

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0749.03 Jacob Baus x2173

HOUSE BILL 22-1270

HOUSE SPONSORSHIP

Woodrow,

SENATE SPONSORSHIP

Priola,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MEASURES RELATED TO CHANGING "NAME-BASED
102 CRIMINAL HISTORY RECORD CHECK" TO "NAME-BASED
103 JUDICIAL RECORD CHECK" IN THE COLORADO REVISED
104 STATUTES.

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 changes the term "name-based criminal history record check" to "name-based judicial record check" throughout the Colorado Revised Statutes.

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-2-119.3, **amend**
3 (2)(b)(III), (3), (4)(a), (6) introductory portion, and (6)(d) as follows:

4 **22-2-119.3. Department of education - educator preparation**
5 **program students - record check - fee - definitions.** (2) On a form
6 provided by the department, the student shall:

7 (b) Furnish the following information to the department:

8 (III) Any other information required by the department to release
9 the results of a ~~criminal history~~ record check pursuant to this section.

10 (3) When the results of a fingerprint-based criminal history record
11 check of a student performed pursuant to this section ~~reveals~~ REVEAL a
12 record of arrest without a disposition, the department shall perform a
13 name-based ~~criminal history~~ JUDICIAL record check of that student.

14 (4) (a) Within seven days ~~of~~ AFTER receiving the results of a
15 ~~criminal history~~ record check conducted pursuant to this section, the
16 department shall provide the results of ~~such criminal history~~ THE record
17 check, to the extent permitted by state or federal law or regulation, to the
18 educator preparation program in which the student is enrolled and to any
19 school district or charter school that has made an inquiry to the
20 department concerning the results of a ~~criminal history~~ record check of a
21 student who has been placed in the school district or charter school for
22 field experiences.

23 (6) ~~For purposes of~~ AS USED IN this section, unless the context
24 otherwise requires:

25 (d) "Name-based ~~criminal history~~ JUDICIAL record check" means
26 a background check performed using judicial department records that

1 includes an individual's conviction and final disposition of case records.

2 **SECTION 2.** In Colorado Revised Statutes, **amend 5-19-206.5**
3 as follows:

4 **5-19-206.5. Name-based judicial record check.** When the results
5 of a fingerprint-based criminal history record check of an officer of the
6 applicant or employee or agent of the applicant performed pursuant to
7 section 5-19-206 (12) reveal a record of arrest without a disposition, the
8 administrator shall require that person to submit to a name-based ~~criminal~~
9 ~~history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

10 **SECTION 3.** In Colorado Revised Statutes, 10-3-112, **amend**
11 (1)(b)(II) as follows:

12 **10-3-112. Directors - terms - election - conflicts of interest -**
13 **recovery of profits.** (1) (b) (II) When the results of a fingerprint-based
14 criminal history record check of a person performed pursuant to this
15 subsection (1)(b) reveal a record of arrest without a disposition, the
16 commissioner shall require that person to submit to a name-based
17 ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3
18 (6)(d).

19 **SECTION 4.** In Colorado Revised Statutes, 10-3-803, **amend**
20 (3)(b) as follows:

21 **10-3-803. Acquisition of control of or merger with domestic**
22 **insurer - definitions.** (3) (b) When the results of a fingerprint-based
23 criminal history record check of a person performed pursuant to this
24 subsection (3) reveal a record of arrest without a disposition, the
25 commissioner shall require that person to submit to a name-based
26 ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3
27 (6)(d).

1 **SECTION 5.** In Colorado Revised Statutes, 10-3-903.5, **amend**
2 (7)(d)(I)(D) as follows:

3 **10-3-903.5. Jurisdiction over providers of health-care benefits**
4 **- rules.** (7) (d) (I) A multiple employer welfare arrangement that meets
5 the requirements specified in subsection (7)(c) of this section other than
6 subsection (7)(c)(I) of this section may file an application for a waiver
7 with the commissioner. A multiple employer welfare arrangement that
8 meets the requirements specified in subsection (7)(c) of this section other
9 than those specified in subsections (7)(c)(I) and (7)(c)(V)(B) of this
10 section may also file an application for a waiver with the commissioner.
11 The application must include:

12 (D) ~~Criminal~~ Background records. Each individual specified in
13 subsection (7)(d)(I)(C) of this section shall submit a set of fingerprints to
14 the commissioner. The commissioner shall forward the fingerprints to the
15 Colorado bureau of investigation for the purpose of conducting a state
16 and national fingerprint-based criminal history record check utilizing
17 records of the Colorado bureau of investigation and the federal bureau of
18 investigation. The multiple employer welfare arrangement shall bear only
19 the actual costs of the record check. When the results of a
20 fingerprint-based criminal history record check of an individual
21 performed pursuant to this subsection (7)(d)(I)(D) reveal a record of
22 arrest without a disposition, the commissioner shall require that individual
23 to submit to a name-based ~~criminal history~~ JUDICIAL record check, as
24 defined in section 22-2-119.3 (6)(d).

25 **SECTION 6.** In Colorado Revised Statutes, 10-15-103, **amend**
26 (1)(b)(I.5) as follows:

27 **10-15-103. License procedure - records - examination of**

1 **records - definition.** (1) (b) (I.5) When the results of a fingerprint-based
2 criminal history record check of an applicant performed pursuant to this
3 subsection (1)(b) reveal a record of arrest without a disposition, the
4 commissioner shall require that applicant to submit to a name-based
5 ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3
6 (6)(d).

7 **SECTION 7.** In Colorado Revised Statutes, 10-23-103, **amend**
8 (2)(b) as follows:

9 **10-23-103. Registration requirements - application -**
10 **qualification bond - forfeiture.** (2) (b) When the results of a
11 fingerprint-based criminal history record check of an applicant performed
12 pursuant to this subsection (2) reveal a record of arrest without a
13 disposition, the division shall require that applicant to submit to a
14 name-based ~~criminal history~~ JUDICIAL record check, as defined in section
15 22-2-119.3 (6)(d).

16 **SECTION 8.** In Colorado Revised Statutes, **amend** 11-110-107.5
17 as follows:

18 **11-110-107.5. Name-based judicial record check.** When the
19 results of a fingerprint-based criminal history record check of an applicant
20 performed pursuant to section 11-110-107 (1)(e) reveal a record of arrest
21 without a disposition, the banking board shall require that applicant to
22 submit to a name-based ~~criminal history~~ JUDICIAL record check, as
23 defined in section 22-2-119.3 (6)(d). The applicant shall pay the actual
24 costs of the name-based ~~criminal history~~ JUDICIAL record check.

25 **SECTION 9.** In Colorado Revised Statutes, 12-10-203, **amend**
26 (1)(b)(I) as follows:

27 **12-10-203. Application for license - rules - definition.**

1 (1) (b) (I) Prior to submitting an application for a license pursuant to
2 subsection (1)(a) of this section, each applicant shall submit a set of
3 fingerprints to the Colorado bureau of investigation for the purpose of
4 conducting a state and national fingerprint-based criminal history record
5 check utilizing records of the Colorado bureau of investigation and the
6 federal bureau of investigation. The applicant shall pay the fee established
7 by the Colorado bureau of investigation for conducting the
8 fingerprint-based criminal history record check to the bureau. Upon
9 completion of the FINGERPRINT-BASED criminal history record check, the
10 bureau shall forward the results to the commission. The commission shall
11 acquire a name-based ~~criminal history~~ JUDICIAL record check, as defined
12 in section 22-2-119.3 (6)(d), for an applicant who has ~~twice submitted to~~
13 ~~a fingerprint-based criminal history record check and whose fingerprints~~
14 ~~are unclassifiable or when the results of a fingerprint-based criminal~~
15 ~~history record check of an applicant performed pursuant to this subsection~~
16 ~~(1)(b)(I) reveal~~ a record of arrest without a disposition. The applicant
17 shall pay the costs associated with a name-based ~~criminal history~~
18 JUDICIAL record check.

19 **SECTION 10.** In Colorado Revised Statutes, 12-10-606, **amend**
20 (6) as follows:

21 **12-10-606. Qualifications for licensing and certification of**
22 **appraisers - continuing education - rules - definitions.** (6) (a) The
23 board shall not issue a license or certification until the applicant
24 demonstrates that ~~he or she~~ THE APPLICANT meets the fitness standards
25 established by board rule and submits a set of fingerprints to the Colorado
26 bureau of investigation for the purpose of conducting a state and national
27 fingerprint-based criminal history record check utilizing records of the

1 Colorado bureau of investigation and the federal bureau of investigation.
2 Each person submitting a set of fingerprints shall pay the fee established
3 by the Colorado bureau of investigation for conducting the
4 fingerprint-based criminal history record check to the bureau. Upon
5 completion of the FINGERPRINT-BASED criminal history record check, the
6 bureau shall forward the results to the board. The board shall require a
7 name-based ~~criminal history~~ JUDICIAL record check, as defined in section
8 22-2-119.3 (6)(d), for an applicant who has ~~twice submitted to a~~
9 ~~fingerprint-based criminal history record check and whose fingerprints~~
10 ~~are unclassifiable or when the results of a fingerprint-based criminal~~
11 ~~history record check of an applicant performed pursuant to this subsection~~
12 ~~(6) reveal~~ a record of arrest without a disposition. The applicant shall pay
13 the costs associated with a name-based ~~criminal history~~ JUDICIAL record
14 check. The board may deny an application for licensure or certification
15 based on the outcome of the ~~criminal history~~ record check and may
16 establish criminal history requirements more stringent than those
17 established by any applicable federal law. At a minimum, the board shall
18 adopt the criminal history requirements established by any applicable
19 federal law.

