

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

INTRODUCED

LLS NO. 25-0266.02 Josh Schultz x5486

SENATE BILL 25-146

SENATE SPONSORSHIP

Rich and Michaelson Jenet,

HOUSE SPONSORSHIP

Hartsook and Lukens,

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING ALIGNMENT OF FINGERPRINT-BASED CRIMINAL HISTORY**

102 **RECORD CHECK LAWS WITH FEDERAL REQUIREMENTS.**

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 allows a regulator of the following professions and occupations to require an applicant for a license, certification, or registration to submit to a fingerprint-based criminal history record check (fingerprint-based record check):

- Audiologists;
- Certified midwives;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

- Cremationists;
- Dental hygienists;
- Dentists;
- Embalmers;
- Funeral directors;
- Licensed professional counselors;
- Mortuary science practitioners;
- Natural reductionists;
- Occupational therapists;
- Occupational therapy assistants;
- Physician assistants;
- Social workers; and
- Speech-language pathologists.

An applicant submitting to a fingerprint-based record check must pay the costs associated with the fingerprint-based record check.

If an applicant's fingerprint-based record check reveals a record of arrest without a disposition, the applicant must submit to a name-based judicial record check.

A local government entity is authorized to perform a fingerprint-based record check when a statute, rule, ordinance, or regulation requires an individual to submit to a fingerprint-based record check.

The bill also defines terms to clear ambiguity about who is eligible to submit to, who is eligible to receive records from, and the type of records an entity may receive from a fingerprint-based record check.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-20-202, **amend**
 3 (5) as follows:

4 **12-20-202. Licenses, certifications, and registrations - renewal**
 5 **- reinstatement - fees - occupational credential portability program**
 6 **- exceptions for military personnel, spouses, gold star military**
 7 **spouses, and dependents - rules - consideration of criminal**
 8 **convictions or driver's history - executive director authority -**
 9 **definitions. (5) Criminal convictions.** (a) Unless there is a specific
 10 statutory disqualification that prohibits an applicant from obtaining
 11 licensure, certification, or registration based on a criminal conviction, if

1 a regulator determines that an applicant for licensure, certification, or
2 registration has a criminal record, the regulator is governed by sections
3 12-20-206 and 24-5-101 for purposes of granting or denying, or placing
4 any conditions on, licensure, certification, or registration.

5 (b) A REGULATOR MAY REQUIRE AN APPLICANT FOR A LICENSE,
6 CERTIFICATION, OR REGISTRATION ISSUED PURSUANT TO THE FOLLOWING
7 SECTIONS TO SUBMIT TO A FINGERPRINT-BASED CRIMINAL HISTORY
8 RECORD CHECK:

9 (I) AN AUDIOLOGIST LICENSED PURSUANT TO SECTION 12-210-105;

10 (II) A CERTIFIED MIDWIFE LICENSED PURSUANT TO SECTION
11 12-255-111.5;

12 (III) A CREMATIONIST LICENSED PURSUANT TO SECTIONS
13 12-135-501 (1) AND 12-135-902;

14 (IV) A DENTAL HYGIENIST LICENSED PURSUANT TO SECTION
15 12-220-405 OR 12-220-407;

16 (V) A DENTIST LICENSED PURSUANT TO SECTION 12-220-401,
17 12-220-402, OR 12-220-404;

18 (VI) AN EMBALMER LICENSED PURSUANT TO SECTIONS 12-135-501
19 (1) AND 12-135-802;

20 (VII) A FUNERAL DIRECTOR LICENSED PURSUANT TO SECTIONS
21 12-135-501 (1) AND 12-135-602;

22 (VIII) A LICENSED PROFESSIONAL COUNSELOR LICENSED
23 PURSUANT TO SECTION 12-245-604;

24 (IX) A MORTUARY SCIENCE PRACTITIONER LICENSED PURSUANT TO
25 SECTIONS 12-135-501 (1) AND 12-135-702;

26 (X) A NATURAL REDUCTIONIST LICENSED PURSUANT TO SECTIONS
27 12-135-501 (1) AND 12-135-902;

