

**Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**REREVISED**

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

LLS NO. 22-0749.03 Jacob Baus x2173

**HOUSE BILL 22-1270**

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**HOUSE SPONSORSHIP**

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**SENATE SPONSORSHIP**

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Judiciary

**Senate Committees**  
Judiciary

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**A BILL FOR AN ACT**

101      **CONCERNING MEASURES RELATED TO CHANGING "NAME-BASED**  
102              **CRIMINAL HISTORY RECORD CHECK" TO "NAME-BASED**  
103              **JUDICIAL RECORD CHECK" IN THE COLORADO REVISED**  
104              **STATUTES.**

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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>.)*

The bill changes the term "name-based criminal history record check" to "name-based judicial record check" throughout the Colorado Revised Statutes.

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  
3rd Reading Unamended  
April 5, 2022

SENATE  
2nd Reading Unamended  
April 4, 2022

HOUSE  
3rd Reading Unamended  
March 22, 2022

HOUSE  
2nd Reading Unamended  
March 21, 2022

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-2-119.3, **amend**  
3 (2)(b)(III), (3), (4)(a), (6) introductory portion, and (6)(d) as follows:

4 **22-2-119.3. Department of education - educator preparation**  
5 **program students - record check - fee - definitions.** (2) On a form  
6 provided by the department, the student shall:

7 (b) Furnish the following information to the department:

8 (III) Any other information required by the department to release  
9 the results of a ~~criminal history~~ record check pursuant to this section.

10 (3) When the results of a fingerprint-based criminal history record  
11 check of a student performed pursuant to this section ~~reveals~~ REVEAL a  
12 record of arrest without a disposition, the department shall perform a  
13 name-based ~~criminal history~~ JUDICIAL record check of that student.

14 (4) (a) Within seven days ~~of~~ AFTER receiving the results of a  
15 ~~criminal history~~ record check conducted pursuant to this section, the  
16 department shall provide the results of ~~such criminal history~~ THE record  
17 check, to the extent permitted by state or federal law or regulation, to the  
18 educator preparation program in which the student is enrolled and to any  
19 school district or charter school that has made an inquiry to the  
20 department concerning the results of a ~~criminal history~~ record check of a  
21 student who has been placed in the school district or charter school for  
22 field experiences.

23 (6) ~~For purposes of~~ AS USED IN this section, unless the context  
24 otherwise requires:

25 (d) "Name-based ~~criminal history~~ JUDICIAL record check" means  
26 a background check performed using judicial department records that

1 includes an individual's conviction and final disposition of case records.

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

4 **5-19-206.5. Name-based judicial record check.** When the results  
5 of a fingerprint-based criminal history record check of an officer of the  
6 applicant or employee or agent of the applicant performed pursuant to  
7 section 5-19-206 (12) reveal a record of arrest without a disposition, the  
8 administrator shall require that person to submit to a name-based ~~criminal~~  
9 ~~history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

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

12 **10-3-112. Directors - terms - election - conflicts of interest -**  
13 **recovery of profits.** (1) (b) (II) When the results of a fingerprint-based  
14 criminal history record check of a person performed pursuant to this  
15 subsection (1)(b) reveal a record of arrest without a disposition, the  
16 commissioner shall require that person to submit to a name-based  
17 ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3  
18 (6)(d).

19 **SECTION 4.** In Colorado Revised Statutes, 10-3-803, **amend**  
20 (3)(b) as follows:

21 **10-3-803. Acquisition of control of or merger with domestic**  
22 **insurer - definitions.** (3) (b) When the results of a fingerprint-based  
23 criminal history record check of a person performed pursuant to this  
24 subsection (3) reveal a record of arrest without a disposition, the  
25 commissioner shall require that person to submit to a name-based  
26 ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3  
27 (6)(d).

1           **SECTION 5.** In Colorado Revised Statutes, 10-3-903.5, **amend**  
2 (7)(d)(I)(D) as follows:

3           **10-3-903.5. Jurisdiction over providers of health-care benefits**  
4 **- rules.** (7) (d) (I) A multiple employer welfare arrangement that meets  
5 the requirements specified in subsection (7)(c) of this section other than  
6 subsection (7)(c)(I) of this section may file an application for a waiver  
7 with the commissioner. A multiple employer welfare arrangement that  
8 meets the requirements specified in subsection (7)(c) of this section other  
9 than those specified in subsections (7)(c)(I) and (7)(c)(V)(B) of this  
10 section may also file an application for a waiver with the commissioner.  
11 The application must include:

12           (D) ~~Criminal~~ Background records. Each individual specified in  
13 subsection (7)(d)(I)(C) of this section shall submit a set of fingerprints to  
14 the commissioner. The commissioner shall forward the fingerprints to the  
15 Colorado bureau of investigation for the purpose of conducting a state  
16 and national fingerprint-based criminal history record check utilizing  
17 records of the Colorado bureau of investigation and the federal bureau of  
18 investigation. The multiple employer welfare arrangement shall bear only  
19 the actual costs of the record check. When the results of a  
20 fingerprint-based criminal history record check of an individual  
21 performed pursuant to this subsection (7)(d)(I)(D) reveal a record of  
22 arrest without a disposition, the commissioner shall require that individual  
23 to submit to a name-based ~~criminal history~~ JUDICIAL record check, as  
24 defined in section 22-2-119.3 (6)(d).

25           **SECTION 6.** In Colorado Revised Statutes, 10-15-103, **amend**  
26 (1)(b)(I.5) as follows:

27           **10-15-103. License procedure - records - examination of**

1 **records - definition.** (1) (b) (I.5) When the results of a fingerprint-based  
2 criminal history record check of an applicant performed pursuant to this  
3 subsection (1)(b) reveal a record of arrest without a disposition, the  
4 commissioner shall require that applicant to submit to a name-based  
5 ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3  
6 (6)(d).

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

9 **10-23-103. Registration requirements - application -**  
10 **qualification bond - forfeiture.** (2) (b) When the results of a  
11 fingerprint-based criminal history record check of an applicant performed  
12 pursuant to this subsection (2) reveal a record of arrest without a  
13 disposition, the division shall require that applicant to submit to a  
14 name-based ~~criminal history~~ JUDICIAL record check, as defined in section  
15 22-2-119.3 (6)(d).

16 **SECTION 8.** In Colorado Revised Statutes, **amend** 11-110-107.5  
17 as follows:

18 **11-110-107.5. Name-based judicial record check.** When the  
19 results of a fingerprint-based criminal history record check of an applicant  
20 performed pursuant to section 11-110-107 (1)(e) reveal a record of arrest  
21 without a disposition, the banking board shall require that applicant to  
22 submit to a name-based ~~criminal history~~ JUDICIAL record check, as  
23 defined in section 22-2-119.3 (6)(d). The applicant shall pay the actual  
24 costs of the name-based ~~criminal history~~ JUDICIAL record check.

25 **SECTION 9.** In Colorado Revised Statutes, 12-10-203, **amend**  
26 (1)(b)(I) as follows:

27 **12-10-203. Application for license - rules - definition.**

1 (1) (b) (I) Prior to submitting an application for a license pursuant to  
2 subsection (1)(a) of this section, each applicant shall submit a set of  
3 fingerprints to the Colorado bureau of investigation for the purpose of  
4 conducting a state and national fingerprint-based criminal history record  
5 check utilizing records of the Colorado bureau of investigation and the  
6 federal bureau of investigation. The applicant shall pay the fee established  
7 by the Colorado bureau of investigation for conducting the  
8 fingerprint-based criminal history record check to the bureau. Upon  
9 completion of the FINGERPRINT-BASED criminal history record check, the  
10 bureau shall forward the results to the commission. The commission shall  
11 acquire a name-based ~~criminal history~~ JUDICIAL record check, as defined  
12 in section 22-2-119.3 (6)(d), for an applicant who has ~~twice submitted to~~  
13 ~~a fingerprint-based criminal history record check and whose fingerprints~~  
14 ~~are unclassifiable or when the results of a fingerprint-based criminal~~  
15 ~~history record check of an applicant performed pursuant to this subsection~~  
16 ~~(1)(b)(I) reveal~~ a record of arrest without a disposition. The applicant  
17 shall pay the costs associated with a name-based ~~criminal history~~  
18 JUDICIAL record check.