20 (b) An applicant for certification as a licensed ad valorem
21 appraiser is not subject to the fingerprinting and ~~criminal~~ background
22 check requirements of subsection (6)(a) of this section.

23 **SECTION 11.** In Colorado Revised Statutes, 12-10-607, **amend**
24 (3) as follows:

25 **12-10-607. Appraisal management companies - application for**
26 **license - exemptions.** (3) The board shall not issue a license to any
27 partnership, limited liability company, or corporation unless and until the

1 appraiser designated by the partnership, limited liability company, or
2 corporation as controlling appraiser and each individual who owns more
3 than ten percent of the entity demonstrates that ~~he or she~~ THE PERSON
4 meets the fitness standards established by board rule and submits a set of
5 fingerprints to the Colorado bureau of investigation for the purpose of
6 conducting a state and national fingerprint-based criminal history record
7 check utilizing records of the Colorado bureau of investigation and the
8 federal bureau of investigation. Each person submitting a set of
9 fingerprints shall pay the fee established by the Colorado bureau of
10 investigation for conducting the fingerprint-based criminal history record
11 check to the bureau. Upon completion of the FINGERPRINT-BASED
12 criminal history record check, the bureau shall forward the results to the
13 board. The board shall require a name-based ~~criminal history~~ JUDICIAL
14 record check, as defined in section 22-2-119.3 (6)(d), for an applicant
15 who has ~~twice submitted to a fingerprint-based criminal history record~~
16 ~~check and whose fingerprints are unclassifiable or when the results of a~~
17 ~~fingerprint-based criminal history record check of an applicant performed~~
18 ~~pursuant to this subsection (3) reveal~~ a record of arrest without a
19 disposition. The applicant shall pay the costs associated with a
20 name-based ~~criminal history~~ JUDICIAL record check. The board may deny
21 an application for licensure or refuse to renew a license based on the
22 outcome of the ~~criminal history~~ record check. The board may require
23 criminal history requirements more stringent than those established by
24 any applicable federal law. At a minimum, the board shall adopt the
25 criminal history requirements established by any applicable federal law.

26 **SECTION 12.** In Colorado Revised Statutes, 12-10-610, **amend**
27 (4) as follows:

1 **12-10-610. Expiration of licenses - renewal - penalties - fees -**
2 **rules.** (4) At the time of renewal or reinstatement, every licensee,
3 certificate holder, and person or individual who owns more than ten
4 percent of an appraisal management company shall submit a set of
5 fingerprints to the Colorado bureau of investigation for the purpose of
6 conducting a state and national fingerprint-based criminal history record
7 check utilizing records of the Colorado bureau of investigation and the
8 federal bureau of investigation, if the person has not previously done so
9 for issuance of a license or certification by the board. Each person
10 submitting a set of fingerprints shall pay the fee established by the
11 Colorado bureau of investigation for conducting the fingerprint-based
12 criminal history record check to the bureau. The bureau shall forward the
13 results to the board. The board shall require a name-based ~~criminal~~
14 ~~history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d), for
15 an applicant who has ~~twice submitted to a fingerprint-based criminal~~
16 ~~history record check and whose fingerprints are unclassifiable or when~~
17 ~~the results of a fingerprint-based criminal history record check of an~~
18 ~~applicant performed pursuant to this section reveal~~ a record of arrest
19 without a disposition. The applicant shall pay the costs associated with a
20 name-based ~~criminal history~~ JUDICIAL record check. The board may
21 refuse to renew or reinstate a license or certification based on the
22 outcome of the ~~criminal history~~ record check.

23 **SECTION 13.** In Colorado Revised Statutes, 12-10-704, **amend**
24 (6)(a) and (7)(c) as follows:

25 **12-10-704. License required - rules.** (6) (a) Prior to submitting
26 an application for a license, an applicant shall submit a set of fingerprints
27 to the Colorado bureau of investigation. Upon receipt of the applicant's

1 fingerprints, the Colorado bureau of investigation shall use the
2 fingerprints to conduct a state and national criminal history record check
3 using records of the Colorado bureau of investigation and the federal
4 bureau of investigation. All costs arising from the FINGERPRINT-BASED
5 criminal history record check must be borne by the applicant and must be
6 paid when the set of fingerprints is submitted. Upon completion of the
7 FINGERPRINT-BASED criminal history record check, the bureau shall
8 forward the results to the board. The board shall acquire a name-based
9 ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3
10 (6)(d), for an applicant who has ~~twice submitted to a fingerprint-based~~
11 ~~criminal history record check and whose fingerprints are unclassifiable~~
12 ~~or when the results of a fingerprint-based criminal history record check~~
13 ~~of an applicant performed pursuant to this subsection (6) reveal a record~~
14 ~~of arrest without a disposition. The applicant shall pay the costs~~
15 ~~associated with a name-based criminal history JUDICIAL record check.~~

16 (7) (c) The board shall acquire a name-based ~~criminal history~~
17 JUDICIAL record check, as defined in section 22-2-119.3 (6)(d), for an
18 applicant who has ~~twice submitted to a fingerprint-based criminal history~~
19 ~~record check and whose fingerprints are unclassifiable or when the results~~
20 ~~of a fingerprint-based criminal history record check of an applicant~~
21 ~~performed pursuant to this subsection (7) reveal a record of arrest without~~
22 ~~a disposition. The applicant shall pay the costs associated with a~~
23 ~~name-based criminal history JUDICIAL record check.~~

24 **SECTION 14.** In Colorado Revised Statutes, 12-235-108, **amend**
25 (2.5) as follows:

26 **12-235-108. License - denial of license application.** (2.5) When
27 the results of a fingerprint-based criminal history record check of an

1 applicant performed pursuant to this section reveal a record of arrest
2 without a disposition, the director shall require that applicant to submit to
3 a name-based ~~criminal history~~ JUDICIAL record check, as defined in
4 section 22-2-119.3 (6)(d).

5 **SECTION 15.** In Colorado Revised Statutes, 12-245-304, **amend**
6 (1)(f) as follows:

7 **12-245-304. Qualifications - examinations - licensure and**
8 **registration.** (1) The board shall issue a license as a psychologist to each
9 applicant who files an application in a form and manner required by the
10 board, submits the fee required by the board pursuant to section
11 12-245-205, and furnishes evidence satisfactory to the board that the
12 applicant:

13 (f) On and after July 14, 2020, upon the initial application for
14 licensure, has completed a name-based ~~criminal history~~ JUDICIAL record
15 check, as defined in section 22-2-119.3 (6)(d), with satisfactory results as
16 determined by the board.

17 **SECTION 16.** In Colorado Revised Statutes, 12-280-304, **amend**
18 (2) as follows:

19 **12-280-304. Record check.** (2) When the results of a
20 fingerprint-based criminal history record check of a designated
21 representative performed pursuant to this section reveal a record of arrest
22 without a disposition, the board shall require that designated
23 representative to submit to a name-based ~~criminal history~~ JUDICIAL record
24 check, as defined in section 22-2-119.3 (6)(d). The designated
25 representative shall pay the actual costs of the name-based ~~criminal~~
26 ~~history~~ JUDICIAL record check.

27 **SECTION 17.** In Colorado Revised Statutes, 12-310-107, **amend**

1 (2) as follows:

2 **12-310-107. Record check required.** (2) When the results of a
3 fingerprint-based criminal history record check of an applicant performed
4 pursuant to this section reveal a record of arrest without a disposition, the
5 director shall require that applicant to submit to a name-based ~~criminal~~
6 ~~history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).
7 The applicant shall pay the actual costs of the name-based ~~criminal~~
8 ~~history~~ JUDICIAL record check.

9 **SECTION 18.** In Colorado Revised Statutes, 13-93-101, **amend**
10 (3) as follows:

11 **13-93-101. License to practice necessary.** (3) Upon request of
12 the supreme court or a representative of its office of attorney regulation
13 counsel, the ~~Colorado bureau of investigation~~ APPLICANT shall also
14 provide a name-based ~~criminal history~~ JUDICIAL record check, as defined
15 in section 22-2-119.3 (6)(d), ~~for any IF THE applicant whose fingerprints~~
16 ~~are unclassifiable or when the results of a fingerprint-based criminal~~
17 ~~history record check of an applicant performed pursuant to this section~~
18 ~~reveal~~ HAS a record of arrest without a disposition.

19 **SECTION 19.** In Colorado Revised Statutes, 14-10-116.5,
20 **amend** (4)(b) as follows:

21 **14-10-116.5. Appointment in domestic relations cases - child**
22 **and family investigator - disclosure - background check.** (4) (b) ~~For~~
23 ~~any person whose fingerprints are unclassifiable or when~~ WHEN the
24 results of a fingerprint-based criminal history record check of a person
25 performed pursuant to this section reveal a record of arrest without a
26 disposition, the department shall require that applicant to submit to a
27 name-based ~~criminal history~~ JUDICIAL record check, as defined in section

1 22-2-119.3 (6)(d). Upon request of the department pursuant to this
2 section, the ~~Colorado bureau of investigation~~ APPLICANT shall also
3 provide a name-based ~~criminal history~~ JUDICIAL record check. ~~for any~~
4 ~~person.~~

5 **SECTION 20.** In Colorado Revised Statutes, 15-14-110, **amend**
6 (5)(b) as follows:

7 **15-14-110. Letters of office.** (5) (b) When the results of a
8 fingerprint-based criminal history record check of an applicant performed
9 pursuant to this subsection (5) reveal a record of arrest without a
10 disposition, the court shall require that nominee to submit to a
11 name-based ~~criminal history~~ JUDICIAL record check, as defined in section
12 22-2-119.3 (6)(d). The applicant is responsible for the cost of the
13 name-based ~~criminal history~~ JUDICIAL record check.

