

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 19-0233.01 Conrad Imel x2313

**HOUSE BILL 19-1166**

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**HOUSE SPONSORSHIP**

**Singer and Larson**, Arndt, Buckner, Buentello, Exum, Gray, Sandridge, Snyder, Soper, Titone

**SENATE SPONSORSHIP**

**Zenzinger**,

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**House Committees**

Business Affairs & Labor  
Appropriations

**Senate Committees**

Judiciary

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**A BILL FOR AN ACT**

101      **CONCERNING NAME-BASED CRIMINAL HISTORY RECORD CHECKS, AND,**  
102                    **IN CONNECTION THEREWITH, REQUIRING CERTAIN PERSONS AND**  
103                    **ENTITIES TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY**  
104                    **RECORD CHECK AS A CONDITION OF EMPLOYMENT,**  
105                    **APPOINTMENT, REGISTRATION, LICENSURE, OR CERTIFICATION.**

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**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>.)*

Current law requires certain people, including applicants for certain licenses, employment, or volunteer activities, to undergo a

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.

SENATE  
Amended 2nd Reading  
March 21, 2019

HOUSE  
3rd Reading Unamended  
March 6, 2019

HOUSE  
Amended 2nd Reading  
March 5, 2019

fingerprint-based criminal history record check. The bill adds the requirement that the person submit to a name-based criminal history record check when the fingerprint-based check reveals a record of arrest but does not show a disposition in the case.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 5-19-206.5 as  
3 follows:

4 **5-19-206.5. Name-based criminal history record check.** WHEN  
5 THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK  
6 OF AN OFFICER OF THE APPLICANT OR EMPLOYEE OR AGENT OF THE  
7 APPLICANT PERFORMED PURSUANT TO SECTION 5-19-206 (12) REVEAL A  
8 RECORD OF ARREST WITHOUT A DISPOSITION, THE ADMINISTRATOR SHALL  
9 REQUIRE THAT PERSON TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY  
10 RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

11 **SECTION 2.** In Colorado Revised Statutes, 10-3-112, **amend**  
12 (1)(b) as follows:

13 **10-3-112. Directors - terms - election - conflicts of interest -**  
14 **recovery of profits.** (1) (b) (I) Each executive officer and director of a  
15 domestic company applying for a certificate of authority to do business  
16 in Colorado shall submit a set of fingerprints to the commissioner. The  
17 commissioner shall forward such fingerprints to the Colorado bureau of  
18 investigation for the purpose of conducting a state and national  
19 fingerprint-based criminal history record check utilizing records of the  
20 Colorado bureau of investigation and the federal bureau of investigation.  
21 Only the actual costs of such record check ~~shall~~ MUST be borne by the  
22 employer.

23 (II) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL

1 HISTORY RECORD CHECK OF A PERSON PERFORMED PURSUANT TO THIS  
2 SUBSECTION (1)(b) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION,  
3 THE COMMISSIONER SHALL REQUIRE THAT PERSON TO SUBMIT TO A  
4 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION  
5 22-2-119.3 (6)(d).

6 **SECTION 3.** In Colorado Revised Statutes, 10-3-803, **amend** (3)  
7 as follows:

8 **10-3-803. Acquisition of control of or merger with domestic**  
9 **insurer - definitions.** (3) (a) Each person described in ~~paragraph (b) of~~  
10 ~~subsection (1)~~ SUBSECTION (1)(b) of this section shall submit a set of  
11 fingerprints to the commissioner at the time of filing the statement  
12 described in ~~paragraph (a) of subsection (1)~~ SUBSECTION (1)(a) of this  
13 section. The commissioner shall forward the fingerprints to the Colorado  
14 bureau of investigation for the purpose of conducting a state and national  
15 fingerprint-based criminal history record check utilizing records of the  
16 Colorado bureau of investigation and the federal bureau of investigation.  
17 The employer bears only the actual costs of the record check.

18 (b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
19 HISTORY RECORD CHECK OF A PERSON PERFORMED PURSUANT TO THIS  
20 SUBSECTION (3) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION,  
21 THE COMMISSIONER SHALL REQUIRE THAT PERSON TO SUBMIT TO A  
22 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION  
23 22-2-119.3 (6)(d).

24 **SECTION 4.** In Colorado Revised Statutes, 10-15-103, **add**  
25 (1)(b)(I.5) as follows:

26 **10-15-103. License procedure - records - examination of**  
27 **records.** (1) (b) (I.5) WHEN THE RESULTS OF A FINGERPRINT-BASED

1 CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT PERFORMED  
2 PURSUANT TO THIS SUBSECTION (1)(b) REVEAL A RECORD OF ARREST  
3 WITHOUT A DISPOSITION, THE COMMISSIONER SHALL REQUIRE THAT  
4 APPLICANT TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD  
5 CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

6 **SECTION 5.** In Colorado Revised Statutes, 10-23-103, **amend**  
7 (2) as follows:

8 **10-23-103. Registration requirements - application -**  
9 **qualification bond - forfeiture.** (2) (a) Prior to submission of an  
10 application ~~under~~ PURSUANT TO this article 23, each applicant shall have  
11 his or her fingerprints taken by a local law enforcement agency or any  
12 third party approved by the Colorado bureau of investigation to obtain a  
13 fingerprint-based criminal history record check. If a third party takes the  
14 person's fingerprints, the fingerprints may be electronically captured using  
15 Colorado bureau of investigation-approved livescan equipment.  
16 Third-party vendors shall not keep the applicant information for more  
17 than thirty days unless requested to do so by the applicant. The applicant  
18 is required to submit payment by certified check or money order for the  
19 fingerprints and for the actual costs of the record check when the  
20 fingerprints are submitted to the Colorado bureau of investigation. Upon  
21 receipt of fingerprints and receipt of the payment for costs, the Colorado  
22 bureau of investigation shall conduct a state and national  
23 fingerprint-based criminal history record check utilizing records of the  
24 Colorado bureau of investigation and the federal bureau of investigation.

25 (b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
26 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS  
27 SUBSECTION (2) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION,

1 THE DIVISION SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A  
2 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION  
3 22-2-119.3 (6)(d).

4 **SECTION 6.** In Colorado Revised Statutes, **add** 11-110-107.5 as  
5 follows:

6 **11-110-107.5. Name-based criminal history record check.**

7 WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD  
8 CHECK OF AN APPLICANT PERFORMED PURSUANT TO SECTION 11-110-107  
9 (1)(e) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE  
10 BANKING BOARD SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A  
11 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION  
12 22-2-119.3 (6)(d). THE APPLICANT SHALL PAY THE ACTUAL COSTS OF THE  
13 NAME-BASED CRIMINAL HISTORY RECORD CHECK.

14 **SECTION 7.** In Colorado Revised Statutes, 12-15.5-105, **amend**  
15 (4) as follows:

16 **12-15.5-105. Licensing.** (4) With the submission of an  
17 application for a license granted pursuant to this section, each applicant  
18 and its officers, directors, and general partners shall submit a complete set  
19 of his or her fingerprints to the Colorado bureau of investigation for the  
20 purpose of conducting fingerprint-based criminal history record checks.  
21 The Colorado bureau of investigation shall forward the fingerprints to the  
22 federal bureau of investigation for the purpose of conducting  
23 fingerprint-based criminal history record checks. ~~The director may~~  
24 ~~acquire a name-based criminal history record check for a person who has~~  
25 ~~twice submitted to a fingerprint-based criminal history record check and~~  
26 ~~whose fingerprints are unclassifiable.~~ A person who has previously  
27 submitted fingerprints for state or local licensing purposes may request

1 the use of the fingerprints on file. THE DIRECTOR SHALL REQUIRE A  
2 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION  
3 22-2-119.3 (6)(d), FOR A PERSON WHO HAS TWICE SUBMITTED TO A  
4 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND WHOSE  
5 FINGERPRINTS ARE UNCLASSIFIABLE OR WHEN THE RESULTS OF A  
6 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF A PERSON  
7 PERFORMED PURSUANT TO THIS SUBSECTION (4) REVEAL A RECORD OF  
8 ARREST WITHOUT A DISPOSITION. The director shall use the information  
9 resulting from the fingerprint-based OR NAME-BASED criminal history  
10 record check to investigate and determine whether an applicant is  
11 qualified to hold a license pursuant to this section. The director may  
12 verify the information an applicant is required to submit. The applicant  
13 shall pay the costs associated with the fingerprint-based criminal history  
14 record check to the Colorado bureau of investigation. THE APPLICANT IS  
15 RESPONSIBLE FOR THE COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL  
16 HISTORY RECORD CHECK.

17 **SECTION 8.** In Colorado Revised Statutes, 12-35.5-107, **amend**  
18 (1)(e) and (3); and **add** (2.5) as follows:

19 **12-35.5-107. License - reciprocity - denial of license**  
20 **application.** (1) Every applicant for a license to practice massage therapy  
21 shall:

22 (e) Submit to a criminal history record check in the form and  
23 manner as described in subsection (2) OF THIS SECTION AND, IF  
24 NECESSARY, SUBSECTION (2.5) of this section; and

25 (2.5) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
26 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS  
27 SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE

1 DIRECTOR SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A NAME-BASED  
2 CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3  
3 (6)(d).

4 (3) After an applicant has fulfilled the requirements of subsections  
5 (1) and (2) OF THIS SECTION AND, IF NECESSARY, SUBSECTION (2.5) of this  
6 section, the director shall issue a license to the applicant.

7 **SECTION 9.** In Colorado Revised Statutes, **amend** 12-42.5-304  
8 as follows:

9 **12-42.5-304. Criminal history record check.** (1) Prior to  
10 submission of an application, each designated representative must have  
11 his or her fingerprints taken by a local law enforcement agency or any  
12 third party approved by the Colorado bureau of investigation for the  
13 purpose of obtaining a fingerprint-based criminal history record check. If  
14 an approved third party takes the person's fingerprints, the fingerprints  
15 may be electronically captured using Colorado bureau of  
16 investigation-approved livescan equipment. Third-party vendors shall not  
17 keep the applicant information for more than thirty days unless requested  
18 to do so by the applicant. The designated representative shall submit  
19 payment by certified check or money order for the fingerprints and for the  
20 actual costs of the record check at the time the fingerprints are submitted  
21 to the Colorado bureau of investigation. Upon receipt of fingerprints and  
22 receipt of the payment for costs, the Colorado bureau of investigation  
23 shall conduct a state and national fingerprint-based criminal history  
24 record check utilizing records of the Colorado bureau of investigation and  
25 the federal bureau of investigation.

26 (2) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
27 HISTORY RECORD CHECK OF A DESIGNATED REPRESENTATIVE PERFORMED

1 PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST WITHOUT A  
2 DISPOSITION, THE BOARD SHALL REQUIRE THAT DESIGNATED  
3 REPRESENTATIVE TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY  
4 RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d). THE  
5 DESIGNATED REPRESENTATIVE SHALL PAY THE ACTUAL COSTS OF THE  
6 NAME-BASED CRIMINAL HISTORY RECORD CHECK.

7 **SECTION 10.** In Colorado Revised Statutes, **amend**  
8 12-43.2-105.5 as follows:

9 **12-43.2-105.5. Criminal history record check required.**

10 (1) Each applicant for registration must have his or her fingerprints taken  
11 by a local law enforcement agency or any third party approved by the  
12 Colorado bureau of investigation for the purpose of obtaining a  
13 fingerprint-based criminal history record check. If an approved third party  
14 takes the person's fingerprints, the fingerprints may be electronically  
15 captured using Colorado bureau of investigation-approved livescan  
16 equipment. Third-party vendors shall not keep the applicant information  
17 for more than thirty days unless requested to do so by the applicant. The  
18 applicant shall submit payment by certified check or money order for the  
19 fingerprints and for the actual costs of the record check at the time the  
20 fingerprints are submitted to the Colorado bureau of investigation. Upon  
21 receipt of fingerprints and receipt of the payment for costs, the Colorado  
22 bureau of investigation shall conduct a state and national  
23 fingerprint-based criminal history record check utilizing records of the  
24 Colorado bureau of investigation and the federal bureau of investigation  
25 and shall forward the results of the criminal history record check to the  
26 director.

27 (2) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL



1 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS  
2 SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE  
3 DIRECTOR SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A NAME-BASED  
4 CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3  
5 (6)(d). THE APPLICANT SHALL PAY THE ACTUAL COSTS OF THE  
6 NAME-BASED CRIMINAL HISTORY RECORD CHECK.

