



**Colorado  
Legislative  
Council  
Staff**

**SB17-189**

**FINAL  
FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 17-0933  
**Prime Sponsor(s):** Sen. Cooke  
Rep. Foote

**Date:** July 24, 2017  
**Bill Status:** Signed into Law  
**Fiscal Analyst:** Kerry White (303-866-3469)

**BILL TOPIC:** CONSUMER OPTIONS IN FINGERPRINT BACKGROUND CHECKS

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures	Minimal workload increase.	
Appropriation Required: None.		
Future Year Impacts: Ongoing minimal workload increase.		

**Summary of Legislation**

This bill allows a third party, approved by the Colorado Bureau of Investigation (CBI) in the Department of Public Safety, to process fingerprints for persons in certain professions who are currently required to obtain fingerprint-based background checks from a local law enforcement agency. A third party may use CBI-approved "Livescan" equipment to take and submit fingerprints to the CBI. Third-party vendors may not keep applicant information for more than 30 days unless requested to do so by the applicant. The bill also allows a third-party vendor to conduct a criminal history record check for a noncertified kinship care provider, if the vendor is approved by the CBI.

**Background**

Under current law, only law enforcement agencies may take fingerprints for professions affected by Senate Bill 17-189. Payment for the fingerprints and for the actual costs of the check is required to be made at the time the fingerprints are submitted to the CBI. This bill applies to the following professions and individuals who are currently required to undergo background checks:

- professional cash-bail agents;
- massage therapists;
- pharmacist, pharmacy business, and pharmaceutical wholesalers;
- surgical assistants and surgical technologists;
- private investigators;
- providers of emergency placement of children and noncertified kinship care;
- applicants or employees of nonpublic schools;
- a person applying for employment with or employed by a charter school;
- licensed and nonlicensed employees of a school district;

- teachers;
- emergency medical providers; and
- employees of institutions under the Department of Human Services.

### **State Expenditures**

Beginning in FY 2017-18, the bill increases workload for the CBI to approve and coordinate the transmission of fingerprint data with third party providers. This workload increase is minimal and can be accomplished within existing appropriations. The bill may also increase expenditures for any agency of state government that chooses to purchase Livescan equipment. To the extent that this occurs, the fiscal note assumes that affected agencies will request additional appropriations through the annual budget process.

### **Local Government Impact**

This bill is expected to affect local law enforcement agencies, school districts, and other local governments, as described below.

**Law enforcement agencies.** To the extent that individuals have fingerprints taken by third parties using Livescan equipment, the bill may reduce revenue and costs for law enforcement agencies that process and submit fingerprints to the CBI for affected professions. These impacts have not been estimated.

**School districts and other local governments.** To the extent that individual school districts or units of local government choose to purchase Livescan equipment, one-time costs will increase by approximately \$40,000 for equipment, and ongoing costs of about \$2,500 per year will be incurred for high-speed data lines to connect to the CBI. Because the bill is silent on revenue collection, this analysis assumes that entities that choose to process fingerprints are not eligible to charge a fee for fingerprint services. Due to the costs and inability to recover revenue, the fiscal note assumes most school districts and local governments will not choose to become approved third-party finger printers.

### **Effective Date**

The bill was signed into law by the Governor on April 24, 2017, and takes effect August 9, 2017, assuming no referendum petition is filed.

### **State and Local Government Contacts**

Counties	Education
Human Services	Information Technology
Municipalities	Public Health and Environment
Public Safety	Regulatory Agencies
School Districts	Sheriffs