14 **SECTION 21.** In Colorado Revised Statutes, 19-2.5-1521,
15 **amend** (4) as follows:

16 **19-2.5-1521. Juvenile facility - contract for operation.** (4) The
17 contractor shall require applicants for employment at the facility to submit
18 a set of fingerprints to the Colorado bureau of investigation for a
19 fingerprint-based criminal history record check, and the Colorado bureau
20 of investigation may accept ~~such~~ THE fingerprints. For the purpose of
21 conducting a fingerprint-based criminal history record check, to the extent
22 authorized by federal law, the Colorado bureau of investigation may
23 exchange with the department of human services any state, multistate, and
24 federal criminal history records of individuals who apply for employment
25 at the facility. When the results of a fingerprint-based criminal history
26 record check of an applicant performed pursuant to this section reveal a
27 record of arrest without a disposition, the contractor shall require that

1 applicant to submit to a name-based ~~criminal history~~ JUDICIAL record
2 check, as defined in section 22-2-119.3 (6)(d).

3 **SECTION 22.** In Colorado Revised Statutes, 22-1-121, **amend**
4 (1.7)(a.5) and (1.7)(b) as follows:

5 **22-1-121. Nonpublic schools - employment of personnel -**
6 **notification by department of education.** (1.7) (a.5) When the results
7 of a fingerprint-based criminal history record check of an applicant or
8 employee performed pursuant to this section reveal a record of arrest
9 without a disposition, the governing board shall require that applicant or
10 employee to submit to a name-based ~~criminal history~~ JUDICIAL record
11 check, as defined in section 22-2-119.3 (6)(d).

12 (b) All costs arising from a fingerprint-based criminal history
13 record check performed by the Colorado bureau of investigation and the
14 federal bureau of investigation pursuant to ~~the provisions of~~ this section
15 or a name-based ~~criminal history~~ JUDICIAL record check performed
16 pursuant to this section must be borne by the nonpublic school. ~~Such~~ THE
17 costs may be passed on to the employee or the prospective employee.

18 **SECTION 23.** In Colorado Revised Statutes, 22-30.5-110.5,
19 **amend** (2)(b)(I) and (2)(b)(II) introductory portion as follows:

20 **22-30.5-110.5. Background investigation - charter school**
21 **employees - information provided to department - definitions.**

22 (2) The background investigation of an applicant, at a minimum, must
23 include:

24 (b) (I) A fingerprint-based criminal history record check and, if
25 necessary, a name-based ~~criminal history~~ JUDICIAL record check, as
26 described in section 22-30.5-110.7.

27 (II) The ~~criminal history~~ record check shall be designed to

1 determine, at a minimum, whether the applicant has been convicted of,
2 pled nolo contendere or guilty to, or received a deferred sentence or
3 deferred prosecution for:

4 **SECTION 24.** In Colorado Revised Statutes, 22-30.5-110.7,
5 **amend** (4)(b), (5)(a) introductory portion, (6)(b), (6.5), and (9)(b) as
6 follows:

7 **22-30.5-110.7. Fingerprint-based criminal history record**
8 **checks - charter school employees - procedures - exceptions -**
9 **definitions.** (4) (b) When the results of a fingerprint-based criminal
10 history record check of an employee performed pursuant to this
11 subsection (4) reveal a record of arrest without a disposition, the charter
12 school shall require that employee to submit to a name-based ~~criminal~~
13 ~~history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

14 (5) (a) A charter school may employ a person in the charter school
15 prior to receiving the results of the person's fingerprint-based criminal
16 history record check or name-based ~~criminal history~~ JUDICIAL record
17 check; except that:

18 (6) (b) When the results of a fingerprint-based criminal history
19 record check of an employee performed pursuant to subsection (6)(a) of
20 this section reveal a record of arrest without a disposition, the charter
21 school shall require that employee to submit to a name-based ~~criminal~~
22 ~~history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

23 (6.5) An employee or an applicant for employment with a charter
24 school is disqualified from employment if the results of a
25 fingerprint-based criminal history record check or name-based ~~criminal~~
26 ~~history~~ JUDICIAL record check completed on or after August 10, 2011,
27 disclose a conviction for an offense described in section 22-32-109.8

1 (6.5). Nothing in this section or in section 22-32-109.8 creates for a
2 person a property right in or entitlement to employment or continued
3 employment with a charter school or impairs a charter school's right to
4 terminate employment for a nondiscriminatory reason.

5 (9) (b) The employing charter school shall be responsible for costs
6 arising from a name-based ~~criminal history~~ JUDICIAL record check
7 performed pursuant to this section. The charter school may collect the
8 costs from the employee or the prospective employee.

9 **SECTION 25.** In Colorado Revised Statutes, 22-30.5-511.5,
10 **amend** (1), (2), and (2.5) as follows:

11 **22-30.5-511.5. Background investigation - prohibition against**
12 **employing persons - institute charter school employees' information**
13 **provided to department.** (1) An institute charter school shall conduct
14 a background investigation, including a fingerprint-based criminal history
15 record check, as described in sections 22-30.5-110.5 and 22-30.5-110.7,
16 of an applicant to whom an offer of employment is extended by the
17 institute charter school to determine whether the applicant is suitable to
18 work in an environment with children. An applicant who applies for a
19 position of employment with an institute charter school shall submit to a
20 background investigation, including a fingerprint-based criminal history
21 record check, and, as necessary, a name-based ~~criminal history~~ JUDICIAL
22 record check, as described in sections 22-30.5-110.5 and 22-30.5-110.7.

23 (2) When an institute charter school finds good cause to believe
24 that a person employed by the institute charter school has been convicted
25 of a felony or misdemeanor, other than a misdemeanor traffic offense or
26 traffic infraction subsequent to such employment, the institute charter
27 school shall require the person to submit to the institute charter school a

1 complete set of ~~his or her~~ THE PERSON'S fingerprints for a
2 fingerprint-based criminal history record check and, as necessary, a
3 name-based ~~criminal history~~ JUDICIAL record check, as described in
4 section 22-30.5-110.7 (6).

5 (2.5) An employee or an applicant for employment with an
6 institute charter school is disqualified from employment if the results of
7 a fingerprint-based criminal history record check or a name-based
8 ~~criminal history~~ JUDICIAL record check completed on or after August 10,
9 2011, disclose a conviction for an offense described in section
10 22-32-109.8 (6.5). Nothing in this section or in section 22-32-109.8
11 creates for a person a property right in or entitlement to employment or
12 continued employment with an institute charter school or impairs an
13 institute charter school's right to terminate employment for a
14 nondiscriminatory reason.

15 **SECTION 26.** In Colorado Revised Statutes, 22-30.7-111,
16 **amend** (1)(b)(VII) as follows:

17 **22-30.7-111. Learning centers - memoranda of understanding**
18 **- rules - appeal process.** (1) (b) A multi-district online school that
19 intends to provide instruction to students within a learning center shall
20 notify the school district in which the proposed learning center is located
21 of the multi-district online school's intention in writing at least ninety
22 days before the multi-district online school intends to commence
23 providing such instruction. The notice must include the standard MOU
24 form that addresses, at a minimum, the following information as it applies
25 to each learning center to be located within the school district:

26 (VII) Measures to ensure compliance with state and federal laws
27 concerning educator licensing, fingerprint-based criminal history record

1 checks, and name-based ~~criminal history~~ JUDICIAL record checks;

2 **SECTION 27.** In Colorado Revised Statutes, 22-32-109.8,
3 **amend** (4)(b), (5)(a) introductory portion, (5)(a)(II), and (6)(a.5) as
4 follows:

5 **22-32-109.8. Applicants selected for nonlicensed positions -**
6 **submittal of form and fingerprints - prohibition against employing**
7 **persons - department database.** (4) (b) When the results of a
8 fingerprint-based criminal history record check of an applicant performed
9 pursuant to this subsection (4) reveal a record of arrest without a
10 disposition, the school district shall require that applicant to submit to a
11 name-based ~~criminal history~~ JUDICIAL record check, as defined in section
12 22-2-119.3 (6)(d).

13 (5) (a) A school district may employ a person in a nonlicensed
14 position in the school district prior to receiving the results regarding the
15 selected applicant's fingerprint-based CRIMINAL HISTORY RECORD CHECK
16 or name-based ~~criminal history~~ JUDICIAL record check; however:

17 (II) The school district shall terminate the person's employment
18 if the results of a fingerprint-based criminal history record check or
19 name-based ~~criminal history~~ JUDICIAL record check completed on or after
20 August 10, 2011, disclose a conviction for an offense described in
21 subsection (6.5) of this section.

