

CHAPTER 149

CRIMINAL LAW AND PROCEDURE

SENATE BILL 17-189

BY SENATOR(S) Cooke, Baumgardner, Gardner, Guzman, Hill, Kagan, Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Neville T., Scott, Smallwood, Tate, Todd, Grantham;
also REPRESENTATIVE(S) Foote, Lawrence, Liston, McKean, Neville P., Ransom, Young.

AN ACT

CONCERNING ELIMINATION OF THE REQUIREMENT THAT A LAW ENFORCEMENT AGENCY IS THE ONLY ENTITY AUTHORIZED TO TAKE FINGERPRINTS FOR PURPOSES OF A BACKGROUND CHECK.

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

SECTION 1. In Colorado Revised Statutes, 10-23-103, **amend** (2) as follows:

10-23-103. Registration requirements - application - qualification bond - forfeiture. (2) Prior to submission of an application under this ~~article~~ **ARTICLE 23**, each applicant shall have his or her fingerprints taken by a local law enforcement agency or any third party approved by the COLORADO BUREAU OF INVESTIGATION to obtain a fingerprint-based criminal history record check. If a third party takes the person's fingerprints, the fingerprints may be electronically captured using COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT INFORMATION FOR MORE THAN THIRTY DAYS UNLESS REQUESTED TO DO SO BY THE APPLICANT. The applicant is required to submit payment by certified check or money order for the fingerprints and for the actual costs of the record check when the fingerprints are submitted to the Colorado bureau of investigation. Upon receipt of fingerprints and receipt of the payment for costs, the Colorado bureau of investigation shall conduct a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation.

SECTION 2. In Colorado Revised Statutes, 12-35.5-107, **amend** (2) as follows:

12-35.5-107. License - reciprocity - denial of license application. (2) In addition to the requirements of subsection (1) of this section, each applicant ~~shall~~

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

MUST have his or her fingerprints taken by a local law enforcement agency OR ANY THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION for the purpose of obtaining a fingerprint-based criminal history record check. IF AN APPROVED THIRD PARTY TAKES THE PERSON'S FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT INFORMATION FOR MORE THAN THIRTY DAYS UNLESS REQUESTED TO DO SO BY THE APPLICANT. ~~The applicant is required to~~ SHALL submit payment by certified check or money order for the fingerprints and for the actual costs of the record check at the time the fingerprints are submitted to the Colorado bureau of investigation. Upon receipt of fingerprints and receipt of the payment for costs, the Colorado bureau of investigation shall conduct a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation and shall forward the results of the criminal history record check to the director.

SECTION 3. In Colorado Revised Statutes, **amend** 12-42.5-304 as follows:

12-42.5-304. Criminal history record check. Prior to submission of an application, each designated representative ~~shall~~ MUST have his or her fingerprints taken by a local law enforcement agency OR ANY THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION for the purpose of obtaining a fingerprint-based criminal history record check. IF AN APPROVED THIRD PARTY TAKES THE PERSON'S FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT INFORMATION FOR MORE THAN THIRTY DAYS UNLESS REQUESTED TO DO SO BY THE APPLICANT. The designated representative shall submit payment by certified check or money order for the fingerprints and for the actual costs of the record check at the time the fingerprints are submitted to the Colorado bureau of investigation. Upon receipt of fingerprints and receipt of the payment for costs, the Colorado bureau of investigation shall conduct a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation.

SECTION 4. In Colorado Revised Statutes, **amend** 12-43.2-105.5 as follows:

12-43.2-105.5. Criminal history record check required. Each applicant for registration ~~shall~~ MUST have his or her fingerprints taken by a local law enforcement agency OR ANY THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION for the purpose of obtaining a fingerprint-based criminal history record check. IF AN APPROVED THIRD PARTY TAKES THE PERSON'S FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT INFORMATION FOR MORE THAN THIRTY DAYS UNLESS REQUESTED TO DO SO BY THE APPLICANT. ~~The applicant is required to~~ SHALL submit payment by certified check or money order for the fingerprints and for the actual costs of the record check at the time the fingerprints are submitted to the Colorado bureau of investigation. Upon receipt of fingerprints and receipt of the payment for costs, the Colorado bureau of investigation shall conduct a state and national fingerprint-based criminal history record check utilizing records of the Colorado

bureau of investigation and the federal bureau of investigation and shall forward the results of the criminal history record check to the director.

