

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-1162.01 Megan Waples x4348

HOUSE BILL 18-1339

HOUSE SPONSORSHIP

Rankin, Hamner, Young

SENATE SPONSORSHIP

Lambert, Lundberg, Moreno

House Committees
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT FOR FINGERPRINT-BASED CRIMINAL
102 HISTORY RECORD CHECKS FOR INDIVIDUALS WITH ACCESS TO
103 FEDERAL TAX INFORMATION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Joint Budget Committee. The bill requires fingerprint-based criminal history record checks (record checks) for every applicant, contractor, employee, or other individual who has or may have access to federal tax information received from the federal government by a state agency in accordance with federal internal revenue service publication

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1075. The state agency is authorized to collect the fingerprints of the individuals or to use the fingerprinting services of another agency or entity authorized by law to collect them and is required to pay the costs of the record checks to the Colorado bureau of investigation.

A state agency that receives federal tax information from the federal government and shares that information with a county department or another state agency may authorize and require the county department or other state agency to conduct record checks for all of its applicants, employees, contractors, or other individuals who may have access to the shared information. The county or other state agency is required to pay the costs of the record checks to the Colorado bureau of investigation.

The bill prohibits a state agency that receives federal tax information from the federal government from sharing that information with another agency that refuses or fails to comply with the requirement to conduct record checks.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 10 to article
3 50 of title 24 as follows:

4 PART 10
5 BACKGROUND CHECKS FOR INDIVIDUALS WITH ACCESS
6 TO FEDERAL TAX INFORMATION

7 **24-50-1001. Definitions.** AS USED IN THIS PART 10, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

9 (1) "APPLICANT" MEANS AN INDIVIDUAL APPLYING TO BE A
10 COUNTY EMPLOYEE, STATE EMPLOYEE, COUNTY CONTRACTOR, OR STATE
11 CONTRACTOR.

12 (2) "COUNTY CONTRACTOR" MEANS AN INDIVIDUAL ACTING UNDER
13 A CONTRACT, PURCHASE ORDER, OR OTHER SIMILAR AGREEMENT FOR THE
14 PROCUREMENT OF GOODS OR SERVICES WITH A COUNTY OR COUNTY
15 DEPARTMENT.

16 (3) "COUNTY EMPLOYEE" MEANS AN INDIVIDUAL EMPLOYED BY A
17 COUNTY.

1 (4) "FEDERAL TAX INFORMATION" HAS THE SAME MEANING AS
2 SPECIFIED IN FEDERAL INTERNAL REVENUE SERVICE PUBLICATION 1075
3 DATED SEPTEMBER 30, 2016, AS AMENDED.

4 (5) "STATE AGENCY" MEANS ALL DEPARTMENTS, INSTITUTIONS,
5 AND AGENCIES OF STATE GOVERNMENT, INCLUDING THE OFFICE OF THE
6 GOVERNOR, INSTITUTIONS OF HIGHER EDUCATION, ALL PRINCIPAL
7 DEPARTMENTS, AND THE LEGISLATIVE AND JUDICIAL DEPARTMENTS OF THE
8 STATE.

9 (6) "STATE CONTRACTOR" MEANS AN INDIVIDUAL ACTING UNDER
10 A CONTRACT, PURCHASE ORDER, OR OTHER SIMILAR AGREEMENT FOR THE
11 PROCUREMENT OF GOODS OR SERVICES WITH A STATE AGENCY.

12 (7) "STATE EMPLOYEE" MEANS AN INDIVIDUAL EMPLOYED BY A
13 STATE AGENCY, WHETHER THE INDIVIDUAL IS UNDER THE STATE
14 PERSONNEL SYSTEM OR EXEMPT FROM THE STATE PERSONNEL SYSTEM.