22 (6) (a.5) When the results of a fingerprint-based criminal history
23 record check of an employee performed pursuant to this subsection (6)
24 reveal a record of arrest without a disposition, the school district shall
25 require that employee to submit to a name-based ~~criminal history~~
26 JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

27 **SECTION 28.** In Colorado Revised Statutes, 22-32-109.9,

1 **amend** (2)(b) and (3) as follows:

2 **22-32-109.9. Licensed personnel - submittal of fingerprints.**

3 (2) (b) When the results of a fingerprint-based criminal history record
4 check of an employee performed pursuant to this section reveal a record
5 of arrest without a disposition, the school district shall require that
6 employee to submit to a name-based ~~criminal history~~ JUDICIAL record
7 check, as defined in section 22-2-119.3 (6)(d).

8 (3) All costs arising from the taking of fingerprints and from any
9 fingerprint processing performed by the Colorado bureau of investigation
10 pursuant to ~~the provisions of~~ subsection (1) of this section and costs
11 arising from the performance of a name-based ~~criminal history~~ JUDICIAL
12 record check must be borne by school districts. School districts shall not
13 charge licensed personnel any fees for the direct and indirect costs of ~~such~~
14 THE school district for fingerprint processing or criminal history record
15 checks performed pursuant to ~~the provisions of~~ subsection (1) of this
16 section.

17 **SECTION 29.** In Colorado Revised Statutes, 22-60.5-103,
18 **amend** (7) as follows:

19 **22-60.5-103. Applicants - licenses - authorizations - submittal**
20 **of form and fingerprints - failure to comply constitutes grounds for**

21 **denial.** (7) When the results of a fingerprint-based criminal history
22 record check of an applicant or a search of any other source of criminal
23 history information performed pursuant to this section reveals a record of
24 arrest without a disposition, the department of education shall require that
25 applicant to submit to a name-based ~~criminal history~~ JUDICIAL record
26 check, as defined in section 22-2-119.3 (6)(d).

27 **SECTION 30.** In Colorado Revised Statutes, 22-62-103.5,

1 **amend** (1) as follows:

2 **22-62-103.5. Record checks - definition.** (1) A school district or
3 charter school that requires a fingerprint-based criminal history record
4 check or a name-based ~~criminal history~~ JUDICIAL record check for a
5 student enrolled in an educator preparation program who applies for field
6 experiences within the school district or charter school must accept the
7 results of a fingerprint-based criminal history record check or a
8 name-based ~~criminal history~~ JUDICIAL record check performed pursuant
9 to section 22-2-119.3 as satisfaction of the requirement.

10 **SECTION 31.** In Colorado Revised Statutes, 23-64-110, **amend**
11 (1)(a)(II) as follows:

12 **23-64-110. Submittal of fingerprints for persons teaching at**
13 **designated schools - fingerprint-based criminal history record checks**
14 **- prerequisite for commencing or continuing employment.**

15 (1) (a) (II) When the results of a fingerprint-based criminal history record
16 check of instructional staff or prospective instructional staff performed
17 pursuant to this section reveal a record of arrest without a disposition, the
18 board shall require the instructional staff or prospective instructional staff
19 to submit to a name-based ~~criminal history~~ JUDICIAL record check, as
20 defined in section 22-2-119.3 (6)(d). Instructional staff or prospective
21 instructional staff shall pay the fee established by the board for
22 conducting the named-based ~~criminal history~~ JUDICIAL record check.

23 **SECTION 32.** In Colorado Revised Statutes, 24-31-304, **amend**
24 (3)(b) as follows:

25 **24-31-304. Applicant for training - fingerprint-based criminal**
26 **history record check.** (3) (b) When the results of a fingerprint-based
27 criminal history record check of a person seeking to enroll in a training

1 academy performed pursuant to this section reveal a record of arrest
2 without a disposition, the P.O.S.T. board shall require that person to
3 submit to a name-based ~~criminal history~~ JUDICIAL record check, as
4 defined in section 22-2-119.3 (6)(d).

5 **SECTION 33.** In Colorado Revised Statutes, 24-31-702, **amend**
6 (2)(f) as follows:

7 **24-31-702. Colorado domestic violence fatality review board**
8 **- creation - membership - purpose - duties.** (2) (f) Before commencing
9 ~~his or her~~ service on the review team, each member shall submit ~~his or her~~
10 THE MEMBER'S fingerprints to the Colorado bureau of investigation for the
11 purposes of a criminal background check. The bureau shall forward the
12 results of each background check to the attorney general. When the
13 results of a fingerprint-based criminal history record check of a member
14 performed pursuant to this section reveal a record of arrest without a
15 disposition, the attorney general shall require that member to submit to a
16 name-based ~~criminal history~~ JUDICIAL record check, as defined in section
17 22-2-119.3 (6)(d).

18 **SECTION 34.** In Colorado Revised Statutes, 24-33.5-705.5,
19 **amend** (4)(b) as follows:

20 **24-33.5-705.5. Auxiliary emergency communications unit -**
21 **powers and duties of unit and office of emergency management**
22 **regarding auxiliary communications - definitions.** (4) In connection
23 with the powers and duties of the unit as specified in this section, the
24 director of the office may:

25 (b) Conduct criminal background investigations on candidates for
26 credentialing as auxiliary emergency communicators in accordance with
27 the security needs of the department. When the results of a

1 fingerprint-based criminal history record check of an applicant performed
2 pursuant to this section reveal a record of arrest without a disposition, the
3 director shall require that applicant to submit to a name-based ~~criminal~~
4 ~~history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).
5 The unit may deny credentialing to any candidate based upon the results
6 of a background check.

7 **SECTION 35.** In Colorado Revised Statutes, **amend** 24-50-1002
8 as follows:

9 **24-50-1002. State agencies with access to federal tax**
10 **information - authorization for background checks - procedure -**
11 **costs.** (1) Each applicant, state employee, state contractor, or other
12 individual who has or may have access through a state agency to federal
13 tax information received from the federal government shall submit a
14 complete set of ~~his or her~~ THE PERSON'S fingerprints to the state agency.
15 The state agency shall submit the fingerprints to the Colorado bureau of
16 investigation for the purpose of conducting fingerprint-based criminal
17 history record checks. The Colorado bureau of investigation shall forward
18 the fingerprints to the federal bureau of investigation for the purpose of
19 conducting fingerprint-based criminal history record checks. The state
20 agency shall acquire a name-based ~~criminal history~~ JUDICIAL record
21 check, as defined in section 22-2-119.3 (6)(d), for an applicant, state
22 employee, state contractor, or other individual who has ~~twice submitted~~
23 ~~to a fingerprint-based criminal history record check and whose~~
24 ~~fingerprints are unclassifiable or when the results of a fingerprint-based~~
25 ~~criminal history record check of a person performed pursuant to this~~
26 ~~section reveal~~ a record of arrest without a disposition. The state agency
27 may collect the fingerprints of the applicant, state employee, state

1 contractor, or other individual or may use the fingerprinting services of
2 another state agency or other entity authorized to collect fingerprints for
3 the purpose of conducting fingerprint-based criminal history record
4 checks.

5 (2) The state agency shall use the information resulting from the
6 fingerprint-based CRIMINAL HISTORY RECORD CHECK or name-based
7 ~~criminal history~~ JUDICIAL record check to investigate and determine
8 whether the applicant, state employee, state contractor, or other individual
9 is qualified to have access to federal tax information in accordance with
10 federal internal revenue service publication 1075. The state agency may
11 verify the information an individual is required to submit. The state
12 agency shall deny access to federal tax information received from the
13 federal government to an applicant, state employee, state contractor, or
14 other individual who does not pass the ~~criminal history~~ record check
15 required by this section.

16 (3) The state agency shall pay the costs associated with
17 fingerprint-based criminal history record checks to the Colorado bureau
18 of investigation and pay the costs associated with a name-based ~~criminal~~
19 ~~history~~ JUDICIAL record check.

20 **SECTION 36.** In Colorado Revised Statutes, 24-50-1003, **amend**
21 (2), (3), and (4) as follows:

22 **24-50-1003. County departments with access to federal tax**
23 **information - authorization for background checks - procedure -**
24 **costs.** (2) Each applicant, county employee, county contractor, or other
25 individual who has or may have access to federal tax information subject
26 to an agreement authorized under subsection (1) of this section shall
27 submit a complete set of ~~his or her~~ THE PERSON'S fingerprints to the

1 county department. The county department shall submit the fingerprints
2 to the Colorado bureau of investigation for the purpose of conducting
3 fingerprint-based criminal history record checks. The Colorado bureau of
4 investigation shall forward the fingerprints to the federal bureau of
5 investigation for the purpose of conducting fingerprint-based criminal
6 history record checks. The county department shall acquire a name-based
7 ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3
8 (6)(d), for an applicant, county employee, county contractor, or other
9 individual who has ~~twice submitted to a fingerprint-based criminal history~~
10 ~~record check and whose fingerprints are unclassifiable or when the results~~
11 ~~of a fingerprint-based criminal history record check of a person~~
12 ~~performed pursuant to this section reveal~~ a record of arrest without a
13 disposition.

14 (3) The county department shall use the information resulting
15 from the fingerprint-based CRIMINAL HISTORY RECORD CHECK or
16 name-based ~~criminal history~~ JUDICIAL record check to investigate and
17 determine whether the applicant, county employee, county contractor, or
18 other individual is qualified to have access to the shared federal tax
19 information in accordance with federal internal revenue service
20 publication 1075. The county department may verify the information an
21 individual is required to submit. The county department shall deny access
22 to the shared federal tax information to an applicant, county employee,
23 county contractor, or other individual who does not pass the ~~criminal~~
24 ~~history~~ record check required in accordance with this section.

