

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 21-0188.01 Jacob Baus x2173

SENATE BILL 21-012

SENATE SPONSORSHIP

Donovan, Bridges, Buckner, Danielson, Fenberg, Garcia, Ginal, Gonzales, Hansen, Hisey, Jaquez Lewis, Kolker, Lee, Moreno, Pettersen, Rodriguez, Simpson, Story, Winter

HOUSE SPONSORSHIP

Roberts,

Senate Committees

Agriculture & Natural Resources

House Committees

A BILL FOR AN ACT

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

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>.)

In general, current law provides that a felony conviction or other offense involving moral turpitude does not, in and of itself, prevent a person from applying for or obtaining public employment. The bill extends this to persons applying to positions within the wildland fire management section in the department of public safety.

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.

SENATE
3rd Reading Unamended
March 17, 2021

SENATE
Amended 2nd Reading
March 16, 2021

The bill requires the division of fire prevention and control (division) to develop materials to increase awareness of wildland fire career opportunities for persons who acquired experience in wildland fire services through the inmate disaster relief program (program).

The bill states that the division is encouraged to hire persons who acquired experience in the program for positions performing wildland fire services.

The bill requires the division to develop and implement a peer mentor program for persons hired who acquired experience in wildland fire services through the program so those persons may develop and sustain professional skills.

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

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

4 **24-5-101. Effect of criminal conviction on employment rights.**

5 (1) (a) Except as otherwise provided in ~~paragraph (b) of this subsection~~
6 ~~(†)~~ SUBSECTION (1)(b) OF THIS SECTION, the fact that a person has been
7 convicted of a felony or other offense involving moral turpitude shall not,
8 in and of itself, prevent the person from applying for and obtaining public
9 employment or from applying for and receiving a license, certification,
10 permit, or registration required by the laws of this state to follow any
11 business, occupation, or profession.

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

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

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

18 (3) (b) (I) With the exception of the department of corrections and
19 the department of public safety, the agency shall not perform a

1 background check until the agency determines that an applicant is a
2 finalist or makes a conditional offer of employment to the applicant.

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

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

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

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

23 **24-33.5-1201. Division of fire prevention and control - creation**
24 **- public school construction and inspection section - health facility**
25 **construction and inspection section - legislative declaration.**

26 (4) (a) (II) There is hereby created in the division of fire prevention and
27 control the wildland fire management section to implement ~~the provisions~~

1 of this subsection (4) and sections 24-33.5-1217 to ~~24-33.5-1226~~
2 24-33.5-1226.5. The wildland fire management section shall perform its
3 duties and functions under the division of fire prevention and control as
4 if the same were transferred by a **type 2** transfer, as such transfer is
5 defined in the "Administrative Organization Act of 1968", article 1 of this
6 ~~title~~ TITLE 24.

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

9 **24-33.5-1226.5. Career and education information - peer**
10 **mentor program - inmate disaster relief program participants.**

11 (1) (a) ON OR BEFORE JULY 1, 2022, THE DIVISION SHALL DEVELOP
12 INFORMATIONAL MATERIALS TO INCREASE AWARENESS OF WILDLAND FIRE
13 CAREER OPPORTUNITIES FOR PERSONS WHO ACQUIRED EXPERIENCE IN
14 WILDLAND FIRE SERVICES THROUGH THE INMATE DISASTER RELIEF
15 PROGRAM, DESCRIBED IN SECTION 17-24-124.

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

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

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

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

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

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

10 **17-24-124. Inmate disaster relief program - legislative**
11 **declaration.** (7) THE DEPARTMENT SHALL DISTRIBUTE THE
12 INFORMATIONAL MATERIALS DESCRIBED IN SECTION 24-33.5-1226.5 TO
13 PERSONS WHO HAVE EXPERIENCE IN WILDLAND FIRE SERVICES PURSUANT
14 TO THE PROGRAM.

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

17 **2-3-1602. Wildfire matters review committee - creation -**
18 **repeal - repeal of part.** (1) (c) (I) IN ADDITION TO THE DUTIES
19 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION, DURING THE 2021 AND
20 2022 INTERIMS, THE COMMITTEE SHALL REVIEW AND MAY PROPOSE
21 LEGISLATION OR OTHER POLICY CHANGES RELATING TO MAXIMIZING THE
22 UTILIZATION OF WILDLAND FIRE SERVICES THROUGH THE INMATE DISASTER
23 RELIEF PROGRAM PURSUANT TO SECTION 17-24-124 TO INCREASE
24 WILDLAND FIREFIGHTING CAPACITY AND CREATING WILDLAND FIRE
25 CAREER OPPORTUNITIES FOR PERSONS WHO ACQUIRED EXPERIENCES IN
26 WILDLAND FIRE SERVICES THROUGH THE INMATE DISASTER RELIEF
27 PROGRAM.

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

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