7 **SECTION 11.** In Colorado Revised Statutes, 12-58.5-106,  
8 **amend** (2) as follows:

9 **12-58.5-106. Private investigator licenses - qualifications - fees**  
10 **- renewal - rules.** (2) (a) In addition to the requirements of subsection  
11 (1) of this section, each applicant for a level I or level II private  
12 investigator license must have his or her fingerprints taken by a local law  
13 enforcement agency or any third party approved by the Colorado bureau  
14 of investigation for the purpose of obtaining a fingerprint-based criminal  
15 history record check. If an approved third party takes the person's  
16 fingerprints, the fingerprints may be electronically captured using  
17 Colorado bureau of investigation-approved livescan equipment.  
18 Third-party vendors shall not keep the applicant information for more  
19 than thirty days unless requested to do so by the applicant. The applicant  
20 shall submit payment by certified check or money order for the  
21 fingerprints and for the actual costs of the record check at the time the  
22 fingerprints are submitted to the Colorado bureau of investigation. Upon  
23 receipt of fingerprints and receipt of the payment for costs, the Colorado  
24 bureau of investigation shall conduct a state and national  
25 fingerprint-based criminal history record check utilizing records of the  
26 Colorado bureau of investigation and the federal bureau of investigation  
27 and shall forward the results of the criminal history record check to the

1 director.

2 (b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
3 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS  
4 SUBSECTION (2) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION,  
5 THE DIRECTOR SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A  
6 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION  
7 22-2-119.3 (6)(d). THE APPLICANT SHALL PAY THE ACTUAL COSTS OF THE  
8 NAME-BASED CRIMINAL HISTORY RECORD CHECK.

9 **SECTION 12.** In Colorado Revised Statutes, 12-61-103, **amend**  
10 (1)(b)(I) as follows:

11 **12-61-103. Application for license - rules.** (1) (b) (I) Prior to  
12 submitting an application for a license pursuant to ~~paragraph (a) of this~~  
13 ~~subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION, each applicant shall  
14 submit a set of fingerprints to the Colorado bureau of investigation for the  
15 purpose of conducting a state and national fingerprint-based criminal  
16 history record check utilizing records of the Colorado bureau of  
17 investigation and the federal bureau of investigation. The applicant shall  
18 pay the fee established by the Colorado bureau of investigation for  
19 conducting the fingerprint-based criminal history record check to the  
20 bureau. Upon completion of the criminal history record check, the bureau  
21 shall forward the results to the real estate commission. The real estate  
22 commission ~~may~~ SHALL acquire a name-based criminal history record  
23 check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an applicant who has  
24 twice submitted to a fingerprint-based criminal history record check and  
25 whose fingerprints are unclassifiable OR WHEN THE RESULTS OF A  
26 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT  
27 PERFORMED PURSUANT TO THIS SUBSECTION (1)(b)(I) REVEAL A RECORD

1 OF ARREST WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY THE  
2 COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD  
3 CHECK.

4 **SECTION 13.** In Colorado Revised Statutes, 12-61-706, **amend**  
5 (6)(a) as follows:

6 **12-61-706. Qualifications for licensing and certification of**  
7 **appraisers - continuing education - definitions - rules.** (6) (a) The  
8 board shall not issue a license or certification until the applicant  
9 demonstrates that he or she meets the fitness standards established by  
10 board rule and submits a set of fingerprints to the Colorado bureau of  
11 investigation for the purpose of conducting a state and national  
12 fingerprint-based criminal history record check utilizing records of the  
13 Colorado bureau of investigation and the federal bureau of investigation.  
14 Each person submitting a set of fingerprints shall pay the fee established  
15 by the Colorado bureau of investigation for conducting the  
16 fingerprint-based criminal history record check to the bureau. Upon  
17 completion of the criminal history record check, the bureau shall forward  
18 the results to the board. The board ~~may~~ SHALL require a name-based  
19 criminal history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d),  
20 for an applicant who has twice submitted to a fingerprint-based criminal  
21 history record check and whose fingerprints are unclassifiable OR WHEN  
22 THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK  
23 OF AN APPLICANT PERFORMED PURSUANT TO THIS SUBSECTION (6) REVEAL  
24 A RECORD OF ARREST WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY  
25 THE COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD  
26 CHECK. The board may deny an application for licensure or certification  
27 based on the outcome of the criminal history record check and may

1 establish criminal history requirements more stringent than those  
2 established by any applicable federal law. At a minimum, the board shall  
3 adopt the criminal history requirements established by any applicable  
4 federal law.

5 **SECTION 14.** In Colorado Revised Statutes, 12-61-707, **amend**  
6 (3) as follows:

7 **12-61-707. Appraisal management companies - application for**  
8 **license - exemptions.** (3) The board shall not issue a license to any  
9 partnership, limited liability company, or corporation unless and until the  
10 appraiser designated by the partnership, limited liability company, or  
11 corporation as controlling appraiser and each individual who owns more  
12 than ten percent of the entity demonstrates that he or she meets the fitness  
13 standards established by board rule and submits a set of fingerprints to the  
14 Colorado bureau of investigation for the purpose of conducting a state  
15 and national fingerprint-based criminal history record check utilizing  
16 records of the Colorado bureau of investigation and the federal bureau of  
17 investigation. Each person submitting a set of fingerprints shall pay the  
18 fee established by the Colorado bureau of investigation for conducting the  
19 fingerprint-based criminal history record check to the bureau. Upon  
20 completion of the criminal history record check, the bureau shall forward  
21 the results to the board. The board ~~may~~ SHALL require a name-based  
22 criminal history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d),  
23 for an applicant who has twice submitted to a fingerprint-based criminal  
24 history record check and whose fingerprints are unclassifiable OR WHEN  
25 THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK  
26 OF AN APPLICANT PERFORMED PURSUANT TO THIS SUBSECTION (3) REVEAL  
27 A RECORD OF ARREST WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY

1 THE COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD  
2 CHECK. The board may deny an application for licensure or refuse to  
3 renew a license based on the outcome of the criminal history record  
4 check. The board may require criminal history requirements more  
5 stringent than those established by any applicable federal law. At a  
6 minimum, the board shall adopt the criminal history requirements  
7 established by any applicable federal law.

8 **SECTION 15.** In Colorado Revised Statutes, 12-61-710, **amend**  
9 (4) as follows:

10 **12-61-710. Expiration of licenses - renewal - penalties - fees -**  
11 **rules.** (4) At the time of renewal or reinstatement, every licensee,  
12 certificate holder, and person or individual who owns more than ten  
13 percent of an appraisal management company shall submit a set of  
14 fingerprints to the Colorado bureau of investigation for the purpose of  
15 conducting a state and national fingerprint-based criminal history record  
16 check utilizing records of the Colorado bureau of investigation and the  
17 federal bureau of investigation, if the person has not previously done so  
18 for issuance of a license or certification by the board. Each person  
19 submitting a set of fingerprints shall pay the fee established by the  
20 Colorado bureau of investigation for conducting the fingerprint-based  
21 criminal history record check to the bureau. The bureau shall forward the  
22 results to the board. The board ~~may~~ SHALL require a name-based criminal  
23 history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an  
24 applicant who has twice submitted to a fingerprint-based criminal history  
25 record check and whose fingerprints are unclassifiable OR WHEN THE  
26 RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF  
27 AN APPLICANT PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD

1 OF ARREST WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY THE  
2 COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD  
3 CHECK. The board may refuse to renew or reinstate a license or  
4 certification based on the outcome of the criminal history record check.

5 **SECTION 16.** In Colorado Revised Statutes, 12-61-903, **amend**  
6 (5)(a) and (5.5)(c) as follows:

7 **12-61-903. License required - rules.** (5) (a) Prior to submitting  
8 an application for a license, an applicant shall submit a set of fingerprints  
9 to the Colorado bureau of investigation. Upon receipt of the applicant's  
10 fingerprints, the Colorado bureau of investigation shall use the  
11 fingerprints to conduct a state and national criminal history record check  
12 using records of the Colorado bureau of investigation and the federal  
13 bureau of investigation. All costs arising from such criminal history  
14 record check ~~shall~~ MUST be borne by the applicant and ~~shall~~ MUST be paid  
15 when the set of fingerprints is submitted. Upon completion of the criminal  
16 history record check, the bureau shall forward the results to the board.  
17 The board ~~may~~ SHALL acquire a name-based criminal history record  
18 check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an applicant who has  
19 twice submitted to a fingerprint-based criminal history record check and  
20 whose fingerprints are unclassifiable OR WHEN THE RESULTS OF A  
21 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT  
22 PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST  
23 WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY THE COSTS  
24 ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD CHECK.

25 (5.5) (c) The board ~~may~~ SHALL acquire a name-based criminal  
26 history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an  
27 applicant who has twice submitted to a fingerprint-based criminal history

1 record check and whose fingerprints are unclassifiable OR WHEN THE  
2 RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF  
3 AN APPLICANT PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD  
4 OF ARREST WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY THE  
5 COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD  
6 CHECK.

7 **SECTION 17.** In Colorado Revised Statutes, 13-93-101, **amend**  
8 (3) as follows:

9 **13-93-101. License to practice necessary.** (3) Upon request of  
10 the supreme court or a representative of its office of attorney regulation  
11 counsel, the Colorado bureau of investigation shall also provide a  
12 name-based criminal history record check, AS DEFINED IN SECTION  
13 22-2-119.3 (6)(d), for any applicant whose fingerprints are unclassifiable  
14 OR WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY  
15 RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS SECTION  
16 REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION.

17 **SECTION 18.** In Colorado Revised Statutes, 14-10-116.5,  
18 **amend** (4)(b) as follows:

19 **14-10-116.5. Appointment in domestic relations cases - child**  
20 **and family investigator - disclosure - background check.** (4) (b) FOR  
21 ANY PERSON WHOSE FINGERPRINTS ARE UNCLASSIFIABLE OR WHEN THE  
22 RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF  
23 A PERSON PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF  
24 ARREST WITHOUT A DISPOSITION, THE DEPARTMENT SHALL REQUIRE THAT  
25 APPLICANT TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD  
26 CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d). Upon request of the  
27 department PURSUANT TO THIS SECTION, the Colorado bureau of

1 investigation shall also provide a name-based criminal history record  
2 check for any person. ~~whose fingerprints are unclassifiable.~~

3 **SECTION 19.** In Colorado Revised Statutes, 15-14-110, **amend**  
4 (5) as follows:

5 **15-14-110. Letters of office.** (5) (a) Nothing in this section shall  
6 be construed to prohibit the court from requiring a nominee to obtain  
7 additional background information as the court deems necessary to assist  
8 the court in determining the fitness of the nominee for the appointment  
9 sought by the nominee, including requiring a nominee to obtain  
10 fingerprint-based criminal history record checks through the Colorado  
11 bureau of investigation and the federal bureau of investigation. If the  
12 court requires a nominee to submit fingerprint-based criminal history  
13 record checks, the nominee shall be responsible for providing a complete  
14 set of fingerprints to the Colorado bureau of investigation and for  
15 obtaining the fingerprint-based criminal history record checks and  
16 presenting them with the acceptance of office. The nominee shall also be  
17 responsible for the cost of the fingerprint-based criminal history record  
18 checks.

19 (b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
20 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS  
21 SUBSECTION (5) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION,  
22 THE COURT SHALL REQUIRE THAT NOMINEE TO SUBMIT TO A NAME-BASED  
23 CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3  
24 (6)(d). THE APPLICANT IS RESPONSIBLE FOR THE COST OF THE NAME-BASED  
25 CRIMINAL HISTORY RECORD CHECK.

26 **SECTION 20.** In Colorado Revised Statutes, 19-2-411.5, **amend**  
27 (4) as follows:



1           **19-2-411.5. Juvenile facility - contract for operation.** (4) The  
2 contractor shall require applicants for employment at the facility to submit  
3 a set of fingerprints to the Colorado bureau of investigation for a criminal  
4 background check, and the Colorado bureau of investigation may accept  
5 such fingerprints. For the purpose of conducting background checks, to  
6 the extent authorized by federal law, the Colorado bureau of investigation  
7 may exchange with the department any state, multistate, and federal  
8 criminal history records of individuals who apply for employment at the  
9 facility. WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY  
10 RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS SECTION  
11 REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE CONTRACTOR  
12 SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A NAME-BASED CRIMINAL  
13 HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

14           **SECTION 21.** In Colorado Revised Statutes, 22-1-121, **amend**  
15 (1.7)(b); and **add** (1.7)(a.5) as follows:

16           **22-1-121. Nonpublic schools - employment of personnel -**  
17 **notification by department of education.** (1.7) (a.5) WHEN THE  
18 RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF  
19 AN APPLICANT OR EMPLOYEE PERFORMED PURSUANT TO THIS SECTION  
20 REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE GOVERNING  
21 BOARD SHALL REQUIRE THAT APPLICANT OR EMPLOYEE TO SUBMIT TO A  
22 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION  
23 22-2-119.3 (6)(d).