1 (XI) AN OCCUPATIONAL THERAPIST LICENSED PURSUANT TO
2 SECTIONS 12-270-106 (1) AND 12-270-107;

3 (XII) AN OCCUPATIONAL THERAPY ASSISTANT LICENSED
4 PURSUANT TO SECTIONS 12-270-106 (2) AND 12-270-108;

5 (XIII) A PHYSICIAN ASSISTANT LICENSED PURSUANT TO SECTION
6 12-240-113;

7 (XIV) A SOCIAL WORKER LICENSED PURSUANT TO SECTION
8 12-245-404; OR

9 (XV) A SPEECH-LANGUAGE PATHOLOGIST CERTIFIED PURSUANT TO
10 SECTIONS 12-305-106 AND 12-305-107.

11 (c) AN APPLICANT SUBMITTING TO A FINGERPRINT-BASED
12 CRIMINAL HISTORY RECORD CHECK PURSUANT TO SUBSECTION (5)(b) OF
13 THIS SECTION SHALL PAY THE COSTS ASSOCIATED WITH THE
14 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

15 (d) AFTER SUBMITTING AN APPLICATION FOR A LICENSE,
16 CERTIFICATION, OR REGISTRATION, IF THE APPLICANT ELECTS TO SUBMIT
17 TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK, THE
18 APPLICANT SHALL HAVE THE APPLICANT'S FINGERPRINTS TAKEN BY A
19 LOCAL LAW ENFORCEMENT AGENCY OR A THIRD PARTY APPROVED BY THE
20 COLORADO BUREAU OF INVESTIGATION. THE APPLICANT SHALL
21 AUTHORIZE THE ENTITY TAKING THE APPLICANT'S FINGERPRINTS TO
22 SUBMIT, AND THE ENTITY SHALL SUBMIT, THE COMPLETE SET OF THE
23 APPLICANT'S FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION
24 FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL
25 HISTORY RECORD CHECK.

26 (e) IF AN APPROVED THIRD PARTY TAKES THE APPLICANT'S
27 FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED

1 USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN
2 EQUIPMENT. A THIRD-PARTY VENDOR SHALL NOT KEEP THE APPLICANT'S
3 INFORMATION FOR MORE THAN THIRTY DAYS AFTER THE INFORMATION IS
4 COLLECTED.

5 (f) THE COLORADO BUREAU OF INVESTIGATION SHALL USE THE
6 APPLICANT'S FINGERPRINTS TO CONDUCT A CRIMINAL HISTORY RECORD
7 CHECK USING THE BUREAU'S RECORDS. THE COLORADO BUREAU OF
8 INVESTIGATION SHALL ALSO FORWARD THE FINGERPRINTS TO THE FEDERAL
9 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A
10 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE COLORADO
11 BUREAU OF INVESTIGATION, THE APPLICANT, THE DEPARTMENT, AND THE
12 ENTITY TAKING FINGERPRINTS SHALL COMPLY WITH THE FEDERAL BUREAU
13 OF INVESTIGATION'S REQUIREMENTS TO CONDUCT A CRIMINAL HISTORY
14 RECORD CHECK.

15 (g) THE COLORADO BUREAU OF INVESTIGATION SHALL RETURN
16 THE RESULTS OF ITS CRIMINAL HISTORY RECORD CHECK TO THE
17 DEPARTMENT, AND THE DEPARTMENT IS AUTHORIZED TO RECEIVE THE
18 RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION'S CRIMINAL HISTORY
19 RECORD CHECK. THE DEPARTMENT SHALL USE THE INFORMATION
20 RESULTING FROM THE CRIMINAL HISTORY RECORD CHECKS TO
21 INVESTIGATE AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO
22 HOLD A LICENSE, CERTIFICATION, OR REGISTRATION PURSUANT TO THIS
23 SECTION.

