

CHAPTER 257

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 02-1459

BY REPRESENTATIVE(S) Grossman, Boyd, Chavez, Coleman, Groff, Mace, Romanoff, Daniel, Garcia, Sanchez, Tapia, Veiga, Vigil, and Weddig;
also SENATOR(S) Owen and Epps.

AN ACT**CONCERNING FEDERAL REQUIREMENTS FOR THE PERFORMANCE OF NON-FIREARM-RELATED CRIMINAL HISTORY RECORD CHECKS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

SECTION 1. 10-3-112 (1), Colorado Revised Statutes, is amended to read:

10-3-112. Directors - terms - election - conflicts of interest - recovery of profits. (1) (a) The business of insurance companies incorporated under the laws of this state shall be managed by a board of directors consisting of such number of directors, not less than three, as may be prescribed by the articles of incorporation or bylaws, and said directors shall hold office until their successors are duly elected and qualified. Such directors shall be nominated and elected in the manner prescribed by the bylaws of the company not inconsistent with the laws of this state. No director may serve who has been convicted of fraud involving any financial institution or of a felony, but the commissioner may waive this provision regarding a felony if he OR SHE determines that the particular felony does not jeopardize the person's ability to act as a director.

(b) EACH EXECUTIVE OFFICER AND DIRECTOR OF A DOMESTIC COMPANY APPLYING FOR A CERTIFICATE OF AUTHORITY TO DO BUSINESS IN COLORADO SHALL SUBMIT A SET OF FINGERPRINTS TO THE COMMISSIONER. THE COMMISSIONER SHALL FORWARD SUCH FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION. ONLY THE ACTUAL COSTS OF SUCH RECORD CHECK SHALL BE BORNE BY THE EMPLOYER.

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. 10-3-803 (1), Colorado Revised Statutes, is amended, and the said 10-3-803 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

10-3-803. Acquisition of control of or merger with domestic insurer. (1) (a) No person other than the issuer shall make a tender offer for, or a request or invitation for tenders of, or enter into any agreement to exchange securities for, seek to acquire, or acquire, in the open market or otherwise, any voting security of a domestic insurer if, after the consummation thereof, such person would, directly or indirectly, or by conversion or by exercise of any right to acquire, be in control of such insurer, and no person shall enter into an agreement to merge with or otherwise to acquire control of a domestic insurer unless, at the time any such offer, request, or invitation is made or any such agreement is entered into, or prior to the acquisition of such securities if no offer or agreement is involved, such person has filed with the commissioner and has sent to such insurer a statement containing the information required by this section and such offer, request, invitation, agreement, or acquisition has been approved by the commissioner in the manner prescribed in this section.

(b) IN ADDITION, IF SUCH PERSON IS AN INDIVIDUAL, THE PERSON SHALL SUBMIT A SET OF FINGERPRINTS TO THE COMMISSIONER PURSUANT TO SUBSECTION (2.5) OF THIS SECTION. IF SUCH PERSON IS A CORPORATION, EACH EXECUTIVE OFFICER AND DIRECTOR OF THE CORPORATION SHALL SUBMIT A SET OF FINGERPRINTS TO THE COMMISSIONER PURSUANT TO SUBSECTION (2.5) OF THIS SECTION.

(c) For purposes of this section, a domestic insurer shall include any other person controlling a domestic insurer unless such other person is either directly or through its affiliates primarily engaged in business other than the business of insurance.

(2.5) EACH PERSON DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION SHALL SUBMIT A SET OF FINGERPRINTS TO THE COMMISSIONER AT THE TIME OF FILING THE STATEMENT DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION. THE COMMISSIONER SHALL FORWARD SUCH FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION. ONLY THE ACTUAL COSTS OF SUCH RECORD CHECK SHALL BE BORNE BY THE EMPLOYER.

SECTION 3. 10-15-103 (1), Colorado Revised Statutes, is amended to read:

10-15-103. License procedure - records - examination of records. (1) (a) No contract seller shall enter into a preneed contract or accept any funds or other consideration without first securing a license from the commissioner. Application for an initial license shall be in writing, signed by the applicant, and duly verified on forms furnished by the commissioner. Each application shall be accompanied by payment of five hundred dollars and a current balance sheet, income statement, and statement of cash flow to demonstrate a net worth of at least ten thousand dollars, as evidenced by the signature of a certified public accountant ("CPA") or public accountant ("PA"), or, if prepared by the applicant, accompanied by a current tax return; or, in the alternative, the applicant shall furnish the commissioner a surety

bond in the amount of ten thousand dollars to honor preneed contract obligations.