25 (4) The county department shall pay the costs associated with
26 fingerprint-based criminal history record checks to the Colorado bureau
27 of investigation and pay the costs associated with a name-based ~~criminal~~

1 ~~history~~ JUDICIAL record check.

2 **SECTION 37.** In Colorado Revised Statutes, 25-1-124.5, **amend**
3 (1) and (3) as follows:

4 **25-1-124.5. Nursing care facilities - employees - record check**
5 **- adult protective services data system check - definition.** (1) On and
6 after September 1, 1996, prior to employing any person, a nursing care
7 facility or the person seeking employment at a nursing care facility shall
8 make an inquiry to the director of the Colorado bureau of investigation or
9 to private criminal background check companies authorized to do
10 business in the state of Colorado to ascertain whether ~~such~~ THE person
11 has a criminal history, including arrest and conviction records. The
12 Colorado bureau of investigation or private criminal background check
13 companies are authorized to utilize fingerprints to ascertain from the
14 federal bureau of investigation whether ~~such~~ THE person has a criminal
15 history record. When the results of a fingerprint-based criminal history
16 record check of an applicant performed pursuant to this section reveal a
17 record of arrest without a disposition, the nursing care facility shall
18 require that applicant to submit to a name-based ~~criminal history~~ JUDICIAL
19 record check, as defined in section 22-2-119.3 (6)(d). The nursing care
20 facility or the person seeking employment in a nursing care facility shall
21 pay the costs of an inquiry or a name-based ~~criminal history~~ JUDICIAL
22 record check performed pursuant to this section. The ~~criminal history~~
23 record check must be conducted not more than ninety days prior to the
24 employment of the applicant. For purposes of this section, criminal
25 background check companies must be approved by the state board of
26 nursing. In approving ~~such~~ THE companies, approval must be based upon
27 the provision of lawfully available, accurate, and thorough information

1 pertaining to criminal histories, including arrest and conviction records.

2 (3) In addition to the ~~criminal history~~ background check required
3 pursuant to this section, on and after January 1, 2019, prior to
4 employment, a nursing care facility shall submit the name of a person
5 who will be providing direct care, as defined in section 26-3.1-101 (3.5),
6 to an at-risk adult, as defined in section 26-3.1-101 (1.5), as well as any
7 other required identifying information, to the department of human
8 services for a check of the Colorado adult protective services data system
9 pursuant to section 26-3.1-111, to determine if the person is substantiated
10 in a case of mistreatment of an at-risk adult.

11 **SECTION 38.** In Colorado Revised Statutes, 25-1.5-302, **amend**
12 (8) as follows:

13 **25-1.5-302. Administration of medications - powers and duties**
14 **of department - record checks.** (8) Each owner, operator, or supervisor
15 of a facility who employs a person who is not licensed to administer
16 medications shall conduct a criminal background check on each employee
17 prior to employment or promotion to a position in which the person has
18 access to medications. When the results of a fingerprint-based criminal
19 history record check of an employee performed pursuant to this section
20 reveal a record of arrest without a disposition, the owner, operator, or
21 supervisor of the facility shall require that employee to submit to a
22 name-based ~~criminal history~~ JUDICIAL record check, as defined in section
23 22-2-119.3 (6)(d).

24 **SECTION 39.** In Colorado Revised Statutes, 25-3.5-203, **amend**
25 (1)(c)(III), (4)(a), (4)(f)(II), and (4)(g) as follows:

26 **25-3.5-203. Emergency medical service providers - licensure**
27 **- renewal of license - duties of department - rules - record checks -**

1 **definitions.** (1) (c) (III) The department may issue a provisional
2 certification or license to an applicant whose fingerprint-based criminal
3 history record check has not yet been completed. The department shall
4 require the applicant to submit to a name-based ~~criminal history~~ JUDICIAL
5 record check prior to issuing a provisional certification or license.

6 (4) (a) The department shall require a certification or licensure
7 applicant to submit to a federal bureau of investigation fingerprint-based
8 national criminal history record check from the Colorado bureau of
9 investigation to investigate the applicant for an emergency medical
10 service provider certificate or license. The department may acquire a
11 name-based ~~criminal history~~ JUDICIAL record check for a certificate or
12 license applicant. ~~who has twice submitted to a fingerprint-based criminal~~
13 ~~history record check and whose fingerprints are unclassifiable.~~

14 (f) If an applicant for certification or licensure renewal has lived
15 in Colorado for:

16 (II) Three years or less at the time of certification or licensure
17 renewal and submitted to a federal bureau of investigation
18 fingerprint-based national criminal history record check at the time of
19 initial certification or licensure or a previous renewal of certification or
20 licensure, the applicant shall submit to another federal bureau of
21 investigation fingerprint-based national criminal history record check
22 from the Colorado bureau of investigation; except that the department
23 may acquire a state name-based ~~criminal history~~ JUDICIAL record check
24 for an applicant. ~~who has twice submitted to a fingerprint-based criminal~~
25 ~~history record check and whose fingerprints are unclassifiable.~~

26 (g) When the results of a fingerprint-based criminal history record
27 check of a person performed pursuant to this subsection (4) reveal a

1 record of arrest without a disposition, the department, government entity,
2 or private, not-for-profit, or for-profit organization that required the
3 fingerprint-based criminal history record check shall require that person
4 to submit to a name-based ~~criminal history~~ JUDICIAL record check, as
5 defined in section 22-2-119.3 (6)(d).

6 **SECTION 40.** In Colorado Revised Statutes, 25-3.5-1103,
7 **amend** (4)(c) and (5) as follows:

8 **25-3.5-1103. Registration - rules - funds.** (4) (c) The department
9 may issue a provisional registration to an applicant whose
10 fingerprint-based criminal history record check has not yet been
11 completed. The department shall require the applicant to submit TO a
12 name-based ~~criminal history~~ JUDICIAL record check prior to issuing a
13 provisional registration.

14 (5) (a) The department shall acquire a fingerprint-based criminal
15 history record check from the Colorado bureau of investigation to
16 investigate the holder of or applicant for an emergency medical responder
17 registration. The department may acquire a name-based ~~criminal history~~
18 JUDICIAL record check for a registrant or an applicant. ~~who has twice~~
19 ~~submitted to a fingerprint-based criminal history record check and whose~~
20 ~~fingerprints are unclassifiable.~~ Notwithstanding ~~paragraph (b) of this~~
21 ~~subsection (5)~~ SUBSECTION (5)(b) OF THIS SECTION, if a person submitted
22 to a fingerprint-based criminal history record check at the time of initial
23 registration or registration renewal, the person ~~shall not be~~ IS NOT
24 required to submit to a subsequent fingerprint-based criminal history
25 record check.

26 (b) If, at the time of application for registry or for renewal, an
27 individual has lived in the state for three years or less, the department

1 shall require the applicant to submit to a federal bureau of investigation
2 fingerprint-based national criminal history record check; except that the
3 department may acquire a national name-based ~~criminal history~~ JUDICIAL
4 record check for an applicant. ~~who has twice submitted to a~~
5 ~~fingerprint-based criminal history record check and whose fingerprints~~
6 ~~are unclassifiable.~~ The department shall be IS the authorized agency to
7 receive and disseminate information regarding the result of any national
8 criminal history record check.

9 (c) When the results of a fingerprint-based criminal history record
10 check of a person performed pursuant to this subsection (5) reveal a
11 record of arrest without a disposition, the department shall require that
12 person to submit to a name-based ~~criminal history~~ JUDICIAL record check,
13 as defined in section 22-2-119.3 (6)(d).

14 **SECTION 41.** In Colorado Revised Statutes, 25-3.5-1305,
15 **amend** (3)(a)(III), (3)(a)(IV), and (3)(b) as follows:

16 **25-3.5-1305. License - application - inspection - record check**
17 **- issuance.** (3) (a) (III) The department may acquire a name-based
18 ~~criminal history~~ JUDICIAL record check for an owner, manager, or
19 administrator. ~~who has twice submitted to a fingerprint-based criminal~~
20 ~~history record check and whose fingerprints are unclassifiable.~~

21 (IV) When the results of a fingerprint-based criminal history
22 record check of a person performed pursuant to this subsection (3) reveal
23 a record of arrest without a disposition, the department shall require that
24 person to submit to a name-based ~~criminal history~~ JUDICIAL record check,
25 as defined in section 22-2-119.3 (6)(d).

26 (b) The department may deny a license or renewal of a license if
27 the results of a ~~criminal history~~ record check of an owner, manager, or

1 administrator demonstrates that the owner, manager, or administrator has
2 been convicted of a felony or a misdemeanor involving conduct that the
3 department determines could pose a risk to the health, safety, or welfare
4 of community integrated health-care service consumers.

5 **SECTION 42.** In Colorado Revised Statutes, 25-27-105, **amend**
6 (2.5)(a.7) as follows:

7 **25-27-105. License - application - inspection - issuance.**
8 (2.5) (a.7) When the results of a fingerprint-based criminal history record
9 check of an applicant performed pursuant to this section reveal a record
10 of arrest without a disposition, the department shall require that applicant
11 to submit to a name-based ~~criminal history~~ JUDICIAL record check, as
12 defined in section 22-2-119.3 (6)(d).

