

CHAPTER 287

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**INSTITUTIONS**

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**HOUSE BILL 93-1059**

BY REPRESENTATIVES Snyder, Armstrong, Friednash, and Williams;  
also SENATOR Hopper.

**AN ACT**

**CONCERNING BACKGROUND INVESTIGATIONS REQUIRED BY THE DEPARTMENT OF INSTITUTIONS.**

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

**SECTION 1.** Article 1 of title 27, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**27-1-110. Employment of personnel.** (1) THE GENERAL ASSEMBLY HEREBY RECOGNIZES THAT MANY OF THE INDIVIDUALS RECEIVING SERVICES PURSUANT TO THIS TITLE ARE UNABLE TO DEFEND THEMSELVES AND ARE THEREFORE VULNERABLE TO ABUSE OR ASSAULT. IT IS THE INTENT OF THE GENERAL ASSEMBLY TO MINIMIZE THE POTENTIAL FOR HIRING PERSONS WITH A PROPENSITY TOWARD ABUSE, ASSAULT, OR SIMILAR OFFENSES AGAINST OTHERS FOR POSITIONS WHICH WOULD PROVIDE THEM WITH UNSUPERVISED ACCESS TO INDIVIDUALS RECEIVING SERVICES PURSUANT TO THIS TITLE.

(2) PRIOR TO THE DEPARTMENT'S EMPLOYMENT OF ANY PERSON IN A STATE FACILITY OPERATED BY THE DEPARTMENT AND IN A POSITION WHICH WOULD REQUIRE THAT PERSON TO HAVE DIRECT AND UNSUPERVISED CONTACT WITH ANY INDIVIDUAL RECEIVING SERVICES PURSUANT TO THIS TITLE, THE EXECUTIVE DIRECTOR OR ANY DIVISION HEAD OF THE DEPARTMENT OF INSTITUTIONS MAY REQUIRE SAID PERSON TO SUBMIT FINGERPRINTS TO THE DEPARTMENT WHICH SHALL BE RELEASED TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF FINGERPRINT

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

PROCESSING UTILIZING THE FILES AND RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION.

(3) THE EXECUTIVE DIRECTOR OR ANY DIVISION HEAD MAY CONTACT PREVIOUS EMPLOYERS OF ANY PERSON APPLYING FOR A POSITION WHICH WOULD REQUIRE THAT PERSON TO HAVE DIRECT AND UNSUPERVISED CONTACT WITH ANY INDIVIDUAL RECEIVING SERVICES PURSUANT TO THIS TITLE, FOR THE PURPOSE OF OBTAINING INFORMATION AND RECOMMENDATIONS WHICH MAY BE RELEVANT TO SUCH PERSON'S FITNESS FOR EMPLOYMENT. ANY PREVIOUS EMPLOYER OF AN APPLICANT FOR EMPLOYMENT WHO PROVIDES INFORMATION TO THE EXECUTIVE DIRECTOR OR A DIVISION HEAD OR WHO MAKES A RECOMMENDATION CONCERNING SUCH PERSON SHALL BE IMMUNE FROM CIVIL LIABILITY UNLESS THE INFORMATION IS FALSE AND THE PREVIOUS EMPLOYER KNOWS SUCH INFORMATION IS FALSE OR ACTS WITH RECKLESS DISREGARD CONCERNING THE VERACITY OF SUCH INFORMATION.

(4) ANY LOCAL AGENCY OR PROVIDER OF SERVICES PURSUANT TO THIS TITLE MAY INVESTIGATE APPLICANTS FOR EMPLOYMENT AS SET FORTH IN THIS SECTION.

(5) THE EXECUTIVE DIRECTOR, ANY DIVISION HEAD, OR ANY LOCAL AGENCY OR PROVIDER WHO RELIES ON INFORMATION OBTAINED PURSUANT TO THIS SECTION IN MAKING AN EMPLOYMENT DECISION OR WHO CONCLUDES THAT THE NATURE OF ANY INFORMATION DISQUALIFIES THE PERSON FROM EMPLOYMENT SHALL BE IMMUNE FROM CIVIL LIABILITY FOR SAID DECISION OR CONCLUSION UNLESS THE INFORMATION RELIED UPON IS FALSE AND THE EXECUTIVE DIRECTOR, DIVISION HEAD, OR LOCAL AGENCY OR PROVIDER KNOWS SUCH INFORMATION IS FALSE OR ACTS WITH RECKLESS DISREGARD CONCERNING THE VERACITY OF SUCH INFORMATION.

(6) THE EXECUTIVE DIRECTOR MAY PROMULGATE SUCH RULES AND REGULATIONS AS ARE NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

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

Approved: June 6, 1993