(b) (I) WITH THE SUBMISSION OF THE INITIAL APPLICATION DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1), EACH APPLICANT SHALL SUBMIT A SET OF FINGERPRINTS TO THE COMMISSIONER. THE COMMISSIONER SHALL FORWARD SUCH FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION.

(II) FOR PURPOSES OF THIS PARAGRAPH (b), "APPLICANT" MEANS AN INDIVIDUAL AND, IN THE CASE OF A CORPORATION, EACH OFFICER AND DIRECTOR OF THE CORPORATION.

SECTION 4. 12-7-103 (1) (d), Colorado Revised Statutes, is amended, and the said 12-7-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-7-103. License requirements - application - qualification bond - forfeiture.

(1) Any person desiring to engage in the business of bail bonding agent in this state shall supply the following information to the division:

(d) ~~Such other information including but not limited to a complete set of fingerprints certified to by an authorized law enforcement official, and a full-face photograph,~~ as may be required by this article or by the division, INCLUDING BUT NOT LIMITED TO A FULL-FACE PHOTOGRAPH. In addition, each applicant shall pay the actual costs associated with obtaining any ~~background check, fingerprinting, and~~ photograph that may be required.

(1.5) (a) PRIOR TO SUBMISSION OF AN APPLICATION, EACH APPLICANT SHALL HAVE HIS OR HER FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE APPLICANT IS REQUIRED TO SUBMIT PAYMENT BY CERTIFIED CHECK OR MONEY ORDER FOR THE FINGERPRINTS AND FOR THE ACTUAL COSTS OF SAID RECORD CHECK AT THE TIME THE FINGERPRINTS ARE SUBMITTED TO THE COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT OF FINGERPRINTS AND RECEIPT OF THE PAYMENT FOR COSTS, THE COLORADO BUREAU OF INVESTIGATION SHALL CONDUCT A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION.

(b) FOR PURPOSES OF THIS SUBSECTION (1.5), "APPLICANT" SHALL INCLUDE ANY:

(I) BAIL BONDING AGENT, AS DEFINED IN SECTION 12-7-101 (1);

(II) PROFESSIONAL CASH BAIL AGENT, AS DEFINED IN SECTION 12-7-101 (7); AND

(III) BAIL BONDING AGENT LICENSED TO WRITE BAIL BONDS AS A CASH BONDING AGENT, AS DESCRIBED IN SECTION 12-7-102 (1).

SECTION 5. 12-47.1-511 (1), Colorado Revised Statutes, is amended, and the

said 12-47.1-511 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-47.1-511. Applicants and licensees - providing information. (1) All applicants for licenses issued by the commission, and all persons holding such licenses, including all persons interested, directly or indirectly, in the gaming business or license held by an applicant or licensee, shall upon request by the commission or division provide fingerprints and handwriting exemplars, and each such person shall allow himself or herself to be photographed in accordance with procedures established by the commission.

(3) WITH THE SUBMISSION OF AN APPLICATION FOR A LICENSE OR AN APPLICATION FOR A FINDING OF SUITABILITY PURSUANT TO THIS ARTICLE, EACH APPLICANT SHALL SUBMIT A SET OF FINGERPRINTS TO THE COMMISSION. THE COMMISSION SHALL FORWARD SUCH FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION. NOTHING IN THIS SUBSECTION (3) SHALL PRECLUDE THE COMMISSION FROM MAKING FURTHER INQUIRIES INTO THE BACKGROUND OF THE APPLICANT.

SECTION 6. 12-60-503, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-60-503. Rules of the commission - licensing. (4) WITH THE SUBMISSION OF AN APPLICATION FOR A LICENSE GRANTED PURSUANT TO THIS ARTICLE, EACH APPLICANT SHALL SUBMIT A SET OF FINGERPRINTS TO THE COMMISSION. THE COMMISSION SHALL FORWARD SUCH FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION. ONLY THE ACTUAL COSTS OF SUCH RECORD CHECK SHALL BE BORNE BY THE APPLICANT. NOTHING IN THIS SUBSECTION (4) SHALL PRECLUDE THE COMMISSION FROM MAKING FURTHER INQUIRIES INTO THE BACKGROUND OF THE APPLICANT.

SECTION 7. 12-61-103 (1), Colorado Revised Statutes, is amended to read:

12-61-103. Application for license. (1) (a) All persons desiring to become real estate brokers shall apply to the real estate commission for a license under the provisions of this part 1. Application for a license as a real estate broker shall be made to the commission upon forms or in a manner prescribed by it.