15 **24-50-1002. State agencies with access to federal tax**
16 **information - authorization for background checks - procedure -**
17 **costs.** (1) EACH APPLICANT, STATE EMPLOYEE, STATE CONTRACTOR, OR
18 OTHER INDIVIDUAL WHO HAS OR MAY HAVE ACCESS THROUGH A STATE
19 AGENCY TO FEDERAL TAX INFORMATION RECEIVED FROM THE FEDERAL
20 GOVERNMENT SHALL SUBMIT A COMPLETE SET OF HIS OR HER
21 FINGERPRINTS TO THE STATE AGENCY. THE STATE AGENCY SHALL SUBMIT
22 THE FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE
23 PURPOSE OF CONDUCTING FINGERPRINT-BASED CRIMINAL HISTORY RECORD
24 CHECKS. THE COLORADO BUREAU OF INVESTIGATION SHALL FORWARD THE
25 FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE
26 PURPOSE OF CONDUCTING FINGERPRINT-BASED CRIMINAL HISTORY RECORD
27 CHECKS. THE STATE AGENCY MAY ACQUIRE A NAME-BASED CRIMINAL

1 HISTORY RECORD CHECK FOR AN APPLICANT, STATE EMPLOYEE, STATE
2 CONTRACTOR, OR OTHER INDIVIDUAL WHO HAS TWICE SUBMITTED TO A
3 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND WHOSE
4 FINGERPRINTS ARE UNCLASSIFIABLE. THE STATE AGENCY MAY COLLECT
5 THE FINGERPRINTS OF THE APPLICANT, STATE EMPLOYEE, STATE
6 CONTRACTOR, OR OTHER INDIVIDUAL OR MAY USE THE FINGERPRINTING
7 SERVICES OF ANOTHER STATE AGENCY OR OTHER ENTITY AUTHORIZED TO
8 COLLECT FINGERPRINTS FOR THE PURPOSE OF CONDUCTING
9 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS.

10 (2) THE STATE AGENCY SHALL USE THE INFORMATION RESULTING
11 FROM THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO
12 INVESTIGATE AND DETERMINE WHETHER THE APPLICANT, STATE
13 EMPLOYEE, STATE CONTRACTOR, OR OTHER INDIVIDUAL IS QUALIFIED TO
14 HAVE ACCESS TO FEDERAL TAX INFORMATION IN ACCORDANCE WITH
15 FEDERAL INTERNAL REVENUE SERVICE PUBLICATION 1075. THE STATE
16 AGENCY MAY VERIFY THE INFORMATION AN INDIVIDUAL IS REQUIRED TO
17 SUBMIT. THE STATE AGENCY SHALL DENY ACCESS TO FEDERAL TAX
18 INFORMATION RECEIVED FROM THE FEDERAL GOVERNMENT TO AN
19 APPLICANT, STATE EMPLOYEE, STATE CONTRACTOR, OR OTHER INDIVIDUAL
20 WHO DOES NOT PASS THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD
21 CHECK REQUIRED BY THIS SECTION.

22 (3) THE STATE AGENCY SHALL PAY THE COSTS ASSOCIATED WITH
23 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS TO THE
24 COLORADO BUREAU OF INVESTIGATION.

25 **24-50-1003. County departments with access to federal tax**
26 **information - authorization for background checks - procedure -**
27 **costs.** (1) A STATE AGENCY THAT RECEIVES FEDERAL TAX INFORMATION

1 FROM THE FEDERAL GOVERNMENT AND SHARES THAT INFORMATION WITH
2 A COUNTY DEPARTMENT ADMINISTERING PUBLIC ASSISTANCE, CHILD
3 SUPPORT SERVICES, OR OTHER PROGRAMS MAY AUTHORIZE AND REQUIRE
4 THE COUNTY DEPARTMENT BY WRITTEN AGREEMENT TO COLLECT THE
5 FINGERPRINTS OF ALL APPLICANTS, COUNTY EMPLOYEES, COUNTY
6 CONTRACTORS, OR OTHER INDIVIDUALS WHO HAVE OR MAY HAVE ACCESS
7 TO THE SHARED FEDERAL TAX INFORMATION FOR THE PURPOSE OF
8 CONDUCTING FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS IN
9 ACCORDANCE WITH THIS SECTION.