13 **SECTION 43.** In Colorado Revised Statutes, 25-27.5-106,
14 **amend** (3), (6), and (7) as follows:

15 **25-27.5-106. License or registration - application - inspection**
16 **- issuance - rules.** (3) (a) With the submission of an application for a
17 license or registration granted pursuant to this ~~article~~ ARTICLE 27.5 or
18 within ten days after a change in the owner, manager, or administrator,
19 each owner of a home care agency or home care placement agency and
20 each manager or administrator of a home care agency or home care
21 placement agency must submit a complete set of ~~his or her~~ THE PERSON'S
22 fingerprints to the Colorado bureau of investigation for the purpose of
23 conducting a state and national fingerprint-based criminal history record
24 check utilizing records of the Colorado bureau of investigation and the
25 federal bureau of investigation. Each owner and each manager or
26 administrator is responsible for paying the fee established by the
27 Colorado bureau of investigation for conducting the fingerprint-based

1 criminal history record check to the bureau. Upon completion of the
2 FINGERPRINT-BASED criminal history record check, the bureau shall
3 forward the results to the department. ~~The department may acquire a~~
4 ~~name-based criminal history record check for an applicant who has twice~~
5 ~~submitted to a fingerprint-based criminal history record check and whose~~
6 ~~fingerprints are unclassifiable.~~

7 (a.5) When the results of a fingerprint-based criminal history
8 record check of a person performed pursuant to this subsection (3) reveal
9 a record of arrest without a disposition, the department shall require that
10 person to submit to a name-based ~~criminal history~~ JUDICIAL record check,
11 as defined in section 22-2-119.3 (6)(d).

12 (b) The department shall use the information from the ~~criminal~~
13 ~~history~~ record check in ascertaining whether the person applying for
14 licensure or registration has been convicted of a felony or of a
15 misdemeanor, which felony or misdemeanor involves conduct that the
16 department determines could pose a risk to the health, safety, or welfare
17 of home care consumers of the home care agency or home care placement
18 agency. The department shall maintain information obtained in
19 accordance with this section.

20 (6) The department may issue a provisional license to an applicant
21 for the purpose of operating a home care agency for a period of ninety
22 days if the applicant is temporarily unable to conform to all of the
23 minimum standards required under this ~~article~~ ARTICLE 27.5; except that
24 no license shall be issued to an applicant if the operation of the applicant's
25 home care agency will adversely affect the health, safety, or welfare of
26 the home care consumers of such home care agency. As a condition of
27 obtaining a provisional license, the applicant shall show proof to the

1 department that attempts are being made to conform and comply with
2 applicable standards. No provisional license shall be granted prior to the
3 completion of a ~~criminal~~ background check in accordance with subsection
4 (3) of this section and a finding in accordance with subsection (4) of this
5 section. A second provisional license may be issued, for a like term and
6 fee, to effect compliance. No further provisional licenses may be issued
7 for the current year after the second issuance.

8 (7) If requested by the Colorado department of health care policy
9 and financing, the department may issue a provisional license for a period
10 of ninety days to an agency that has applied to be a certified home care
11 agency as defined in section 25-27.5-102. A provisional license shall not
12 be granted prior to the completion of a ~~criminal history~~ record check in
13 accordance with subsection (3) of this section and a finding in accordance
14 with subsection (4) of this section. A second provisional license may be
15 issued, for a like term and fee, to effect compliance. No further
16 provisional licenses may be issued for the current year after the second
17 issuance.

18 **SECTION 44.** In Colorado Revised Statutes, 25-27.6-106,
19 **amend** (3) and (6) as follows:

20 **25-27.6-106. License - application - inspection - issuance.**

21 (3) (a) With the submission of an application for a license to operate a
22 behavioral health entity, or within ten days after a change in owner or
23 manager of a behavioral health entity, each owner and manager shall
24 submit a complete set of ~~his or her~~ THE PERSON'S fingerprints to the
25 Colorado bureau of investigation for the purpose of conducting a
26 fingerprint-based criminal history record check. The Colorado bureau of
27 investigation shall forward the fingerprints to the federal bureau of

1 investigation for the purpose of conducting fingerprint-based criminal
2 history record checks. Each owner and each manager shall pay the bureau
3 the costs associated with the fingerprint-based criminal history record
4 check. Upon completion of the FINGERPRINT-BASED criminal history
5 record check, the bureau shall forward the results to the department. ~~The~~
6 ~~department may acquire a name-based criminal history record check for~~
7 ~~an applicant who has twice submitted to a fingerprint-based criminal~~
8 ~~history record check and whose fingerprints are unclassifiable.~~ WHEN THE
9 RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF
10 A PERSON PERFORMED PURSUANT TO THIS SUBSECTION (3) REVEAL A
11 RECORD OF ARREST WITHOUT A DISPOSITION, THE DEPARTMENT SHALL
12 REQUIRE THAT PERSON TO SUBMIT TO A NAME-BASED JUDICIAL RECORD
13 CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

14 (b) The department shall use the information from the ~~criminal~~
15 ~~history~~ record checks performed pursuant to subsection (3)(a) of this
16 section to determine whether the person applying for licensure has been
17 convicted of a felony or misdemeanor that involves conduct that the
18 department determines could pose a risk to the health, safety, or welfare
19 of behavioral health entity consumers. The department shall keep
20 information obtained in accordance with this section confidential.

21 (6) The department may issue a provisional license to operate a
22 behavioral health entity to an applicant for the purpose of operating a
23 behavioral health entity for a period of ninety days if the applicant is
24 temporarily unable to conform to all of the minimum standards required
25 pursuant to this article 27.6; except that the department shall not issue a
26 provisional license to an applicant if the operation of the behavioral
27 health entity will adversely affect the health, safety, or welfare of the

1 consumers of the behavioral health entity. As a condition of obtaining a
2 provisional license, the applicant shall show proof to the department that
3 attempts are being made to conform and comply with the applicable
4 standards required pursuant to this article 27.6. The department shall not
5 grant a provisional license prior to the completion of a ~~criminal~~
6 background check in accordance with subsection (3) of this section and
7 a determination in accordance with subsection (4) of this section. A
8 second provisional license may be issued, for a like term and fee, to effect
9 compliance. No further provisional licenses may be issued for the current
10 year after the second issuance.

11 **SECTION 45.** In Colorado Revised Statutes, 26-3.1-107, **amend**
12 (1) as follows:

13 **26-3.1-107. Background check - adult protective services data**
14 **system check.** (1) Each county department shall require each protective
15 services employee hired on or after May 29, 2012, to complete a
16 fingerprint-based criminal history record check utilizing the records of the
17 Colorado bureau of investigation and the federal bureau of investigation.
18 The employee shall pay the cost of the fingerprint-based criminal history
19 record check unless the county department chooses to pay the cost. Upon
20 completion of the FINGERPRINT-BASED criminal history record check, the
21 Colorado bureau of investigation shall forward the results to the county
22 department. The county department shall require a name-based ~~criminal~~
23 ~~history~~ JUDICIAL record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d),
24 for an applicant or an employee ~~who has twice submitted to a~~
25 ~~fingerprint-based criminal history record check and whose fingerprints~~
26 ~~are unclassifiable~~ or when the results of a fingerprint-based criminal
27 history record check of an applicant performed pursuant to this section

1 reveal a record of arrest without a disposition. ~~as defined in section~~
2 ~~22-2-119.3 (6)(d).~~

3 **SECTION 46.** In Colorado Revised Statutes, 26-6-103.3, **amend**
4 (2) as follows:

5 **26-6-103.3. Substitute child care providers - substitute**
6 **placement agency - licensing - rules.** (2) The state board shall
7 promulgate rules for substitute placement agencies and substitute child
8 care providers. At a minimum, state board rules must require that the
9 substitute child care provider demonstrate that ~~he or she~~ THE PROVIDER
10 has the training and certification for the child care license type and
11 position in which the substitute child care provider is placed. Pursuant to
12 section 26-6-107 (1)(a)(I)(C), each substitute child care provider shall pay
13 for and submit to a fingerprint-based criminal history record check and a
14 review of the records and reports of child abuse or neglect maintained by
15 the state department to determine whether the substitute child care
16 provider has been found to be responsible in a confirmed report of child
17 abuse or neglect. When the results of a fingerprint-based criminal history
18 record check or any other records check performed on a person pursuant
19 to this subsection (2) reveal a record of arrest without a disposition, the
20 state board shall require that person to submit to a name-based ~~criminal~~
21 ~~history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).
22 The substitute placement agency shall not place a substitute child care
23 provider who is convicted of any of the crimes specified in section
24 26-6-104 (7) or ~~section~~ 26-6-108.

25 **SECTION 47.** In Colorado Revised Statutes, 26-6-103.5, **amend**
26 (2)(f)(V) as follows:

27 **26-6-103.5. Application of part - guest child care facilities -**

1 **public services short-term child care facilities - definition.** (2) A
2 person or entity shall not operate a guest child care facility or a public
3 services short-term child care facility unless the following requirements
4 are met:

5 (f) (V) When the results of a fingerprint-based criminal history
6 record check or any other records check performed pursuant to this
7 subsection (2)(f) reveal a record of arrest without a disposition, the guest
8 child care facility or public services short-term child care facility shall
9 require the supervisory employee or applicant for a supervisory employee
10 position to submit to a name-based ~~criminal history~~ JUDICIAL record
11 check, as defined in section 22-2-119.3 (6)(d);

12 **SECTION 48.** In Colorado Revised Statutes, 26-6-104, **amend**
13 (7.5)(b) as follows:

14 **26-6-104. Licenses - out-of-state notices and consent -**
15 **demonstration pilot program - definition - rules.** (7.5) (b) When the
16 results of a fingerprint-based criminal history record check performed
17 pursuant to this subsection (7.5) reveal a record of arrest without a
18 disposition, the state department shall require the person to submit to a
19 name-based ~~criminal history~~ JUDICIAL record check, as defined in section
20 22-2-119.3 (6)(d). The costs for the name-based ~~criminal history~~ JUDICIAL
21 record check must be borne by the applicant.