19 **SECTION 10.** In Colorado Revised Statutes, 12-10-606, **amend**  
20 (6) as follows:

21 **12-10-606. Qualifications for licensing and certification of**  
22 **appraisers - continuing education - rules - definitions.** (6) (a) The  
23 board shall not issue a license or certification until the applicant  
24 demonstrates that ~~he or she~~ THE APPLICANT meets the fitness standards  
25 established by board rule and submits a set of fingerprints to the Colorado  
26 bureau of investigation for the purpose of conducting a state and national  
27 fingerprint-based criminal history record check utilizing records of the

1 Colorado bureau of investigation and the federal bureau of investigation.  
2 Each person submitting a set of fingerprints shall pay the fee established  
3 by the Colorado bureau of investigation for conducting the  
4 fingerprint-based criminal history record check to the bureau. Upon  
5 completion of the FINGERPRINT-BASED criminal history record check, the  
6 bureau shall forward the results to the board. The board shall require a  
7 name-based ~~criminal history~~ JUDICIAL record check, as defined in section  
8 22-2-119.3 (6)(d), for an applicant who has ~~twice submitted to a~~  
9 ~~fingerprint-based criminal history record check and whose fingerprints~~  
10 ~~are unclassifiable or when the results of a fingerprint-based criminal~~  
11 ~~history record check of an applicant performed pursuant to this subsection~~  
12 ~~(6) reveal~~ a record of arrest without a disposition. The applicant shall pay  
13 the costs associated with a name-based ~~criminal history~~ JUDICIAL record  
14 check. The board may deny an application for licensure or certification  
15 based on the outcome of the ~~criminal history~~ record check and may  
16 establish criminal history requirements more stringent than those  
17 established by any applicable federal law. At a minimum, the board shall  
18 adopt the criminal history requirements established by any applicable  
19 federal law.

20 (b) An applicant for certification as a licensed ad valorem  
21 appraiser is not subject to the fingerprinting and ~~criminal~~ background  
22 check requirements of subsection (6)(a) of this section.

23 **SECTION 11.** In Colorado Revised Statutes, 12-10-607, **amend**  
24 (3) as follows:

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

1 appraiser designated by the partnership, limited liability company, or  
2 corporation as controlling appraiser and each individual who owns more  
3 than ten percent of the entity demonstrates that ~~he or she~~ THE PERSON  
4 meets the fitness standards established by board rule and submits 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. Each person submitting a set of  
9 fingerprints shall pay the fee established by the Colorado bureau of  
10 investigation for conducting the fingerprint-based criminal history record  
11 check to the bureau. Upon completion of the FINGERPRINT-BASED  
12 criminal history record check, the bureau shall forward the results to the  
13 board. The board shall require a name-based ~~criminal history~~ JUDICIAL  
14 record check, as defined in section 22-2-119.3 (6)(d), for an applicant  
15 who has ~~twice submitted to a fingerprint-based criminal history record~~  
16 ~~check and whose fingerprints are unclassifiable or when the results of a~~  
17 ~~fingerprint-based criminal history record check of an applicant performed~~  
18 ~~pursuant to this subsection (3) reveal~~ a record of arrest without a  
19 disposition. The applicant shall pay the costs associated with a  
20 name-based ~~criminal history~~ JUDICIAL record check. The board may deny  
21 an application for licensure or refuse to renew a license based on the  
22 outcome of the ~~criminal history~~ record check. The board may require  
23 criminal history requirements more stringent than those established by  
24 any applicable federal law. At a minimum, the board shall adopt the  
25 criminal history requirements established by any applicable federal law.

26 **SECTION 12.** In Colorado Revised Statutes, 12-10-610, **amend**  
27 (4) as follows:



1           **12-10-610. Expiration of licenses - renewal - penalties - fees -**

2 **rules.** (4) At the time of renewal or reinstatement, every licensee,  
3 certificate holder, and person or individual who owns more than ten  
4 percent of an appraisal management company 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, if the person has not previously done so  
9 for issuance of a license or certification by the board. Each person  
10 submitting a set of fingerprints shall pay the fee established by the  
11 Colorado bureau of investigation for conducting the fingerprint-based  
12 criminal history record check to the bureau. The bureau shall forward the  
13 results to the board. The board shall require a name-based ~~criminal~~  
14 ~~history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d), for  
15 an applicant who has ~~twice submitted to a fingerprint-based criminal~~  
16 ~~history record check and whose fingerprints are unclassifiable or when~~  
17 ~~the results of a fingerprint-based criminal history record check of an~~  
18 ~~applicant performed pursuant to this section reveal~~ a record of arrest  
19 without a disposition. The applicant shall pay the costs associated with a  
20 name-based ~~criminal history~~ JUDICIAL record check. The board may  
21 refuse to renew or reinstate a license or certification based on the  
22 outcome of the ~~criminal history~~ record check.

23           **SECTION 13.** In Colorado Revised Statutes, 12-10-704, **amend**  
24 (6)(a) and (7)(c) as follows:

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

1 fingerprints, the Colorado bureau of investigation shall use the  
2 fingerprints to conduct a state and national criminal history record check  
3 using records of the Colorado bureau of investigation and the federal  
4 bureau of investigation. All costs arising from the FINGERPRINT-BASED  
5 criminal history record check must be borne by the applicant and must be  
6 paid when the set of fingerprints is submitted. Upon completion of the  
7 FINGERPRINT-BASED criminal history record check, the bureau shall  
8 forward the results to the board. The board shall acquire a name-based  
9 ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3  
10 (6)(d), for an applicant who has ~~twice submitted to a fingerprint-based~~  
11 ~~criminal history record check and whose fingerprints are unclassifiable~~  
12 ~~or when the results of a fingerprint-based criminal history record check~~  
13 ~~of an applicant performed pursuant to this subsection (6) reveal a record~~  
14 ~~of arrest without a disposition. The applicant shall pay the costs~~  
15 ~~associated with a name-based criminal history JUDICIAL record check.~~

16 (7) (c) The board shall acquire a name-based ~~criminal history~~  
17 JUDICIAL record check, as defined in section 22-2-119.3 (6)(d), for an  
18 applicant who has ~~twice submitted to a fingerprint-based criminal history~~  
19 ~~record check and whose fingerprints are unclassifiable or when the results~~  
20 ~~of a fingerprint-based criminal history record check of an applicant~~  
21 ~~performed pursuant to this subsection (7) reveal a record of arrest without~~  
22 ~~a disposition. The applicant shall pay the costs associated with a~~  
23 ~~name-based criminal history JUDICIAL record check.~~

24 **SECTION 14.** In Colorado Revised Statutes, 12-235-108, **amend**  
25 (2.5) as follows:

26 **12-235-108. License - denial of license application.** (2.5) When  
27 the results of a fingerprint-based criminal history record check of an

1 applicant performed pursuant to this section reveal a record of arrest  
2 without a disposition, the director shall require that applicant to submit to  
3 a name-based ~~criminal history~~ JUDICIAL record check, as defined in  
4 section 22-2-119.3 (6)(d).

5 **SECTION 15.** In Colorado Revised Statutes, 12-245-304, **amend**  
6 (1)(f) as follows:

7 **12-245-304. Qualifications - examinations - licensure and**  
8 **registration.** (1) The board shall issue a license as a psychologist to each  
9 applicant who files an application in a form and manner required by the  
10 board, submits the fee required by the board pursuant to section  
11 12-245-205, and furnishes evidence satisfactory to the board that the  
12 applicant:

13 (f) On and after July 14, 2020, upon the initial application for  
14 licensure, has completed a name-based ~~criminal history~~ JUDICIAL record  
15 check, as defined in section 22-2-119.3 (6)(d), with satisfactory results as  
16 determined by the board.

17 **SECTION 16.** In Colorado Revised Statutes, 12-280-304, **amend**  
18 (2) as follows:

19 **12-280-304. Record check.** (2) When the results of a  
20 fingerprint-based criminal history record check of a designated  
21 representative performed pursuant to this section reveal a record of arrest  
22 without a disposition, the board shall require that designated  
23 representative to submit to a name-based ~~criminal history~~ JUDICIAL record  
24 check, as defined in section 22-2-119.3 (6)(d). The designated  
25 representative shall pay the actual costs of the name-based ~~criminal~~  
26 ~~history~~ JUDICIAL record check.

27 **SECTION 17.** In Colorado Revised Statutes, 12-310-107, **amend**

1 (2) as follows:

2 **12-310-107. Record check required.** (2) When the results of a  
3 fingerprint-based criminal history record check of an applicant performed  
4 pursuant to this section reveal a record of arrest without a disposition, the  
5 director shall require that applicant to submit to a name-based ~~criminal~~  
6 ~~history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).  
7 The applicant shall pay the actual costs of the name-based ~~criminal~~  
8 ~~history~~ JUDICIAL record check.

9 **SECTION 18.** In Colorado Revised Statutes, 13-93-101, **amend**  
10 (3) as follows:

11 **13-93-101. License to practice necessary.** (3) Upon request of  
12 the supreme court or a representative of its office of attorney regulation  
13 counsel, the ~~Colorado bureau of investigation~~ APPLICANT shall also  
14 provide a name-based ~~criminal history~~ JUDICIAL record check, as defined  
15 in section 22-2-119.3 (6)(d), ~~for any~~ IF THE applicant ~~whose fingerprints~~  
16 ~~are unclassifiable or when the results of a fingerprint-based criminal~~  
17 ~~history record check of an applicant performed pursuant to this section~~  
18 ~~reveal~~ HAS a record of arrest without a disposition.

