

## CHAPTER 178

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**GOVERNMENT - STATE**

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**HOUSE BILL 18-1339**

BY REPRESENTATIVE(S) Rankin, Hamner, Young, Danielson, Pettersen, Winkler;  
also SENATOR(S) Lambert, Lundberg, Moreno.

**AN ACT**

**CONCERNING A REQUIREMENT FOR FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS FOR INDIVIDUALS WITH ACCESS TO FEDERAL TAX INFORMATION, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

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

**PART 10  
BACKGROUND CHECKS FOR INDIVIDUALS WITH ACCESS  
TO FEDERAL TAX INFORMATION**

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

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

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

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

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

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*Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

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

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

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

**24-50-1002. State agencies with access to federal tax information - authorization for background checks - procedure - costs.** (1) EACH APPLICANT, STATE EMPLOYEE, STATE CONTRACTOR, OR OTHER INDIVIDUAL WHO HAS OR MAY HAVE ACCESS THROUGH A STATE AGENCY TO FEDERAL TAX INFORMATION RECEIVED FROM THE FEDERAL GOVERNMENT SHALL SUBMIT A COMPLETE SET OF HIS OR HER FINGERPRINTS TO THE STATE AGENCY. THE STATE AGENCY SHALL SUBMIT THE FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS. THE COLORADO BUREAU OF INVESTIGATION SHALL FORWARD THE FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS. THE STATE AGENCY MAY ACQUIRE A NAME-BASED CRIMINAL HISTORY RECORD CHECK FOR AN APPLICANT, STATE EMPLOYEE, STATE CONTRACTOR, OR OTHER INDIVIDUAL WHO HAS TWICE SUBMITTED TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND WHOSE FINGERPRINTS ARE UNCLASSIFIABLE. THE STATE AGENCY MAY COLLECT THE FINGERPRINTS OF THE APPLICANT, STATE EMPLOYEE, STATE CONTRACTOR, OR OTHER INDIVIDUAL OR MAY USE THE FINGERPRINTING SERVICES OF ANOTHER STATE AGENCY OR OTHER ENTITY AUTHORIZED TO COLLECT FINGERPRINTS FOR THE PURPOSE OF CONDUCTING FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS.

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

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

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

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

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

(3) THE COUNTY DEPARTMENT SHALL USE THE INFORMATION RESULTING FROM THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE AND DETERMINE WHETHER THE APPLICANT, COUNTY EMPLOYEE, COUNTY CONTRACTOR, OR OTHER INDIVIDUAL IS QUALIFIED TO HAVE ACCESS TO THE SHARED FEDERAL TAX INFORMATION IN ACCORDANCE WITH FEDERAL INTERNAL REVENUE SERVICE PUBLICATION 1075. THE COUNTY DEPARTMENT MAY VERIFY THE INFORMATION AN INDIVIDUAL IS REQUIRED TO SUBMIT. THE COUNTY DEPARTMENT SHALL DENY ACCESS TO THE SHARED FEDERAL TAX INFORMATION TO AN APPLICANT, COUNTY EMPLOYEE, COUNTY CONTRACTOR, OR OTHER INDIVIDUAL WHO DOES NOT PASS THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK REQUIRED IN ACCORDANCE WITH THIS SECTION.

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

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

**SECTION 2. Appropriation.** (1) For the 2018-19 state fiscal year, \$6,188 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from the general fund. To implement this act, the office of information technology may use this appropriation for the purchase of criminal history record checks.

(2) For the 2018-19 state fiscal year, \$36,630 is appropriated to the department of human services. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the purchase of criminal history record checks.

(3) For the 2018-19 state fiscal year, \$7,425 is appropriated to the department of labor and employment. This appropriation is from the employment support fund created in section 8-77-109 (1)(b)(I), C.R.S. To implement this act, the department may use this appropriation for the purchase of criminal history record checks.

(4) For the 2018-19 state fiscal year, \$6,683 is appropriated to the department of local affairs. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the purchase of criminal history record checks.

(5) For the 2018-19 state fiscal year, \$11,633 is appropriated to the department of personnel. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the purchase of criminal history record checks.

(6) For the 2018-19 state fiscal year, \$41,580 is appropriated to the department of revenue. This appropriation is from the general fund. To implement this act, the department may use this appropriation for the purchase of criminal history record checks.

(7) For the 2018-19 state fiscal year, \$121,748 is appropriated to the department of public safety for use by the biometric identification and records unit. This appropriation is from reappropriated funds from state agencies, including funds received from the office of the governor and the departments of human services, labor and employment, local affairs, personnel, and revenue under subsections (1) through (6) of this section, and is based on an assumption that the bureau will require an additional 0.6 FTE. To implement this act, the unit may use this appropriation to provide criminal history record checks for state agencies.

**SECTION 3. Effective date.** This act takes effect July 1, 2018.

**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 30, 2018