SECTION 5. In Colorado Revised Statutes, 12-58.5-106, **amend** (2) as follows:

12-58.5-106. Private investigator licenses - qualifications - fees - renewal - rules. (2) In addition to the requirements of subsection (1) of this section, each applicant for a level I or level II private investigator license must have his or her fingerprints taken by a local law enforcement agency OR ANY THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION for the purpose of obtaining a fingerprint-based criminal history record check. IF AN APPROVED THIRD PARTY TAKES THE PERSON'S FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVSCAN EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT INFORMATION FOR MORE THAN THIRTY DAYS UNLESS REQUESTED TO DO SO BY THE APPLICANT. ~~The applicant is required to~~ SHALL submit payment by certified check or money order for the fingerprints and for the actual costs of the record check at the time the fingerprints are submitted to the Colorado bureau of investigation. Upon receipt of fingerprints and receipt of the payment for costs, the Colorado bureau of investigation shall conduct a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation and shall forward the results of the criminal history record check to the director.

SECTION 6. In Colorado Revised Statutes, 19-3-406, **amend** (1)(c), (2), and (3) as follows:

19-3-406. Fingerprint-based criminal history record check - providers of emergency placement for children - use of criminal justice records - definitions - rules. (1) (c) The child may be placed with the relative or other available person if the initial criminal history record check does not reflect a criminal history described in subsection (4) of this section; except that the relative or other person who is not disqualified based upon the results of the initial criminal history record check conducted pursuant to ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION shall report to local law enforcement, ~~or to the county department when the county department has a fingerprint machine, and undergo~~ OR TO ANOTHER DESIGNATED THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION TO OBTAIN A SET OF FINGERPRINTS FOR a fingerprint-based criminal history record check as described in subsections (2) and (3) of this section and all of the other required background checks described in subsection (4.5) of this section. IF AN APPROVED THIRD PARTY TAKES THE PERSON'S FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVSCAN EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE RELATIVE'S OR OTHER PERSON'S INFORMATION FOR MORE THAN THIRTY DAYS UNLESS REQUESTED TO DO SO BY THE RELATIVE OR OTHER PERSON.

(2) A relative or other available person who is not disqualified as an emergency placement for a child pursuant to ~~paragraph (b) of subsection (1)~~ SUBSECTION (1)(b) of this section and who authorizes a child to be placed with him or her on an emergency basis pursuant to the provisions of this part 4 shall ~~report to a local law enforcement agency or to a county department that has a fingerprint machine for the~~

~~purpose of providing fingerprints to the law enforcement agency or to the county department~~ SUBMIT A COMPLETE SET OF HIS OR HER FINGERPRINTS TO THE COUNTY DEPARTMENT no later than five days after the child is placed in the person's home or no later than fifteen calendar days when exigent circumstances exist. If the relative or other available person fails to report to the local law enforcement agency or to the county department, if applicable, for fingerprinting within this time period ~~submit a complete set of his or her fingerprints to the county department,~~ the county department or the law enforcement officer, as appropriate, shall immediately remove the child from the physical custody of the person. The county department shall confirm within fifteen days after the child has been placed with the relative or other available person that the relative or other available person identified by the county department ~~reported to the local law enforcement agency for fingerprinting~~ SUBMITTED A COMPLETE SET OF HIS OR HER FINGERPRINTS within the time period specified by this subsection (2).

(3) ~~When a person reports to a local law enforcement agency or to a county department that has a fingerprint machine, pursuant to the provisions of subsection (2) of this section, the local law enforcement agency or the county department, if applicable, shall fingerprint the person and~~ WHEN A PERSON SUBMITS A COMPLETE SET OF HIS OR HER FINGERPRINTS TO THE COUNTY DEPARTMENT, THE COUNTY DEPARTMENT SHALL immediately 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 records of the Colorado bureau of investigation and the federal bureau of investigation. The results of the state and national fingerprint-based criminal history record checks conducted pursuant to this section shall be forwarded immediately to the agency authorized to receive the information. If the fingerprint-based criminal history record check indicates that the person has a criminal history described in subsection (4) of this section, the county department or the local law enforcement officer, whichever is appropriate, shall immediately remove the child from the emergency placement and shall not place a child with the person who has the criminal history without court involvement and an order of the court affirming placement of the child with the person.