10 (2) EACH APPLICANT, COUNTY EMPLOYEE, COUNTY CONTRACTOR,
11 OR OTHER INDIVIDUAL WHO HAS OR MAY HAVE ACCESS TO FEDERAL TAX
12 INFORMATION SUBJECT TO AN AGREEMENT AUTHORIZED UNDER
13 SUBSECTION (1) OF THIS SECTION SHALL SUBMIT A COMPLETE SET OF HIS
14 OR HER FINGERPRINTS TO THE COUNTY DEPARTMENT. THE COUNTY
15 DEPARTMENT SHALL SUBMIT THE FINGERPRINTS TO THE COLORADO
16 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING
17 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS. THE COLORADO
18 BUREAU OF INVESTIGATION SHALL FORWARD THE FINGERPRINTS TO THE
19 FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING
20 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS. THE COUNTY
21 DEPARTMENT MAY ACQUIRE A NAME-BASED CRIMINAL HISTORY RECORD
22 CHECK FOR AN APPLICANT, COUNTY EMPLOYEE, COUNTY CONTRACTOR, OR
23 OTHER INDIVIDUAL WHO HAS TWICE SUBMITTED TO A FINGERPRINT-BASED
24 CRIMINAL HISTORY RECORD CHECK AND WHOSE FINGERPRINTS ARE
25 UNCLASSIFIABLE.

26 (3) THE COUNTY DEPARTMENT SHALL USE THE INFORMATION
27 RESULTING FROM THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD

1 CHECK TO INVESTIGATE AND DETERMINE WHETHER THE APPLICANT,
2 COUNTY EMPLOYEE, COUNTY CONTRACTOR, OR OTHER INDIVIDUAL IS
3 QUALIFIED TO HAVE ACCESS TO THE SHARED FEDERAL TAX INFORMATION
4 IN ACCORDANCE WITH FEDERAL INTERNAL REVENUE SERVICE PUBLICATION
5 1075. THE COUNTY DEPARTMENT MAY VERIFY THE INFORMATION AN
6 INDIVIDUAL IS REQUIRED TO SUBMIT. THE COUNTY DEPARTMENT SHALL
7 DENY ACCESS TO THE SHARED FEDERAL TAX INFORMATION TO AN
8 APPLICANT, COUNTY EMPLOYEE, COUNTY CONTRACTOR, OR OTHER
9 INDIVIDUAL WHO DOES NOT PASS THE FINGERPRINT-BASED CRIMINAL
10 HISTORY RECORD CHECK REQUIRED IN ACCORDANCE WITH THIS SECTION.

11 (4) THE COUNTY DEPARTMENT SHALL PAY THE COSTS ASSOCIATED
12 WITH FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS TO THE
13 COLORADO BUREAU OF INVESTIGATION.

14 **24-50-1004. State agencies sharing federal tax information**
15 **with other state agencies.** A STATE AGENCY THAT RECEIVES FEDERAL
16 TAX INFORMATION FROM THE FEDERAL GOVERNMENT AND SHARES THAT
17 INFORMATION WITH ANOTHER STATE AGENCY MAY AUTHORIZE AND
18 REQUIRE THAT STATE AGENCY BY WRITTEN AGREEMENT TO CONDUCT
19 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS IN ACCORDANCE
20 WITH SECTION 24-50-1002 FOR ALL APPLICANTS, STATE EMPLOYEES,
21 STATE CONTRACTORS, OR OTHER INDIVIDUALS WHO HAVE OR MAY HAVE
22 ACCESS TO THE SHARED FEDERAL TAX INFORMATION. A STATE AGENCY
23 THAT RECEIVES FEDERAL TAX INFORMATION FROM THE FEDERAL
24 GOVERNMENT SHALL NOT SHARE THAT INFORMATION WITH ANOTHER
25 STATE AGENCY THAT FAILS OR REFUSES TO COMPLY WITH THE
26 REQUIREMENTS OF THIS SECTION OR SECTION 24-50-1002.

27 **SECTION 2. Effective date.** This act takes effect July 1, 2018.

1 **SECTION 3. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.