24           (b) All costs arising from a fingerprint-based criminal history  
25 record check performed by the Colorado bureau of investigation and the  
26 federal bureau of investigation pursuant to the provisions of this section  
27 ~~shall~~ OR A NAME-BASED CRIMINAL HISTORY RECORD CHECK PERFORMED

1 PURSUANT TO THIS SECTION MUST be borne by the nonpublic school. Such  
2 costs may be passed on to the employee or the prospective employee.

3 **SECTION 22.** In Colorado Revised Statutes, 22-30.5-110.5,  
4 **amend** (2) introductory portion and (2)(b)(I) as follows:

5 **22-30.5-110.5. Background investigation - charter school**  
6 **employees - information provided to department.** (2) The background  
7 investigation of an applicant, at a minimum, ~~shall~~ MUST include:

8 (b) (I) A fingerprint-based criminal history record check AND, IF  
9 NECESSARY, A NAME-BASED CRIMINAL HISTORY RECORD CHECK, as  
10 described in section 22-30.5-110.7.

11 **SECTION 23.** In Colorado Revised Statutes, 22-30.5-110.7,  
12 **amend** (4), (5)(a) introductory portion, (6), (6.5), and (9) as follows:

13 **22-30.5-110.7. Fingerprint-based criminal history record**  
14 **checks - charter school employees - procedures - definitions -**  
15 **exceptions.** (4) (a) A charter school to which fingerprints are submitted  
16 pursuant to subsection (1) of this section shall forward the fingerprints to  
17 the Colorado bureau of investigation for the purpose of conducting a state  
18 and national fingerprint-based criminal history record check utilizing the  
19 records of the Colorado bureau of investigation and the federal bureau of  
20 investigation.

21 (b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
22 HISTORY RECORD CHECK OF AN EMPLOYEE PERFORMED PURSUANT TO THIS  
23 SUBSECTION (4) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION,  
24 THE CHARTER SCHOOL SHALL REQUIRE THAT EMPLOYEE TO SUBMIT TO A  
25 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION  
26 22-2-119.3 (6)(d).

27 (5) (a) A charter school may employ a person in the charter school

1 prior to receiving the results of the person's fingerprint-based criminal  
2 history record check OR NAME-BASED CRIMINAL HISTORY RECORD CHECK;  
3 except that:

4 (6) (a) When a charter school finds good cause to believe that a  
5 person employed by the charter school has been convicted of a felony or  
6 misdemeanor, other than a misdemeanor traffic offense or traffic  
7 infraction, subsequent to such employment, the charter school shall  
8 require the person to submit to the charter school a complete set of his or  
9 her fingerprints taken by a qualified law enforcement agency, an  
10 authorized employee of the charter school, or any third party approved by  
11 the Colorado bureau of investigation. If an approved third party takes the  
12 person's fingerprints, the fingerprints may be electronically captured using  
13 Colorado bureau of investigation-approved livescan equipment.  
14 Third-party vendors shall not keep the applicant information for more  
15 than thirty days unless requested to do so by the applicant. The employee  
16 shall submit his or her fingerprints within twenty days after receipt of  
17 written notification from the charter school. The charter school shall  
18 forward the employee's fingerprints to the Colorado bureau of  
19 investigation for the purpose of conducting a state and national  
20 fingerprint-based criminal history record check utilizing the records of the  
21 Colorado bureau of investigation and the federal bureau of investigation.

22 (b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
23 HISTORY RECORD CHECK OF AN EMPLOYEE PERFORMED PURSUANT TO  
24 SUBSECTION (6)(a) OF THIS SECTION REVEAL A RECORD OF ARREST  
25 WITHOUT A DISPOSITION, THE CHARTER SCHOOL SHALL REQUIRE THAT  
26 EMPLOYEE TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD  
27 CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

1 (6.5) An employee or an applicant for employment with a charter  
2 school is disqualified from employment if the results of a  
3 fingerprint-based criminal history record check OR NAME-BASED  
4 CRIMINAL HISTORY RECORD CHECK completed on or after August 10,  
5 2011, disclose a conviction for an offense described in section  
6 22-32-109.8 (6.5). Nothing in this section or in section 22-32-109.8 shall  
7 ~~create~~ CREATES for a person a property right in or entitlement to  
8 employment or continued employment with a charter school or ~~impair~~  
9 IMPAIRS a charter school's right to terminate employment for a  
10 nondiscriminatory reason.

11 (9) (a) The employing charter school shall be responsible for costs  
12 arising from a fingerprint-based criminal history record check performed  
13 by the Colorado bureau of investigation and the federal bureau of  
14 investigation pursuant to the provisions of this section. The charter school  
15 may collect the costs from the employee or the prospective employee.

16 (b) THE EMPLOYING CHARTER SCHOOL SHALL BE RESPONSIBLE FOR  
17 COSTS ARISING FROM A NAME-BASED CRIMINAL HISTORY RECORD CHECK  
18 PERFORMED PURSUANT TO THIS SECTION. THE CHARTER SCHOOL MAY  
19 COLLECT THE COSTS FROM THE EMPLOYEE OR THE PROSPECTIVE  
20 EMPLOYEE.

21 **SECTION 24.** In Colorado Revised Statutes, 22-30.5-511.5,  
22 **amend** (1), (2), and (2.5) as follows:

23 **22-30.5-511.5. Background investigation - prohibition against**  
24 **employing persons - institute charter school employees' information**  
25 **provided to department.** (1) An institute charter school shall conduct  
26 a background investigation, including a fingerprint-based criminal history  
27 record check, as described in sections 22-30.5-110.5 and 22-30.5-110.7,

1 of an applicant to whom an offer of employment is extended by the  
2 institute charter school to determine whether the applicant is suitable to  
3 work in an environment with children. An applicant who applies for a  
4 position of employment with an institute charter school shall submit to a  
5 background investigation, including a fingerprint-based criminal history  
6 record check, AND, AS NECESSARY, A NAME-BASED CRIMINAL HISTORY  
7 RECORD CHECK, as described in sections 22-30.5-110.5 and  
8 22-30.5-110.7.

9 (2) When an institute charter school finds good cause to believe  
10 that a person employed by the institute charter school has been convicted  
11 of a felony or misdemeanor, other than a misdemeanor traffic offense or  
12 traffic infraction subsequent to such employment, the institute charter  
13 school shall require the person to submit to the institute charter school a  
14 complete set of his or her fingerprints for a fingerprint-based criminal  
15 history record check AND, AS NECESSARY, A NAME-BASED CRIMINAL  
16 HISTORY RECORD CHECK, as described in section 22-30.5-110.7 (6).

17 (2.5) An employee or an applicant for employment with an  
18 institute charter school is disqualified from employment if the results of  
19 a fingerprint-based criminal history record check OR A NAME-BASED  
20 CRIMINAL HISTORY RECORD CHECK completed on or after August 10,  
21 2011, disclose a conviction for an offense described in section  
22 22-32-109.8 (6.5). Nothing in this section or in section 22-32-109.8 shall  
23 ~~create~~ CREATES for a person a property right in or entitlement to  
24 employment or continued employment with an institute charter school or  
25 ~~impair~~ IMPAIRS an institute charter school's right to terminate employment  
26 for a nondiscriminatory reason.

27 **SECTION 25.** In Colorado Revised Statutes, 22-30.7-111,

1 **amend** (1)(b) introductory portion and (1)(b)(VII) as follows:

2 **22-30.7-111. Learning centers - memoranda of understanding**  
3 **- rules - appeal process.** (1) (b) A multi-district online school that  
4 intends to provide instruction to students within a learning center shall  
5 notify the school district in which the proposed learning center is located  
6 of the multi-district online school's intention in writing at least ninety  
7 days before the multi-district online school intends to commence  
8 providing such instruction. The notice ~~shall~~ **MUST** include the standard  
9 MOU form that addresses, at a minimum, the following information as it  
10 applies to each learning center to be located within the school district:

11 (VII) Measures to ensure compliance with state and federal laws  
12 concerning educator ~~licensing and~~ LICENSING, fingerprint-based criminal  
13 history record CHECKS, AND NAME-BASED CRIMINAL HISTORY RECORD  
14 checks;

15 **SECTION 26.** In Colorado Revised Statutes, 22-32-109.8,  
16 **amend** (4), (5)(a) introductory portion, and (5)(a)(II); and **add** (6)(a.5) as  
17 follows:

18 **22-32-109.8. Applicants selected for nonlicensed positions -**  
19 **submittal of form and fingerprints - prohibition against employing**  
20 **persons - department database.** (4) (a) Any school district to which  
21 fingerprints are submitted pursuant to subsection (1) of this section shall  
22 forward such fingerprints to the Colorado bureau of investigation for the  
23 purpose of conducting a state and national fingerprint-based criminal  
24 history record check utilizing the records of the Colorado bureau of  
25 investigation and the federal bureau of investigation.

26 (b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
27 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS

1 SUBSECTION (4) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION,  
2 THE SCHOOL DISTRICT SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A  
3 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION  
4 22-2-119.3 (6)(d).

5 (5) (a) A school district may employ a person in a nonlicensed  
6 position in the school district prior to receiving the results regarding the  
7 selected applicant's ~~fingerprints~~ FINGERPRINT-BASED OR NAME-BASED  
8 CRIMINAL HISTORY RECORD CHECK; however:

9 (II) The school district shall terminate the person's employment  
10 if the results of a fingerprint-based criminal history record check OR  
11 NAME-BASED CRIMINAL HISTORY RECORD CHECK completed on or after  
12 August 10, 2011, disclose a conviction for an offense described in  
13 subsection (6.5) of this section.

14 (6) (a.5) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
15 HISTORY RECORD CHECK OF AN EMPLOYEE PERFORMED PURSUANT TO THIS  
16 SUBSECTION (6) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION,  
17 THE SCHOOL DISTRICT SHALL REQUIRE THAT EMPLOYEE TO SUBMIT TO A  
18 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION  
19 22-2-119.3 (6)(d).

20 **SECTION 27.** In Colorado Revised Statutes, 22-32-109.9,  
21 **amend** (2) and (3) as follows:

22 **22-32-109.9. Licensed personnel - submittal of fingerprints.**

23 (2) (a) Any school district to which fingerprints are submitted pursuant  
24 to subsection (1) of this section shall forward such fingerprints to the  
25 Colorado bureau of investigation for the purpose of conducting a state  
26 and national fingerprint-based criminal history record check utilizing the  
27 records of the Colorado bureau of investigation and the federal bureau of

1 investigation.

2 (b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
3 HISTORY RECORD CHECK OF AN EMPLOYEE PERFORMED PURSUANT TO THIS  
4 SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE  
5 SCHOOL DISTRICT SHALL REQUIRE THAT EMPLOYEE TO SUBMIT TO A  
6 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION  
7 22-2-119.3 (6)(d).

8 (3) All costs arising from the taking of fingerprints and from any  
9 fingerprint processing performed by the Colorado bureau of investigation  
10 pursuant to the provisions of subsection (1) of this section ~~shall~~ AND  
11 COSTS ARISING FROM THE PERFORMANCE OF A NAME-BASED CRIMINAL  
12 HISTORY RECORD CHECK MUST be borne by school districts. School  
13 districts shall not charge licensed personnel any fees for the direct and  
14 indirect costs of such school district for fingerprint processing OR  
15 CRIMINAL HISTORY RECORD CHECKS performed pursuant to the provisions  
16 of subsection (1) of this section.

17 **SECTION 28.** In Colorado Revised Statutes, 22-60.5-103, **add**  
18 (7) as follows:

19 **22-60.5-103. Applicants - licenses - authorizations - submittal**  
20 **of form and fingerprints - failure to comply constitutes grounds for**  
21 **denial.** (7) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
22 HISTORY RECORD CHECK OF AN APPLICANT OR A SEARCH OF ANY OTHER  
23 SOURCE OF CRIMINAL HISTORY INFORMATION PERFORMED PURSUANT TO  
24 THIS SECTION REVEALS A RECORD OF ARREST WITHOUT A DISPOSITION, THE  
25 DEPARTMENT OF EDUCATION SHALL REQUIRE THAT APPLICANT TO SUBMIT  
26 TO A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN  
27 SECTION 22-2-119.3 (6)(d).