19 **SECTION 19.** In Colorado Revised Statutes, 14-10-116.5,  
20 **amend** (4)(b) as follows:

21 **14-10-116.5. Appointment in domestic relations cases - child**  
22 **and family investigator - disclosure - background check.** (4) (b) ~~For~~  
23 ~~any person whose fingerprints are unclassifiable or when~~ WHEN the  
24 results of a fingerprint-based criminal history record check of a person  
25 performed pursuant to this section reveal a record of arrest without a  
26 disposition, the department shall require that applicant to submit to a  
27 name-based ~~criminal history~~ JUDICIAL record check, as defined in section

1 22-2-119.3 (6)(d). Upon request of the department pursuant to this  
2 section, the ~~Colorado bureau of investigation~~ APPLICANT shall also  
3 provide a name-based ~~criminal history~~ JUDICIAL record check. ~~for any~~  
4 ~~person.~~

5 **SECTION 20.** In Colorado Revised Statutes, 15-14-110, **amend**  
6 (5)(b) as follows:

7 **15-14-110. Letters of office.** (5) (b) When the results of a  
8 fingerprint-based criminal history record check of an applicant performed  
9 pursuant to this subsection (5) reveal a record of arrest without a  
10 disposition, the court shall require that nominee to submit to a  
11 name-based ~~criminal history~~ JUDICIAL record check, as defined in section  
12 22-2-119.3 (6)(d). The applicant is responsible for the cost of the  
13 name-based ~~criminal history~~ JUDICIAL record check.

14 **SECTION 21.** In Colorado Revised Statutes, 19-2.5-1521,  
15 **amend** (4) as follows:

16 **19-2.5-1521. Juvenile facility - contract for operation.** (4) The  
17 contractor shall require applicants for employment at the facility to submit  
18 a set of fingerprints to the Colorado bureau of investigation for a  
19 fingerprint-based criminal history record check, and the Colorado bureau  
20 of investigation may accept ~~such~~ THE fingerprints. For the purpose of  
21 conducting a fingerprint-based criminal history record check, to the extent  
22 authorized by federal law, the Colorado bureau of investigation may  
23 exchange with the department of human services any state, multistate, and  
24 federal criminal history records of individuals who apply for employment  
25 at the facility. When the results of a fingerprint-based criminal history  
26 record check of an applicant performed pursuant to this section reveal a  
27 record of arrest without a disposition, the contractor shall require that

1 applicant to submit to a name-based ~~criminal history~~ JUDICIAL record  
2 check, as defined in section 22-2-119.3 (6)(d).

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

5 **22-1-121. Nonpublic schools - employment of personnel -**  
6 **notification by department of education.** (1.7) (a.5) When the results  
7 of a fingerprint-based criminal history record check of an applicant or  
8 employee performed pursuant to this section reveal a record of arrest  
9 without a disposition, the governing board shall require that applicant or  
10 employee to submit to a name-based ~~criminal history~~ JUDICIAL record  
11 check, as defined in section 22-2-119.3 (6)(d).

12 (b) All costs arising from a fingerprint-based criminal history  
13 record check performed by the Colorado bureau of investigation and the  
14 federal bureau of investigation pursuant to ~~the provisions of~~ this section  
15 or a name-based ~~criminal history~~ JUDICIAL record check performed  
16 pursuant to this section must be borne by the nonpublic school. ~~Such~~ THE  
17 costs may be passed on to the employee or the prospective employee.

18 **SECTION 23.** In Colorado Revised Statutes, 22-30.5-110.5,  
19 **amend** (2)(b)(I) and (2)(b)(II) introductory portion as follows:

20 **22-30.5-110.5. Background investigation - charter school**  
21 **employees - information provided to department - definitions.**

22 (2) The background investigation of an applicant, at a minimum, must  
23 include:

24 (b) (I) A fingerprint-based criminal history record check and, if  
25 necessary, a name-based ~~criminal history~~ JUDICIAL record check, as  
26 described in section 22-30.5-110.7.

27 (II) The ~~criminal history~~ record check shall be designed to

1 determine, at a minimum, whether the applicant has been convicted of,  
2 pled nolo contendere or guilty to, or received a deferred sentence or  
3 deferred prosecution for:

4 **SECTION 24.** In Colorado Revised Statutes, 22-30.5-110.7,  
5 **amend** (4)(b), (5)(a) introductory portion, (6)(b), (6.5), and (9)(b) as  
6 follows:

7 **22-30.5-110.7. Fingerprint-based criminal history record**  
8 **checks - charter school employees - procedures - exceptions -**  
9 **definitions.** (4) (b) When the results of a fingerprint-based criminal  
10 history record check of an employee performed pursuant to this  
11 subsection (4) reveal a record of arrest without a disposition, the charter  
12 school shall require that employee to submit to a name-based ~~criminal~~  
13 ~~history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

14 (5) (a) A charter school may employ a person in the charter school  
15 prior to receiving the results of the person's fingerprint-based criminal  
16 history record check or name-based ~~criminal history~~ JUDICIAL record  
17 check; except that:

18 (6) (b) When the results of a fingerprint-based criminal history  
19 record check of an employee performed pursuant to subsection (6)(a) of  
20 this section reveal a record of arrest without a disposition, the charter  
21 school shall require that employee to submit to a name-based ~~criminal~~  
22 ~~history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

23 (6.5) An employee or an applicant for employment with a charter  
24 school is disqualified from employment if the results of a  
25 fingerprint-based criminal history record check or name-based ~~criminal~~  
26 ~~history~~ JUDICIAL record check completed on or after August 10, 2011,  
27 disclose a conviction for an offense described in section 22-32-109.8

1 (6.5). Nothing in this section or in section 22-32-109.8 creates for a  
2 person a property right in or entitlement to employment or continued  
3 employment with a charter school or impairs a charter school's right to  
4 terminate employment for a nondiscriminatory reason.

5 (9) (b) The employing charter school shall be responsible for costs  
6 arising from a name-based ~~criminal history~~ JUDICIAL record check  
7 performed pursuant to this section. The charter school may collect the  
8 costs from the employee or the prospective employee.

9 **SECTION 25.** In Colorado Revised Statutes, 22-30.5-511.5,  
10 **amend** (1), (2), and (2.5) as follows:

11 **22-30.5-511.5. Background investigation - prohibition against**  
12 **employing persons - institute charter school employees' information**  
13 **provided to department.** (1) An institute charter school shall conduct  
14 a background investigation, including a fingerprint-based criminal history  
15 record check, as described in sections 22-30.5-110.5 and 22-30.5-110.7,  
16 of an applicant to whom an offer of employment is extended by the  
17 institute charter school to determine whether the applicant is suitable to  
18 work in an environment with children. An applicant who applies for a  
19 position of employment with an institute charter school shall submit to a  
20 background investigation, including a fingerprint-based criminal history  
21 record check, and, as necessary, a name-based ~~criminal history~~ JUDICIAL  
22 record check, as described in sections 22-30.5-110.5 and 22-30.5-110.7.

23 (2) When an institute charter school finds good cause to believe  
24 that a person employed by the institute charter school has been convicted  
25 of a felony or misdemeanor, other than a misdemeanor traffic offense or  
26 traffic infraction subsequent to such employment, the institute charter  
27 school shall require the person to submit to the institute charter school a



1 complete set of ~~his or her~~ THE PERSON'S fingerprints for a  
2 fingerprint-based criminal history record check and, as necessary, a  
3 name-based ~~criminal history~~ JUDICIAL record check, as described in  
4 section 22-30.5-110.7 (6).

5 (2.5) An employee or an applicant for employment with an  
6 institute charter school is disqualified from employment if the results of  
7 a fingerprint-based criminal history record check or a name-based  
8 ~~criminal history~~ JUDICIAL record check completed on or after August 10,  
9 2011, disclose a conviction for an offense described in section  
10 22-32-109.8 (6.5). Nothing in this section or in section 22-32-109.8  
11 creates for a person a property right in or entitlement to employment or  
12 continued employment with an institute charter school or impairs an  
13 institute charter school's right to terminate employment for a  
14 nondiscriminatory reason.

15 **SECTION 26.** In Colorado Revised Statutes, 22-30.7-111,  
16 **amend** (1)(b)(VII) as follows:

17 **22-30.7-111. Learning centers - memoranda of understanding**  
18 **- rules - appeal process.** (1) (b) A multi-district online school that  
19 intends to provide instruction to students within a learning center shall  
20 notify the school district in which the proposed learning center is located  
21 of the multi-district online school's intention in writing at least ninety  
22 days before the multi-district online school intends to commence  
23 providing such instruction. The notice must include the standard MOU  
24 form that addresses, at a minimum, the following information as it applies  
25 to each learning center to be located within the school district:

26 (VII) Measures to ensure compliance with state and federal laws  
27 concerning educator licensing, fingerprint-based criminal history record

1 checks, and name-based ~~criminal history~~ JUDICIAL record checks;

2 **SECTION 27.** In Colorado Revised Statutes, 22-32-109.8,  
3 **amend** (4)(b), (5)(a) introductory portion, (5)(a)(II), and (6)(a.5) as  
4 follows:

5 **22-32-109.8. Applicants selected for nonlicensed positions -**  
6 **submittal of form and fingerprints - prohibition against employing**  
7 **persons - department database.** (4) (b) When the results of a  
8 fingerprint-based criminal history record check of an applicant performed  
9 pursuant to this subsection (4) reveal a record of arrest without a  
10 disposition, the school district shall require that applicant to submit to a  
11 name-based ~~criminal history~~ JUDICIAL record check, as defined in section  
12 22-2-119.3 (6)(d).

