

CHAPTER 346

EDUCATION - UNIVERSITIES AND COLLEGES

HOUSE BILL 03-1352

BY REPRESENTATIVE(S) Carroll, Jahn, Miller, Smith, Weissmann, Berry, Boyd, Cloer, Coleman, Fairbank, Frangas, Garcia, Hall, Hefley, Hoppe, Lee, Madden, Marshall, McFadyen, Merrifield, Mitchell, Paccione, Ragsdale, Romanoff, Rose, Stafford, Veiga, Weddig, and Williams S.;
also SENATOR(S) Tupa, Arnold, Dyer, Evans, Fitz-Gerald, Groff, Hanna, Kester, Lamborn, Nichol, Sandoval, Tapia, Teck, and Windels.

AN ACT

CONCERNING FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS FOR STUDENTS ENTERING TRAINING PROGRAMS APPROVED BY THE PEACE OFFICERS STANDARDS AND TRAINING BOARD, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 24-31-304, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

24-31-304. Applicant for training - fingerprint-based criminal history record check. (1) FOR PURPOSES OF THIS SECTION, "TRAINING ACADEMY" MEANS A BASIC OR RESERVE PEACE OFFICER TRAINING PROGRAM APPROVED BY THE P.O.S.T. BOARD THAT IS OFFERED BY A TRAINING ACADEMY, COMMUNITY COLLEGE, COLLEGE, OR UNIVERSITY.

(2) A TRAINING ACADEMY SHALL NOT ENROLL AS A STUDENT A PERSON WHO HAS BEEN CONVICTED OF AN OFFENSE THAT WOULD RESULT IN THE DENIAL OF CERTIFICATION PURSUANT TO SECTION 24-31-305 (1.5).

(3) A PERSON SEEKING TO ENROLL IN A TRAINING ACADEMY SHALL SUBMIT A SET OF FINGERPRINTS TO THE TRAINING ACADEMY PRIOR TO ENROLLING IN THE ACADEMY. THE TRAINING ACADEMY SHALL FORWARD THE FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. UPON RECEIPT OF FINGERPRINTS AND PAYMENT FOR THE COSTS, THE COLORADO BUREAU OF INVESTIGATION SHALL CONDUCT A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION. THE P.O.S.T. BOARD SHALL BE THE AUTHORIZED AGENCY TO RECEIVE INFORMATION REGARDING THE RESULT OF A NATIONAL CRIMINAL HISTORY RECORD CHECK. THE P.O.S.T. BOARD SHALL NOTIFY THE TRAINING ACADEMY IF THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK INDICATES THAT THE PERSON IS PROHIBITED FROM ENROLLING IN THE TRAINING ACADEMY PURSUANT TO SUBSECTION (2) OF THIS SECTION. THE PERSON SEEKING TO ENROLL IN THE TRAINING ACADEMY SHALL BEAR ONLY THE ACTUAL COSTS OF THE STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

(4) (a) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION AND SECTION 24-31-305 (1.5) TO THE CONTRARY, IF THE PERSON ANTICIPATES THAT HE OR SHE WILL BE PROHIBITED FROM ENROLLING IN THE TRAINING ACADEMY ON THE GROUNDS THAT THE PERSON HAS BEEN CONVICTED ON OR AFTER JULY 1, 2001, OF ONE OR MORE OF THE MISDEMEANORS DESCRIBED IN SECTION 24-31-305 (1.5), THE PERSON MAY, AT THE TIME OF APPLYING FOR ADMISSION TO THE TRAINING ACADEMY, NOTIFY THE P.O.S.T. BOARD OF THE CONVICTION OR CONVICTIONS AND REQUEST THE P.O.S.T. BOARD TO GRANT THE PERSON PERMISSION TO ENROLL IN THE TRAINING ACADEMY.

(b) THE P.O.S.T. BOARD SHALL PROMULGATE RULES DEEMED NECESSARY BY THE BOARD CONCERNING THE PROCEDURES FOR THE GRANTING OF PERMISSION TO ENROLL IN A TRAINING ACADEMY PURSUANT TO THIS SUBSECTION (4). THE P.O.S.T. BOARD, IN PROMULGATING THE RULES, SHALL TAKE INTO CONSIDERATION THE PROCEDURES FOR THE GRANTING OF EXEMPTIONS TO DENIALS OF CERTIFICATION AND THE WITHDRAWAL OF DENIALS OF CERTIFICATION DESCRIBED IN SECTION 24-31-305 (1.6). THE P.O.S.T. BOARD, IN PROMULGATING THE RULES, MAY SPECIFY THAT AN APPLICANT FOR CERTIFICATION PURSUANT TO SECTION 24-31-305 NEED NOT SUBMIT A SET OF FINGERPRINTS AT THE TIME OF APPLYING FOR THE CERTIFICATION IF THE APPLICANT HAS ALREADY SUBMITTED A SET OF FINGERPRINTS PURSUANT TO THIS SECTION.

SECTION 2. 24-31-303 (1) (f), Colorado Revised Statutes, is amended to read:

24-31-303. Duties - powers of the P.O.S.T. board - repeal. (1) The P.O.S.T. board has the following duties:

(f) To require a background investigation of each applicant by means of fingerprint checks ~~by~~ THROUGH the Colorado bureau of investigation AND THE FEDERAL BUREAU OF INVESTIGATION or such other means as the P.O.S.T. board deems necessary for such investigation;

SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of public safety, Colorado bureau of investigation, from fees charged to training academy applicants, for the fiscal year beginning July 1, 2003, the sum of twenty-six thousand six hundred seventy-seven dollars (\$26,677), or so much thereof as may be necessary, for the implementation of this act. Of said sum, ten thousand one hundred seventy-seven dollars (\$10,177) shall be designated as cash funds and sixteen thousand five hundred dollars (\$16,500) shall be designated as cash funds exempt.

SECTION 4. Applicability. This act shall apply to persons who apply to enroll on or after the effective date of this act in a training academy.

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

Approved: June 3, 2003