22 **SECTION 49.** In Colorado Revised Statutes, 26-6-106.3, **amend**
23 (5)(e) and (6)(a) as follows:

24 **26-6-106.3. Certification and annual recertification of foster**
25 **care homes by county departments and licensed child placement**
26 **agencies - background and reference check requirements -**
27 **definitions.** (5) Prior to issuing a certificate or a recertification to an

1 applicant to operate a foster care home, a county department or a child
2 placement agency licensed under the provisions of this part 1 shall
3 conduct the following background checks for the applicant for a
4 certificate, a person employed by the applicant, or a person who resides
5 at the facility or the home:

6 (e) When the results of a fingerprint-based criminal history record
7 check or any other records check performed pursuant to this subsection
8 (5) reveal a record of arrest without a disposition, the county department
9 or child placement agency shall require the person to submit to a
10 name-based ~~criminal history~~ JUDICIAL record check, as defined in section
11 22-2-119.3 (6)(d).

12 (6) A county department or a child placement agency licensed
13 under the provisions of this part 1 shall not issue a certificate to operate,
14 or a recertification to operate, a foster care home and shall revoke or
15 suspend a certificate if the applicant for the certificate, a person employed
16 by the applicant, or a person who resides at the facility or home:

17 (a) Has been convicted of any of the crimes listed in subsection
18 (5)(a) of this section as verified through a fingerprint-based criminal
19 history record check, a name-based ~~criminal history~~ JUDICIAL record
20 check, if necessary, and a check of the ICON system at the state judicial
21 department;

22 **SECTION 50.** In Colorado Revised Statutes, 26-6-107, **amend**
23 (1)(a)(I.5)(C) and (1)(a.7)(I)(E) as follows:

24 **26-6-107. Investigations and inspections - local authority -**
25 **reports - rules.** (1) (a) (I.5) Rules promulgated by the state board
26 pursuant to subsection (1)(a)(I) of this section must also include:

27 (C) When the results of an investigation performed pursuant to

1 subsection (1)(a)(I) of this section or this subsection (1)(a)(I.5) reveal a
2 record of arrest without a disposition, a name-based ~~criminal history~~
3 JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

4 (a.7) (I) For all applicants applying to be a foster care home or
5 kinship foster care home, regardless of reimbursement, the county
6 department or child placement agency shall require each adult who is
7 eighteen years of age or older and who resides in the home to obtain a
8 fingerprint-based criminal history record check through the Colorado
9 bureau of investigation and the federal bureau of investigation. The
10 applicant must provide the county department or child placement agency
11 with the addresses where the applicant and any adult residing in the home
12 has lived in the preceding five years, including addresses from other
13 states. The county department or the child placement agency shall
14 conduct the following background checks of the applicant or an adult
15 residing in the home:

16 (E) When the results of a fingerprint-based criminal history record
17 check performed pursuant to this subsection (1)(a.7)(I) reveal a record of
18 arrest without a disposition, a name-based ~~criminal history~~ JUDICIAL
19 record check, as defined in section 22-2-119.3 (6)(d).

20 **SECTION 51.** In Colorado Revised Statutes, 26-6-120, **amend**
21 (1.5) and (5) as follows:

22 **26-6-120. Exempt family child care home providers -**
23 **fingerprint-based criminal history record check - child care**
24 **assistance program money - temporary care - rules - definitions.**

25 (1.5) (a) When the results of an FCC performed pursuant to subsection
26 (1) of this section reveal a record of arrest without a disposition, the state
27 department shall require that person to submit to a name-based ~~criminal~~

1 ~~history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

2 (b) A person who undergoes a name-based ~~criminal history~~
3 JUDICIAL record check shall pay to the state department a fee established
4 by rule of the state board pursuant to subsection (5) of this section to
5 offset the costs associated with performing the name-based ~~criminal~~
6 ~~history~~ JUDICIAL record check.

7 (5) The state board shall promulgate rules to establish the amount
8 of the fee to collect from a qualified provider or qualified adult who is
9 subject to an FCC pursuant to subsection (1) of this section or a
10 name-based ~~criminal history~~ JUDICIAL record check pursuant to
11 subsection (1.5) of this section. The state department is authorized to
12 collect the fee at the time of the FCC or name-based ~~criminal history~~
13 JUDICIAL record check.

14 **SECTION 52.** In Colorado Revised Statutes, 27-90-111, **amend**
15 (4) as follows:

16 **27-90-111. Employment of personnel - screening of applicants**
17 **- disqualifications from employment - contracts - rules - definitions.**

18 (4) Prior to the department's permanent employment of a person in a
19 position that would require that person to have direct contact with a
20 vulnerable person, the executive director or any division head of the
21 department shall make an inquiry to the director of the Colorado bureau
22 of investigation to ascertain whether the person has a criminal history.
23 The person's employment is conditional upon a satisfactory state and
24 national fingerprint-based criminal history record check. A ~~criminal~~
25 ~~history~~ record check conducted pursuant to this subsection (4) must
26 include but need not be limited to arrests, conviction records, and the
27 disposition of any criminal charges. The department shall require the

1 person to have ~~his or her~~ THE PERSON'S fingerprints taken by a local law
2 enforcement agency or any third party approved by the Colorado bureau
3 of investigation. If an approved third party takes the person's fingerprints,
4 the fingerprints may be electronically captured using Colorado bureau of
5 investigation-approved livescan equipment. Third-party vendors shall not
6 keep the applicant information for more than thirty days unless requested
7 to do so by the applicant. The department shall forward those fingerprints
8 to the Colorado bureau of investigation for the purpose of fingerprint
9 processing utilizing the files and records of the Colorado bureau of
10 investigation and the federal bureau of investigation. When the results of
11 a fingerprint-based criminal history record check of a person performed
12 pursuant to this section reveal a record of arrest without a disposition, the
13 department shall require that person to submit to a name-based ~~criminal~~
14 ~~history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).
15 The department shall pay for the costs of ~~criminal history~~ record checks
16 conducted pursuant to this section out of existing appropriations.

17 **SECTION 53.** In Colorado Revised Statutes, 35-61-104, **amend**
18 (1)(c) as follows:

19 **35-61-104. Registration - cultivation of industrial hemp -**
20 **research and development growth - hemp management plan - rules.**

21 (1) (c) With the submission of an application for registration, each key
22 participant shall submit a complete set of fingerprints to the Colorado
23 bureau of investigation or the department for the purpose of conducting
24 fingerprint-based criminal history record checks. If received by the
25 department, the department shall submit the fingerprints to the Colorado
26 bureau of investigation for the purpose of conducting fingerprint-based
27 criminal history record checks. The Colorado bureau of investigation

1 shall forward the fingerprints to the federal bureau of investigation for the
2 purpose of conducting a fingerprint-based criminal history record check.
3 Upon completion of the FINGERPRINT-BASED criminal history record
4 check, the bureau shall forward the results to the commissioner. ~~The~~
5 ~~department may acquire~~ WHEN THE RESULTS OF A FINGERPRINT-BASED
6 CRIMINAL HISTORY RECORD CHECK REVEAL A RECORD OF ARREST
7 WITHOUT A DISPOSITION, THE DEPARTMENT SHALL REQUIRE A KEY
8 PARTICIPANT TO SUBMIT a name-based ~~criminal history~~ JUDICIAL record
9 check, AS DEFINED IN SECTION 22-2-119.3 (6)(d). ~~for a key participant~~
10 ~~who has twice submitted to a fingerprint-based criminal history record~~
11 ~~check and whose fingerprints are unclassifiable.~~ The commissioner shall
12 use the information resulting from the fingerprint-based criminal history
13 record check to investigate and determine whether a key participant is
14 qualified to be registered. The key participant shall pay the costs
15 associated with the fingerprint-based criminal history record check.

16 **SECTION 54.** In Colorado Revised Statutes, 40-10.1-110,
17 **amend** (1.5), (3) introductory portion, (3)(c) introductory portion, (4), and
18 (7) as follows:

19 **40-10.1-110. Record check - rules.** (1.5) When the results of a
20 fingerprint-based criminal history record check of an individual
21 performed pursuant to this section reveal a record of arrest without a
22 disposition, the commission shall require the individual to submit to a
23 name-based ~~criminal history~~ JUDICIAL record check, as defined in section
24 22-2-119.3 (6)(d). The individual shall pay the costs associated with a
25 name-based ~~criminal history~~ JUDICIAL record check.

26 (3) An individual whose ~~criminal history~~ record is checked
27 pursuant to this section is disqualified and prohibited from driving motor

1 vehicles for the motor carrier described in subsection (1) of this section
2 if the ~~criminal history~~ record check reflects that:

3 (c) Within the two years immediately preceding the date the
4 ~~criminal history~~ record check is completed, the individual was:

5 (4) The commission shall consider the information resulting from
6 the ~~criminal history~~ record check in its determination as to whether the
7 individual has met the standards set forth in section 24-5-101 (2). ~~C.R.S.~~

8 (7) The commission shall, consistent with the requirements of this
9 section, promulgate rules concerning the employment of, contracting
10 with, and retention of an individual whose ~~criminal history~~ record is
11 checked pursuant to this section, and the frequency and circumstances
12 requiring resubmission of fingerprints.