13 (5) (a) A school district may employ a person in a nonlicensed  
14 position in the school district prior to receiving the results regarding the  
15 selected applicant's fingerprint-based CRIMINAL HISTORY RECORD CHECK  
16 or name-based ~~criminal history~~ JUDICIAL record check; however:

17 (II) The school district shall terminate the person's employment  
18 if the results of a fingerprint-based criminal history record check or  
19 name-based ~~criminal history~~ JUDICIAL record check completed on or after  
20 August 10, 2011, disclose a conviction for an offense described in  
21 subsection (6.5) of this section.

22 (6) (a.5) When the results of a fingerprint-based criminal history  
23 record check of an employee performed pursuant to this subsection (6)  
24 reveal a record of arrest without a disposition, the school district shall  
25 require that employee to submit to a name-based ~~criminal history~~  
26 JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

27 **SECTION 28.** In Colorado Revised Statutes, 22-32-109.9,

1 **amend** (2)(b) and (3) as follows:

2 **22-32-109.9. Licensed personnel - submittal of fingerprints.**

3 (2) (b) When the results of a fingerprint-based criminal history record  
4 check of an employee performed pursuant to this section reveal a record  
5 of arrest without a disposition, the school district shall require that  
6 employee to submit to a name-based ~~criminal history~~ JUDICIAL record  
7 check, as defined in section 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 and costs  
11 arising from the performance of a name-based ~~criminal history~~ JUDICIAL  
12 record check must be borne by school districts. School districts shall not  
13 charge licensed personnel any fees for the direct and indirect costs of ~~such~~  
14 THE school district for fingerprint processing or criminal history record  
15 checks performed pursuant to ~~the provisions of~~ subsection (1) of this  
16 section.

17 **SECTION 29.** In Colorado Revised Statutes, 22-60.5-103,  
18 **amend** (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 history  
22 record check of an applicant or a search of any other source of criminal  
23 history information performed pursuant to this section reveals a record of  
24 arrest without a disposition, the department of education shall require that  
25 applicant to submit to a name-based ~~criminal history~~ JUDICIAL record  
26 check, as defined in section 22-2-119.3 (6)(d).

27 **SECTION 30.** In Colorado Revised Statutes, 22-62-103.5,

1 **amend** (1) as follows:

2 **22-62-103.5. Record checks - definition.** (1) A school district or  
3 charter school that requires a fingerprint-based criminal history record  
4 check or a name-based ~~criminal history~~ JUDICIAL record check for a  
5 student enrolled in an educator preparation program who applies for field  
6 experiences within the school district or charter school must accept the  
7 results of a fingerprint-based criminal history record check or a  
8 name-based ~~criminal history~~ JUDICIAL record check performed pursuant  
9 to section 22-2-119.3 as satisfaction of the requirement.

10 **SECTION 31.** In Colorado Revised Statutes, 23-64-110, **amend**  
11 (1)(a)(II) as follows:

12 **23-64-110. Submittal of fingerprints for persons teaching at**  
13 **designated schools - fingerprint-based criminal history record checks**  
14 **- prerequisite for commencing or continuing employment.**

15 (1) (a) (II) When the results of a fingerprint-based criminal history record  
16 check of instructional staff or prospective instructional staff performed  
17 pursuant to this section reveal a record of arrest without a disposition, the  
18 board shall require the instructional staff or prospective instructional staff  
19 to submit to a name-based ~~criminal history~~ JUDICIAL record check, as  
20 defined in section 22-2-119.3 (6)(d). Instructional staff or prospective  
21 instructional staff shall pay the fee established by the board for  
22 conducting the named-based ~~criminal history~~ JUDICIAL record check.

23 **SECTION 32.** In Colorado Revised Statutes, 24-31-304, **amend**  
24 (3)(b) as follows:

25 **24-31-304. Applicant for training - fingerprint-based criminal**  
26 **history record check.** (3) (b) When the results of a fingerprint-based  
27 criminal history record check of a person seeking to enroll in a training

1 academy performed pursuant to this section reveal a record of arrest  
2 without a disposition, the P.O.S.T. board shall require that person to  
3 submit to a name-based ~~criminal history~~ JUDICIAL record check, as  
4 defined in section 22-2-119.3 (6)(d).

5 **SECTION 33.** In Colorado Revised Statutes, 24-31-702, **amend**  
6 (2)(f) as follows:

7 **24-31-702. Colorado domestic violence fatality review board**  
8 **- creation - membership - purpose - duties.** (2) (f) Before commencing  
9 ~~his or her~~ service on the review team, each member shall submit ~~his or her~~  
10 THE MEMBER'S fingerprints to the Colorado bureau of investigation for the  
11 purposes of a criminal background check. The bureau shall forward the  
12 results of each background check to the attorney general. When the  
13 results of a fingerprint-based criminal history record check of a member  
14 performed pursuant to this section reveal a record of arrest without a  
15 disposition, the attorney general shall require that member to submit to a  
16 name-based ~~criminal history~~ JUDICIAL record check, as defined in section  
17 22-2-119.3 (6)(d).

18 **SECTION 34.** In Colorado Revised Statutes, 24-33.5-705.5,  
19 **amend** (4)(b) as follows:

20 **24-33.5-705.5. Auxiliary emergency communications unit -**  
21 **powers and duties of unit and office of emergency management**  
22 **regarding auxiliary communications - definitions.** (4) In connection  
23 with the powers and duties of the unit as specified in this section, the  
24 director of the office may:

25 (b) Conduct criminal background investigations on candidates for  
26 credentialing as auxiliary emergency communicators in accordance with  
27 the security needs of the department. When the results of a

1 fingerprint-based criminal history record check of an applicant performed  
2 pursuant to this section reveal a record of arrest without a disposition, the  
3 director shall require that applicant to submit to a name-based ~~criminal~~  
4 ~~history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).  
5 The unit may deny credentialing to any candidate based upon the results  
6 of a background check.

7 **SECTION 35.** In Colorado Revised Statutes, **amend** 24-50-1002  
8 as follows:

9 **24-50-1002. State agencies with access to federal tax**  
10 **information - authorization for background checks - procedure -**  
11 **costs.** (1) Each applicant, state employee, state contractor, or other  
12 individual who has or may have access through a state agency to federal  
13 tax information received from the federal government shall submit a  
14 complete set of ~~his or her~~ THE PERSON'S fingerprints to the state agency.  
15 The state agency shall submit the fingerprints to the Colorado bureau of  
16 investigation for the purpose of conducting fingerprint-based criminal  
17 history record checks. The Colorado bureau of investigation shall forward  
18 the fingerprints to the federal bureau of investigation for the purpose of  
19 conducting fingerprint-based criminal history record checks. The state  
20 agency shall acquire a name-based ~~criminal history~~ JUDICIAL record  
21 check, as defined in section 22-2-119.3 (6)(d), for an applicant, state  
22 employee, state contractor, or other individual who has ~~twice submitted~~  
23 ~~to a fingerprint-based criminal history record check and whose~~  
24 ~~fingerprints are unclassifiable or when the results of a fingerprint-based~~  
25 ~~criminal history record check of a person performed pursuant to this~~  
26 ~~section reveal~~ a record of arrest without a disposition. The state agency  
27 may collect the fingerprints of the applicant, state employee, state

1 contractor, or other individual or may use the fingerprinting services of  
2 another state agency or other entity authorized to collect fingerprints for  
3 the purpose of conducting fingerprint-based criminal history record  
4 checks.

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

16 (3) The state agency shall pay the costs associated with  
17 fingerprint-based criminal history record checks to the Colorado bureau  
18 of investigation and pay the costs associated with a name-based ~~criminal~~  
19 ~~history~~ JUDICIAL record check.