SECTION 7. In Colorado Revised Statutes, 19-3-407, **amend** (1) introductory portion and (1)(a) introductory portion as follows:

19-3-407. Noncertified kinship care - requirement for background checks and other checks - definitions. (1) EXCEPT AS DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION, a county department shall request that a local law enforcement agency conduct the following background checks of kin or any adult who resides at the home prior to placing a child in noncertified kinship care, unless such placement is an emergency placement pursuant to section 19-3-406:

(a) A fingerprint-based criminal history record check through the Colorado bureau of investigation, WHICH CRIMINAL HISTORY RECORD CHECK MAY BE CONDUCTED BY ANY THIRD PARTY APPROVED BY THE BUREAU, and the federal bureau of investigation to determine if the kin or an adult who resides at the home has been convicted of:

SECTION 8. In Colorado Revised Statutes, 22-1-121, **amend** (1.7)(a) as follows:

22-1-121. Nonpublic schools - employment of personnel - notification by department of education. (1.7) (a) To facilitate the inquiry permitted by subsection (1) or ~~subsection~~ (1.5) of this section, the governing board of a participating nonpublic school shall require an applicant or employee to submit to the governing board of the school a complete set of his or her fingerprints taken by a qualified law enforcement agency, ~~or~~ an authorized school employee, OR ANY THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION. IF AN APPROVED THIRD PARTY TAKES THE PERSON'S FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT'S OR EMPLOYEE'S INFORMATION FOR MORE THAN THIRTY DAYS UNLESS REQUESTED TO DO SO BY THE APPLICANT OR EMPLOYEE. The governing board shall forward the set of fingerprints together with a check to cover the direct and indirect costs of conducting a fingerprint-based criminal history record check of the applicant or employee to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation. The department ~~shall be~~ IS the authorized agency to receive and disseminate information regarding the result of any national criminal history record check. Any such national check ~~shall~~ MUST be handled in accordance with Pub.L. 92-544, as amended. The department shall notify the governing board whether a fingerprint-based criminal history record check has identified any conviction, plea of nolo contendere, deferred sentence, or deferred prosecution described in subsection (1) of this section.

SECTION 9. In Colorado Revised Statutes, 22-30.5-110.7, **amend** (1) and (6) as follows:

22-30.5-110.7. Fingerprint-based criminal history record checks - charter school employees - procedures - definitions. (1) A person applying for employment with a charter school to whom an offer of employment is extended shall submit to the charter school a complete set of his or her fingerprints taken by a qualified law enforcement agency, ~~or~~ an authorized employee of the charter school and notarized, OR ANY THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION. IF AN APPROVED THIRD PARTY TAKES THE PERSON'S FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT INFORMATION FOR MORE THAN THIRTY DAYS UNLESS REQUESTED TO DO SO BY THE APPLICANT.

(6) When a charter school finds good cause to believe that a person employed by the charter school has been convicted of a felony or misdemeanor, other than a misdemeanor traffic offense or traffic infraction, subsequent to such employment, the charter school shall require the person to submit to the charter school a complete set of his or her fingerprints taken by a qualified law enforcement agency, ~~or~~ an authorized employee of the charter school, OR ANY THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION. IF AN APPROVED THIRD PARTY TAKES THE PERSON'S FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED

USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVSCAN EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT INFORMATION FOR MORE THAN THIRTY DAYS UNLESS REQUESTED TO DO SO BY THE APPLICANT. The employee shall submit his or her fingerprints within twenty days after receipt of written notification from the charter school. The charter school shall forward the employee's fingerprints to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing the records of the Colorado bureau of investigation and the federal bureau of investigation.

