

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Appropriations.

HB26-1143 be amended as follows:

1 Amend printed bill, page 3, after line 22 insert:

2 "(b) NOTWITHSTANDING SUBSECTION (1)(a) OF THIS SECTION, A
3 LICENSED OR CERTIFIED HOSPITAL OR A COVERED SCHOOL THAT REQUIRES
4 AN APPLICANT TO PROVIDE A SOCIAL SECURITY NUMBER FOR A
5 BACKGROUND CHECK AS A CONDITION TO PARTICIPATE IN OR OTHERWISE
6 AVAIL THEMSELF OF A NON-EMPLOYMENT-BASED EDUCATIONAL
7 OPPORTUNITY IS NOT REQUIRED TO ACCEPT AN INDIVIDUAL TAXPAYER
8 IDENTIFICATION NUMBER, BUT SHALL ACCEPT A FINGERPRINT-BASED
9 BACKGROUND CHECK IN LIEU OF A SOCIAL SECURITY NUMBER.

10 (c) NOTWITHSTANDING SUBSECTION (1)(a) OF THIS SECTION, A
11 STATE INSTITUTION OF HIGHER EDUCATION OR A LOCAL DISTRICT COLLEGE
12 THAT REQUIRES AN APPLICANT TO PROVIDE A SOCIAL SECURITY NUMBER
13 FOR A BACKGROUND CHECK AS A CONDITION TO PARTICIPATE IN OR
14 OTHERWISE AVAIL THEMSELF OF A NON-EMPLOYMENT-BASED EDUCATION
15 OPPORTUNITY THAT INVOLVES WORK WITH A VULNERABLE POPULATION
16 SHALL ACCEPT EITHER AN INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER
17 OR A FINGERPRINT-BASED BACKGROUND CHECK, AS DETERMINED BY THE
18 STATE INSTITUTION OF HIGHER EDUCATION OR LOCAL DISTRICT COLLEGE,
19 IN LIEU OF A SOCIAL SECURITY NUMBER."

20 Reletter succeeding paragraphs accordingly.

21 Page 5, strike lines 2 through 15 and substitute:

22 "(3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
23 REQUIRES:

24 (a) "COVERED SCHOOL" MEANS A SCHOOL THAT SERVES STUDENTS
25 IN ANY OF GRADES KINDERGARTEN THROUGH TWELVE, BUT ONLY IN
26 RELATION TO STUDENTS IT ENROLLS WHO SEEK A
27 NON-EMPLOYMENT-BASED OPPORTUNITY AT THE SCHOOL OR THROUGH A
28 PARTNERSHIP BETWEEN THE SCHOOL AND ANOTHER ENTITY.

29 (b) "ENTITY" MEANS A STATE INSTITUTION OF HIGHER EDUCATION;
30 A LOCAL DISTRICT COLLEGE; A NONPROFIT ORGANIZATION THAT IS EXEMPT
31 FROM TAXATION UNDER SECTION 501 (c)(3) OF THE FEDERAL "INTERNAL
32 REVENUE CODE OF 1986"; A VOLUNTEER ORGANIZATION; A COVERED
33 SCHOOL; OR THE FOLLOWING ENTITIES AS LICENSED OR CERTIFIED AS
34 DESCRIBED IN SECTION 25-1.5-103: A CLINIC, CLINICAL PARTNERSHIP,
35 URGENT CARE CENTER, RETAIL HEALTH CLINIC, HOSPITAL, TELEMEDICINE
36 SERVICE, OR CONCIERGE MEDICAL PROVIDER.

37 (c) "LICENSED OR CERTIFIED HOSPITAL" MEANS A HOSPITAL
38 LICENSED OR CERTIFIED AS DESCRIBED IN SECTION 25-1.5-103, INCLUDING

1 THE UNIVERSITY OF COLORADO ANSCHUTZ MEDICAL CAMPUS.
2 (d) "LOCAL DISTRICT COLLEGE" MEANS A LOCAL DISTRICT
3 COLLEGE AUTHORIZED PURSUANT TO ARTICLE 71 OF TITLE 23
4 (e) "STATE INSTITUTION OF HIGHER EDUCATION" MEANS A STATE
5 INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN SECTION 23-18-102,
6 NOT INCLUDING THE UNIVERSITY OF COLORADO ANSCHUTZ MEDICAL
7 CAMPUS.
8 (f) "VULNERABLE POPULATION" MEANS AN INDIVIDUAL WHO IS
9 SUSCEPTIBLE TO ABUSE OR MISTREATMENT BECAUSE OF THE INDIVIDUAL'S:
10 (I) AGE;
11 (II) DISABILITY;
12 (III) FRAILITY;
13 (IV) BEHAVIORAL OR MENTAL HEALTH;
14 (V) INTELLECTUAL OR DEVELOPMENTAL DISABILITY; OR
15 (VI) ILL HEALTH."