20 **SECTION 36.** In Colorado Revised Statutes, 24-50-1003, **amend**  
21 (2), (3), and (4) as follows:

22 **24-50-1003. County departments with access to federal tax**  
23 **information - authorization for background checks - procedure -**  
24 **costs.** (2) Each applicant, county employee, county contractor, or other  
25 individual who has or may have access to federal tax information subject  
26 to an agreement authorized under subsection (1) of this section shall  
27 submit a complete set of ~~his or her~~ THE PERSON'S fingerprints to the

1 county department. The county department shall submit the fingerprints  
2 to the Colorado bureau of investigation for the purpose of conducting  
3 fingerprint-based criminal history record checks. The Colorado bureau of  
4 investigation shall forward the fingerprints to the federal bureau of  
5 investigation for the purpose of conducting fingerprint-based criminal  
6 history record checks. The county department shall acquire a name-based  
7 ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3  
8 (6)(d), for an applicant, county employee, county contractor, or other  
9 individual who has ~~twice submitted to a fingerprint-based criminal history~~  
10 ~~record check and whose fingerprints are unclassifiable or when the results~~  
11 ~~of a fingerprint-based criminal history record check of a person~~  
12 ~~performed pursuant to this section reveal~~ a record of arrest without a  
13 disposition.

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

25 (4) The county department shall pay the costs associated with  
26 fingerprint-based criminal history record checks to the Colorado bureau  
27 of investigation and pay the costs associated with a name-based ~~criminal~~



1 ~~history~~ JUDICIAL record check.

2           **SECTION 37.** In Colorado Revised Statutes, 25-1-124.5, **amend**  
3 (1) and (3) as follows:

4           **25-1-124.5. Nursing care facilities - employees - record check**  
5 **- adult protective services data system check - definition.** (1) On and  
6 after September 1, 1996, prior to employing any person, a nursing care  
7 facility or the person seeking employment at a nursing care facility shall  
8 make an inquiry to the director of the Colorado bureau of investigation or  
9 to private criminal background check companies authorized to do  
10 business in the state of Colorado to ascertain whether ~~such~~ THE person  
11 has a criminal history, including arrest and conviction records. The  
12 Colorado bureau of investigation or private criminal background check  
13 companies are authorized to utilize fingerprints to ascertain from the  
14 federal bureau of investigation whether ~~such~~ THE person has a criminal  
15 history record. When the results of a fingerprint-based criminal history  
16 record check of an applicant performed pursuant to this section reveal a  
17 record of arrest without a disposition, the nursing care facility shall  
18 require that applicant to submit to a name-based ~~criminal history~~ JUDICIAL  
19 record check, as defined in section 22-2-119.3 (6)(d). The nursing care  
20 facility or the person seeking employment in a nursing care facility shall  
21 pay the costs of an inquiry or a name-based ~~criminal history~~ JUDICIAL  
22 record check performed pursuant to this section. The ~~criminal history~~  
23 record check must be conducted not more than ninety days prior to the  
24 employment of the applicant. For purposes of this section, criminal  
25 background check companies must be approved by the state board of  
26 nursing. In approving ~~such~~ THE companies, approval must be based upon  
27 the provision of lawfully available, accurate, and thorough information

1 pertaining to criminal histories, including arrest and conviction records.

2 (3) In addition to the ~~criminal history~~ background check required  
3 pursuant to this section, on and after January 1, 2019, prior to  
4 employment, a nursing care facility shall submit the name of a person  
5 who will be providing direct care, as defined in section 26-3.1-101 (3.5),  
6 to an at-risk adult, as defined in section 26-3.1-101 (1.5), as well as any  
7 other required identifying information, to the department of human  
8 services for a check of the Colorado adult protective services data system  
9 pursuant to section 26-3.1-111, to determine if the person is substantiated  
10 in a case of mistreatment of an at-risk adult.

11 **SECTION 38.** In Colorado Revised Statutes, 25-1.5-302, **amend**  
12 (8) as follows:

13 **25-1.5-302. Administration of medications - powers and duties**  
14 **of department - record checks.** (8) Each owner, operator, or supervisor  
15 of a facility who employs a person who is not licensed to administer  
16 medications shall conduct a criminal background check on each employee  
17 prior to employment or promotion to a position in which the person has  
18 access to medications. When the results of a fingerprint-based criminal  
19 history record check of an employee performed pursuant to this section  
20 reveal a record of arrest without a disposition, the owner, operator, or  
21 supervisor of the facility shall require that employee to submit to a  
22 name-based ~~criminal history~~ JUDICIAL record check, as defined in section  
23 22-2-119.3 (6)(d).

24 **SECTION 39.** In Colorado Revised Statutes, 25-3.5-203, **amend**  
25 (1)(c)(III), (4)(a), (4)(f)(II), and (4)(g) as follows:

26 **25-3.5-203. Emergency medical service providers - licensure**  
27 **- renewal of license - duties of department - rules - record checks -**

1 **definitions.** (1) (c) (III) The department may issue a provisional  
2 certification or license to an applicant whose fingerprint-based criminal  
3 history record check has not yet been completed. The department shall  
4 require the applicant to submit to a name-based ~~criminal history~~ JUDICIAL  
5 record check prior to issuing a provisional certification or license.

6 (4) (a) The department shall require a certification or licensure  
7 applicant to submit to a federal bureau of investigation fingerprint-based  
8 national criminal history record check from the Colorado bureau of  
9 investigation to investigate the applicant for an emergency medical  
10 service provider certificate or license. The department may acquire a  
11 name-based ~~criminal history~~ JUDICIAL record check for a certificate or  
12 license applicant. ~~who has twice submitted to a fingerprint-based criminal~~  
13 ~~history record check and whose fingerprints are unclassifiable.~~

14 (f) If an applicant for certification or licensure renewal has lived  
15 in Colorado for:

16 (II) Three years or less at the time of certification or licensure  
17 renewal and submitted to a federal bureau of investigation  
18 fingerprint-based national criminal history record check at the time of  
19 initial certification or licensure or a previous renewal of certification or  
20 licensure, the applicant shall submit to another federal bureau of  
21 investigation fingerprint-based national criminal history record check  
22 from the Colorado bureau of investigation; except that the department  
23 may acquire a state name-based ~~criminal history~~ JUDICIAL record check  
24 for an applicant. ~~who has twice submitted to a fingerprint-based criminal~~  
25 ~~history record check and whose fingerprints are unclassifiable.~~

26 (g) When the results of a fingerprint-based criminal history record  
27 check of a person performed pursuant to this subsection (4) reveal a

1 record of arrest without a disposition, the department, government entity,  
2 or private, not-for-profit, or for-profit organization that required the  
3 fingerprint-based criminal history record check shall require that person  
4 to submit to a name-based ~~criminal history~~ JUDICIAL record check, as  
5 defined in section 22-2-119.3 (6)(d).

6 **SECTION 40.** In Colorado Revised Statutes, 25-3.5-1103,  
7 **amend** (4)(c) and (5) as follows:

8 **25-3.5-1103. Registration - rules - funds.** (4) (c) The department  
9 may issue a provisional registration to an applicant whose  
10 fingerprint-based criminal history record check has not yet been  
11 completed. The department shall require the applicant to submit TO a  
12 name-based ~~criminal history~~ JUDICIAL record check prior to issuing a  
13 provisional registration.

14 (5) (a) The department shall acquire a fingerprint-based criminal  
15 history record check from the Colorado bureau of investigation to  
16 investigate the holder of or applicant for an emergency medical responder  
17 registration. The department may acquire a name-based ~~criminal history~~  
18 JUDICIAL record check for a registrant or an applicant. ~~who has twice~~  
19 ~~submitted to a fingerprint-based criminal history record check and whose~~  
20 ~~fingerprints are unclassifiable.~~ Notwithstanding ~~paragraph (b) of this~~  
21 ~~subsection (5)~~ SUBSECTION (5)(b) OF THIS SECTION, if a person submitted  
22 to a fingerprint-based criminal history record check at the time of initial  
23 registration or registration renewal, the person ~~shall not be~~ IS NOT  
24 required to submit to a subsequent fingerprint-based criminal history  
25 record check.

26 (b) If, at the time of application for registry or for renewal, an  
27 individual has lived in the state for three years or less, the department

1 shall require the applicant to submit to a federal bureau of investigation  
2 fingerprint-based national criminal history record check; except that the  
3 department may acquire a national name-based ~~criminal history~~ JUDICIAL  
4 record check for an applicant. ~~who has twice submitted to a~~  
5 ~~fingerprint-based criminal history record check and whose fingerprints~~  
6 ~~are unclassifiable.~~ The department shall be IS the authorized agency to  
7 receive and disseminate information regarding the result of any national  
8 criminal history record check.

9 (c) When the results of a fingerprint-based criminal history record  
10 check of a person performed pursuant to this subsection (5) reveal a  
11 record of arrest without a disposition, the department shall require that  
12 person to submit to a name-based ~~criminal history~~ JUDICIAL record check,  
13 as defined in section 22-2-119.3 (6)(d).