SECTION 10. In Colorado Revised Statutes, 22-32-109.8, **amend** (1) and (6)(a) as follows:

22-32-109.8. Applicants selected for nonlicensed positions - submittal of form and fingerprints - prohibition against employing persons - department database. (1) Except as otherwise provided in ~~paragraph (a) of subsection (10)~~ SUBSECTION (10)(a) of this section, any person applying to any school district for any position of employment for which a license issued pursuant to article 60.5 of this ~~title~~ TITLE 22 is not required and who is selected for such position of employment by such school district shall submit a complete set of fingerprints of such applicant taken by a qualified law enforcement agency, ~~or~~ authorized employee of such school district and ~~a~~ notarized, OR ANY THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION, IN A completed form as specified in subsection (2) of this section. IF AN APPROVED THIRD PARTY TAKES THE PERSON'S FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVSCAN EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT INFORMATION FOR MORE THAN THIRTY DAYS UNLESS REQUESTED TO DO SO BY THE APPLICANT. ~~Said~~ The fingerprints and form shall be submitted to the school district at the time requested by such school district.

(6) (a) When a school district finds good cause to believe that a nonlicensed person employed by the school district has been convicted of a felony or misdemeanor other than a misdemeanor traffic offense or traffic infraction subsequent to his or her employment, the school district shall require the person to submit to the school district a complete set of his or her fingerprints taken by a qualified law enforcement agency OR ANY THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION. IF AN APPROVED THIRD PARTY TAKES THE PERSON'S FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVSCAN EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT INFORMATION FOR MORE THAN THIRTY DAYS UNLESS REQUESTED TO DO SO BY THE APPLICANT. The fingerprints shall be submitted within twenty days after receipt of written notification from the school district. The school district shall forward the fingerprints of the person to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing the records of the Colorado bureau of investigation and the federal bureau of investigation. If the results of the fingerprint-based criminal history record check completed on or after August 10, 2011, disclose a conviction for an offense described in subsection (6.5) of this section, the school district shall terminate the person's employment.

SECTION 11. In Colorado Revised Statutes, 22-32-109.9, **amend** (1)(a) as follows:

22-32-109.9. Licensed personnel - submittal of fingerprints. (1)(a) When any school district finds good cause to believe that any licensed personnel employed by such school district has been convicted of any felony or misdemeanor, other than a misdemeanor traffic offense or traffic infraction, subsequent to such employment, such school district shall require such person to submit a complete set of his or her fingerprints taken by a qualified law enforcement agency OR ANY THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION. IF AN APPROVED THIRD PARTY TAKES THE PERSON'S FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT INFORMATION FOR MORE THAN THIRTY DAYS UNLESS REQUESTED TO DO SO BY THE APPLICANT. ~~Said~~ The fingerprints ~~shall~~ MUST be submitted within twenty days of receipt of written notification from the school district.

SECTION 12. In Colorado Revised Statutes, 22-60.5-103, **amend** (1)(a) and (6)(a) as follows:

22-60.5-103. Applicants - licenses - authorizations - submittal of form and fingerprints - failure to comply constitutes grounds for denial. (1) (a) Prior to submitting to the department of education an application for any license specified in section 22-60.5-201, 22-60.5-210, 22-60.5-301, or 22-60.5-306 or for any authorization specified in section 22-60.5-111, each applicant shall submit to the Colorado bureau of investigation a complete set of fingerprints of such applicant, taken by a qualified law enforcement agency OR ANY THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION, unless the applicant previously submitted a complete set of his or her fingerprints to the department of education or the Colorado bureau of investigation in connection with an application for a license or authorization specified in this article 60.5. IF AN APPROVED THIRD PARTY TAKES THE PERSON'S FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT INFORMATION FOR MORE THAN THIRTY DAYS UNLESS REQUESTED TO DO SO BY THE APPLICANT. The applicant shall submit the fingerprints for the purpose of obtaining a fingerprint-based criminal history record check through the Colorado bureau of investigation and the federal bureau of investigation to determine whether the applicant for licensure or authorization has a criminal history. The applicant shall pay to the Colorado bureau of investigation the fee established by the bureau for conducting the criminal history record check. Upon completion of the criminal history record check, the bureau shall forward the results to the department of education.