24 (h) WHEN THE RESULTS OF A CRIMINAL HISTORY RECORD CHECK
25 OF AN APPLICANT PERFORMED PURSUANT TO THIS SECTION REVEAL A
26 RECORD OF ARREST WITHOUT A DISPOSITION, THE DEPARTMENT SHALL
27 REQUIRE THE APPLICANT TO SUBMIT TO A NAME-BASED JUDICIAL RECORD

1 CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d), PERFORMED USING
2 STATE JUDICIAL DEPARTMENT RECORDS.

3 **SECTION 2.** In Colorado Revised Statutes, **add 24-33.5-424.5**
4 as follows:

5 **24-33.5-424.5. Fingerprint-based criminal history record**
6 **checks - local government entities - state agencies - definition.**

7 (1)(a) A LOCAL GOVERNMENT ENTITY OR A STATE REGULATORY AGENCY
8 THAT REQUIRES BY STATUTE, RULE, ORDINANCE, OR REGULATION THAT AN
9 INDIVIDUAL SUBMIT TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD
10 CHECK SHALL SUBMIT THE INDIVIDUAL'S FINGERPRINTS TO THE COLORADO
11 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING THE
12 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

13 (b) THE INDIVIDUAL SHALL PAY THE COSTS ASSOCIATED WITH THE
14 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

15 (c) AFTER SUBMITTING AN APPLICATION THAT REQUIRES A
16 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK, THE INDIVIDUAL
17 SHALL HAVE THE INDIVIDUAL'S FINGERPRINTS TAKEN BY A LOCAL LAW
18 ENFORCEMENT AGENCY OR A THIRD PARTY APPROVED BY THE COLORADO
19 BUREAU OF INVESTIGATION FOR THE PURPOSE OF OBTAINING A
20 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE INDIVIDUAL
21 SHALL AUTHORIZE THE ENTITY TAKING THE INDIVIDUAL'S FINGERPRINTS
22 TO SUBMIT, AND THE ENTITY SHALL SUBMIT, THE COMPLETE SET OF THE
23 INDIVIDUAL'S FINGERPRINTS TO THE COLORADO BUREAU OF
24 INVESTIGATION FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED
25 CRIMINAL HISTORY RECORD CHECK.

26 (d) IF AN APPROVED THIRD PARTY TAKES THE INDIVIDUAL'S
27 FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED

1 USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN
2 EQUIPMENT. A THIRD-PARTY VENDOR SHALL NOT KEEP THE INDIVIDUAL'S
3 INFORMATION FOR MORE THAN THIRTY DAYS AFTER THE INFORMATION IS
4 COLLECTED.

5 (e) THE COLORADO BUREAU OF INVESTIGATION SHALL USE THE
6 INDIVIDUAL'S FINGERPRINTS TO CONDUCT A CRIMINAL HISTORY RECORD
7 CHECK USING THE BUREAU'S RECORDS. THE COLORADO BUREAU OF
8 INVESTIGATION SHALL ALSO FORWARD THE FINGERPRINTS TO THE FEDERAL
9 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A
10 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE COLORADO
11 BUREAU OF INVESTIGATION, INDIVIDUAL, LOCAL GOVERNMENT ENTITY OR
12 STATE REGULATORY AGENCY, AND ENTITY TAKING FINGERPRINTS SHALL
13 COMPLY WITH THE FEDERAL BUREAU OF INVESTIGATION'S REQUIREMENTS
14 TO CONDUCT A CRIMINAL HISTORY RECORD CHECK.

15 (f) THE COLORADO BUREAU OF INVESTIGATION SHALL RETURN THE
16 RESULTS OF ITS CRIMINAL HISTORY RECORD CHECK TO THE LOCAL
17 GOVERNMENT ENTITY OR STATE REGULATORY AGENCY, AND THE LOCAL
18 GOVERNMENT ENTITY OR STATE REGULATORY AGENCY IS AUTHORIZED TO
19 RECEIVE THE RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION'S
20 CRIMINAL HISTORY RECORD CHECK. THE LOCAL GOVERNMENT ENTITY OR
21 STATE REGULATORY AGENCY SHALL USE THE INFORMATION RESULTING
22 FROM THE CRIMINAL HISTORY RECORD CHECKS TO INVESTIGATE AND
23 DETERMINE WHETHER AN INDIVIDUAL IS QUALIFIED.