14 **SECTION 41.** In Colorado Revised Statutes, 25-3.5-1305,  
15 **amend** (3)(a)(III), (3)(a)(IV), and (3)(b) as follows:

16 **25-3.5-1305. License - application - inspection - record check**  
17 **- issuance.** (3) (a) (III) The department may acquire a name-based  
18 ~~criminal history~~ JUDICIAL record check for an owner, manager, or  
19 administrator. ~~who has twice submitted to a fingerprint-based criminal~~  
20 ~~history record check and whose fingerprints are unclassifiable.~~

21 (IV) When the results of a fingerprint-based criminal history  
22 record check of a person performed pursuant to this subsection (3) reveal  
23 a record of arrest without a disposition, the department shall require that  
24 person to submit to a name-based ~~criminal history~~ JUDICIAL record check,  
25 as defined in section 22-2-119.3 (6)(d).

26 (b) The department may deny a license or renewal of a license if  
27 the results of a ~~criminal history~~ record check of an owner, manager, or

1 administrator demonstrates that the owner, manager, or administrator has  
2 been convicted of a felony or a misdemeanor involving conduct that the  
3 department determines could pose a risk to the health, safety, or welfare  
4 of community integrated health-care service consumers.

5 **SECTION 42.** In Colorado Revised Statutes, 25-27-105, **amend**  
6 (2.5)(a.7) as follows:

7 **25-27-105. License - application - inspection - issuance.**  
8 (2.5) (a.7) When the results of a fingerprint-based criminal history record  
9 check of an applicant performed pursuant to this section reveal a record  
10 of arrest without a disposition, the department shall require that applicant  
11 to submit to a name-based ~~criminal history~~ JUDICIAL record check, as  
12 defined in section 22-2-119.3 (6)(d).

13 **SECTION 43.** In Colorado Revised Statutes, 25-27.5-106,  
14 **amend** (3), (6), and (7) as follows:

15 **25-27.5-106. License or registration - application - inspection**  
16 **- issuance - rules.** (3) (a) With the submission of an application for a  
17 license or registration granted pursuant to this ~~article~~ ARTICLE 27.5 or  
18 within ten days after a change in the owner, manager, or administrator,  
19 each owner of a home care agency or home care placement agency and  
20 each manager or administrator of a home care agency or home care  
21 placement agency must submit a complete set of ~~his or her~~ THE PERSON'S  
22 fingerprints to the Colorado bureau of investigation for the purpose of  
23 conducting a state and national fingerprint-based criminal history record  
24 check utilizing records of the Colorado bureau of investigation and the  
25 federal bureau of investigation. Each owner and each manager or  
26 administrator is responsible for paying the fee established by the  
27 Colorado bureau of investigation for conducting the fingerprint-based

1 criminal history record check to the bureau. Upon completion of the  
2 FINGERPRINT-BASED criminal history record check, the bureau shall  
3 forward the results to the department. ~~The department may acquire a~~  
4 ~~name-based criminal history record check for an applicant who has twice~~  
5 ~~submitted to a fingerprint-based criminal history record check and whose~~  
6 ~~fingerprints are unclassifiable.~~

7 (a.5) When the results of a fingerprint-based criminal history  
8 record check of a person performed pursuant to this subsection (3) reveal  
9 a record of arrest without a disposition, the department shall require that  
10 person to submit to a name-based ~~criminal history~~ JUDICIAL record check,  
11 as defined in section 22-2-119.3 (6)(d).

12 (b) The department shall use the information from the ~~criminal~~  
13 ~~history~~ record check in ascertaining whether the person applying for  
14 licensure or registration has been convicted of a felony or of a  
15 misdemeanor, which felony or misdemeanor involves conduct that the  
16 department determines could pose a risk to the health, safety, or welfare  
17 of home care consumers of the home care agency or home care placement  
18 agency. The department shall maintain information obtained in  
19 accordance with this section.

20 (6) The department may issue a provisional license to an applicant  
21 for the purpose of operating a home care agency for a period of ninety  
22 days if the applicant is temporarily unable to conform to all of the  
23 minimum standards required under this ~~article~~ ARTICLE 27.5; except that  
24 no license shall be issued to an applicant if the operation of the applicant's  
25 home care agency will adversely affect the health, safety, or welfare of  
26 the home care consumers of such home care agency. As a condition of  
27 obtaining a provisional license, the applicant shall show proof to the

1 department that attempts are being made to conform and comply with  
2 applicable standards. No provisional license shall be granted prior to the  
3 completion of a ~~criminal~~ background check in accordance with subsection  
4 (3) of this section and a finding in accordance with subsection (4) of this  
5 section. A second provisional license may be issued, for a like term and  
6 fee, to effect compliance. No further provisional licenses may be issued  
7 for the current year after the second issuance.

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

18 **SECTION 44.** In Colorado Revised Statutes, 25-27.6-106,  
19 **amend** (3) and (6) as follows:

20 **25-27.6-106. License - application - inspection - issuance.**

21 (3) (a) With the submission of an application for a license to operate a  
22 behavioral health entity, or within ten days after a change in owner or  
23 manager of a behavioral health entity, each owner and manager shall  
24 submit a complete set of ~~his or her~~ THE PERSON'S fingerprints to the  
25 Colorado bureau of investigation for the purpose of conducting a  
26 fingerprint-based criminal history record check. The Colorado bureau of  
27 investigation shall forward the fingerprints to the federal bureau of



1 investigation for the purpose of conducting fingerprint-based criminal  
2 history record checks. Each owner and each manager shall pay the bureau  
3 the costs associated with the fingerprint-based criminal history record  
4 check. Upon completion of the FINGERPRINT-BASED criminal history  
5 record check, the bureau shall forward the results to the department. ~~The~~  
6 ~~department may acquire a name-based criminal history record check for~~  
7 ~~an applicant who has twice submitted to a fingerprint-based criminal~~  
8 ~~history record check and whose fingerprints are unclassifiable.~~ WHEN THE  
9 RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF  
10 A PERSON PERFORMED PURSUANT TO THIS SUBSECTION (3) REVEAL A  
11 RECORD OF ARREST WITHOUT A DISPOSITION, THE DEPARTMENT SHALL  
12 REQUIRE THAT PERSON TO SUBMIT TO A NAME-BASED JUDICIAL RECORD  
13 CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

14 (b) The department shall use the information from the ~~criminal~~  
15 ~~history~~ record checks performed pursuant to subsection (3)(a) of this  
16 section to determine whether the person applying for licensure has been  
17 convicted of a felony or misdemeanor that involves conduct that the  
18 department determines could pose a risk to the health, safety, or welfare  
19 of behavioral health entity consumers. The department shall keep  
20 information obtained in accordance with this section confidential.

21 (6) The department may issue a provisional license to operate a  
22 behavioral health entity to an applicant for the purpose of operating a  
23 behavioral health entity for a period of ninety days if the applicant is  
24 temporarily unable to conform to all of the minimum standards required  
25 pursuant to this article 27.6; except that the department shall not issue a  
26 provisional license to an applicant if the operation of the behavioral  
27 health entity will adversely affect the health, safety, or welfare of the

1 consumers of the behavioral health entity. As a condition of obtaining a  
2 provisional license, the applicant shall show proof to the department that  
3 attempts are being made to conform and comply with the applicable  
4 standards required pursuant to this article 27.6. The department shall not  
5 grant a provisional license prior to the completion of a ~~criminal~~  
6 background check in accordance with subsection (3) of this section and  
7 a determination in accordance with subsection (4) of this section. A  
8 second provisional license may be issued, for a like term and fee, to effect  
9 compliance. No further provisional licenses may be issued for the current  
10 year after the second issuance.

11 **SECTION 45.** In Colorado Revised Statutes, 26-3.1-107, **amend**  
12 (1) as follows:

13 **26-3.1-107. Background check - adult protective services data**  
14 **system check.** (1) Each county department shall require each protective  
15 services employee hired on or after May 29, 2012, to complete a  
16 fingerprint-based criminal history record check utilizing the records of the  
17 Colorado bureau of investigation and the federal bureau of investigation.  
18 The employee shall pay the cost of the fingerprint-based criminal history  
19 record check unless the county department chooses to pay the cost. Upon  
20 completion of the FINGERPRINT-BASED criminal history record check, the  
21 Colorado bureau of investigation shall forward the results to the county  
22 department. The county department shall require a name-based ~~criminal~~  
23 ~~history~~ JUDICIAL record check, AS DEFINED IN SECTION 22-2-119.3 (6)(d),  
24 for an applicant or an employee ~~who has twice submitted to a~~  
25 ~~fingerprint-based criminal history record check and whose fingerprints~~  
26 ~~are unclassifiable~~ or when the results of a fingerprint-based criminal  
27 history record check of an applicant performed pursuant to this section

1 reveal a record of arrest without a disposition. ~~as defined in section~~  
2 ~~22-2-119.3 (6)(d).~~

3 **SECTION 46.** In Colorado Revised Statutes, 26-6-103.3, **amend**  
4 (2) as follows:

5 **26-6-103.3. Substitute child care providers - substitute**  
6 **placement agency - licensing - rules.** (2) The state board shall  
7 promulgate rules for substitute placement agencies and substitute child  
8 care providers. At a minimum, state board rules must require that the  
9 substitute child care provider demonstrate that ~~he or she~~ THE PROVIDER  
10 has the training and certification for the child care license type and  
11 position in which the substitute child care provider is placed. Pursuant to  
12 section 26-6-107 (1)(a)(I)(C), each substitute child care provider shall pay  
13 for and submit to a fingerprint-based criminal history record check and a  
14 review of the records and reports of child abuse or neglect maintained by  
15 the state department to determine whether the substitute child care  
16 provider has been found to be responsible in a confirmed report of child  
17 abuse or neglect. When the results of a fingerprint-based criminal history  
18 record check or any other records check performed on a person pursuant  
19 to this subsection (2) reveal a record of arrest without a disposition, the  
20 state board shall require that person to submit to a name-based ~~criminal~~  
21 ~~history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).  
22 The substitute placement agency shall not place a substitute child care  
23 provider who is convicted of any of the crimes specified in section  
24 26-6-104 (7) or ~~section~~ 26-6-108.

