

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

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

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

27 (a) THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES, THE

1 SECRETARY OF THE SENATE, OR THE COLORADO STATE PATROL MAY DENY  
2 THE ISSUANCE OF A CAPITOL IDENTIFICATION CARD TO ANY INDIVIDUAL ON  
3 THE BASIS OF ANY REASONABLE CONCERNS THAT THE INDIVIDUAL MAY  
4 POSE A SAFETY THREAT TO HIMSELF OR HERSELF OR TO ANY OTHER  
5 MEMBER OF THE PUBLIC REGARDLESS OF THE RESULTS OF THE CRIMINAL  
6 HISTORY RECORD CHECK COMPLETED ON SUCH INDIVIDUAL. UPON THE  
7 DENIAL OF THE ISSUANCE OF A CAPITOL IDENTIFICATION CARD TO ANY  
8 INDIVIDUAL, THE INDIVIDUAL WHOSE APPLICATION WAS DENIED MAY  
9 APPEAL THE DENIAL TO THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE  
10 COUNCIL AS DESCRIBED IN SECTION 2-3-301 (1), WHICH MAY HEAR THE  
11 APPEAL AND, IN ITS SOLE DISCRETION, REVERSE THE DENIAL OF THE  
12 APPLICATION.

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

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

1 STATE EMPLOYEES.

2 (d) THE COLORADO STATE PATROL MAY PROPOSE ADDITIONAL  
3 RULES OR POLICIES GOVERNING THE ADMINISTRATION OF THE CAPITOL  
4 IDENTIFICATION CARD. ANY SUCH RULES OR POLICIES MUST BE APPROVED  
5 BY THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL CREATED IN  
6 SECTION 2-3-301 (1).

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

18 (9) (a) THE CAPITOL IDENTIFICATION CARD ENTERPRISE IS HEREBY  
19 ESTABLISHED. THE CAPITOL IDENTIFICATION CARD ENTERPRISE IS AND  
20 OPERATES AS A GOVERNMENT-OWNED BUSINESS WITHIN THE LEGISLATIVE  
21 BRANCH OF STATE GOVERNMENT. THE LEGISLATIVE COUNCIL OF THE  
22 GENERAL ASSEMBLY CREATED IN SECTION 2-3-301 (1) HAS OVERSIGHT  
23 RESPONSIBILITY OVER AND SHALL ADMINISTER THE ENTERPRISE. THE  
24 CAPITOL IDENTIFICATION CARD ENTERPRISE CONSTITUTES AN ENTERPRISE  
25 FOR THE PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE  
26 CONSTITUTION SO LONG AS THE ENTERPRISE RETAINS THE AUTHORITY TO  
27 ISSUE REVENUE BONDS PURSUANT TO SUBSECTION (9)(b) OF THIS SECTION

1 AND THE ENTERPRISE RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL  
2 REVENUES FROM GRANTS, AS DEFINED IN SECTION 24-77-102 (7) FROM ALL  
3 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS THE  
4 ENTERPRISE CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SECTION,  
5 THE ENTERPRISE IS NOT SUBJECT TO ANY PROVISIONS OF SECTION 20 OF  
6 ARTICLE X OF THE STATE CONSTITUTION.

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

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

25 (b) SUBJECT TO THE RESTRICTIONS SPECIFIED IN SUBSECTION  
26 (10)(a) OF THIS SECTION, THE CAPITOL IDENTIFICATION CARD ENTERPRISE  
27 MAY ACCEPT GIFTS, GRANTS, OR OTHER DONATIONS COLLECTED FOR THE



1 ISSUANCE AND ADMINISTRATION OF CAPITOL IDENTIFICATION CARDS  
2 PURSUANT TO THIS SECTION.

3 (c) THE COLORADO BUREAU OF INVESTIGATION SHALL BILL THE  
4 LEGISLATIVE COUNCIL STAFF ON A MONTHLY BASIS FOR REIMBURSEMENT  
5 OF THE COSTS THE BUREAU INCURS IN COMPLETING THE  
6 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK REQUIRED BY  
7 SUBSECTION (4) OF THIS SECTION, WHICH COSTS ARE INCLUDED IN THE FEE  
8 CHARGED EACH APPLICANT FOR ISSUANCE OF THE CARD IN ACCORDANCE  
9 WITH SUBSECTION (3)(a) OF THIS SECTION.

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

12 **2-2-1601. Legislative department cash fund - redistricting**  
13 **account - creation - definition.** (1) (a) There is hereby created in the  
14 state treasury the legislative department cash fund. Except as otherwise  
15 provided in ~~paragraph (b) of this subsection (1)~~ SUBSECTION (1)(b) OF  
16 THIS SECTION, the fund ~~shall be~~ IS comprised of ~~such moneys~~ MONEY that  
17 the general assembly, the house of representatives, the senate, or any  
18 legislative service agency accepts as gifts, grants, or donations, collects  
19 or otherwise receives from private and public sources, MONEY CREDITED  
20 TO THE FUND IN ACCORDANCE WITH SECTION 2-2-327 (10), and any other  
21 ~~moneys~~ MONEY appropriated or transferred to the fund.

22 (2) Except for ~~moneys~~ MONEY in the redistricting account created  
23 pursuant to subsection (2.5) of this section, ~~moneys~~ AND EXCEPT AS  
24 PROVIDED IN SECTION 2-2-327 (10)(a), MONEY in the legislative  
25 department cash fund ~~are~~ IS continuously appropriated to the executive  
26 committee of the legislative council to pay for expenses of the legislative  
27 department of the state of Colorado. ~~Moneys~~ MONEY in the fund shall be

1 expended consistent with any terms and conditions imposed as a  
2 condition of receiving such ~~moneys~~ MONEY as gifts, grants, or donations.

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