24 (g) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
25 HISTORY RECORD CHECK OF AN INDIVIDUAL PERFORMED PURSUANT TO
26 THIS SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE
27 LOCAL GOVERNMENT ENTITY OR STATE REGULATORY AGENCY SHALL

1 REQUIRE THE INDIVIDUAL TO SUBMIT TO A NAME-BASED JUDICIAL RECORD
2 CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d), PERFORMED USING
3 STATE JUDICIAL DEPARTMENT RECORDS.

4 (2) AS USED IN THIS SECTION, "LOCAL GOVERNMENT ENTITY"
5 INCLUDES A COUNTY, MUNICIPALITY, AND CITY AND COUNTY, AND A LAW
6 ENFORCEMENT AGENCY OF THE FOREGOING.

7 **SECTION 3.** In Colorado Revised Statutes, 12-135-502, **add** (7)
8 as follows:

9 **12-135-502. Criminal history record checks - definition.**

10 (7) AS USED IN THIS SECTION, "DIRECTOR" MEANS THE DIRECTOR OF THE
11 DIVISION OR THE DIRECTOR'S DESIGNEE. THE DIRECTOR'S DESIGNEE MUST
12 BE AN EMPLOYEE OF THE DIVISION.

13 **SECTION 4.** In Colorado Revised Statutes, 12-255-111.5, **add**
14 (6) as follows:

15 **12-255-111.5. Requirements for certified midwife licensure -**
16 **license by endorsement - questionnaire - fees - definition.** (6) AS USED

17 IN THIS SECTION, "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OR
18 THE DIRECTOR'S DESIGNEE. THE DIRECTOR'S DESIGNEE MUST BE AN
19 EMPLOYEE OF THE DIVISION.

20 **SECTION 5.** In Colorado Revised Statutes, 26-6-705, **amend**
21 (2)(a)(I) as follows:

22 **26-6-705. Approval of temporary caregiver - background**

23 **check - training.** (2) (a) A child placement agency operating a temporary
24 care assistance program shall require an applicant to become an approved
25 temporary caregiver and any other person who resides in the applicant's
26 home and is eighteen years of age or older to submit to the following
27 background checks:

1 (I) A fingerprint-based criminal history record check through the
2 Colorado bureau of investigation and the federal bureau of investigation
3 in the same manner as described in section 26-6-912 (1)(a)(I)(B). THE
4 COLORADO BUREAU OF INVESTIGATION SHALL SEND RECORDS OBTAINED
5 AS A RESULT OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
6 ONLY TO THE STATE DEPARTMENT, AND THE USE AND HANDLING OF THE
7 INFORMATION MUST COMPLY WITH THE FEDERAL CRIMINAL JUSTICE
8 INFORMATION SERVICES SECURITY POLICY. INFORMATION REGARDING THE
9 RESULT OF THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
10 RECEIVED FROM THE FEDERAL BUREAU OF INVESTIGATION AND RELEASED
11 TO A FACILITY OR AGENCY MUST DISCLOSE ONLY WHETHER THE APPLICANT
12 IS ELIGIBLE OR INELIGIBLE OR THAT THE INVESTIGATION IS INCONCLUSIVE,
13 WITH A FURTHER REQUEST FOR THE APPLICANT TO CONTACT THE STATE
14 DEPARTMENT TO PROVIDE FURTHER INFORMATION TO DETERMINE FINAL
15 ELIGIBILITY STATUS.

16 **SECTION 6.** In Colorado Revised Statutes, 30-15-401.4, **amend**
17 (2)(a.5) and (4)(c.5) as follows:

18 **30-15-401.4. Statewide policy to prevent the operation of illicit**
19 **massage businesses - local regulation authorized - background checks**
20 **required - legislative declaration - definitions.** (2) As used in this
21 section, unless the context otherwise requires:

22 (a.5) "Background check" means a fingerprint-based criminal
23 history record check conducted in accordance with subsection (4)(c.5) of
24 this section and SECTION 24-33.5-424.5. "BACKGROUND CHECK" also
25 includes, to the extent allowed or required, as applicable, by ~~subsection~~
26 ~~(4)(c.5)(VI) of this section~~ SECTION 24-33.5-424.5 (1)(g) when a
27 fingerprint-based criminal history record check cannot be completed or

1 reveals a record of arrest without disposition, a criminal history record
2 check using the Colorado bureau of investigation's records and a
3 name-based judicial record check, as defined in section 22-2-119.3 (6)(d),
4 PERFORMED USING STATE JUDICIAL DEPARTMENT RECORDS.