1           **SECTION 29.** In Colorado Revised Statutes, 23-64-110, **amend**  
2 (1)(a) as follows:

3           **23-64-110. Submittal of fingerprints for persons teaching at**  
4 **designated schools - fingerprint-based criminal history record checks**  
5 **- prerequisite for commencing or continuing employment.**

6 (1) (a) (I) Instructional staff or prospective instructional staff who may  
7 be teaching students in a school designated by the board pursuant to  
8 section 23-64-108 (1)(l) shall, beginning July 1, 2006, in order to  
9 commence or continue employment at a designated school, submit a set  
10 of his or her fingerprints to the Colorado bureau of investigation for the  
11 purpose of conducting a state and national fingerprint-based criminal  
12 history record check utilizing records of the Colorado bureau of  
13 investigation and the federal bureau of investigation. Nothing in this  
14 section ~~shall preclude~~ PRECLUDES the board from making further inquiries  
15 into the background of instructional staff or prospective instructional  
16 staff. Instructional staff or prospective instructional staff shall pay the fee  
17 established by the Colorado bureau of investigation for conducting the  
18 fingerprint-based criminal history record check. Upon completion of the  
19 criminal history record check, the bureau shall forward the results to the  
20 board. The board shall conduct a review of the results of the criminal  
21 history record check forwarded by the bureau and consider the results in  
22 assessing whether instructional staff or prospective instructional staff  
23 meet minimum standards of qualification, as established by the board  
24 pursuant to section 23-64-112, necessary to commence or continue  
25 employment at the designated school.

26           (II) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
27 HISTORY RECORD CHECK OF INSTRUCTIONAL STAFF OR PROSPECTIVE

1 INSTRUCTIONAL STAFF PERFORMED PURSUANT TO THIS SECTION REVEAL  
2 A RECORD OF ARREST WITHOUT A DISPOSITION, THE BOARD SHALL REQUIRE  
3 THE INSTRUCTIONAL STAFF OR PROSPECTIVE INSTRUCTIONAL STAFF TO  
4 SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED  
5 IN SECTION 22-2-119.3 (6)(d). INSTRUCTIONAL STAFF OR PROSPECTIVE  
6 INSTRUCTIONAL STAFF SHALL PAY THE FEE ESTABLISHED BY THE BOARD  
7 FOR CONDUCTING THE NAMED-BASED CRIMINAL HISTORY RECORD CHECK.

8 **SECTION 30.** In Colorado Revised Statutes, 24-31-304, **amend**  
9 (3) as follows:

10 **24-31-304. Applicant for training - fingerprint-based criminal**  
11 **history record check.** (3) (a) A person seeking to enroll in a training  
12 academy shall submit a set of fingerprints to the training academy prior  
13 to enrolling in the academy. The training academy shall forward the  
14 fingerprints to the Colorado bureau of investigation for the purpose of  
15 obtaining a fingerprint-based criminal history record check. Upon receipt  
16 of fingerprints and payment for the costs, the Colorado bureau of  
17 investigation shall conduct a state and national fingerprint-based criminal  
18 history record check utilizing records of the Colorado bureau of  
19 investigation and the federal bureau of investigation. The P.O.S.T. board  
20 ~~shall be~~ IS the authorized agency to receive information regarding the  
21 result of a national criminal history record check. The P.O.S.T. board  
22 shall notify the training academy if the fingerprint-based criminal history  
23 record check indicates that the person is prohibited from enrolling in the  
24 training academy pursuant to subsection (2) of this section. The person  
25 seeking to enroll in the training academy shall bear only the actual costs  
26 of the state and national fingerprint-based criminal history record check.

27 (b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL

1 HISTORY RECORD CHECK OF A PERSON SEEKING TO ENROLL IN A TRAINING  
2 ACADEMY PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF  
3 ARREST WITHOUT A DISPOSITION, THE P.O.S.T. BOARD SHALL REQUIRE  
4 THAT PERSON TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD  
5 CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

6 **SECTION 31.** In Colorado Revised Statutes, 24-31-702, **amend**  
7 (2)(f) as follows:

8 **24-31-702. Colorado domestic violence fatality review board**  
9 **- creation - membership - purpose - duties.** (2) (f) Before commencing  
10 his or her service on the review team, each member shall submit his or her  
11 fingerprints to the Colorado bureau of investigation for the purposes of  
12 a criminal background check. The bureau shall forward the results of each  
13 background check to the attorney general. WHEN THE RESULTS OF A  
14 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF A MEMBER  
15 PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST  
16 WITHOUT A DISPOSITION, THE ATTORNEY GENERAL SHALL REQUIRE THAT  
17 MEMBER TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD  
18 CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

19 **SECTION 32.** In Colorado Revised Statutes, 24-33.5-705.5,  
20 **amend** (4)(b) as follows:

21 **24-33.5-705.5. Auxiliary emergency communications unit -**  
22 **powers and duties of unit and office of emergency management**  
23 **regarding auxiliary communications - definitions.** (4) In connection  
24 with the powers and duties of the unit as specified in this section, the  
25 director of the office may:

26 (b) Conduct criminal background investigations on candidates for  
27 credentialing as auxiliary emergency communicators in accordance with

1 the security needs of the department. WHEN THE RESULTS OF A  
2 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT  
3 PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST  
4 WITHOUT A DISPOSITION, THE DIRECTOR SHALL REQUIRE THAT APPLICANT  
5 TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS  
6 DEFINED IN SECTION 22-2-119.3 (6)(d). The unit may deny credentialing  
7 to any candidate based upon the results of ~~that~~ A background check.

8 **SECTION 33.** In Colorado Revised Statutes, **amend 24-50-1002**  
9 as follows:

10 **24-50-1002. State agencies with access to federal tax**  
11 **information - authorization for background checks - procedure -**  
12 **costs.** (1) Each applicant, state employee, state contractor, or other  
13 individual who has or may have access through a state agency to federal  
14 tax information received from the federal government shall submit a  
15 complete set of his or her fingerprints to the state agency. The state  
16 agency shall submit the fingerprints to the Colorado bureau of  
17 investigation for the purpose of conducting fingerprint-based criminal  
18 history record checks. The Colorado bureau of investigation shall forward  
19 the fingerprints to the federal bureau of investigation for the purpose of  
20 conducting fingerprint-based criminal history record checks. The state  
21 agency ~~may~~ SHALL acquire a name-based criminal history record check,  
22 AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an applicant, state  
23 employee, state contractor, or other individual who has twice submitted  
24 to a fingerprint-based criminal history record check and whose  
25 fingerprints are unclassifiable OR WHEN THE RESULTS OF A  
26 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF A PERSON  
27 PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST

1 WITHOUT A DISPOSITION. The state agency may collect the fingerprints of  
2 the applicant, state employee, state contractor, or other individual or may  
3 use the fingerprinting services of another state agency or other entity  
4 authorized to collect fingerprints for the purpose of conducting  
5 fingerprint-based criminal history record checks.

6 (2) The state agency shall use the information resulting from the  
7 fingerprint-based OR NAME-BASED criminal history record check to  
8 investigate and determine whether the applicant, state employee, state  
9 contractor, or other individual is qualified to have access to federal tax  
10 information in accordance with federal internal revenue service  
11 publication 1075. The state agency may verify the information an  
12 individual is required to submit. The state agency shall deny access to  
13 federal tax information received from the federal government to an  
14 applicant, state employee, state contractor, or other individual who does  
15 not pass the ~~fingerprint-based~~ criminal history record check required by  
16 this section.

17 (3) The state agency shall pay the costs associated with  
18 fingerprint-based criminal history record checks to the Colorado bureau  
19 of investigation AND PAY THE COSTS ASSOCIATED WITH A NAME-BASED  
20 CRIMINAL HISTORY RECORD CHECK.

21 **SECTION 34.** In Colorado Revised Statutes, 24-50-1003, **amend**  
22 (2), (3), and (4) as follows:

23 **24-50-1003. County departments with access to federal tax**  
24 **information - authorization for background checks - procedure -**  
25 **costs.** (2) Each applicant, county employee, county contractor, or other  
26 individual who has or may have access to federal tax information subject  
27 to an agreement authorized under subsection (1) of this section shall

1 submit a complete set of his or her fingerprints to the county department.  
2 The county department shall submit the fingerprints to the Colorado  
3 bureau of investigation for the purpose of conducting fingerprint-based  
4 criminal history record checks. The Colorado bureau of investigation  
5 shall forward the fingerprints to the federal bureau of investigation for the  
6 purpose of conducting fingerprint-based criminal history record checks.  
7 The county department ~~may~~ SHALL acquire a name-based criminal history  
8 record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an applicant,  
9 county employee, county contractor, or other individual who has twice  
10 submitted to a fingerprint-based criminal history record check and whose  
11 fingerprints are unclassifiable OR WHEN THE RESULTS OF A  
12 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF A PERSON  
13 PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST  
14 WITHOUT A DISPOSITION.

15 (3) The county department shall use the information resulting  
16 from the fingerprint-based OR NAME-BASED criminal history record check  
17 to investigate and determine whether the applicant, county employee,  
18 county contractor, or other individual is qualified to have access to the  
19 shared federal tax information in accordance with federal internal revenue  
20 service publication 1075. The county department may verify the  
21 information an individual is required to submit. The county department  
22 shall deny access to the shared federal tax information to an applicant,  
23 county employee, county contractor, or other individual who does not  
24 pass the ~~fingerprint-based~~ criminal history record check required in  
25 accordance with this section.

26 (4) The county department shall pay the costs associated with  
27 fingerprint-based criminal history record checks to the Colorado bureau

1 of investigation AND PAY THE COSTS ASSOCIATED WITH A NAME-BASED  
2 CRIMINAL HISTORY RECORD CHECK.

3 **SECTION 35.** In Colorado Revised Statutes, 25-1-124.5, **amend**  
4 (1) as follows:

5 **25-1-124.5. Nursing care facilities - employees - criminal**  
6 **history check - adult protective services data system check.** (1) On  
7 and after September 1, 1996, prior to employing any person, a nursing  
8 care facility or the person seeking employment at a nursing care facility  
9 shall make an inquiry to the director of the Colorado bureau of  
10 investigation or to private criminal background check companies  
11 authorized to do business in the state of Colorado to ascertain whether  
12 such person has a criminal history, including arrest and conviction  
13 records. The Colorado bureau of investigation or private criminal  
14 background check companies are authorized to utilize fingerprints to  
15 ascertain from the federal bureau of investigation whether such person  
16 has a criminal history record. WHEN THE RESULTS OF A  
17 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT  
18 PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST  
19 WITHOUT A DISPOSITION, THE NURSING CARE FACILITY SHALL REQUIRE  
20 THAT APPLICANT TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY  
21 RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d). The nursing  
22 care facility or the person seeking employment in a nursing care facility  
23 shall pay the costs of ~~such inquiry~~ AN INQUIRY OR A NAME-BASED  
24 CRIMINAL HISTORY RECORD CHECK PERFORMED PURSUANT TO THIS  
25 SECTION. The criminal history check ~~shall~~ MUST be conducted not more  
26 than ninety days prior to the employment of the applicant. For purposes  
27 of this section, criminal background check companies ~~shall~~ MUST be

1 approved by the state board of nursing. In approving such companies,  
2 approval ~~shall~~ MUST be based upon the provision of lawfully available,  
3 accurate, and thorough information pertaining to criminal histories,  
4 including arrest and conviction records.

5 **SECTION 36.** In Colorado Revised Statutes, 25-1.5-302, **amend**  
6 (8) as follows:

7 **25-1.5-302. Administration of medications - powers and duties**  
8 **of department - criminal history record checks.** (8) Each owner,  
9 operator, or supervisor of a facility who employs a person who is not  
10 licensed to administer medications shall conduct a criminal background  
11 check on each employee prior to employment or promotion to a position  
12 in which the person has access to medications. WHEN THE RESULTS OF A  
13 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN EMPLOYEE  
14 PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST  
15 WITHOUT A DISPOSITION, THE OWNER, OPERATOR, OR SUPERVISOR OF THE  
16 FACILITY SHALL REQUIRE THAT EMPLOYEE TO SUBMIT TO A NAME-BASED  
17 CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3  
18 (6)(d).

19 **SECTION 37.** In Colorado Revised Statutes, 25-3.5-203, **add**  
20 (4)(f) as follows:

21 **25-3.5-203. Emergency medical service providers -**  
22 **certification - renewal of certificate - duties of department - rules -**  
23 **criminal history record checks - definitions.** (4) (f) WHEN THE  
24 RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF  
25 A PERSON PERFORMED PURSUANT TO THIS SUBSECTION (4) REVEAL A  
26 RECORD OF ARREST WITHOUT A DISPOSITION, THE DEPARTMENT,  
27 GOVERNMENT ENTITY, OR PRIVATE, NOT-FOR-PROFIT, OR FOR-PROFIT



1 ORGANIZATION THAT REQUIRED THE FINGERPRINT-BASED CRIMINAL  
2 HISTORY RECORD CHECK SHALL REQUIRE THAT PERSON TO SUBMIT TO A  
3 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION  
4 22-2-119.3 (6)(d).

