

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

REENGROSSED

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

LLS NO. 19-0852.01 Michael Dohr x4347

HOUSE BILL 19-1186

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A BILL FOR AN ACT

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

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
3rd Reading Unamended
March 11, 2019

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.

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.