5 (4) (c.5) (I) An applicant who holds a license or is applying for a
6 license, an owner or prospective owner, or an employee or prospective
7 employee shall submit to a fingerprint-based criminal history record
8 check PERFORMED IN ACCORDANCE WITH SECTION 24-33.5-424.5. The
9 applicant, owner or prospective owner, or employee or prospective
10 employee shall pay the costs associated with the fingerprint-based
11 criminal history record check.

12 (II) A person ~~who~~ THAT is, as of the effective date of this
13 subsection (4)(c.5), an applicant who holds a license, an owner, or an
14 employee shall have the applicant's, owner's, or employee's fingerprints
15 taken by a local law enforcement agency or ~~any~~ A third party approved by
16 the Colorado bureau of investigation for the purpose of obtaining a
17 fingerprint-based criminal history record check PERFORMED IN
18 ACCORDANCE WITH SECTION 24-33.5-424.5 no later than October 1, 2025.
19 ~~An applicant for a new license, a prospective owner, or a prospective~~
20 ~~employee shall have the applicant's fingerprints taken by a local law~~
21 ~~enforcement agency or any third party approved by the Colorado bureau~~
22 ~~of investigation for the purpose of obtaining a fingerprint-based criminal~~
23 ~~history record check before, as applicable, being granted a license,~~
24 ~~assuming an ownership interest in a massage facility that would make the~~
25 ~~prospective owner an owner, or commencing employment with a massage~~
26 ~~facility. The applicant, owner or prospective owner, or employee or~~
27 ~~prospective employee shall authorize the entity taking the applicant's~~

1 fingerprints to submit, and the entity shall submit, the complete set of the
2 applicant's fingerprints to the Colorado bureau of investigation for the
3 purpose of conducting a fingerprint-based criminal history record check.

4 (III) ~~If an approved third party takes the applicant's, owner's or~~
5 ~~prospective owner's, or employee's or prospective employee's fingerprints,~~
6 ~~the fingerprints may be electronically captured using Colorado bureau of~~
7 ~~investigation-approved livescan equipment. Third-party vendors shall not~~
8 ~~keep the applicant's, owner's or prospective owner's, or employee's or~~
9 ~~prospective employee's information for more than thirty days.~~

10 (IV) ~~The Colorado bureau of investigation shall use the~~
11 ~~applicant's, owner's or prospective owner's, or employee's or prospective~~
12 ~~employee's fingerprints to conduct a criminal history record check using~~
13 ~~the bureau's records. The Colorado bureau of investigation shall also~~
14 ~~forward the fingerprints to the federal bureau of investigation for the~~
15 ~~purpose of conducting a national fingerprint-based criminal history record~~
16 ~~check. The Colorado bureau of investigation, the applicant, owner or~~
17 ~~prospective owner, or employee or prospective employee, the licensing~~
18 ~~authority, and the entity taking fingerprints shall comply with the federal~~
19 ~~bureau of investigation's requirements to conduct a fingerprint-based~~
20 ~~criminal history record check.~~

21 (V) ~~The Colorado bureau of investigation shall return the results~~
22 ~~of its criminal history record check to the licensing authority, and the~~
23 ~~licensing authority is authorized to receive the results of the federal~~
24 ~~bureau of investigation's criminal history record check. The licensing~~
25 ~~authority shall use the information resulting from the criminal history~~
26 ~~record checks to investigate and determine whether an applicant is~~
27 ~~qualified to hold a license or be an owner or employee pursuant to this~~

1 section:

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

7 **SECTION 7.** In Colorado Revised Statutes, 25-3.5-203, **amend**
8 (4)(a) and (4)(g) as follows:

9 **25-3.5-203. Emergency medical service providers - licensure**
10 **- renewal of license - duties of department - rules - record checks -**
11 **definitions.** (4) (a) The department shall require a certification or
12 licensure applicant to submit to a federal bureau of investigation
13 fingerprint-based national criminal history record check from the
14 Colorado bureau of investigation to investigate the applicant for an
15 emergency medical service provider certificate or license. The department
16 may acquire a name-based judicial record check for a certificate or license
17 applicant, PERFORMED USING STATE JUDICIAL DEPARTMENT RECORDS.