5 **SECTION 38.** In Colorado Revised Statutes, 25-3.5-1103, **add**  
6 (5)(c) as follows:

7 **25-3.5-1103. Registration - rules - funds.** (5) (c) WHEN THE  
8 RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF  
9 A PERSON PERFORMED PURSUANT TO THIS SUBSECTION (5) REVEAL A  
10 RECORD OF ARREST WITHOUT A DISPOSITION, THE DEPARTMENT SHALL  
11 REQUIRE THAT PERSON TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY  
12 RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

13 **SECTION 39.** In Colorado Revised Statutes, 25-3.5-1305, **add**  
14 (3)(a)(IV) as follows:

15 **25-3.5-1305. License - application - inspection - criminal**  
16 **history record check - issuance.** (3) (a) (IV) WHEN THE RESULTS OF A  
17 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF A PERSON  
18 PERFORMED PURSUANT TO THIS SUBSECTION (3) REVEAL A RECORD OF  
19 ARREST WITHOUT A DISPOSITION, THE DEPARTMENT SHALL REQUIRE THAT  
20 PERSON TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD CHECK,  
21 AS DEFINED IN SECTION 22-2-119.3 (6)(d).

22 **SECTION 40.** In Colorado Revised Statutes, 25-27-105, **add**  
23 (2.5)(a.7) as follows:

24 **25-27-105. License - application - inspection - issuance.**  
25 (2.5) (a.7) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
26 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS  
27 SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE

1 DEPARTMENT SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A  
2 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION  
3 22-2-119.3 (6)(d).

4 **SECTION 41.** In Colorado Revised Statutes, 25-27.5-106,  
5 **amend** (7); and **add** (3)(a.5) as follows:

6 **25-27.5-106. License or registration - application - inspection**  
7 **- issuance - rules.** (3) (a.5) WHEN THE RESULTS OF A FINGERPRINT-BASED  
8 CRIMINAL HISTORY RECORD CHECK OF A PERSON PERFORMED PURSUANT  
9 TO THIS SUBSECTION (3) REVEAL A RECORD OF ARREST WITHOUT A  
10 DISPOSITION, THE DEPARTMENT SHALL REQUIRE THAT PERSON TO SUBMIT  
11 TO A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN  
12 SECTION 22-2-119.3 (6)(d).

13 (7) If requested by the Colorado department of health care policy  
14 and financing, the department may issue a provisional license for a period  
15 of ninety days to an agency that has applied to be a certified home care  
16 agency as defined in section 25-27.5-102. A provisional license shall not  
17 be granted prior to the completion of a ~~fingerprint-based~~ criminal history  
18 record check in accordance with subsection (3) of this section and a  
19 finding in accordance with subsection (4) of this section. A second  
20 provisional license may be issued, for a like term and fee, to effect  
21 compliance. No further provisional licenses may be issued for the current  
22 year after the second issuance.

23 **SECTION 42.** In Colorado Revised Statutes, 26-3.1-107, **amend**  
24 (1) as follows:

25 **26-3.1-107. Background check - adult protective services data**  
26 **system check.** (1) Each county department shall require each protective  
27 services employee hired on or after May 29, 2012, to complete a

1 fingerprint-based criminal history ~~records~~ RECORD check utilizing the  
2 records of the Colorado bureau of investigation and the federal bureau of  
3 investigation. The employee shall pay the cost of the fingerprint-based  
4 criminal history ~~records~~ RECORD check unless the county department  
5 chooses to pay the cost. Upon completion of the criminal history ~~records~~  
6 RECORD check, the Colorado bureau of investigation shall forward the  
7 results to the county department. The county department ~~may~~ SHALL  
8 require a name-based criminal history ~~records~~ RECORD check for an  
9 applicant or an employee who has twice submitted to a fingerprint-based  
10 criminal history ~~records~~ RECORD check and whose fingerprints are  
11 unclassifiable OR WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
12 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS  
13 SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, AS  
14 DEFINED IN SECTION 22-2-119.3 (6)(d).

15 **SECTION 43.** In Colorado Revised Statutes, 26-6-103.3, **amend**  
16 (2) as follows:

17 **26-6-103.3. Substitute child care providers - substitute**  
18 **placement agency - licensing - rules.** (2) The state board shall  
19 promulgate rules for substitute placement agencies and substitute child  
20 care providers. At a minimum, state board rules must require that the  
21 substitute child care provider demonstrate that he or she has the training  
22 and certification for the child care license type and position in which the  
23 substitute child care provider is placed. Pursuant to section 26-6-107  
24 (1)(a)(I)(C), each substitute child care provider shall pay for and submit  
25 to a fingerprint-based criminal history record check and a review of the  
26 records and reports of child abuse or neglect maintained by the state  
27 department to determine whether the substitute child care provider has

1 been found to be responsible in a confirmed report of child abuse or  
2 neglect. WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY  
3 RECORD CHECK OR ANY OTHER RECORDS CHECK PERFORMED ON A PERSON  
4 PURSUANT TO THIS SUBSECTION (2) REVEAL A RECORD OF ARREST  
5 WITHOUT A DISPOSITION, THE STATE BOARD SHALL REQUIRE THAT PERSON  
6 TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS  
7 DEFINED IN SECTION 22-2-119.3 (6)(d). The substitute placement agency  
8 shall not place a substitute child care provider who is convicted of any of  
9 the crimes specified in section 26-6-104 (7) or section 26-6-108.

10 **SECTION 44.** In Colorado Revised Statutes, 26-6-103.5, **add**  
11 (2)(f)(V) as follows:

12 **26-6-103.5. Application of part - guest child care facilities -**  
13 **public services short-term child care facilities - definition.** (2) A  
14 person or entity shall not operate a guest child care facility or a public  
15 services short-term child care facility unless the following requirements  
16 are met:

17 (f) (V) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
18 HISTORY RECORD CHECK OR ANY OTHER RECORDS CHECK PERFORMED  
19 PURSUANT TO THIS SUBSECTION (2)(f) REVEAL A RECORD OF ARREST  
20 WITHOUT A DISPOSITION, THE GUEST CHILD CARE FACILITY OR PUBLIC  
21 SERVICES SHORT-TERM CHILD CARE FACILITY SHALL REQUIRE THE  
22 SUPERVISORY EMPLOYEE OR APPLICANT FOR A SUPERVISORY EMPLOYEE  
23 POSITION TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD  
24 CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d);

25 **SECTION 45.** In Colorado Revised Statutes, 26-6-104, **amend**  
26 (7.5) as follows:

27 **26-6-104. Licenses - out-of-state notices and consent -**

1 **demonstration pilot program - rules.** (7.5) (a) No later than January 1,  
2 2004, the state board shall promulgate rules that require all current and  
3 prospective employees of a county department who in their position have  
4 direct contact with any child in the process of being placed, or who has  
5 been placed, in foster care to submit a set of fingerprints for purposes of  
6 obtaining a fingerprint-based criminal history record check, unless the  
7 person has already submitted a set of fingerprints. The check ~~shall~~ MUST  
8 be conducted in the same manner as provided in subsection (7) of this  
9 section and in section 26-6-107 (1)(a). The person's employment ~~shall be~~  
10 IS conditional upon a satisfactory criminal background check and subject  
11 to the same grounds for denial or dismissal as set forth in subsection (7)  
12 of this section and in section 26-6-107 (1)(a). The costs for the  
13 fingerprint-based criminal history record check ~~shall~~ MUST be borne by  
14 the applicant.

15 (b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
16 HISTORY RECORD CHECK PERFORMED PURSUANT TO THIS SUBSECTION (7.5)  
17 REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE STATE  
18 DEPARTMENT SHALL REQUIRE THE PERSON TO SUBMIT TO A NAME-BASED  
19 CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3  
20 (6)(d). THE COSTS FOR THE NAME-BASED CRIMINAL HISTORY RECORD  
21 CHECK MUST BE BORNE BY THE APPLICANT.

22 **SECTION 46.** In Colorado Revised Statutes, 26-6-106.3, **amend**  
23 (6)(a); and **add** (5)(e) as follows:

24 **26-6-106.3. Certification and annual recertification of foster**  
25 **care homes by county departments and licensed child placement**  
26 **agencies - background and reference check requirements -**  
27 **definitions.** (5) Prior to issuing a certificate or a recertification to an

1 applicant to operate a foster care home, a county department or a child  
2 placement agency licensed under the provisions of this part 1 shall  
3 conduct the following background checks for the applicant for a  
4 certificate, a person employed by the applicant, or a person who resides  
5 at the facility or the home:

6 (e) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
7 HISTORY RECORD CHECK OR ANY OTHER RECORDS CHECK PERFORMED  
8 PURSUANT TO THIS SUBSECTION (5) REVEAL A RECORD OF ARREST  
9 WITHOUT A DISPOSITION, THE COUNTY DEPARTMENT OR CHILD PLACEMENT  
10 AGENCY SHALL REQUIRE THE PERSON TO SUBMIT TO A NAME-BASED  
11 CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3  
12 (6)(d).

13 (6) A county department or a child placement agency licensed  
14 under the provisions of this part 1 shall not issue a certificate to operate,  
15 or a recertification to operate, a foster care home and shall revoke or  
16 suspend a certificate if the applicant for the certificate, a person employed  
17 by the applicant, or a person who resides at the facility or home:

18 (a) Has been convicted of any of the crimes listed in ~~paragraph (a)~~  
19 ~~of subsection (5)~~ SUBSECTION (5)(a) of this section as verified through A  
20 fingerprint-based criminal history record ~~checks~~ CHECK, A NAME-BASED  
21 CRIMINAL HISTORY RECORD CHECK, IF NECESSARY, and a check of the  
22 ICON system at the state judicial department;

23 **SECTION 47.** In Colorado Revised Statutes, 26-6-107, **amend**  
24 (1)(a)(I.5), (1)(a.7)(I)(C), and (1)(a.7)(I)(D); and **add** and (1)(a.7)(I)(E)  
25 as follows:

26 **26-6-107. Investigations and inspections - local authority -**  
27 **reports - rules.** (1) (a) (I.5) Rules promulgated by the state board

1 pursuant to ~~subparagraph (I) of this paragraph (a) shall~~ SUBSECTION  
2 (1)(a)(I) OF THIS SECTION MUST also include:

3 (A) A comparison search on the ICON system at the state judicial  
4 department with the name and date of birth information and any other  
5 available source of criminal history information that the state department  
6 determines is appropriate for each circumstance in which the CBI  
7 fingerprint check either does not confirm a criminal history or confirms  
8 a criminal history, in order to determine the crime or crimes for which the  
9 person was arrested or convicted and the disposition thereof; ~~and~~

10 (B) Any other recognized database, if any, that is accessible on a  
11 statewide basis as set forth by rules promulgated by the state board; AND

12 (C) WHEN THE RESULTS OF AN INVESTIGATION PERFORMED  
13 PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION OR THIS SUBSECTION  
14 (1)(a)(I.5) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, A  
15 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION  
16 22-2-119.3 (6)(d).

17 (a.7) (I) For all applicants applying to be a foster care home or  
18 kinship foster care home, regardless of reimbursement, the county  
19 department or child placement agency shall require each adult who is  
20 eighteen years of age or older and who resides in the home to obtain a  
21 fingerprint-based criminal history record check through the Colorado  
22 bureau of investigation and the federal bureau of investigation. The  
23 applicant must provide the county department or child placement agency  
24 with the addresses where the applicant and any adult residing in the home  
25 has lived in the preceding five years, including addresses from other  
26 states. The county department or the child placement agency shall  
27 conduct the following background checks of the applicant or an adult

1 residing in the home:

2 (C) A check of the state department's automated database for  
3 information to determine if the applicant or adult who resides in the home  
4 has been identified as having a finding of child abuse or neglect and  
5 whether such finding has been determined to present an unsafe placement  
6 for a child; ~~and~~

7 (D) A check against the state's sex offender registry and against  
8 the national sex offender public registry operated by the United States  
9 department of justice that checks names and addresses in the registries  
10 and the interactive database system for Colorado to determine if the  
11 applicant or adult who resides at the home is a registered sex offender;  
12 AND

13 (E) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
14 HISTORY RECORD CHECK PERFORMED PURSUANT TO THIS SUBSECTION  
15 (1)(a.7)(I) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, A  
16 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION  
17 22-2-119.3 (6)(d).

