

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 25-0266.02 Josh Schultz x5486

**SENATE BILL 25-146**

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**SENATE SPONSORSHIP**

**Rich and Michaelson Jenet,**

**HOUSE SPONSORSHIP**

**Hartsook and Lukens,**

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**Senate Committees**

Business, Labor, & Technology

**House Committees**

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**A BILL FOR AN ACT**

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

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

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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 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.

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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, THE LOCAL GOVERNMENT ENTITY, OR THE  
14 STATE REGULATORY AGENCY, AS REQUIRED BY STATUTE, RULE,  
15 ORDINANCE, OR REGULATION, SHALL PAY THE COSTS ASSOCIATED WITH  
16 THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

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

1 (d) IF AN APPROVED THIRD PARTY TAKES THE INDIVIDUAL'S  
2 FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED  
3 USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVSCAN  
4 EQUIPMENT. A THIRD-PARTY VENDOR SHALL NOT KEEP THE INDIVIDUAL'S  
5 INFORMATION FOR MORE THAN THIRTY DAYS AFTER THE INFORMATION IS  
6 COLLECTED.

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

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

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

1 THIS SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE  
2 LOCAL GOVERNMENT ENTITY OR STATE REGULATORY AGENCY SHALL  
3 REQUIRE THE INDIVIDUAL TO SUBMIT TO A NAME-BASED JUDICIAL RECORD  
4 CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d), PERFORMED USING  
5 STATE JUDICIAL DEPARTMENT RECORDS.

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

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

11 **12-135-502. Criminal history record checks - definition.**

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

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

17 **12-255-111.5. Requirements for certified midwife licensure -**  
18 **license by endorsement - questionnaire - fees - definition.** (6) AS USED

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

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

24 **26-6-705. Approval of temporary caregiver - background**  
25 **check - training.** (2) (a) A child placement agency operating a temporary  
26 care assistance program shall require an applicant to become an approved  
27 temporary caregiver and any other person who resides in the applicant's

1 home and is eighteen years of age or older to submit to the following  
2 background checks:

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

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

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

24 (a.5) "Background check" means a fingerprint-based criminal  
25 history record check conducted in accordance with subsection (4)(c.5) of  
26 this section and SECTION 24-33.5-424.5. "BACKGROUND CHECK" also  
27 includes, to the extent allowed or required, as applicable, by subsection

1 ~~(4)(c.5)(VI) of this section~~ SECTION 24-33.5-424.5 (1)(g) when a  
2 fingerprint-based criminal history record check cannot be completed or  
3 reveals a record of arrest without disposition, a criminal history record  
4 check using the Colorado bureau of investigation's records and a  
5 name-based judicial record check, as defined in section 22-2-119.3 (6)(d),  
6 PERFORMED USING STATE JUDICIAL DEPARTMENT RECORDS.

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

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

1 facility. The applicant, owner or prospective owner, or employee or  
2 prospective employee shall authorize the entity taking the applicant's  
3 fingerprints to submit, and the entity shall submit, the complete set of the  
4 applicant's fingerprints to the Colorado bureau of investigation for the  
5 purpose of conducting a fingerprint-based criminal history record check.

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

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

23 (V) ~~The Colorado bureau of investigation shall return the results~~  
24 ~~of its criminal history record check to the licensing authority, and the~~  
25 ~~licensing authority is authorized to receive the results of the federal~~  
26 ~~bureau of investigation's criminal history record check. The licensing~~  
27 ~~authority shall use the information resulting from the criminal history~~

1 ~~record checks to investigate and determine whether an applicant is~~  
2 ~~qualified to hold a license or be an owner or employee pursuant to this~~  
3 ~~section.~~

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

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

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

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

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

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

11           (7) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
12 REQUIRES:

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

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

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

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

26           (IV) When the results of a fingerprint-based criminal history  
27 record check of ~~a person~~ AN INDIVIDUAL performed pursuant to this

1 subsection (3) reveal a record of arrest without a disposition, the  
2 department shall require that ~~person~~ INDIVIDUAL to submit to 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 **SECTION 10.** In Colorado Revised Statutes, 25-27-105, **amend**  
6 (2.5)(a), (2.5)(a.5), and (2.5)(a.7); and **add** (5) as follows:

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

1           (a.5) ~~On and after July 1, 2002, the department may require that~~  
2 ~~an administrator request from a criminal justice agency designated by the~~  
3 ~~department a criminal history record on such administrator. The~~  
4 ~~information, upon such request and subject to any restrictions imposed by~~  
5 ~~such agency, shall be forwarded by the criminal justice agency directly to~~  
6 ~~the department~~ THE DEPARTMENT MAY REQUIRE THAT AN ADMINISTRATOR  
7 SUBMIT A COMPLETE SET OF THE ADMINISTRATOR'S FINGERPRINTS TO THE  
8 COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING  
9 A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE  
10 COLORADO BUREAU OF INVESTIGATION SHALL FORWARD THE  
11 FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE  
12 PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY  
13 RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION SHALL  
14 FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECKS TO  
15 THE DEPARTMENT.

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

22           (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
23 REQUIRES:

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

1 OF SECTION 25-27-106 (4)(b).

2 (b) "APPLICANT" MEANS AN INDIVIDUAL WHO IS SEEKING A  
3 LICENSE TO OPERATE AN ASSISTED LIVING RESIDENCE.

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

11 (II) "OWNER" INCLUDES A LICENSEE.

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

14 **25-27.5-106. License or registration - application - inspection**

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

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

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

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

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

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

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

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

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

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

25 INVESTIGATION SHALL FORWARD THE FINGERPRINTS TO THE FEDERAL

26 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A

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

1 each manager or administrator is responsible for paying the fee  
2 established by the Colorado bureau of investigation for conducting the  
3 fingerprint-based criminal history record check to the bureau. ~~Upon~~  
4 ~~completion of the fingerprint-based criminal history record check, the~~  
5 ~~bureau shall forward the results to the department.~~

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

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

14 **26-5.7-110. Host homes for youth - report - rules - definitions.**

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

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

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

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

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

1 residing in the home who are eighteen years of age or older;

2 **SECTION 13.** In Colorado Revised Statutes, 44-30-1603, **amend**  
3 (1); and **add** (1.5), (6.1), and (6.5) as follows:

4 **44-30-1603. Definitions.** As used in this part 16, unless the  
5 context otherwise requires:

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

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

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

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

26 **SECTION 14. Safety clause.** The general assembly finds,  
27 determines, and declares that this act is necessary for the immediate

- 1 preservation of the public peace, health, or safety or for appropriations for
- 2 the support and maintenance of the departments of the state and state
- 3 institutions.