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An Act

SENATE BILL 21-012

BY SENATOR(S) Donovan, Bridges, Buckner, Danielson, Fenberg, Ginal, Gonzales, Hansen, Hisey, Jaquez Lewis, Kolker, Lee, Moreno, Pettersen, Rodriguez, Simpson, Story, Winter, Garcia;
also REPRESENTATIVE(S) Roberts, Amabile, Arndt, Bacon, Benavidez, Bennett, Bird, Bockenfeld, Caraveo, Carver, Catlin, Cutter, Duran, Esgar, Exum, Froelich, Geitner, Gonzales-Gutierrez, Gray, Herod, Hooton, Jackson, Jodeh, Kennedy, Kipp, Lontine, McCluskie, McCormick, McLachlan, Michaelson Jenet, Mullica, Ortiz, Pico, Sirota, Snyder, Sullivan, Tipper, Titone, Valdez A., Valdez D., Weissman, Young, Garnett.

CONCERNING MEASURES TO CREATE OPPORTUNITIES FOR PERSONS WHO
ACQUIRE EXPERIENCE IN WILDLAND FIRE SERVICES THROUGH THE
INMATE DISASTER RELIEF PROGRAM.

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

SECTION 1. In Colorado Revised Statutes, 24-5-101, **amend** (1)(a), (1)(b) introductory portion, (1)(b)(VII), (3)(b), and (6) as follows:

24-5-101. Effect of criminal conviction on employment rights.
(1) (a) Except as otherwise provided in ~~paragraph (b) of this subsection (1)~~ SUBSECTION (1)(b) OF THIS SECTION, the fact that a person has been

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

convicted of a felony or other offense involving moral turpitude shall not, in and of itself, prevent the person from applying for and obtaining public employment or from applying for and receiving a license, certification, permit, or registration required by the laws of this state to follow any business, occupation, or profession.

(b) This subsection (1) ~~shall~~ DOES not apply to:

(VII) (A) The employment of persons by the department of public safety, the department of corrections, and the department of revenue.

(B) THE EXCEPTION IN SUBSECTION (1)(b)(VII)(A) OF THIS SECTION DOES NOT APPLY TO POSITIONS WITHIN THE WILDLAND FIRE MANAGEMENT SECTION IN THE DEPARTMENT OF PUBLIC SAFETY.

(3) (b) (I) With the exception of the department of corrections and the department of public safety, the agency shall not perform a background check until the agency determines that an applicant is a finalist or makes a conditional offer of employment to the applicant.

(II) THE EXCEPTION IN SUBSECTION (3)(b)(I) OF THIS SECTION DOES NOT APPLY TO POSITIONS WITHIN THE WILDLAND FIRE MANAGEMENT SECTION IN THE DEPARTMENT OF PUBLIC SAFETY.

(6) (a) If, at any stage in the hiring process, the department of corrections or the department of public safety determines that the applicant has been convicted of a crime, the department must consider the factors listed in ~~paragraphs (a) to (d) of subsection (4)~~ SUBSECTIONS (4)(a) TO (4)(d) of this section when determining whether the conviction disqualifies the applicant for the position.

(b) NOTWITHSTANDING SUBSECTION (6)(a) OF THIS SECTION, IF, AFTER DETERMINING THAT AN APPLICANT FOR A POSITION WITHIN THE WILDLAND FIRE MANAGEMENT SECTION IN THE DEPARTMENT OF PUBLIC SAFETY IS A FINALIST OR WHEN MAKING A CONDITIONAL OFFER OF EMPLOYMENT TO THE APPLICANT, THE DEPARTMENT OF PUBLIC SAFETY DETERMINES THE APPLICANT HAS BEEN CONVICTED OF A CRIME, THE DEPARTMENT MUST CONSIDER THE FACTORS LISTED IN SUBSECTIONS (4)(a) TO (4)(d) OF THIS SECTION WHEN DETERMINING WHETHER THE CONVICTION DISQUALIFIES THE APPLICANT FOR THE POSITION.

SECTION 2. In Colorado Revised Statutes, 24-33.5-1201, **amend** (4)(a)(II) as follows:

24-33.5-1201. Division of fire prevention and control - creation - public school construction and inspection section - health facility construction and inspection section - legislative declaration. (4) (a) (II) There is hereby created in the division of fire prevention and control the wildland fire management section to implement ~~the provisions of~~ this subsection (4) and sections 24-33.5-1217 to ~~24-33.5-1226~~ 24-33.5-1226.5. The wildland fire management section shall perform its duties and functions under the division of fire prevention and control as if the same were transferred by a **type 2** transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of this ~~title~~ TITLE 24.