18 **SECTION 48.** In Colorado Revised Statutes, 26-6-120, **amend**  
19 (5); and **add** (1.5) as follows:

20 **26-6-120. Exempt family child care home providers -**  
21 **fingerprint-based criminal history record check - child care**  
22 **assistance program money - temporary care - rules - definitions.**

23 (1.5) (a) WHEN THE RESULTS OF AN FCC PERFORMED PURSUANT TO  
24 SUBSECTION (1) OF THIS SECTION REVEAL A RECORD OF ARREST WITHOUT  
25 A DISPOSITION, THE STATE DEPARTMENT SHALL REQUIRE THAT PERSON TO  
26 SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED  
27 IN SECTION 22-2-119.3 (6)(d).



1 (b) A PERSON WHO UNDERGOES A NAME-BASED CRIMINAL HISTORY  
2 RECORD CHECK SHALL PAY TO THE STATE DEPARTMENT A FEE  
3 ESTABLISHED BY RULE OF THE STATE BOARD PURSUANT TO SUBSECTION (5)  
4 OF THIS SECTION TO OFFSET THE COSTS ASSOCIATED WITH PERFORMING  
5 THE NAME-BASED CRIMINAL HISTORY RECORD CHECK.

6 (5) The state board shall promulgate rules to establish the amount  
7 of the fee to collect from a qualified provider or qualified adult who is  
8 subject to an FCC pursuant to subsection (1) of this section OR A  
9 NAME-BASED CRIMINAL HISTORY RECORD CHECK PURSUANT TO  
10 SUBSECTION (1.5) OF THIS SECTION. The state department is authorized to  
11 collect the fee at the time of the FCC OR NAME-BASED CRIMINAL HISTORY  
12 RECORD CHECK.

13 **SECTION 49.** In Colorado Revised Statutes, 27-90-111, **amend**  
14 (4) as follows:

15 **27-90-111. Employment of personnel - screening of applicants**  
16 **- disqualifications from employment - contracts - rules - definitions.**

17 (4) Prior to the department's permanent employment of a person in a  
18 position that would require that person to have direct contact with a  
19 vulnerable person, the executive director or any division head of the  
20 department shall make an inquiry to the director of the Colorado bureau  
21 of investigation to ascertain whether the person has a criminal history.  
22 The person's employment is conditional upon a satisfactory state and  
23 national fingerprint-based criminal history record check. A criminal  
24 history record check conducted pursuant to this subsection (4) must  
25 include but need not be limited to arrests, conviction records, and the  
26 disposition of any criminal charges. The department shall require the  
27 person to have his or her fingerprints taken by a local law enforcement

1 agency or any third party approved by the Colorado bureau of  
2 investigation. If an approved third party takes the person's fingerprints,  
3 the fingerprints may be electronically captured using Colorado bureau of  
4 investigation-approved livescan equipment. Third-party vendors shall not  
5 keep the applicant information for more than thirty days unless requested  
6 to do so by the applicant. The department shall forward those fingerprints  
7 to the Colorado bureau of investigation for the purpose of fingerprint  
8 processing utilizing the files and records of the Colorado bureau of  
9 investigation and the federal bureau of investigation. WHEN THE RESULTS  
10 OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF A PERSON  
11 PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST  
12 WITHOUT A DISPOSITION, THE DEPARTMENT SHALL REQUIRE THAT PERSON  
13 TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS  
14 DEFINED IN SECTION 22-2-119.3 (6)(d). The department shall pay for the  
15 costs of criminal history record checks conducted pursuant to this section  
16 out of existing appropriations.

17 **SECTION 50.** In Colorado Revised Statutes, 40-10.1-110, **add**  
18 (1.5) as follows:

19 **40-10.1-110. Criminal history record check - rules.**

20 (1.5) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY  
21 RECORD CHECK OF AN INDIVIDUAL PERFORMED PURSUANT TO THIS  
22 SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE  
23 COMMISSION SHALL REQUIRE THE INDIVIDUAL TO SUBMIT TO A  
24 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION  
25 22-2-119.3 (6)(d). THE INDIVIDUAL SHALL PAY THE COSTS ASSOCIATED  
26 WITH A NAME-BASED CRIMINAL HISTORY RECORD CHECK.

27 **SECTION 51.** In Colorado Revised Statutes, **amend** 42-1-224 as

1 follows:

2 **42-1-224. Criminal history check.** (1) The department may  
3 submit fingerprints of an employee or prospective employee to the  
4 Colorado bureau of investigation to obtain a fingerprint-based criminal  
5 history record check if the employee's duties do or will provide them with  
6 access to Colorado driver's licenses and identification cards issued  
7 pursuant to article 2 of this ~~title~~ TITLE 42 or personal identifying  
8 information collected or stored by the department in order to issue driver's  
9 licenses or identification cards. The department of revenue shall require  
10 all such employees hired on or after April 15, 2010, to obtain a  
11 fingerprint-based criminal history record check prior to performing their  
12 official duties, and shall require all such employees hired before April 15,  
13 2010, to obtain a fingerprint-based criminal history record check by July  
14 1, 2011. The department may use this information to make employment  
15 decisions concerning such employees. Upon receipt of fingerprints and  
16 payment for the costs, the Colorado bureau of investigation shall conduct  
17 a state and national fingerprint-based criminal history record check  
18 utilizing records of the Colorado bureau of investigation and the federal  
19 bureau of investigation. The department shall be the authorized agency to  
20 receive information regarding the result of the national criminal history  
21 record check. The Colorado bureau of investigation shall charge the  
22 department a fee for record checks conducted pursuant to this section.  
23 The Colorado bureau of investigation shall set such fee at a level  
24 sufficient to cover the direct and indirect costs of processing requests  
25 made pursuant to this section. ~~Moneys~~ MONEY collected by the bureau  
26 pursuant to this section ~~shall be~~ IS subject to annual appropriation by the  
27 general assembly for the administration of this section.

1           (2) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
2 HISTORY RECORD CHECK OF A PERSON PERFORMED PURSUANT TO THIS  
3 SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE  
4 DEPARTMENT SHALL REQUIRE THE PERSON TO SUBMIT TO A NAME-BASED  
5 CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3  
6 (6)(d). THE DEPARTMENT SHALL PAY THE COSTS ASSOCIATED WITH A  
7 NAME-BASED CRIMINAL HISTORY RECORD CHECK.

8           **SECTION 52.** In Colorado Revised Statutes, 44-3-307, **amend**  
9 (3)(c) introductory portion as follows:

10           **44-3-307. Persons prohibited as licensees - definition.**

11 (3) (c) At the time of the application for a license, the applicant shall  
12 submit fingerprints and file personal history information concerning the  
13 applicant's qualifications for a license on forms prepared by the state  
14 licensing authority. The state and local licensing authorities shall submit  
15 such fingerprints to the Colorado bureau of investigation for the purpose  
16 of conducting ~~fingerprints-based~~ FINGERPRINT-BASED criminal history  
17 record checks. The Colorado bureau of investigation shall forward the  
18 fingerprints to the federal bureau of investigation for the purpose of  
19 conducting ~~fingerprints-based~~ FINGERPRINT-BASED criminal history record  
20 checks. An applicant who has previously submitted fingerprints for  
21 alcohol beverage licensing purposes may request that the fingerprints on  
22 file be used. WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
23 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS  
24 SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE  
25 LICENSING AUTHORITY SHALL REQUIRE THE APPLICANT TO SUBMIT TO A  
26 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION  
27 22-2-119.3 (6)(d). The licensing authorities shall use the information

1 resulting from the ~~fingerprints-based~~ FINGERPRINT-BASED AND, IF  
2 APPLICABLE, NAME-BASED criminal history record check to investigate  
3 and to determine if an applicant is qualified for a license pursuant to this  
4 article 3 and article 4 of this title 44. The licensing authority ~~shall~~ IS not  
5 ~~be~~ prohibited from verifying any of the information required to be  
6 submitted by an applicant pursuant to this section. An applicant shall not  
7 be required to submit additional information beyond that required in this  
8 subsection (3) unless the licensing authority has determined any of the  
9 following:

10 **SECTION 53.** In Colorado Revised Statutes, 44-11-202, **amend**  
11 (2)(a)(VIII) as follows:

12 **44-11-202. Powers and duties of state licensing authority -**  
13 **rules.** (2) (a) Rules promulgated pursuant to subsection (1)(b) of this  
14 section may include, but need not be limited to, the following subjects:

15 (VIII) Development of individual identification cards for owners,  
16 officers, managers, contractors, employees, and other support staff of  
17 entities licensed pursuant to this article 11, including a fingerprint-based  
18 criminal history record check AND A NAME-BASED CRIMINAL HISTORY  
19 RECORD CHECK as may be required by the state licensing authority prior  
20 to issuing a card;

21 **SECTION 54.** In Colorado Revised Statutes, 44-11-306, **amend**  
22 (2)(c) as follows:

23 **44-11-306. Persons prohibited as licensees - definition.**

24 (2) (c) At the time of filing an application for issuance or renewal of a  
25 state medical marijuana center license, medical marijuana-infused product  
26 manufacturer license, or optional premises cultivation license, an  
27 applicant shall submit a set of his or her fingerprints and file personal

1 history information concerning the applicant's qualifications for a state  
2 license on forms prepared by the state licensing authority. The state or  
3 local licensing authority shall submit the fingerprints to the Colorado  
4 bureau of investigation for the purpose of conducting fingerprint-based  
5 criminal history record checks. The Colorado bureau of investigation  
6 shall forward the fingerprints to the federal bureau of investigation for the  
7 purpose of conducting fingerprint-based criminal history record checks.  
8 ~~The state or local licensing authority may acquire a name-based criminal~~  
9 ~~history record check for an applicant or a license holder who has twice~~  
10 ~~submitted to a fingerprint-based criminal history record check and whose~~  
11 ~~fingerprints are unclassifiable.~~ An applicant who has previously  
12 submitted fingerprints for state licensing purposes may request that the  
13 fingerprints on file be used. THE STATE OR LOCAL LICENSING AUTHORITY  
14 SHALL ACQUIRE A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS  
15 DEFINED IN SECTION 22-2-119.3 (6)(d), FOR AN APPLICANT OR LICENSE  
16 HOLDER WHO HAS TWICE SUBMITTED TO A FINGERPRINT-BASED CRIMINAL  
17 HISTORY RECORD CHECK AND WHOSE FINGERPRINTS ARE UNCLASSIFIABLE  
18 OR WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY  
19 RECORD CHECK OF AN APPLICANT OR LICENSE HOLDER PERFORMED  
20 PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST WITHOUT A  
21 DISPOSITION. The state or local licensing authority shall use the  
22 information resulting from the fingerprint-based OR NAME-BASED criminal  
23 history record check to investigate and determine whether an applicant is  
24 qualified to hold a state license pursuant to this article 11. The state or  
25 local licensing authority may verify any of the information an applicant  
26 is required to submit.

27 **SECTION 55.** In Colorado Revised Statutes, 44-11-307, **amend**

1 (5)(b) as follows:

2 **44-11-307. Business and owner requirements - legislative**  
3 **declaration - definition.** (5) (b) The state licensing authority shall  
4 perform a limited initial background check on qualified limited passive  
5 investors. If the initial background check provides reasonable cause for  
6 additional investigation, the state licensing authority may require a full  
7 background check. WHEN THE RESULTS OF A FULL BACKGROUND CHECK  
8 PERFORMED ON A PERSON PURSUANT TO THIS SECTION REVEAL A RECORD  
9 OF ARREST WITHOUT A DISPOSITION, THE STATE LICENSING AUTHORITY  
10 SHALL REQUIRE THAT PERSON TO SUBMIT TO A NAME-BASED CRIMINAL  
11 HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

12 **SECTION 56.** In Colorado Revised Statutes, 44-11-310, **amend**  
13 (4) as follows:

14 **44-11-310. Licensing in general.** (4) A medical marijuana  
15 center, optional premises cultivation operation, or medical  
16 marijuana-infused products manufacturer shall notify the state licensing  
17 authority in writing of the name, address, and date of birth of an owner,  
18 officer, or manager before the new owner, officer, or manager begins  
19 managing, owning, or associating with the operation. Any owner, officer,  
20 manager, or employee ~~shall~~ MUST pass a fingerprint-based criminal  
21 history record check AND, IF NECESSARY, A NAME-BASED CRIMINAL  
22 HISTORY CHECK, as required by the state licensing authority and obtain the  
23 required identification prior to being associated with, managing, owning,  
24 or working at the operation.

25 **SECTION 57.** In Colorado Revised Statutes, 44-11-313, **amend**  
26 (2) as follows:

27 **44-11-313. Unlawful financial assistance.** (2) A person shall not

1 have an unreported financial interest in a license pursuant to this article  
2 11 unless that person has undergone a fingerprint-based criminal history  
3 record check AND, IF NECESSARY, A NAME-BASED CRIMINAL HISTORY  
4 CHECK, as provided for by the state licensing authority in its rules; except  
5 that this subsection (2) does not apply to banks or savings and loan  
6 associations supervised and regulated by an agency of the state or federal  
7 government, or to FHA-approved mortgagees, or to stockholders,  
8 directors, or officers thereof.

9 **SECTION 58.** In Colorado Revised Statutes, 44-12-202, **amend**  
10 (3)(a)(III) and (3)(c)(IV) as follows:

11 **44-12-202. Powers and duties of state licencing authority -**  
12 **rules.** (3) (a) Rules promulgated pursuant to subsection (2)(b) of this  
13 section must include, but need not be limited to, the following subjects:

14 (III) Qualifications for licensure under this article 12, including  
15 but not limited to the requirement for a fingerprint-based criminal history  
16 record check, AND A NAME-BASED CRIMINAL HISTORY RECORD CHECK AS  
17 NECESSARY, for all owners, officers, managers, contractors, employees,  
18 and other support staff of entities licensed pursuant to this article 12;

19 (c) Rules promulgated pursuant to subsection (2)(b) of this section  
20 must also include the following subjects:

21 (IV) Development of individual identification cards for owners,  
22 officers, managers, contractors, employees, and other support staff of  
23 entities licensed pursuant to this article 12, including a fingerprint-based  
24 criminal history record check OR NAME-BASED CRIMINAL HISTORY  
25 RECORD CHECK, as may be required by the state licensing authority prior  
26 to issuing a card;

27 **SECTION 59.** In Colorado Revised Statutes, 44-12-305, **amend**



1 (2)(c) as follows:

2 **44-12-305. Persons prohibited as licensees - definition.**

3 (2) (c) At the time of filing an application for issuance of a state retail  
4 marijuana establishment license, an applicant shall submit a set of his or  
5 her fingerprints and file personal history information concerning the  
6 applicant's qualifications for a state license on forms prepared by the state  
7 licensing authority. The state licensing authority or local jurisdiction shall  
8 submit the fingerprints to the Colorado bureau of investigation for the  
9 purpose of conducting fingerprint-based criminal history record checks.  
10 The Colorado bureau of investigation shall forward the fingerprints to the  
11 federal bureau of investigation for the purpose of conducting  
12 fingerprint-based criminal history record checks. ~~The state licensing  
13 authority or local jurisdiction may acquire a name-based criminal history  
14 record check for an applicant or a license holder who has twice submitted  
15 to a fingerprint-based criminal history record check and whose  
16 fingerprints are unclassifiable.~~ An applicant who has previously  
17 submitted fingerprints for state or local licensing purposes may request  
18 that the fingerprints on file be used. THE STATE LICENCING AUTHORITY OR  
19 LOCAL JURISDICTION SHALL ACQUIRE A NAME-BASED CRIMINAL HISTORY  
20 RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d), FOR AN  
21 APPLICANT OR LICENSE HOLDER WHO HAS TWICE SUBMITTED TO A  
22 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND WHOSE  
23 FINGERPRINTS ARE UNCLASSIFIABLE OR WHEN THE RESULTS OF A  
24 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT  
25 OR LICENSE HOLDER PERFORMED PURSUANT TO THIS SECTION REVEAL A  
26 RECORD OF ARREST WITHOUT A DISPOSITION. The state licensing authority  
27 or local jurisdiction shall use the information resulting from the

1 fingerprint-based criminal history record check OR NAME-BASED  
2 CRIMINAL HISTORY RECORD CHECK to investigate and determine whether  
3 an applicant is qualified to hold a state or local license pursuant to this  
4 article 12. The state licensing authority or local jurisdiction may verify  
5 any of the information an applicant is required to submit.

6 **SECTION 60.** In Colorado Revised Statutes, 44-12-306, **amend**  
7 (5)(b) as follows:

8 **44-12-306. Business and owner requirements - legislative**  
9 **declaration - definition.** (5) (b) The state licensing authority shall  
10 perform a limited initial background check on qualified limited passive  
11 investors. If the initial background check provides reasonable cause for  
12 additional investigation, the state licensing authority may require a full  
13 background check. WHEN THE RESULTS OF A FULL BACKGROUND CHECK  
14 PERFORMED ON A PERSON PURSUANT TO THIS SECTION REVEAL A RECORD  
15 OF ARREST WITHOUT A DISPOSITION, THE STATE LICENSING AUTHORITY  
16 SHALL REQUIRE THAT PERSON TO SUBMIT TO A NAME-BASED CRIMINAL  
17 HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

18 **SECTION 61.** In Colorado Revised Statutes, 44-12-309, **amend**  
19 (3) as follows:

20 **44-12-309. Licensing in general.** (3) A retail marijuana  
21 establishment shall notify the state licensing authority in writing of the  
22 name, address, and date of birth of an owner, officer, or manager before  
23 the new owner, officer, or manager begins managing, owning, or  
24 associating with the operation. The owner, officer, manager, or employee  
25 must pass a fingerprint-based criminal history record check AND, AS  
26 NECESSARY, A NAME-BASED CRIMINAL HISTORY RECORD CHECK, as  
27 required by the state licensing authority and obtain the required

1 identification prior to being associated with, managing, owning, or  
2 working at the operation.

3 **SECTION 62.** In Colorado Revised Statutes, 44-20-118, **add**  
4 (8)(a.5) as follows:

5 **44-20-118. Application - prelicensing education -**  
6 **fingerprint-based criminal history record check - rules.**

7 (8) (a.5) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
8 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS  
9 SUBSECTION (8) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION,  
10 THE DEPARTMENT SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A  
11 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION  
12 22-2-119.3 (6)(d).

13 **SECTION 63.** In Colorado Revised Statutes, 44-20-417, **add**  
14 (8)(a.5) as follows:

15 **44-20-417. Application - fingerprint-based criminal history**  
16 **record check - rules.** (8) (a.5) WHEN THE RESULTS OF A

17 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT  
18 PERFORMED PURSUANT TO THIS SUBSECTION (8) REVEAL A RECORD OF  
19 ARREST WITHOUT A DISPOSITION, THE DEPARTMENT SHALL REQUIRE THAT  
20 APPLICANT TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD  
21 CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

22 **SECTION 64.** In Colorado Revised Statutes, 44-30-510, **amend**  
23 (3) as follows:

24 **44-30-510. Applicants and licensees - providing information**  
25 **- criminal history record check.** (3) (a) With the submission of an  
26 application for a license or an application for a finding of suitability  
27 pursuant to this article 30, each applicant shall submit a set of fingerprints

1 to the commission. The commission shall forward the fingerprints to the  
2 Colorado bureau of investigation for the purpose of conducting a state  
3 and national fingerprint-based criminal history record check utilizing  
4 records of the Colorado bureau of investigation and the federal bureau of  
5 investigation. ~~Nothing in this subsection (3) shall preclude the~~  
6 ~~commission from making further inquiries into the background of the~~  
7 ~~applicant.~~

8 (b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
9 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS  
10 SUBSECTION (3) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION,  
11 THE COMMISSION SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A  
12 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION  
13 22-2-119.3 (6)(d).

14 (c) NOTHING IN THIS SUBSECTION (3) PRECLUDES THE COMMISSION  
15 FROM MAKING FURTHER INQUIRIES INTO THE BACKGROUND OF THE  
16 APPLICANT.

17 **SECTION 65.** In Colorado Revised Statutes, 44-32-503, **amend**  
18 (4) as follows:

19 **44-32-503. Rules of commission - licensing.** (4) (a) With the  
20 submission of an application for a license granted pursuant to this article  
21 32, each applicant shall submit a set of fingerprints to the commission.  
22 The commission shall forward the fingerprints to the Colorado bureau of  
23 investigation for the purpose of conducting a state and national  
24 fingerprint-based criminal history record check utilizing records of the  
25 Colorado bureau of investigation and the federal bureau of investigation.  
26 Only the actual costs of the record check ~~shall~~ MUST be borne by the  
27 applicant. ~~Nothing in this subsection (4) shall preclude~~ PRECLUDES the

1 commission from making further inquiries into the background of the  
2 applicant.

3 (b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
4 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS  
5 SUBSECTION (4) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION,  
6 THE COMMISSION SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A  
7 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION  
8 22-2-119.3 (6)(d).

9 **SECTION 66.** In Colorado Revised Statutes, 44-40-106, **add**  
10 (10)(a.5) as follows:

11 **44-40-106. Contractors supplying services, equipment, or**  
12 **materials - gaming equipment - disclosures - definitions.**

13 (10) (a.5) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
14 HISTORY RECORD CHECK OF A SUPPLIER PERFORMED PURSUANT TO THIS  
15 SUBSECTION (10) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION,  
16 THE DIVISION SHALL REQUIRE THE SUPPLIER TO SUBMIT TO A NAME-BASED  
17 CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3  
18 (6)(d).

19 **SECTION 67.** In Colorado Revised Statutes, 44-40-107, **add**  
20 (11)(a.5) as follows:

21 **44-40-107. Licenses.** (11) (a.5) WHEN THE RESULTS OF A  
22 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT  
23 PERFORMED PURSUANT TO THIS SUBSECTION (11) REVEAL A RECORD OF  
24 ARREST WITHOUT A DISPOSITION, THE DIVISION SHALL REQUIRE THE  
25 APPLICANT TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD  
26 CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

27 **SECTION 68.** In Colorado Revised Statutes, 12-10-203, **amend**

1 as relocated by House Bill 19-1172 (1)(b)(I) as follows:

2 **12-10-203. Application for license - rules - definition.**

3 (1) (b) (I) Prior to submitting an application for a license pursuant to  
4 subsection (1)(a) of this section, each applicant shall submit a set of  
5 fingerprints to the Colorado bureau of investigation for the purpose of  
6 conducting a state and national fingerprint-based criminal history record  
7 check utilizing records of the Colorado bureau of investigation and the  
8 federal bureau of investigation. The applicant shall pay the fee established  
9 by the Colorado bureau of investigation for conducting the  
10 fingerprint-based criminal history record check to the bureau. Upon  
11 completion of the criminal history record check, the bureau shall forward  
12 the results to the commission. The commission ~~may~~ SHALL acquire a  
13 name-based criminal history record check, AS DEFINED IN SECTION  
14 22-2-119.3 (6)(d), for an applicant who has twice submitted to a  
15 fingerprint-based criminal history record check and whose fingerprints  
16 are unclassifiable OR WHEN THE RESULTS OF A FINGERPRINT-BASED  
17 CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT PERFORMED  
18 PURSUANT TO THIS SUBSECTION (1)(b)(I) REVEAL A RECORD OF ARREST  
19 WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY THE COSTS  
20 ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD CHECK.

21 **SECTION 69.** In Colorado Revised Statutes, 12-10-606, **amend**  
22 **as relocated by House Bill 19-1172 (6)(a)** as follows:

23 **12-10-606. Qualifications for licensing and certification of**  
24 **appraisers - continuing education - definitions - rules.** (6) (a) The  
25 board shall not issue a license or certification until the applicant  
26 demonstrates that he or she meets the fitness standards established by  
27 board rule and submits a set of fingerprints to the Colorado bureau of

1 investigation for the purpose of conducting a state and national  
2 fingerprint-based criminal history record check utilizing records of the  
3 Colorado bureau of investigation and the federal bureau of investigation.  
4 Each person submitting a set of fingerprints shall pay the fee established  
5 by the Colorado bureau of investigation for conducting the  
6 fingerprint-based criminal history record check to the bureau. Upon  
7 completion of the criminal history record check, the bureau shall forward  
8 the results to the board. The board ~~may~~ SHALL require a name-based  
9 criminal history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d),  
10 for an applicant who has twice submitted to a fingerprint-based criminal  
11 history record check and whose fingerprints are unclassifiable OR WHEN  
12 THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK  
13 OF AN APPLICANT PERFORMED PURSUANT TO THIS SUBSECTION (6) REVEAL  
14 A RECORD OF ARREST WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY  
15 THE COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD  
16 CHECK. The board may deny an application for licensure or certification  
17 based on the outcome of the criminal history record check and may  
18 establish criminal history requirements more stringent than those  
19 established by any applicable federal law. At a minimum, the board shall  
20 adopt the criminal history requirements established by any applicable  
21 federal law.

22 **SECTION 70.** In Colorado Revised Statutes, 12-10-607, **amend**  
23 **as relocated by House Bill 19-1172** (3) as follows:

24 **12-10-607. Appraisal management companies - application for**  
25 **license - exemptions.** (3) The board shall not issue a license to any  
26 partnership, limited liability company, or corporation unless and until the  
27 appraiser designated by the partnership, limited liability company, or

1 corporation as controlling appraiser and each individual who owns more  
2 than ten percent of the entity demonstrates that he or she meets the fitness  
3 standards established by board rule and submits a set of fingerprints to the  
4 Colorado bureau of investigation for the purpose of conducting a state  
5 and national fingerprint-based criminal history record check utilizing  
6 records of the Colorado bureau of investigation and the federal bureau of  
7 investigation. Each person submitting a set of fingerprints shall pay the  
8 fee established by the Colorado bureau of investigation for conducting the  
9 fingerprint-based criminal history record check to the bureau. Upon  
10 completion of the criminal history record check, the bureau shall forward  
11 the results to the board. The board ~~may~~ SHALL require a name-based  
12 criminal history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d),  
13 for an applicant who has twice submitted to a fingerprint-based criminal  
14 history record check and whose fingerprints are unclassifiable OR WHEN  
15 THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK  
16 OF AN APPLICANT PERFORMED PURSUANT TO THIS SUBSECTION (3) REVEAL  
17 A RECORD OF ARREST WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY  
18 THE COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD  
19 CHECK. The board may deny an application for licensure or refuse to  
20 renew a license based on the outcome of the criminal history record  
21 check. The board may require criminal history requirements more  
22 stringent than those established by any applicable federal law. At a  
23 minimum, the board shall adopt the criminal history requirements  
24 established by any applicable federal law.

25 **SECTION 71.** In Colorado Revised Statutes, 12-10-610, **amend**  
26 **as relocated by House Bill 19-1172 (4)** as follows:

27 **12-10-610. Expiration of licenses - renewal - penalties - fees -**



1 **rules.** (4) At the time of renewal or reinstatement, every licensee,  
2 certificate holder, and person or individual who owns more than ten  
3 percent of an appraisal management company shall submit a set of  
4 fingerprints to the Colorado bureau of investigation for the purpose of  
5 conducting a state and national fingerprint-based criminal history record  
6 check utilizing records of the Colorado bureau of investigation and the  
7 federal bureau of investigation, if the person has not previously done so  
8 for issuance of a license or certification by the board. Each person  
9 submitting a set of fingerprints shall pay the fee established by the  
10 Colorado bureau of investigation for conducting the fingerprint-based  
11 criminal history record check to the bureau. The bureau shall forward the  
12 results to the board. The board ~~may~~ SHALL require a name-based criminal  
13 history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an  
14 applicant who has twice submitted to a fingerprint-based criminal history  
15 record check and whose fingerprints are unclassifiable OR WHEN THE  
16 RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF  
17 AN APPLICANT PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD  
18 OF ARREST WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY THE  
19 COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD  
20 CHECK. The board may refuse to renew or reinstate a license or  
21 certification based on the outcome of the criminal history record check.

22 **SECTION 72.** In Colorado Revised Statutes, 12-10-704, **amend**  
23 **as relocated by House Bill 19-1172** (6)(a) and (7)(c) as follows:

24 **12-10-704. License required - rules.** (6) (a) Prior to submitting  
25 an application for a license, an applicant shall submit a set of fingerprints  
26 to the Colorado bureau of investigation. Upon receipt of the applicant's  
27 fingerprints, the Colorado bureau of investigation shall use the

1 fingerprints to conduct a state and national criminal history record check  
2 using records of the Colorado bureau of investigation and the federal  
3 bureau of investigation. All costs arising from the criminal history record  
4 check ~~shall~~ MUST be borne by the applicant and ~~shall~~ MUST be paid when  
5 the set of fingerprints is submitted. Upon completion of the criminal  
6 history record check, the bureau shall forward the results to the board.  
7 The board ~~may~~ SHALL acquire a name-based criminal history record  
8 check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an applicant who has  
9 twice submitted to a fingerprint-based criminal history record check and  
10 whose fingerprints are unclassifiable OR WHEN THE RESULTS OF A  
11 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT  
12 PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST  
13 WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY THE COSTS  
14 ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD CHECK.

15 (7) (c) The board ~~may~~ SHALL acquire a name-based criminal  
16 history record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d), for an  
17 applicant who has twice submitted to a fingerprint-based criminal history  
18 record check and whose fingerprints are unclassifiable OR WHEN THE  
19 RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF  
20 AN APPLICANT PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD  
21 OF ARREST WITHOUT A DISPOSITION. THE APPLICANT SHALL PAY THE  
22 COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD  
23 CHECK.

24 **SECTION 73.** In Colorado Revised Statutes, 12-125-106, **amend**  
25 **as relocated by House Bill 19-1172 (4)** as follows:

26 **12-125-106. Licensing.** (4) With the submission of an application  
27 for a license granted pursuant to this section, each applicant and its

1 officers, directors, and general partners shall submit a complete set of his  
2 or her fingerprints to the Colorado bureau of investigation for the purpose  
3 of conducting fingerprint-based criminal history record checks. The  
4 Colorado bureau of investigation shall forward the fingerprints to the  
5 federal bureau of investigation for the purpose of conducting  
6 fingerprint-based criminal history record checks. ~~The director may~~  
7 ~~acquire a name-based criminal history record check for a person who has~~  
8 ~~twice submitted to a fingerprint-based criminal history record check and~~  
9 ~~whose fingerprints are unclassifiable.~~ A person who has previously  
10 submitted fingerprints for state or local licensing purposes may request  
11 the use of the fingerprints on file. THE DIRECTOR SHALL REQUIRE A  
12 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION  
13 22-2-119.3 (6)(d), FOR A PERSON WHO HAS TWICE SUBMITTED TO A  
14 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND WHOSE  
15 FINGERPRINTS ARE UNCLASSIFIABLE OR WHEN THE RESULTS OF A  
16 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF A PERSON  
17 PERFORMED PURSUANT TO THIS SUBSECTION (4) REVEAL A RECORD OF  
18 ARREST WITHOUT A DISPOSITION. The director shall use the information  
19 resulting from the fingerprint-based OR NAME-BASED criminal history  
20 record check to investigate and determine whether an applicant is  
21 qualified to hold a license pursuant to this section. The director may  
22 verify the information an applicant is required to submit. The applicant  
23 shall pay the costs associated with the fingerprint-based criminal history  
24 record check to the Colorado bureau of investigation. THE APPLICANT IS  
25 RESPONSIBLE FOR THE COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL  
26 HISTORY RECORD CHECK.

27 **SECTION 74.** In Colorado Revised Statutes, 12-160-107, **amend**

1 as relocated by House Bill 19-1172 (2) as follows:

2 **12-160-107. Private investigator licenses - qualifications - fees**

3 **- renewal - rules.** (2) (a) In addition to the requirements of subsection  
4 (1) of this section, each applicant for a level I or level II private  
5 investigator license must have his or her fingerprints taken by a local law  
6 enforcement agency or any third party approved by the Colorado bureau  
7 of investigation for the purpose of obtaining a fingerprint-based criminal  
8 history record check. If an approved third party takes the person's  
9 fingerprints, the fingerprints may be electronically captured using  
10 Colorado bureau of investigation-approved livescan equipment.  
11 Third-party vendors shall not keep the applicant information for more  
12 than thirty days unless requested to do so by the applicant. The applicant  
13 shall submit payment by certified check or money order for the  
14 fingerprints and for the actual costs of the record check at the time the  
15 fingerprints are submitted to the Colorado bureau of investigation. Upon  
16 receipt of fingerprints and receipt of the payment for costs, the Colorado  
17 bureau of investigation shall conduct a state and national  
18 fingerprint-based criminal history record check utilizing records of the  
19 Colorado bureau of investigation and the federal bureau of investigation  
20 and shall forward the results of the criminal history record check to the  
21 director.

22 (b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
23 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS  
24 SUBSECTION (2) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION,  
25 THE DIRECTOR SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A  
26 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION  
27 22-2-119.3 (6)(d). THE APPLICANT SHALL PAY THE ACTUAL COSTS OF THE

1 NAME-BASED CRIMINAL HISTORY RECORD CHECK.

2 **SECTION 75.** In Colorado Revised Statutes, 12-235-108, **amend**  
3 **as relocated by House Bill 19-1172 (1)(e) and (3); and add as relocated**  
4 **by House Bill 19-1172 (2.5) as follows:**

5 **12-235-108. License - reciprocity - denial of license**  
6 **application.** (1) Every applicant for a license to practice massage therapy  
7 shall:

8 (e) Submit to a criminal history record check in the form and  
9 manner as described in subsection (2) OF THIS SECTION AND, IF  
10 NECESSARY, SUBSECTION (2.5) of this section; and

11 (2.5) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
12 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS  
13 SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE  
14 DIRECTOR SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A NAME-BASED  
15 CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3  
16 (6)(d).

17 (3) After an applicant has fulfilled the requirements of subsections  
18 (1) and (2) OF THIS SECTION AND, IF NECESSARY, SUBSECTION (2.5) of this  
19 section, the director shall issue a license to the applicant.

20 **SECTION 76.** In Colorado Revised Statutes, **amend as relocated**  
21 **by House Bill 19-1172 12-280-304 as follows:**

22 **12-280-304. Criminal history record check.** (1) Prior to  
23 submission of an application, each designated representative must have  
24 his or her fingerprints taken by a local law enforcement agency or any  
25 third party approved by the Colorado bureau of investigation for the  
26 purpose of obtaining a fingerprint-based criminal history record check. If  
27 an approved third party takes the person's fingerprints, the fingerprints

1 may be electronically captured using Colorado bureau of  
2 investigation-approved livescan equipment. Third-party vendors shall not  
3 keep the applicant information for more than thirty days unless requested  
4 to do so by the applicant. The designated representative shall submit  
5 payment by certified check or money order for the fingerprints and for the  
6 actual costs of the record check at the time the fingerprints are submitted  
7 to the Colorado bureau of investigation. Upon receipt of fingerprints and  
8 receipt of the payment for costs, the Colorado bureau of investigation  
9 shall conduct a state and national fingerprint-based criminal history  
10 record check utilizing records of the Colorado bureau of investigation and  
11 the federal bureau of investigation.

12 (2) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
13 HISTORY RECORD CHECK OF A DESIGNATED REPRESENTATIVE PERFORMED  
14 PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST WITHOUT A  
15 DISPOSITION, THE BOARD SHALL REQUIRE THAT DESIGNATED  
16 REPRESENTATIVE TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY  
17 RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d). THE  
18 DESIGNATED REPRESENTATIVE SHALL PAY THE ACTUAL COSTS OF THE  
19 NAME-BASED CRIMINAL HISTORY RECORD CHECK.

20 **SECTION 77.** In Colorado Revised Statutes, **amend as relocated**  
21 **by House Bill 19-1172** 12-310-107 as follows:

22 **12-310-107. Criminal history record check required.** (1) Each  
23 applicant for registration must have the applicant's fingerprints taken by  
24 a local law enforcement agency or any third party approved by the  
25 Colorado bureau of investigation for the purpose of obtaining a  
26 fingerprint-based criminal history record check. If an approved third party  
27 takes the applicant's fingerprints, the fingerprints may be electronically

1 captured using Colorado bureau of investigation-approved livescan  
2 equipment. Third-party vendors shall not keep the applicant information  
3 for more than thirty days unless requested to do so by the applicant. The  
4 applicant shall submit payment by certified check or money order for the  
5 fingerprints and for the actual costs of the record check at the time the  
6 fingerprints are submitted to the Colorado bureau of investigation. Upon  
7 receipt of fingerprints and receipt of the payment for costs, the Colorado  
8 bureau of investigation shall conduct a state and national  
9 fingerprint-based criminal history record check utilizing records of the  
10 Colorado bureau of investigation and the federal bureau of investigation  
11 and shall forward the results of the criminal history record check to the  
12 director.

13 (2) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
14 HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS  
15 SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE  
16 DIRECTOR SHALL REQUIRE THAT APPLICANT TO SUBMIT TO A NAME-BASED  
17 CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3  
18 (6)(d). THE APPLICANT SHALL PAY THE ACTUAL COSTS OF THE  
19 NAME-BASED CRIMINAL HISTORY RECORD CHECK.

20 **SECTION 78. Effective date.** (1) Except as otherwise provided  
21 in this section, this act takes effect upon passage.

22 (2) Sections 57 and 60 of this act take effect only if House Bill  
23 19-1090 does not become law.

24 (3) Sections 68 through 77 of this act take effect only if House  
25 Bill 19-1172 becomes law, in which case sections 68 through 77 take  
26 effect on October 1, 2019.

27 **SECTION 79. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.