13 **SECTION 55.** In Colorado Revised Statutes, 42-1-224, **amend**
14 (2) as follows:

15 **42-1-224. Record check.** (2) When the results of a
16 fingerprint-based criminal history record check of a person performed
17 pursuant to this section reveal a record of arrest without a disposition, the
18 department shall require the person to submit to a name-based ~~criminal~~
19 ~~history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).
20 The department shall pay the costs associated with a name-based ~~criminal~~
21 ~~history~~ JUDICIAL record check.

22 **SECTION 56.** In Colorado Revised Statutes, 44-3-307, **amend**
23 (3)(c) introductory portion as follows:

24 **44-3-307. Persons prohibited as licensees - definition.**
25 (3) (c) At the time of the application for a license, the applicant shall
26 submit fingerprints and file personal history information concerning the
27 applicant's qualifications for a license on forms prepared by the state

1 licensing authority. The state and local licensing authorities shall submit
2 ~~such~~ THE fingerprints to the Colorado bureau of investigation for the
3 purpose of conducting fingerprint-based criminal history record checks.
4 The Colorado bureau of investigation shall forward the fingerprints to the
5 federal bureau of investigation for the purpose of conducting
6 fingerprint-based criminal history record checks. ~~An applicant who has~~
7 ~~previously submitted fingerprints for alcohol beverage licensing purposes~~
8 ~~may request that the fingerprints on file be used.~~ When the results of a
9 fingerprint-based criminal history record check of an applicant performed
10 pursuant to this section reveal a record of arrest without a disposition, the
11 licensing authority shall require the applicant to submit to a name-based
12 ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3
13 (6)(d). The licensing authorities shall use the information resulting from
14 the fingerprint-based CRIMINAL HISTORY RECORD CHECK and, if
15 applicable, name-based ~~criminal history~~ JUDICIAL record check to
16 investigate and to determine if an applicant is qualified for a license
17 pursuant to this article 3 and article 4 of this title 44. The licensing
18 authority ~~is not prohibited from verifying~~ MAY VERIFY any of the
19 information required to be submitted by an applicant pursuant to this
20 section. An applicant shall not be required to submit additional
21 information beyond that required in this subsection (3) unless the
22 licensing authority has determined any of the following:

23 **SECTION 57.** In Colorado Revised Statutes, 44-10-307, **amend**
24 (4)(c) as follows:

25 **44-10-307. Persons prohibited as licensees - definition.**
26 (4) (c) At the time of filing an application for issuance or renewal of a
27 state medical marijuana business license or retail marijuana business

1 license, an applicant shall submit a set of his or her fingerprints and file
2 personal history information concerning the applicant's qualifications for
3 a state license on forms prepared by the state licensing authority. The
4 state or local licensing authority or local jurisdiction shall submit the
5 fingerprints to the Colorado bureau of investigation for the purpose of
6 conducting fingerprint-based criminal history record checks. The
7 Colorado bureau of investigation shall forward the fingerprints to the
8 federal bureau of investigation for the purpose of conducting
9 fingerprint-based criminal history record checks. ~~The~~ WHEN THE RESULTS
10 OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK REVEAL A
11 RECORD OF ARREST WITHOUT A DISPOSITION, THE state or local licensing
12 authority or local jurisdiction ~~may acquire~~ SHALL REQUIRE AN APPLICANT
13 OR A LICENSE HOLDER TO SUBMIT a name-based ~~criminal history~~ JUDICIAL
14 record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d). ~~for an applicant~~
15 ~~or a license holder who has twice submitted to a fingerprint-based~~
16 ~~criminal history record check and whose fingerprints are unclassifiable.~~
17 ~~An applicant who has previously submitted fingerprints for state or local~~
18 ~~licensing purposes may request that the fingerprints on file be used.~~ The
19 state or local licensing authority or local jurisdiction shall use the
20 information resulting from the fingerprint-based criminal history record
21 check to investigate and determine whether an applicant is qualified to
22 hold a state or local license pursuant to this article 10. The state or local
23 licensing authority or local jurisdiction may verify any of the information
24 an applicant is required to submit.

25 **SECTION 58.** In Colorado Revised Statutes, 44-20-118, **amend**
26 (8)(a.5) as follows:

27 **44-20-118. Application - prelicensing education -**

1 **fingerprint-based criminal history record check - rules.**

2 (8) (a.5) When the results of a fingerprint-based criminal history record
3 check of an applicant performed pursuant to this subsection (8) reveal a
4 record of arrest without a disposition, the department shall require that
5 applicant to submit to a name-based ~~criminal history~~ JUDICIAL record
6 check, as defined in section 22-2-119.3 (6)(d).

7 **SECTION 59.** In Colorado Revised Statutes, 44-20-417, **amend**
8 (8)(a.5) as follows:

9 **44-20-417. Application - fingerprint-based criminal history**
10 **record check - rules.** (8) (a.5) When the results of a fingerprint-based
11 criminal history record check of an applicant performed pursuant to this
12 subsection (8) reveal a record of arrest without a disposition, the
13 department shall require that applicant to submit to a name-based ~~criminal~~
14 ~~history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

15 **SECTION 60.** In Colorado Revised Statutes, 44-30-510, **amend**
16 (3)(b) as follows:

17 **44-30-510. Applicants and licensees - providing information**
18 **- criminal history record check.** (3) (b) When the results of a
19 fingerprint-based criminal history record check of an applicant performed
20 pursuant to this subsection (3) reveal a record of arrest without a
21 disposition, the commission shall require that applicant to submit to a
22 name-based ~~criminal history~~ JUDICIAL record check, as defined in section
23 22-2-119.3 (6)(d).

24 **SECTION 61.** In Colorado Revised Statutes, 44-30-1606, **amend**
25 (3)(b) and (4) as follows:

26 **44-30-1606. Licensing - rules.** (3) (b) The director is governed
27 by section 24-5-101 in considering the conviction or plea of nolo

1 contendere to a felony for any individual subject to a ~~criminal history~~
2 record check pursuant to subsection (4) of this section.

3 (4) With the submission of an application for a license granted
4 pursuant to this section, each applicant and its officers, directors, and
5 general partners shall submit a complete set of ~~his or her~~ THE PERSON'S
6 fingerprints to the Colorado bureau of investigation for the purpose of
7 conducting fingerprint-based criminal history record checks. The
8 Colorado bureau of investigation shall forward the fingerprints to the
9 federal bureau of investigation for the purpose of conducting
10 fingerprint-based criminal history record checks. ~~A person who has~~
11 ~~previously submitted fingerprints for state or local licensing purposes may~~
12 ~~request the use of the fingerprints on file.~~ The director shall require a
13 name-based ~~criminal history~~ JUDICIAL record check, as defined in section
14 22-2-119.3 (6)(d), for a person who has ~~twice submitted to a~~
15 ~~fingerprint-based criminal history record check and whose fingerprints~~
16 ~~are unclassifiable or when the results of a fingerprint-based criminal~~
17 ~~history record check of a person performed pursuant to this subsection (4)~~
18 ~~reveal~~ a record of arrest without a disposition. The director shall use the
19 information resulting from the fingerprint-based CRIMINAL HISTORY
20 RECORD CHECK or name-based ~~criminal history~~ JUDICIAL record check to
21 investigate and determine whether an applicant is qualified to hold a
22 license pursuant to this section. The director may verify the information
23 an applicant is required to submit. The applicant shall pay the costs
24 associated with the fingerprint-based criminal history record check to the
25 Colorado bureau of investigation. The applicant is responsible for the
26 costs associated with a name-based ~~criminal history~~ JUDICIAL record
27 check.

1 **SECTION 62.** In Colorado Revised Statutes, 44-32-503, **amend**
2 (4)(b) as follows:

3 **44-32-503. Rules of commission - licensing - record check.**

4 (4) (b) When the results of a fingerprint-based criminal history record
5 check of an applicant performed pursuant to this subsection (4) reveal a
6 record of arrest without a disposition, the commission shall require that
7 applicant to submit to a name-based ~~criminal history~~ JUDICIAL record
8 check, as defined in section 22-2-119.3 (6)(d).

9 **SECTION 63.** In Colorado Revised Statutes, 44-40-106, **amend**
10 (10)(a.5) as follows:

11 **44-40-106. Contractors supplying services, equipment, or**
12 **materials - gaming equipment - disclosures - record check -**

13 **definitions.** (10) (a.5) When the results of a fingerprint-based criminal
14 history record check of a supplier performed pursuant to this subsection
15 (10) reveal a record of arrest without a disposition, the division shall
16 require the supplier to submit to a name-based ~~criminal history~~ JUDICIAL
17 record check, as defined in section 22-2-119.3 (6)(d).

18 **SECTION 64.** In Colorado Revised Statutes, 44-40-107, **amend**
19 (11)(a.5) as follows:

20 **44-40-107. Licenses.** (11) (a.5) When the results of a
21 fingerprint-based criminal history record check of an applicant performed
22 pursuant to this subsection (11) reveal a record of arrest without a
23 disposition, the division shall require the applicant to submit to a
24 name-based ~~criminal history~~ JUDICIAL record check, as defined in section
25 22-2-119.3 (6)(d).

26 **SECTION 65. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.