16 Page 5, line 19, after "VIOLATION" insert "OF SUBSECTION (1)(a) OF THIS
17 SECTION OR A FINGERPRINT-BASED BACKGROUND CHECK IN VIOLATION OF
18 SUBSECTION (1)(b) or (1)(c)".

19 Page 6, after line 5 insert:

20 "(7) (a) (I) AN APPLICANT FOR A NON-EMPLOYMENT-BASED
21 EDUCATIONAL OPPORTUNITY WITH ONE OF THE FOLLOWING ENTITIES WHO
22 DECLINES TO PROVIDE THEIR SOCIAL SECURITY NUMBER SHALL SUBMIT TO
23 A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK:
24 (A) A LICENSED OR CERTIFIED HOSPITAL;
25 (B) A COVERED SCHOOL; OR
26 (C) A STATE INSTITUTION OF HIGHER EDUCATION OR A LOCAL
27 DISTRICT COLLEGE, FOR A NON-EMPLOYMENT-BASED EDUCATION
28 OPPORTUNITY THAT INVOLVES WORK WITH A VULNERABLE POPULATION.
29 (II) THE ENTITY SHALL DETERMINE WHETHER THE APPLICANT OR
30 THE ENTITY PAYS THE COSTS ASSOCIATED WITH THE FINGERPRINT-BASED
31 CRIMINAL HISTORY RECORD CHECK.
32 (b) AFTER SUBMITTING AN APPLICATION FOR A
33 NON-EMPLOYMENT-BASED EDUCATIONAL OPPORTUNITY AND DECLINING
34 TO PROVIDE THEIR SOCIAL SECURITY NUMBER, THE APPLICANT SHALL
35 HAVE THE APPLICANT'S FINGERPRINTS TAKEN BY A LOCAL LAW
36 ENFORCEMENT AGENCY, OR A THIRD PARTY APPROVED BY THE COLORADO
37 BUREAU OF INVESTIGATION, TO OBTAIN A FINGERPRINT-BASED CRIMINAL
38 HISTORY RECORD CHECK. THE APPLICANT SHALL AUTHORIZE THE THIRD
39 PARTY TAKING THE APPLICANT'S FINGERPRINTS TO SUBMIT, AND THE THIRD
40 PARTY SHALL SUBMIT, THE COMPLETE SET OF THE APPLICANT'S

1 FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION TO CONDUCT
2 A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

3 (c) IF AN APPROVED THIRD PARTY TAKES THE PERSON'S
4 FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED
5 USING LIVESCAN EQUIPMENT APPROVED BY THE COLORADO BUREAU OF
6 INVESTIGATION. THIRD-PARTY VENDORS SHALL NOT KEEP THE
7 APPLICANT'S INFORMATION FOR MORE THAN THIRTY DAYS.

8 (d) THE COLORADO BUREAU OF INVESTIGATION SHALL USE THE
9 APPLICANT'S FINGERPRINTS TO CONDUCT A CRIMINAL HISTORY RECORD
10 CHECK USING THE BUREAU'S RECORDS. THE COLORADO BUREAU OF
11 INVESTIGATION SHALL FORWARD THE FINGERPRINTS TO THE FEDERAL
12 BUREAU OF INVESTIGATION FOR CONDUCTING A FINGERPRINT-BASED
13 CRIMINAL HISTORY RECORD CHECK. THE COLORADO BUREAU OF
14 INVESTIGATION, APPLICANT, ENTITY, AND THIRD PARTY TAKING
15 FINGERPRINTS SHALL COMPLY WITH THE FEDERAL BUREAU OF
16 INVESTIGATION'S REQUIREMENTS FOR A CRIMINAL HISTORY RECORD
17 CHECK.

18 (e) THE COLORADO BUREAU OF INVESTIGATION SHALL RETURN THE
19 RESULTS OF ITS CRIMINAL HISTORY RECORD CHECK TO THE ENTITY, AND
20 THE ENTITY IS AUTHORIZED TO RECEIVE THE RESULTS OF THE FEDERAL
21 BUREAU OF INVESTIGATION'S CRIMINAL HISTORY RECORD CHECK. THE
22 ENTITY SHALL USE THE INFORMATION RESULTING FROM THE CRIMINAL
23 HISTORY RECORD CHECKS TO INVESTIGATE AND DETERMINE WHETHER AN
24 APPLICANT IS QUALIFIED FOR AN OPPORTUNITY PURSUANT TO SUBSECTION
25 (2) OF THIS SECTION.

26 (f) WHEN THE RESULTS OF A CRIMINAL HISTORY RECORD CHECK OF
27 AN APPLICANT PERFORMED PURSUANT TO THIS SUBSECTION (7) REVEAL A
28 RECORD OF ARREST WITHOUT A DISPOSITION, THE ENTITY SHALL REQUIRE
29 THE APPLICANT TO SUBMIT TO A NAME-BASED JUDICIAL RECORD CHECK,
30 AS DEFINED IN SECTION 22-2-119.3 (6)(d)."

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