

CHAPTER 66

**CRIMINAL LAW AND PROCEDURE**

**HOUSE BILL 97-1084**

BY REPRESENTATIVES K. Alexander, Epps, Mace, Reeser, Schwarz, and S. Williams;  
also SENATORS B. Alexander, Congrove, Hernandez, Martinez, and Perlmutter.

**AN ACT**

CONCERNING CRIMINAL BACKGROUND CHECKS ON NURSING CARE FACILITY APPLICANTS.

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

**SECTION 1.** The introductory portion to 18-3-412.5 (6.7), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

**18-3-412.5. Sex offenders - duty to register - penalties.** (6.7) On and after September 1, 1996, prior to employing any person, a nursing care facility or the person seeking employment at a nursing care facility shall make an inquiry to the director of the Colorado bureau of investigation OR TO PRIVATE CRIMINAL BACKGROUND CHECK COMPANIES AUTHORIZED TO DO BUSINESS IN THE STATE OF COLORADO to ascertain whether such person has a criminal history, ~~record~~ INCLUDING ARREST AND CONVICTION RECORDS. The Colorado bureau of investigation OR PRIVATE CRIMINAL BACKGROUND CHECK COMPANIES ~~is~~ ARE authorized to utilize fingerprints to ascertain from the federal bureau of investigation whether such person has a criminal history record. The nursing care facility or the person seeking employment in a nursing care facility shall pay the costs of such inquiry. THE CRIMINAL BACKGROUND CHECK SHALL BE CONDUCTED NOT MORE THAN NINETY DAYS PRIOR TO THE EMPLOYMENT OF THE APPLICANT. FOR PURPOSES OF THIS SECTION, CRIMINAL BACKGROUND CHECK COMPANIES SHALL BE APPROVED BY THE STATE BOARD OF NURSING. IN APPROVING SUCH COMPANIES, APPROVAL SHALL BE BASED UPON THE PROVISION OF LAWFULLY AVAILABLE, ACCURATE, AND THOROUGH INFORMATION PERTAINING TO CRIMINAL HISTORIES, INCLUDING ARREST AND CONVICTION RECORDS. As used in this subsection (6.7), "nursing care facility" includes, but is not limited to:

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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.*

**SECTION 2.** 12-38-108 (1) (l) (I), Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH to read:

**12-38-108. Powers and duties of the board.** (1) The board has the following powers and duties:

(l) (I) (C) TO APPROVE PRIVATE CRIMINAL BACKGROUND CHECK COMPANIES FOR PURPOSES OF CONDUCTING CRIMINAL BACKGROUND CHECKS ON APPLICANTS FOR EMPLOYMENT IN NURSING CARE FACILITIES.

**SECTION 3. 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: March 31, 1997