SECTION 3. In Colorado Revised Statutes, **add** 24-33.5-1226.5 as follows:

24-33.5-1226.5. Career and education information - peer mentor program - inmate disaster relief program participants. (1) (a) ON OR BEFORE JULY 1, 2022, THE DIVISION SHALL DEVELOP INFORMATIONAL MATERIALS TO INCREASE AWARENESS OF WILDLAND FIRE CAREER OPPORTUNITIES FOR PERSONS WHO ACQUIRED EXPERIENCE IN WILDLAND FIRE SERVICES THROUGH THE INMATE DISASTER RELIEF PROGRAM, DESCRIBED IN SECTION 17-24-124.

(b) THE INFORMATIONAL MATERIALS MUST INCLUDE A DESCRIPTION OF WILDLAND FIRE CAREER OPPORTUNITIES, MINIMUM QUALIFICATIONS FOR WILDLAND FIRE CAREER OPPORTUNITIES, AND HOW A PERSON MAY PURSUE AND ACQUIRE MINIMUM QUALIFICATIONS FOR WILDLAND FIRE CAREER OPPORTUNITIES.

(c) THE DIVISION SHALL MAKE THE INFORMATIONAL MATERIALS AVAILABLE TO THE DEPARTMENT OF CORRECTIONS. THE DEPARTMENT OF CORRECTIONS SHALL DISTRIBUTE THE INFORMATIONAL MATERIALS TO PERSONS WHO HAVE EXPERIENCE IN WILDLAND FIRE SERVICES THROUGH THE INMATE DISASTER RELIEF PROGRAM.

(2) THE DIVISION IS ENCOURAGED TO HIRE PERSONS WHO ACQUIRED EXPERIENCE IN WILDLAND FIRE SERVICES THROUGH THE INMATE DISASTER

RELIEF PROGRAM, DESCRIBED IN SECTION 17-24-124, FOR POSITIONS PERFORMING WILDLAND FIRE SERVICES.

(3) THE DIVISION SHALL DEVELOP AND IMPLEMENT A PEER MENTOR PROGRAM FOR PERSONS HIRED WHO ACQUIRED EXPERIENCE IN WILDLAND FIRE SERVICES THROUGH THE INMATE DISASTER RELIEF PROGRAM. THE PROGRAM MUST PROVIDE TO THE PARTICIPANT A RESOURCE FOR DEVELOPING AND SUSTAINING PROFESSIONAL SKILLS.

SECTION 4. In Colorado Revised Statutes, 17-24-124, **add** (7) as follows:

17-24-124. Inmate disaster relief program - legislative declaration. (7) THE DEPARTMENT SHALL DISTRIBUTE THE INFORMATIONAL MATERIALS DESCRIBED IN SECTION 24-33.5-1226.5 TO PERSONS WHO HAVE EXPERIENCE IN WILDLAND FIRE SERVICES PURSUANT TO THE PROGRAM.

SECTION 5. In Colorado Revised Statutes, 2-3-1602, **add** (1)(c) as follows:

2-3-1602. Wildfire matters review committee - creation - repeal - repeal of part. (1) (c) (I) IN ADDITION TO THE DUTIES DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION, DURING THE 2021 AND 2022 INTERIMS, THE COMMITTEE SHALL REVIEW AND MAY PROPOSE LEGISLATION OR OTHER POLICY CHANGES RELATING TO MAXIMIZING THE UTILIZATION OF WILDLAND FIRE SERVICES THROUGH THE INMATE DISASTER RELIEF PROGRAM PURSUANT TO SECTION 17-24-124 TO INCREASE WILDLAND FIREFIGHTING CAPACITY AND CREATING WILDLAND FIRE CAREER OPPORTUNITIES FOR PERSONS WHO ACQUIRED EXPERIENCES IN WILDLAND FIRE SERVICES THROUGH THE INMATE DISASTER RELIEF PROGRAM.

(II) THIS SUBSECTION (1)(c) IS REPEALED, EFFECTIVE JULY 1, 2023.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO