

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

**ENGROSSED**

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

LLS NO. 19-0852.01 Michael Dohr x4347

**HOUSE BILL 19-1186**

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**HOUSE SPONSORSHIP**

**McLachlan and Exum,**

**SENATE SPONSORSHIP**

**Bridges and Cooke,**

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**House Committees**  
Education

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING FINGERPRINTING OPTIONS FOR BACKGROUND CHECKS**  
102 **FOR SCHOOL EMPLOYEES.**

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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>.)*

Under current law, school employees are required to undergo a fingerprint-based background check. In most statutes, the fingerprints can be taken by a qualified law enforcement agency, an authorized employee of the school or school district, or a third party approved by the Colorado bureau of investigation, but a few statutes do not authorize fingerprints to be taken by an authorized school or school district employee. The bill

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.

HOUSE  
Amended 2nd Reading  
March 8, 2019

adds that authorization to those statutes. The bill requires a law enforcement agency to take the fingerprints of an applicant if an approved third-party vendor is not operating within 20 miles of a school district, charter school, or nonpublic school in the agency's jurisdiction. The bill states that a school or school district employee can use any fingerprinting equipment that meets the federal bureau of investigation 500 ppi standards.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4 (a) The general assembly passed Senate Bill 17-189, enacted in  
5 2017, to allow third-party vendors approved by the Colorado bureau of  
6 investigation to take fingerprints for the purpose of submitting those  
7 fingerprints for statutorily required criminal background checks. Under  
8 the law, a local law enforcement agency was also authorized to take  
9 fingerprints;

10 (b) In the summer of 2018, the Colorado bureau of investigation  
11 selected two third-party vendors, pursuant to Senate Bill 17-189, and  
12 asked law enforcement to opt in or opt out of taking fingerprints for the  
13 purpose of submitting those fingerprints for statutorily required criminal  
14 background checks. This request was ultimately reversed, but many law  
15 enforcement agencies remain closed for fingerprinting.

16 (c) The two vendors are not meeting the considerable demand for  
17 fingerprints throughout the state and, as a result, educators, classified  
18 staff, and volunteers are forced to travel significant distances to have their  
19 statutorily required fingerprints taken; take time off of work and away  
20 from the school building to make the limited appointments available with  
21 the vendors; and spend considerable time navigating complex  
22 administrative and financial processes established by the vendors.

1 (2) Therefore, the general assembly finds it necessary to provide  
2 additional alternatives for school employees and applicants for school  
3 employment to easily and conveniently have their fingerprints taken.

4 **SECTION 2.** In Colorado Revised Statutes, 22-1-121, **amend**  
5 (1.7)(a) as follows:

6 **22-1-121. Nonpublic schools - employment of personnel -**  
7 **notification by department of education.** (1.7) (a) To facilitate the  
8 inquiry permitted by subsection (1) or (1.5) of this section, the governing  
9 board of a participating nonpublic school shall require an applicant or  
10 employee to submit to the governing board of the school a complete set  
11 of his or her fingerprints taken by a qualified law enforcement agency, an  
12 authorized ~~school~~ **employee**, or any third party approved by the Colorado  
13 bureau of investigation. **AT THE REQUEST OF A NONPUBLIC SCHOOL, A LAW**  
14 **ENFORCEMENT AGENCY THAT HAS FINGERPRINTING EQUIPMENT THAT**  
15 **MEETS THE FEDERAL BUREAU OF INVESTIGATION IMAGE QUALITY**  
16 **STANDARDS SHALL TAKE THE FINGERPRINTS OF AN APPLICANT OR**  
17 **EMPLOYEE PURSUANT TO THIS SECTION IF AN APPROVED THIRD-PARTY**  
18 **VENDOR IS NOT OPERATING WITHIN TWENTY MILES OF THE NONPUBLIC**  
19 **SCHOOL WITHIN THE LAW ENFORCEMENT AGENCY'S JURISDICTION. A**  
20 **SCHOOL EMPLOYEE MAY USE ANY FINGERPRINTING EQUIPMENT THAT**  
21 **MEETS THE FEDERAL BUREAU OF INVESTIGATION IMAGE QUALITY**  
22 **STANDARDS.** If an approved third party takes the person's fingerprints, the  
23 fingerprints may be electronically captured using Colorado bureau of  
24 investigation-approved livescan equipment. Third-party vendors shall not  
25 keep the applicant's or employee's information for more than thirty days  
26 unless requested to do so by the applicant or employee. The governing  
27 board shall forward the set of fingerprints together with a check to cover

1 the direct and indirect costs of conducting a fingerprint-based criminal  
2 history record check of the applicant or employee to the Colorado bureau  
3 of investigation for the purpose of conducting a state and national  
4 fingerprint-based criminal history record check utilizing records of the  
5 Colorado bureau of investigation and the federal bureau of investigation.  
6 The department is the authorized agency to receive and disseminate  
7 information regarding the result of any national criminal history record  
8 check. Any such national check must be handled in accordance with  
9 Pub.L. 92-544, as amended. The department shall notify the governing  
10 board whether a fingerprint-based criminal history record check has  
11 identified any conviction, plea of nolo contendere, deferred sentence, or  
12 deferred prosecution described in subsection (1) of this section.

13 **SECTION 3.** In Colorado Revised Statutes, 22-30.5-110.7,  
14 **amend** (1) and (6) as follows:

15 **22-30.5-110.7. Fingerprint-based criminal history record**  
16 **checks - charter school employees - procedures - exceptions -**  
17 **definitions.** (1) A person applying for employment with a charter school  
18 to whom an offer of employment is extended shall submit to the charter  
19 school a complete set of his or her fingerprints taken by a qualified law  
20 enforcement agency, an authorized employee of the charter school and  
21 notarized, or any third party approved by the Colorado bureau of  
22 investigation. AT THE REQUEST OF A CHARTER SCHOOL, A LAW  
23 ENFORCEMENT AGENCY THAT HAS FINGERPRINTING EQUIPMENT THAT  
24 MEETS THE FEDERAL BUREAU OF INVESTIGATION IMAGE QUALITY  
25 STANDARDS SHALL TAKE THE FINGERPRINTS OF AN APPLICANT PURSUANT  
26 TO THIS SECTION IF AN APPROVED THIRD-PARTY VENDOR IS NOT  
27 OPERATING WITHIN TWENTY MILES OF THE CHARTER SCHOOL WITHIN THE

1 LAW ENFORCEMENT AGENCY'S JURISDICTION. A SCHOOL EMPLOYEE MAY  
2 USE ANY FINGERPRINTING EQUIPMENT THAT MEETS THE FEDERAL BUREAU  
3 OF INVESTIGATION IMAGE QUALITY STANDARDS. If an approved third party  
4 takes the person's fingerprints, the fingerprints may be electronically  
5 captured using Colorado bureau of investigation-approved livescan  
6 equipment. Third-party vendors shall not keep the applicant information  
7 for more than thirty days unless requested to do so by the applicant.

8 (6) When a charter school finds good cause to believe that a  
9 person employed by the charter school has been convicted of a felony or  
10 misdemeanor, other than a misdemeanor traffic offense or traffic  
11 infraction, subsequent to such employment, the charter school shall  
12 require the person to submit to the charter school a complete set of his or  
13 her fingerprints taken by a qualified law enforcement agency, an  
14 authorized employee of the charter school, or any third party approved by  
15 the Colorado bureau of investigation. AT THE REQUEST OF THE CHARTER  
16 SCHOOL, A LAW ENFORCEMENT AGENCY THAT HAS FINGERPRINTING  
17 EQUIPMENT THAT MEETS THE FEDERAL BUREAU OF INVESTIGATION IMAGE  
18 QUALITY STANDARDS SHALL TAKE THE FINGERPRINTS OF A PERSON  
19 PURSUANT TO THIS SECTION IF AN APPROVED THIRD-PARTY VENDOR IS NOT  
20 OPERATING WITHIN TWENTY MILES OF THE CHARTER SCHOOL WITHIN THE  
21 LAW ENFORCEMENT AGENCY'S JURISDICTION. A SCHOOL EMPLOYEE MAY  
22 USE ANY FINGERPRINTING EQUIPMENT THAT MEETS THE FEDERAL BUREAU  
23 OF INVESTIGATION IMAGE QUALITY STANDARDS. If an approved third party  
24 takes the person's fingerprints, the fingerprints may be electronically  
25 captured using Colorado bureau of investigation-approved livescan  
26 equipment. Third-party vendors shall not keep the applicant information  
27 for more than thirty days unless requested to do so by the applicant. The

1 employee shall submit his or her fingerprints within twenty days after  
2 receipt of written notification from the charter school. The charter school  
3 shall forward the employee's fingerprints to the Colorado bureau of  
4 investigation for the purpose of conducting a state and national  
5 fingerprint-based criminal history record check utilizing the records of the  
6 Colorado bureau of investigation and the federal bureau of investigation.

7 **SECTION 4.** In Colorado Revised Statutes, 22-32-109.8, **amend**  
8 (1) and (6)(a) as follows:

9 **22-32-109.8. Applicants selected for nonlicensed positions -**  
10 **submittal of form and fingerprints - prohibition against employing**  
11 **persons - department database.** (1) Except as otherwise provided in  
12 subsection (10) of this section, any person applying to any school district  
13 for any position of employment for which a license issued pursuant to  
14 article 60.5 of this title 22 is not required and who is selected for such  
15 position of employment by such school district shall submit a complete  
16 set of fingerprints of such applicant taken by a qualified law enforcement  
17 agency, authorized employee of ~~such~~ A school district OR BOARD OF  
18 COOPERATIVE SERVICES and notarized, or any third party approved by the  
19 Colorado bureau of investigation, in a completed form as specified in  
20 subsection (2) of this section. AT THE REQUEST OF A SCHOOL DISTRICT, A  
21 LAW ENFORCEMENT AGENCY THAT HAS FINGERPRINTING EQUIPMENT THAT  
22 MEETS THE FEDERAL BUREAU OF INVESTIGATION IMAGE QUALITY  
23 STANDARDS SHALL TAKE THE FINGERPRINTS OF AN APPLICANT PURSUANT  
24 TO THIS SECTION IF AN APPROVED THIRD-PARTY VENDOR IS NOT  
25 OPERATING WITHIN TWENTY MILES OF THE SCHOOL DISTRICT WITHIN THE  
26 LAW ENFORCEMENT AGENCY'S JURISDICTION. A SCHOOL DISTRICT  
27 EMPLOYEE OR BOARD OF COOPERATIVE SERVICES EMPLOYEE MAY USE ANY

1 FINGERPRINTING EQUIPMENT THAT MEETS THE FEDERAL BUREAU OF  
2 INVESTIGATION IMAGE QUALITY STANDARDS. If an approved third party  
3 takes the person's fingerprints, the fingerprints may be electronically  
4 captured using Colorado bureau of investigation-approved livescan  
5 equipment. Third-party vendors shall not keep the applicant information  
6 for more than thirty days unless requested to do so by the applicant. The  
7 fingerprints and form must be submitted to the school district at the time  
8 requested by such school district.

9 (6) (a) When a school district finds good cause to believe that a  
10 nonlicensed person employed by the school district has been convicted of  
11 a felony or misdemeanor other than a misdemeanor traffic offense or  
12 traffic infraction subsequent to his or her employment, the school district  
13 shall require the person to submit to the school district a complete set of  
14 his or her fingerprints taken by a qualified law enforcement agency, AN  
15 AUTHORIZED EMPLOYEE OF THE SCHOOL DISTRICT OR BOARD OF  
16 COOPERATIVE SERVICES, or any third party approved by the Colorado  
17 bureau of investigation. AT THE REQUEST OF A SCHOOL DISTRICT, A LAW  
18 ENFORCEMENT AGENCY THAT HAS FINGERPRINTING EQUIPMENT THAT  
19 MEETS THE FEDERAL BUREAU OF INVESTIGATION IMAGE QUALITY  
20 STANDARDS SHALL TAKE THE FINGERPRINTS OF AN EMPLOYEE PURSUANT  
21 TO THIS SECTION IF AN APPROVED THIRD-PARTY VENDOR IS NOT  
22 OPERATING WITHIN TWENTY MILES OF THE SCHOOL DISTRICT WITHIN THE  
23 LAW ENFORCEMENT AGENCY'S JURISDICTION. A SCHOOL DISTRICT  
24 EMPLOYEE OR BOARD OF COOPERATIVE SERVICES EMPLOYEE MAY USE ANY  
25 FINGERPRINTING EQUIPMENT THAT MEETS THE FEDERAL BUREAU OF  
26 INVESTIGATION IMAGE QUALITY STANDARDS. If an approved third party  
27 takes the person'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 fingerprints shall be submitted within twenty days after receipt of written  
5 notification from the school district. The school district shall forward the  
6 fingerprints of the person to the Colorado bureau of investigation for the  
7 purpose of conducting a state and national fingerprint-based criminal  
8 history record check utilizing the records of the Colorado bureau of  
9 investigation and the federal bureau of investigation. If the results of the  
10 fingerprint-based criminal history record check completed on or after  
11 August 10, 2011, disclose a conviction for an offense described in  
12 subsection (6.5) of this section, the school district shall terminate the  
13 person's employment.

14 **SECTION 5.** In Colorado Revised Statutes, 22-32-109.9, **amend**  
15 (1)(a) as follows:

16 **22-32-109.9. Licensed personnel - submittal of fingerprints.**

17 (1) (a) When any school district finds good cause to believe that any  
18 licensed personnel employed by such school district has been convicted  
19 of any felony or misdemeanor, other than a misdemeanor traffic offense  
20 or traffic infraction, subsequent to such employment, such school district  
21 shall require such person to submit a complete set of his or her  
22 fingerprints taken by a qualified law enforcement agency, AN  
23 AUTHORIZED EMPLOYEE OF THE SCHOOL DISTRICT OR BOARD OF  
24 COOPERATIVE SERVICES, or any third party approved by the Colorado  
25 bureau of investigation. AT THE REQUEST OF A SCHOOL DISTRICT, A LAW  
26 ENFORCEMENT AGENCY THAT HAS FINGERPRINTING EQUIPMENT THAT  
27 MEETS THE FEDERAL BUREAU OF INVESTIGATION IMAGE QUALITY



1     STANDARDS SHALL TAKE THE FINGERPRINTS OF AN EMPLOYEE PURSUANT  
2     TO THIS SECTION IF AN APPROVED THIRD-PARTY VENDOR IS NOT  
3     OPERATING WITHIN TWENTY MILES OF THE SCHOOL DISTRICT WITHIN THE  
4     LAW ENFORCEMENT AGENCY'S JURISDICTION. A SCHOOL DISTRICT  
5     EMPLOYEE OR BOARD OF COOPERATIVE SERVICES EMPLOYEE MAY USE ANY  
6     FINGERPRINTING EQUIPMENT THAT MEETS THE FEDERAL BUREAU OF  
7     INVESTIGATION IMAGE QUALITY STANDARDS. If an approved third party  
8     takes the person's fingerprints, the fingerprints may be electronically  
9     captured using Colorado bureau of investigation-approved livescan  
10    equipment. Third-party vendors shall not keep the applicant information  
11    for more than thirty days unless requested to do so by the applicant. The  
12    fingerprints must be submitted within twenty days of receipt of written  
13    notification from the school district.

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

16           **22-60.5-103. Applicants - licenses - authorizations - submittal**  
17    **of form and fingerprints - failure to comply constitutes grounds for**  
18    **denial.** (1) (a) Prior to submitting to the department of education an  
19    application for any license specified in section 22-60.5-201, 22-60.5-210,  
20    22-60.5-301, or 22-60.5-306 or for any authorization specified in section  
21    22-60.5-111, each applicant shall submit to the Colorado bureau of  
22    investigation a complete set of fingerprints of such applicant, taken by a  
23    qualified law enforcement agency, AN AUTHORIZED EMPLOYEE OF A  
24    SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES, or any third party  
25    approved by the Colorado bureau of investigation, unless the applicant  
26    previously submitted a complete set of his or her fingerprints to the  
27    department of education or the Colorado bureau of investigation in

1 connection with an application for a license or authorization specified in  
2 this article 60.5 or, if the applicant has continuously resided in Colorado  
3 since submitting fingerprints to the bureau, has previously submitted  
4 fingerprints pursuant to section 22-2-119.3. AT THE REQUEST OF A  
5 SCHOOL DISTRICT, A LAW ENFORCEMENT AGENCY THAT HAS  
6 FINGERPRINTING EQUIPMENT THAT MEETS THE FEDERAL BUREAU OF  
7 INVESTIGATION IMAGE QUALITY STANDARDS SHALL TAKE THE  
8 FINGERPRINTS OF AN APPLICANT PURSUANT TO THIS SECTION IF AN  
9 APPROVED THIRD-PARTY VENDOR IS NOT OPERATING WITHIN TWENTY  
10 MILES OF THE SCHOOL DISTRICT WITHIN THE LAW ENFORCEMENT AGENCY'S  
11 JURISDICTION. A SCHOOL DISTRICT EMPLOYEE OR BOARD OF COOPERATIVE  
12 SERVICES EMPLOYEE MAY USE ANY FINGERPRINTING EQUIPMENT THAT  
13 MEETS THE FEDERAL BUREAU OF INVESTIGATION IMAGE QUALITY  
14 STANDARDS. If an approved third party takes the person's fingerprints, the  
15 fingerprints 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 applicant shall submit the fingerprints for  
19 the purpose of obtaining a fingerprint-based criminal history record check  
20 through the Colorado bureau of investigation and the federal bureau of  
21 investigation to determine whether the applicant for licensure or  
22 authorization has a criminal history. The applicant shall pay to the  
23 Colorado bureau of investigation the fee established by the bureau for  
24 conducting the criminal history record check. Upon completion of the  
25 criminal history record check, the bureau shall forward the results to the  
26 department of education.

27 (6) (a) When the department of education finds probable cause to

1 believe that an educator licensed or authorized pursuant to this article  
2 60.5 has been convicted of a felony or misdemeanor, other than a  
3 misdemeanor traffic offense or traffic infraction, subsequent to the  
4 educator's licensure or authorization, the department of education shall  
5 require the educator to submit a complete set of the educator's fingerprints  
6 taken by a qualified law enforcement agency, AN AUTHORIZED EMPLOYEE  
7 OF THE LICENSEE'S EMPLOYING SCHOOL DISTRICT OR BOARD OF  
8 COOPERATIVE SERVICES, or any third party approved by the Colorado  
9 bureau of investigation. AT THE REQUEST OF A SCHOOL DISTRICT, A LAW  
10 ENFORCEMENT AGENCY THAT HAS FINGERPRINTING EQUIPMENT THAT  
11 MEETS THE FEDERAL BUREAU OF INVESTIGATION IMAGE QUALITY  
12 STANDARDS SHALL TAKE THE FINGERPRINTS OF AN EDUCATOR PURSUANT  
13 TO THIS SECTION IF AN APPROVED THIRD-PARTY VENDOR IS NOT  
14 OPERATING WITHIN TWENTY MILES OF THE SCHOOL DISTRICT WITHIN THE  
15 LAW ENFORCEMENT AGENCY'S JURISDICTION. A SCHOOL DISTRICT OR  
16 BOARD OF COOPERATIVE SERVICES EMPLOYEE MAY USE ANY  
17 FINGERPRINTING EQUIPMENT THAT MEETS THE FEDERAL BUREAU OF  
18 INVESTIGATION IMAGE QUALITY STANDARDS. If an approved third party  
19 takes the person's fingerprints, the fingerprints may be electronically  
20 captured using Colorado bureau of investigation-approved livescan  
21 equipment. Third-party vendors shall not keep the educator's information  
22 for more than thirty days unless requested to do so by the educator. The  
23 educator shall submit the fingerprints within thirty days after receipt of  
24 the written request for fingerprints from the department of education. The  
25 department of education shall deny, suspend, annul, or revoke, pursuant  
26 to section 22-60.5-107 (2.5), the educator's license or authorization if he  
27 or she fails to submit fingerprints on a timely basis pursuant to this

1 subsection (6).

2           **SECTION 7. Safety clause.** The general assembly hereby finds,  
3 determines, and declares that this act is necessary for the immediate  
4 preservation of the public peace, health, and safety.