

CHAPTER 129

GOVERNMENT - STATE

SENATE BILL 13-192

BY SENATOR(S) Heath, Steadman;
also REPRESENTATIVE(S) Tyler, Labuda, Pettersen, Rosenthal, Schafer.

AN ACT

CONCERNING THE ABILITY OF GOVERNMENT AGENCIES TO EXTEND THE TIME PERMITTED FOR ACTION BASED ON THE RESULTS OF FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS.

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

SECTION 1. In Colorado Revised Statutes, 40-10.1-110, **amend** (2) as follows:

40-10.1-110. Criminal history record check. (2) An individual whose fingerprints are checked ~~pursuant to~~ IN ACCORDANCE WITH subsection (1) of this section may, pending the results of the criminal history record check, drive ~~such~~ THE motor vehicles for the motor carrier described in subsection (1) of this section for up to ninety days after the commission forwards the fingerprints to the Colorado bureau of investigation or until the commission receives the results of the check, whichever occurs first. THE COMMISSION MAY TEMPORARILY EXTEND THE NINETY-DAY PERIOD, IN ACCORDANCE WITH SECTION 24-33.5-412 (7), C.R.S., BASED ON A DELAY IN PROCESSING CRIMINAL HISTORY RECORD CHECKS BY THE COLORADO BUREAU OF INVESTIGATION OR ON OTHER EXIGENT CIRCUMSTANCES BEYOND THE COMMISSION'S CONTROL. Upon the commission's receipt of the results, the individual may resume driving motor vehicles for the motor carrier described in subsection (1) of this section, so long as the driving does not violate applicable law and does not occur while the individual has a criminal conviction ~~on his or her record~~ that disqualifies ~~and prohibits~~ him or her from driving a motor vehicle ~~pursuant to~~ IN ACCORDANCE WITH subsection (3) of this section.

SECTION 2. In Colorado Revised Statutes, 24-33.5-412, **add** (7) as follows:

24-33.5-412. Functions of bureau - legislative review - interagency cooperation with reporting functions - processing time for criminal history record checks. (7) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY,

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

IF A DEPARTMENT OR AGENCY OF THE EXECUTIVE BRANCH IS REQUIRED BY STATUTE TO REQUEST A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK FROM OR THROUGH THE BUREAU AND OBTAIN AND PROCESS THE RESULTS WITHIN A SPECIFIED TIME, WHETHER FOR PURPOSES OF ISSUANCE OF A PROFESSIONAL LICENSE OR FOR ANY OTHER REASON, AND, DUE TO A BACKLOG IN REQUESTS PENDING WITH THE BUREAU OR DUE TO OTHER FACTORS BEYOND THE CONTROL OF THE DEPARTMENT OR AGENCY, THE DEPARTMENT OR AGENCY IS UNABLE TO ACT WITHIN THE TIME REQUIRED BY STATUTE:

(a) THE DEPARTMENT OR AGENCY IS ALLOWED AN EXTENSION OF TIME WITHIN WHICH TO OBTAIN AND PROCESS THE RESULTS OF THE RECORD CHECK;

(b) THE DEPARTMENT OR AGENCY SHALL NOTIFY THE APPLICANT AND OTHER INTERESTED PERSONS OF THE REASON FOR THE DELAY; AND

(c) THE STATUS OF THE PERSON WHOSE CRIMINAL HISTORY IS THE SUBJECT OF THE RECORD CHECK, AND HIS OR HER RIGHTS AND RESPONSIBILITIES AS SPECIFIED IN THE STATUTE THAT SET FORTH THE ORIGINAL PERIOD FOR AGENCY ACTION, DO NOT CHANGE AS A RESULT OF THE DELAY.

SECTION 3. Applicability. This act applies to requests for fingerprint-based criminal history record checks that are pending on or after the effective date of this act.

SECTION 4. 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: April 19, 2013