(6) (a) When the department of education finds probable cause to believe that an educator licensed or authorized pursuant to this ~~article~~ ARTICLE 60.5 has been convicted of a felony or misdemeanor, other than a misdemeanor traffic offense or traffic infraction, subsequent to the educator's licensure or authorization, the department of education shall require the educator to submit a complete set of the educator's fingerprints taken by a qualified law enforcement agency OR ANY THIRD

PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION. IF AN APPROVED THIRD PARTY TAKES THE PERSON'S FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE EDUCATOR'S INFORMATION FOR MORE THAN THIRTY DAYS UNLESS REQUESTED TO DO SO BY THE EDUCATOR. The educator shall submit the fingerprints within thirty days after receipt of the written request for fingerprints from the department of education. The department of education shall deny, suspend, annul, or revoke, pursuant to section 22-60.5-107 (2.5), the educator's license or authorization if he or she fails to submit fingerprints on a timely basis pursuant to this subsection (6).

SECTION 13. In Colorado Revised Statutes, 25-3.5-203, **amend** (4)(b)(I) as follows:

25-3.5-203. Emergency medical service providers - certification - renewal of certificate - duties of department - rules - criminal history record checks - definitions. (4) (b) (I) Any government entity that employs a person as or allows a person to volunteer as an emergency medical service provider in a position requiring direct contact with patients shall require all volunteer and employed emergency medical service providers, who have lived in the state for three years or less at the time of the initial certification or certification renewal, to submit to a federal bureau of investigation fingerprint-based national criminal history record check to determine eligibility for employment. Each emergency medical service provider required to submit to a federal bureau of investigation fingerprint-based national criminal history record check shall obtain a complete set of fingerprints taken by a local law enforcement agency, ~~or another entity designated by the department, or ANY THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION. IF AN APPROVED THIRD PARTY TAKES THE PERSON'S FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE PERSON'S INFORMATION FOR MORE THAN THIRTY DAYS UNLESS REQUESTED TO DO SO BY THE PERSON. The local law enforcement agency or other designated entity that took the fingerprints~~ APPROVED THIRD PARTY OR GOVERNMENT ENTITY shall transmit ~~them~~ THE FINGERPRINTS to the Colorado bureau of investigation, which shall in turn forward them to the federal bureau of investigation for a national criminal history record check. The department or other authorized government entity is the authorized agency to receive and disseminate information regarding the result of a national criminal history record check. Each entity handling the national criminal history record check shall comply with Pub.L. 92-544, as amended. Each government entity acting as the authorized recipient of the result of a national criminal history record check shall forward the result of the initial national criminal history record check and any subsequent notification of activity on the record to the department to determine the individual's eligibility for initial certification or certification renewal.

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

27-90-111. Employment of personnel - screening of applicants - disqualifications from employment. (4) Prior to the department's permanent employment of a person in a position that would require that person to have direct

contact with any vulnerable person, the executive director or any division head of the department shall make an inquiry to the director of the Colorado bureau of investigation to ascertain whether the person has a criminal history. The person's employment shall be conditional upon a satisfactory criminal background check. Any criminal background check conducted pursuant to this subsection (4) shall include but need not be limited to arrests, conviction records, and the disposition of any criminal charges. The department shall require the person to have his or her fingerprints taken by a local law enforcement agency or any third party approved by the Colorado bureau of investigation. If an approved third party takes the person's fingerprints, the fingerprints may be electronically captured using Colorado bureau of investigation-approved Livescan equipment. Third-party vendors shall not keep the applicant information for more than thirty days unless requested to do so by the applicant. The local law enforcement agency department shall forward those fingerprints to the Colorado bureau of investigation for the purpose of fingerprint processing utilizing the files and records of the Colorado bureau of investigation and the federal bureau of investigation. The department shall pay for the costs of criminal background checks conducted pursuant to this section out of existing appropriations.

SECTION 15. In Colorado Revised Statutes, add 24-33.5-429 as follows:

24-33.5-429. Electronic fingerprint security - rules. THE DEPARTMENT MAY PROMULGATE RULES CONCERNING THE SECURITY OF FINGERPRINTS THAT ARE ELECTRONICALLY SUBMITTED BY ANY THIRD-PARTY VENDOR APPROVED BY THE BUREAU.

SECTION 16. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 24, 2017