25 **SECTION 47.** In Colorado Revised Statutes, 26-6-103.5, **amend**  
26 (2)(f)(V) as follows:

27 **26-6-103.5. Application of part - guest child care facilities -**

1 **public services short-term child care facilities - definition.** (2) A  
2 person or entity shall not operate a guest child care facility or a public  
3 services short-term child care facility unless the following requirements  
4 are met:

5 (f) (V) When the results of a fingerprint-based criminal history  
6 record check or any other records check performed pursuant to this  
7 subsection (2)(f) reveal a record of arrest without a disposition, the guest  
8 child care facility or public services short-term child care facility shall  
9 require the supervisory employee or applicant for a supervisory employee  
10 position to submit to a name-based ~~criminal history~~ JUDICIAL record  
11 check, as defined in section 22-2-119.3 (6)(d);

12 **SECTION 48.** In Colorado Revised Statutes, 26-6-104, **amend**  
13 (7.5)(b) as follows:

14 **26-6-104. Licenses - out-of-state notices and consent -**  
15 **demonstration pilot program - definition - rules.** (7.5) (b) When the  
16 results of a fingerprint-based criminal history record check performed  
17 pursuant to this subsection (7.5) reveal a record of arrest without a  
18 disposition, the state department shall require the person to submit to a  
19 name-based ~~criminal history~~ JUDICIAL record check, as defined in section  
20 22-2-119.3 (6)(d). The costs for the name-based ~~criminal history~~ JUDICIAL  
21 record check must be borne by the applicant.

22 **SECTION 49.** In Colorado Revised Statutes, 26-6-106.3, **amend**  
23 (5)(e) and (6)(a) 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 history record  
7 check or any other records check performed pursuant to this subsection  
8 (5) reveal a record of arrest without a disposition, the county department  
9 or child placement agency shall require the person to submit to a  
10 name-based ~~criminal history~~ JUDICIAL record check, as defined in section  
11 22-2-119.3 (6)(d).

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

17 (a) Has been convicted of any of the crimes listed in subsection  
18 (5)(a) of this section as verified through a fingerprint-based criminal  
19 history record check, a name-based ~~criminal history~~ JUDICIAL record  
20 check, if necessary, and a check of the ICON system at the state judicial  
21 department;

22 **SECTION 50.** In Colorado Revised Statutes, 26-6-107, **amend**  
23 (1)(a)(I.5)(C) and (1)(a.7)(I)(E) as follows:

24 **26-6-107. Investigations and inspections - local authority -**  
25 **reports - rules.** (1) (a) (I.5) Rules promulgated by the state board  
26 pursuant to subsection (1)(a)(I) of this section must also include:

27 (C) When the results of an investigation performed pursuant to

1 subsection (1)(a)(I) of this section or this subsection (1)(a)(I.5) reveal a  
2 record of arrest without a disposition, a name-based ~~criminal history~~  
3 JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

4 (a.7) (I) For all applicants applying to be a foster care home or  
5 kinship foster care home, regardless of reimbursement, the county  
6 department or child placement agency shall require each adult who is  
7 eighteen years of age or older and who resides in the home to obtain a  
8 fingerprint-based criminal history record check through the Colorado  
9 bureau of investigation and the federal bureau of investigation. The  
10 applicant must provide the county department or child placement agency  
11 with the addresses where the applicant and any adult residing in the home  
12 has lived in the preceding five years, including addresses from other  
13 states. The county department or the child placement agency shall  
14 conduct the following background checks of the applicant or an adult  
15 residing in the home:

16 (E) When the results of a fingerprint-based criminal history record  
17 check performed pursuant to this subsection (1)(a.7)(I) reveal a record of  
18 arrest without a disposition, a name-based ~~criminal history~~ JUDICIAL  
19 record check, as defined in section 22-2-119.3 (6)(d).

20 **SECTION 51.** In Colorado Revised Statutes, 26-6-120, **amend**  
21 (1.5) and (5) as follows:

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

25 (1.5) (a) When the results of an FCC performed pursuant to subsection  
26 (1) of this section reveal a record of arrest without a disposition, the state  
27 department shall require that person to submit to a name-based ~~criminal~~

1 ~~history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

2 (b) A person who undergoes a name-based ~~criminal history~~  
3 JUDICIAL record check shall pay to the state department a fee established  
4 by rule of the state board pursuant to subsection (5) of this section to  
5 offset the costs associated with performing the name-based ~~criminal~~  
6 ~~history~~ JUDICIAL record check.

7 (5) The state board shall promulgate rules to establish the amount  
8 of the fee to collect from a qualified provider or qualified adult who is  
9 subject to an FCC pursuant to subsection (1) of this section or a  
10 name-based ~~criminal history~~ JUDICIAL record check pursuant to  
11 subsection (1.5) of this section. The state department is authorized to  
12 collect the fee at the time of the FCC or name-based ~~criminal history~~  
13 JUDICIAL record check.

14 **SECTION 52.** In Colorado Revised Statutes, 27-90-111, **amend**  
15 (4) as follows:

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

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

1 person to have ~~his or her~~ THE PERSON'S fingerprints taken by a local law  
2 enforcement agency or any third party approved by the Colorado bureau  
3 of investigation. If an approved third party takes the person's fingerprints,  
4 the fingerprints may be electronically captured using Colorado bureau of  
5 investigation-approved livescan equipment. Third-party vendors shall not  
6 keep the applicant information for more than thirty days unless requested  
7 to do so by the applicant. The department shall forward those fingerprints  
8 to the Colorado bureau of investigation for the purpose of fingerprint  
9 processing utilizing the files and records of the Colorado bureau of  
10 investigation and the federal bureau of investigation. When the results of  
11 a fingerprint-based criminal history record check of a person performed  
12 pursuant to this section reveal a record of arrest without a disposition, the  
13 department shall require that person to submit to a name-based ~~criminal~~  
14 ~~history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).  
15 The department shall pay for the costs of ~~criminal history~~ record checks  
16 conducted pursuant to this section out of existing appropriations.

17 **SECTION 53.** In Colorado Revised Statutes, 35-61-104, **amend**  
18 (1)(c) as follows:

19 **35-61-104. Registration - cultivation of industrial hemp -**  
20 **research and development growth - hemp management plan - rules.**

21 (1) (c) With the submission of an application for registration, each key  
22 participant shall submit a complete set of fingerprints to the Colorado  
23 bureau of investigation or the department for the purpose of conducting  
24 fingerprint-based criminal history record checks. If received by the  
25 department, the department shall submit the fingerprints to the Colorado  
26 bureau of investigation for the purpose of conducting fingerprint-based  
27 criminal history record checks. The Colorado bureau of investigation



1 shall forward the fingerprints to the federal bureau of investigation for the  
2 purpose of conducting a fingerprint-based criminal history record check.  
3 Upon completion of the FINGERPRINT-BASED criminal history record  
4 check, the bureau shall forward the results to the commissioner. ~~The~~  
5 ~~department may acquire~~ WHEN THE RESULTS OF A FINGERPRINT-BASED  
6 CRIMINAL HISTORY RECORD CHECK REVEAL A RECORD OF ARREST  
7 WITHOUT A DISPOSITION, THE DEPARTMENT SHALL REQUIRE A KEY  
8 PARTICIPANT TO SUBMIT a name-based ~~criminal history~~ JUDICIAL record  
9 check, AS DEFINED IN SECTION 22-2-119.3 (6)(d). ~~for a key participant~~  
10 ~~who has twice submitted to a fingerprint-based criminal history record~~  
11 ~~check and whose fingerprints are unclassifiable.~~ The commissioner shall  
12 use the information resulting from the fingerprint-based criminal history  
13 record check to investigate and determine whether a key participant is  
14 qualified to be registered. The key participant shall pay the costs  
15 associated with the fingerprint-based criminal history record check.