18 (g) When the results of a fingerprint-based criminal history record
19 check of a ~~person~~ AN INDIVIDUAL performed pursuant to this subsection
20 (4) reveal a record of arrest without a disposition, the department
21 ~~government entity, or private, not-for-profit, or for-profit organization~~
22 ~~that required the fingerprint-based criminal history record check~~ shall
23 require that ~~person~~ INDIVIDUAL to submit to a name-based judicial record
24 check, as defined in section 22-2-119.3 (6)(d), PERFORMED USING STATE
25 JUDICIAL DEPARTMENT RECORDS.

26 **SECTION 8.** In Colorado Revised Statutes, 25-3.5-317, **add**
27 (3)(a)(III) and (7) as follows:

1 **25-3.5-317. License - application - inspection - criminal history**
2 **record check - issuance - investigation - definitions.** (3) (a) (III) WHEN
3 THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
4 OF AN INDIVIDUAL PERFORMED PURSUANT TO THIS SUBSECTION (3) REVEAL
5 A RECORD OF ARREST WITHOUT A DISPOSITION, THE DEPARTMENT SHALL
6 REQUIRE THAT INDIVIDUAL TO SUBMIT TO A NAME-BASED JUDICIAL
7 RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d), PERFORMED
8 USING STATE JUDICIAL DEPARTMENT RECORDS.

9 (7) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
10 REQUIRES:

11 (a) "OPERATOR" MEANS AN INDIVIDUAL DESIGNATED BY AN
12 AMBULANCE SERVICE AS RESPONSIBLE FOR THE DAY-TO-DAY OPERATIONS
13 OF THE AMBULANCE SERVICE.

14 (b) "OWNER" MEANS AN OFFICER, DIRECTOR, GENERAL PARTNER,
15 LIMITED PARTNER, OR OTHER INDIVIDUAL WITH A FINANCIAL OR EQUITY
16 OWNERSHIP INTEREST OF FIFTY PERCENT OR MORE OF AN AMBULANCE
17 SERVICE.

18 **SECTION 9.** In Colorado Revised Statutes, 25-3.5-1305, **amend**
19 (3)(a)(III) and (3)(a)(IV) as follows:

20 **25-3.5-1305. License - application - inspection - record check**
21 **- issuance.** (3) (a) (III) The department may acquire a name-based
22 judicial record check, PERFORMED USING STATE JUDICIAL DEPARTMENT
23 RECORDS, for an owner, manager, or administrator.

24 (IV) When the results of a fingerprint-based criminal history
25 record check of ~~a person~~ AN INDIVIDUAL performed pursuant to this
26 subsection (3) reveal a record of arrest without a disposition, the
27 department shall require that ~~person~~ INDIVIDUAL to submit to a

1 name-based judicial record check, as defined in section 22-2-119.3 (6)(d),
2 PERFORMED USING STATE JUDICIAL DEPARTMENT RECORDS.

3 **SECTION 10.** In Colorado Revised Statutes, 25-27-105, **amend**
4 (2.5)(a), (2.5)(a.5), and (2.5)(a.7); and **add** (5) as follows:

5 **25-27-105. License - application - inspection - issuance -**
6 **definitions.** (2.5) (a) ~~On July 1, 2002, as part of an original application~~
7 ~~and on and after July 1, 2002, on the first renewal of an application for~~
8 ~~assisted living residences licensed before July 1, 2002, for a license, an~~
9 ~~owner, applicant, or licensee shall request from a criminal justice agency~~
10 ~~designated by the department criminal history record information~~
11 ~~regarding such owner, applicant, or licensee. The information, upon such~~
12 ~~request and subject to any restrictions imposed by such agency, shall be~~
13 ~~forwarded by the criminal justice agency directly to the department~~ WHEN
14 SUBMITTING AN APPLICATION FOR A LICENSE PURSUANT TO THIS SECTION,
15 OR WITHIN TEN DAYS AFTER A CHANGE IN OWNERSHIP OR A CHANGE IN THE
16 LICENSEE, EACH OWNER, APPLICANT, OR LICENSEE SHALL SUBMIT A
17 COMPLETE SET OF THE OWNER'S, APPLICANT'S, OR LICENSEE'S
18 FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE
19 PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY
20 RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION SHALL
21 FORWARD THE FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION
22 FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL
23 HISTORY RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION
24 SHALL FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECKS
25 TO THE DEPARTMENT.

26 (a.5) ~~On and after July 1, 2002, the department may require that~~
27 ~~an administrator request from a criminal justice agency designated by the~~

1 ~~department a criminal history record on such administrator. The~~
2 ~~information, upon such request and subject to any restrictions imposed by~~
3 ~~such agency, shall be forwarded by the criminal justice agency directly to~~
4 ~~the department~~ THE DEPARTMENT MAY REQUIRE THAT AN ADMINISTRATOR
5 SUBMIT A COMPLETE SET OF THE ADMINISTRATOR'S FINGERPRINTS TO THE
6 COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING
7 A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE
8 COLORADO BUREAU OF INVESTIGATION SHALL FORWARD THE
9 FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE
10 PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY
11 RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION SHALL
12 FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECKS TO
13 THE DEPARTMENT.

14 (a.7) When the results of a fingerprint-based criminal history
15 record check of an applicant performed pursuant to this section reveal a
16 record of arrest without a disposition, the department shall require that
17 applicant to submit to a name-based judicial record check, as defined in
18 section 22-2-119.3 (6)(d), PERFORMED USING STATE JUDICIAL
19 DEPARTMENT RECORDS.

20 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
21 REQUIRES:

22 (a) "ADMINISTRATOR" MEANS AN INDIVIDUAL WHO CONTROLS AND
23 SUPERVISES OR ATTEMPTS TO CONTROL AND SUPERVISE THE DAY-TO-DAY
24 OPERATIONS OF AN ASSISTED LIVING RESIDENCE, INCLUDING AN
25 INDIVIDUAL CONSIDERED AN INTERIM ADMINISTRATOR FOR THE PURPOSES
26 OF SECTION 25-27-106 (4)(b).

27 (b) "APPLICANT" MEANS AN INDIVIDUAL WHO IS SEEKING A

1 LICENSE TO OPERATE AN ASSISTED LIVING RESIDENCE.

2 (c) (I) "OWNER" MEANS AN INDIVIDUAL WHO IS A SOLE
3 PROPRIETOR, A SHAREHOLDER IN A FOR-PROFIT OR NONPROFIT
4 CORPORATION, A PARTNER IN A PARTNERSHIP OR LIMITED PARTNERSHIP,
5 OR A MEMBER IN A LIMITED LIABILITY COMPANY AND WHO HAS A
6 FINANCIAL OR EQUITY INTEREST OF FIFTY PERCENT OR MORE IN THE
7 ENTITY TO WHICH THE LICENSE TO OPERATE AN ASSISTED LIVING
8 RESIDENCE IS ISSUED.

9 (II) "OWNER" INCLUDES A LICENSEE.

10 **SECTION 11.** In Colorado Revised Statutes, 25-27.5-106,
11 **amend** (3)(a) and (3)(a.5) as follows:

12 **25-27.5-106. License or registration - application - inspection**

13 **- issuance - rules.** (3) (a) With the submission of an application for a

14 license or registration granted pursuant to this article 27.5, or within ten

15 days after a change in the owner, manager, or administrator, each owner

16 of a home care agency or home care placement agency and each manager

17 or administrator of a home care agency or home care placement agency

18 ~~must~~ SHALL submit a complete set of the ~~person's~~ INDIVIDUAL'S

19 fingerprints to the Colorado bureau of investigation for the purpose of

20 conducting a ~~state and national~~ fingerprint-based criminal history record

21 check. ~~utilizing records of the Colorado bureau of investigation and the~~

22 ~~federal bureau of investigation~~ THE COLORADO BUREAU OF

23 INVESTIGATION SHALL FORWARD THE FINGERPRINTS TO THE FEDERAL

24 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A

25 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. Each owner and

26 each manager or administrator is responsible for paying the fee

27 established by the Colorado bureau of investigation for conducting the

1 fingerprint-based criminal history record check to the bureau. ~~Upon~~
2 ~~completion of the fingerprint-based criminal history record check, the~~
3 ~~bureau shall forward the results to the department.~~

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

10 **SECTION 12.** In Colorado Revised Statutes, 26-5.7-110, **amend**
11 (3)(f)(III); and **add** (1)(b.5) as follows:

12 **26-5.7-110. Host homes for youth - report - rules - definitions.**

13 (1) As used in this section, unless the context otherwise requires:

14 (b.5) "ORGANIZATION" MEANS A CHILD PLACEMENT AGENCY, A
15 COUNTY OR DISTRICT DEPARTMENT OF HUMAN OR SOCIAL SERVICES, OR A
16 HOMELESS YOUTH SHELTER.

17 (3) To operate a host home program, an organization must:

18 (f) Maintain accurate and up-to-date records documenting the
19 following for each host home operating under the program:

20 (III) A copy of the ~~completed~~ DETERMINATION BY THE
21 DEPARTMENT OF HUMAN SERVICES AS TO WHETHER THE INDIVIDUAL
22 MEETS CRITERIA OR DOES NOT MEET CRITERIA FOR CERTIFICATION TO
23 OPERATE A HOST HOME IN RESPONSE TO THE FINGERPRINT-BASED criminal
24 history record check conducted pursuant to subsection (5) of this section
25 for the individual operating the host home and all other individuals
26 residing in the home who are eighteen years of age or older;

27 **SECTION 13.** In Colorado Revised Statutes, 44-30-1603, **amend**

1 (1); and **add** (1.5), (6.1), and (6.5) as follows:

2 **44-30-1603. Definitions.** As used in this part 16, unless the
3 context otherwise requires:

4 (1) ~~"Confidential information" means information related to the~~
5 ~~play of a fantasy contest by fantasy contest players obtained as a result of~~
6 ~~or by virtue of a person's employment~~ "APPLICANT" MEANS AN
7 INDIVIDUAL OR ENTITY THAT HAS APPLIED FOR AN INITIAL LICENSE OR
8 REGISTRATION OR A RENEWAL LICENSE OR REGISTRATION TO OPERATE IN
9 COLORADO AS A FANTASY CONTEST OR A SMALL FANTASY CONTEST
10 OPERATOR. AN APPLICANT MUST BE THE INDIVIDUAL OR ENTITY THAT IS
11 RESPONSIBLE FOR THE FINANCIAL AND CONTRACTUAL OBLIGATIONS OF
12 THE FANTASY CONTEST PROVIDER.

13 (1.5) "CONFIDENTIAL INFORMATION" MEANS INFORMATION
14 RELATED TO THE PLAY OF A FANTASY CONTEST BY FANTASY CONTEST
15 PLAYERS OBTAINED AS A RESULT OF OR BY VIRTUE OF AN INDIVIDUAL'S
16 EMPLOYMENT.

17 (6.1) "GENERAL PARTNER" MEANS AN INDIVIDUAL ENGAGED WITH
18 AT LEAST ONE OTHER INDIVIDUAL FOR THE PURPOSE OF JOINT PROFIT,
19 THEREBY CREATING A GENERAL PARTNERSHIP.

20 (6.5) "MANAGING OFFICER" MEANS AN INDIVIDUAL WHO MANAGES
21 THE DAY-TO-DAY OPERATIONS OF A FANTASY CONTEST AND IS
22 RESPONSIBLE FOR EXECUTING THE DECISIONS MADE BY THE BOARD OF
23 DIRECTORS OF THE FANTASY CONTEST, IF APPLICABLE.

24 **SECTION 14. Safety clause.** The general assembly finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.