16 **SECTION 54.** In Colorado Revised Statutes, 40-10.1-110,  
17 **amend** (1.5), (3) introductory portion, (3)(c) introductory portion, (4), and  
18 (7) as follows:

19 **40-10.1-110. Record check - rules.** (1.5) When the results of a  
20 fingerprint-based criminal history record check of an individual  
21 performed pursuant to this section reveal a record of arrest without a  
22 disposition, the commission shall require the individual to submit to a  
23 name-based ~~criminal history~~ JUDICIAL record check, as defined in section  
24 22-2-119.3 (6)(d). The individual shall pay the costs associated with a  
25 name-based ~~criminal history~~ JUDICIAL record check.

26 (3) An individual whose ~~criminal history~~ record is checked  
27 pursuant to this section is disqualified and prohibited from driving motor

1 vehicles for the motor carrier described in subsection (1) of this section  
2 if the ~~criminal history~~ record check reflects that:

3 (c) Within the two years immediately preceding the date the  
4 ~~criminal history~~ record check is completed, the individual was:

5 (4) The commission shall consider the information resulting from  
6 the ~~criminal history~~ record check in its determination as to whether the  
7 individual has met the standards set forth in section 24-5-101 (2). ~~C.R.S.~~

8 (7) The commission shall, consistent with the requirements of this  
9 section, promulgate rules concerning the employment of, contracting  
10 with, and retention of an individual whose ~~criminal history~~ record is  
11 checked pursuant to this section, and the frequency and circumstances  
12 requiring resubmission of fingerprints.

13 **SECTION 55.** In Colorado Revised Statutes, 42-1-224, **amend**  
14 (2) as follows:

15 **42-1-224. Record check.** (2) When the results of a  
16 fingerprint-based criminal history record check of a person performed  
17 pursuant to this section reveal a record of arrest without a disposition, the  
18 department shall require the person to submit to a name-based ~~criminal~~  
19 ~~history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).  
20 The department shall pay the costs associated with a name-based ~~criminal~~  
21 ~~history~~ JUDICIAL record check.

22 **SECTION 56.** In Colorado Revised Statutes, 44-3-307, **amend**  
23 (3)(c) introductory portion as follows:

24 **44-3-307. Persons prohibited as licensees - definition.**  
25 (3) (c) At the time of the application for a license, the applicant shall  
26 submit fingerprints and file personal history information concerning the  
27 applicant's qualifications for a license on forms prepared by the state

1 licensing authority. The state and local licensing authorities shall submit  
2 ~~such~~ THE fingerprints to the Colorado bureau of investigation for the  
3 purpose of conducting fingerprint-based criminal history record checks.  
4 The 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. ~~An applicant who has~~  
7 ~~previously submitted fingerprints for alcohol beverage licensing purposes~~  
8 ~~may request that the fingerprints on file be used.~~ When the results of a  
9 fingerprint-based criminal history record check of an applicant performed  
10 pursuant to this section reveal a record of arrest without a disposition, the  
11 licensing authority shall require the applicant to submit to a name-based  
12 ~~criminal history~~ JUDICIAL record check, as defined in section 22-2-119.3  
13 (6)(d). The licensing authorities shall use the information resulting from  
14 the fingerprint-based CRIMINAL HISTORY RECORD CHECK and, if  
15 applicable, name-based ~~criminal history~~ JUDICIAL record check to  
16 investigate and to determine if an applicant is qualified for a license  
17 pursuant to this article 3 and article 4 of this title 44. The licensing  
18 authority ~~is not prohibited from verifying~~ MAY VERIFY any of the  
19 information required to be submitted by an applicant pursuant to this  
20 section. An applicant shall not be required to submit additional  
21 information beyond that required in this subsection (3) unless the  
22 licensing authority has determined any of the following:

23 **SECTION 57.** In Colorado Revised Statutes, 44-10-307, **amend**  
24 (4)(c) as follows:

25 **44-10-307. Persons prohibited as licensees - definition.**  
26 (4) (c) At the time of filing an application for issuance or renewal of a  
27 state medical marijuana business license or retail marijuana business

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

25 **SECTION 58.** In Colorado Revised Statutes, 44-20-118, **amend**  
26 (8)(a.5) as follows:

27 **44-20-118. Application - prelicensing education -**

1 **fingerprint-based criminal history record check - rules.**

2 (8) (a.5) When the results of a fingerprint-based criminal history record  
3 check of an applicant performed pursuant to this subsection (8) reveal a  
4 record of arrest without a disposition, the department shall require that  
5 applicant to submit to a name-based ~~criminal history~~ JUDICIAL record  
6 check, as defined in section 22-2-119.3 (6)(d).

7 **SECTION 59.** In Colorado Revised Statutes, 44-20-417, **amend**  
8 (8)(a.5) as follows:

9 **44-20-417. Application - fingerprint-based criminal history**  
10 **record check - rules.** (8) (a.5) When the results of a fingerprint-based  
11 criminal history record check of an applicant performed pursuant to this  
12 subsection (8) reveal a record of arrest without a disposition, the  
13 department shall require that applicant to submit to a name-based ~~criminal~~  
14 ~~history~~ JUDICIAL record check, as defined in section 22-2-119.3 (6)(d).

15 **SECTION 60.** In Colorado Revised Statutes, 44-30-510, **amend**  
16 (3)(b) as follows:

17 **44-30-510. Applicants and licensees - providing information**  
18 **- criminal history record check.** (3) (b) When the results of a  
19 fingerprint-based criminal history record check of an applicant performed  
20 pursuant to this subsection (3) reveal a record of arrest without a  
21 disposition, the commission shall require that applicant to submit to a  
22 name-based ~~criminal history~~ JUDICIAL record check, as defined in section  
23 22-2-119.3 (6)(d).

24 **SECTION 61.** In Colorado Revised Statutes, 44-30-1606, **amend**  
25 (3)(b) and (4) as follows:

26 **44-30-1606. Licensing - rules.** (3) (b) The director is governed  
27 by section 24-5-101 in considering the conviction or plea of nolo

1     contendere to a felony for any individual subject to a ~~criminal history~~  
2     record check pursuant to subsection (4) of this section.

3             (4) With the submission of an application for a license granted  
4     pursuant to this section, each applicant and its officers, directors, and  
5     general partners shall submit a complete set of ~~his or her~~ THE PERSON'S  
6     fingerprints to the Colorado bureau of investigation for the purpose of  
7     conducting fingerprint-based criminal history record checks. The  
8     Colorado bureau of investigation shall forward the fingerprints to the  
9     federal bureau of investigation for the purpose of conducting  
10    fingerprint-based criminal history record checks. ~~A person who has~~  
11    ~~previously submitted fingerprints for state or local licensing purposes may~~  
12    ~~request the use of the fingerprints on file.~~ The director shall require a  
13    name-based ~~criminal history~~ JUDICIAL record check, as defined in section  
14    22-2-119.3 (6)(d), for a person 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 criminal~~  
17    ~~history record check of a person performed pursuant to this subsection (4)~~  
18    ~~reveal~~ a record of arrest without a disposition. The director shall use the  
19    information resulting from the fingerprint-based CRIMINAL HISTORY  
20    RECORD CHECK or name-based ~~criminal history~~ JUDICIAL record check to  
21    investigate and determine whether an applicant is qualified to hold a  
22    license pursuant to this section. The director may verify the information  
23    an applicant is required to submit. The applicant shall pay the costs  
24    associated with the fingerprint-based criminal history record check to the  
25    Colorado bureau of investigation. The applicant is responsible for the  
26    costs associated with a name-based ~~criminal history~~ JUDICIAL record  
27    check.

1           **SECTION 62.** In Colorado Revised Statutes, 44-32-503, **amend**  
2 (4)(b) as follows:

3           **44-32-503. Rules of commission - licensing - record check.**

4 (4) (b) When the results of a fingerprint-based criminal history record  
5 check of an applicant performed pursuant to this subsection (4) reveal a  
6 record of arrest without a disposition, the commission shall require that  
7 applicant to submit to a name-based ~~criminal history~~ JUDICIAL record  
8 check, as defined in section 22-2-119.3 (6)(d).

9           **SECTION 63.** In Colorado Revised Statutes, 44-40-106, **amend**  
10 (10)(a.5) as follows:

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

13 **definitions.** (10) (a.5) When the results of a fingerprint-based criminal  
14 history record check of a supplier performed pursuant to this subsection  
15 (10) reveal a record of arrest without a disposition, the division shall  
16 require the supplier to submit to a name-based ~~criminal history~~ JUDICIAL  
17 record check, as defined in section 22-2-119.3 (6)(d).

18           **SECTION 64.** In Colorado Revised Statutes, 44-40-107, **amend**  
19 (11)(a.5) as follows:

20           **44-40-107. Licenses.** (11) (a.5) When the results of a  
21 fingerprint-based criminal history record check of an applicant performed  
22 pursuant to this subsection (11) reveal a record of arrest without a  
23 disposition, the division shall require the applicant to submit to a  
24 name-based ~~criminal history~~ JUDICIAL record check, as defined in section  
25 22-2-119.3 (6)(d).

26           **SECTION 65. 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, or safety.