(b) (I) WITH THE SUBMISSION OF AN APPLICATION FOR A LICENSE PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), EACH APPLICANT SHALL SUBMIT A SET OF FINGERPRINTS TO THE REAL ESTATE COMMISSION. THE COMMISSION SHALL FORWARD SUCH FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION.

(II) FOR PURPOSES OF THIS PARAGRAPH (b), "APPLICANT" MEANS AN INDIVIDUAL,

OR ANY PERSON DESIGNATED TO ACT AS BROKER FOR ANY PARTNERSHIP, LIMITED LIABILITY COMPANY, OR CORPORATION PURSUANT TO SUBSECTION (7) OF THIS SECTION.

SECTION 8. 22-1-121 (1.7), Colorado Revised Statutes, is amended to read:

22-1-121. Nonpublic schools - employment of personnel - notification by department of education. (1.7) (a) To facilitate the inquiry permitted by subsection (1) OR SUBSECTION (1.5) of this section, the governing board of a participating nonpublic school shall require an applicant OR EMPLOYEE to submit to the governing board of the school a complete set of his or her fingerprints taken by a qualified law enforcement agency or an authorized school employee. The governing board shall forward the set of fingerprints together with a check to cover the DIRECT AND INDIRECT costs ~~charged by the Colorado bureau of investigation OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF THE APPLICANT OR EMPLOYEE to the department of education. for release to the Colorado bureau of investigation and the federal bureau of investigation.~~ THE DEPARTMENT SHALL FORWARD SUCH FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION. THE DEPARTMENT SHALL BE THE AUTHORIZED AGENCY TO RECEIVE AND DISSEMINATE INFORMATION REGARDING THE RESULT OF ANY NATIONAL CRIMINAL HISTORY RECORD CHECK. ANY SUCH NATIONAL CHECK SHALL BE HANDLED IN ACCORDANCE WITH P.L. 92-544, AS AMENDED. THE DEPARTMENT SHALL NOTIFY THE GOVERNING BOARD WHETHER A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK HAS IDENTIFIED ANY CONVICTION, PLEA OF NOLO CONTENDERE, DEFERRED SENTENCE, OR DEFERRED PROSECUTION DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

(b) All costs arising from ~~any fingerprint processing~~ A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK performed by the Colorado bureau of investigation AND THE FEDERAL BUREAU OF INVESTIGATION pursuant to the provisions of this section shall be borne by the nonpublic school. Such costs may be passed on to the EMPLOYEE OR THE prospective employee.

(c) The department of education shall transmit any checks received pursuant to this subsection (1.7) to the state treasurer who shall credit the same to the nonpublic school fingerprint fund which fund is hereby created in the state treasury. The moneys in the nonpublic school fingerprint fund shall be used to pay for FINGERPRINT-BASED CRIMINAL HISTORY RECORD checks required pursuant to this subsection (1.7) and shall be subject to annual appropriation by the general assembly. Any moneys not appropriated shall remain in the nonpublic school fingerprint fund and shall not be transferred or revert to the general fund at the end of any fiscal year.

SECTION 9. 22-32-109.8 (1), (4), (6) (a), and (10), Colorado Revised Statutes, are amended to read:

22-32-109.8. Applicants selected for nonlicensed positions - submittal of form and fingerprints - prohibition against employing persons failing to comply.

(1) Except as otherwise provided in PARAGRAPH (a) OF subsection (10) of this section, any person applying to any school district for any position of employment for

which a license issued pursuant to article 60.5 of this title is not required and who is selected for such position of employment by such school district shall submit a complete set of fingerprints of such applicant taken by a qualified law enforcement agency or authorized employee of such school district and a notarized, completed form as specified in subsection (2) of this section. Said fingerprints and form shall be submitted to the school district at the time requested by such school district. ~~The provisions of this section shall not be applicable to nonlicensed personnel employed by any school district prior to January 1, 1991.~~

(4) Any school district to which fingerprints are submitted pursuant to subsection (1) of this section shall ~~release~~ FORWARD such fingerprints to the Colorado bureau of investigation for the purpose of ~~fingerprint processing~~ CONDUCTING A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK utilizing the ~~files~~ and records of the Colorado bureau of investigation and the federal bureau of investigation.

(6) (a) ~~If~~ WHEN any school district finds good cause to believe that any ~~noncertificated~~ NONLICENSED personnel employed by such school district ~~on or after January 1, 1991,~~ has been convicted of a ANY felony or misdemeanor OTHER THAN A MISDEMEANOR TRAFFIC OFFENSE OR TRAFFIC INFRACTION subsequent to such employment, such school district ~~may release~~ SHALL REQUIRE SUCH PERSON TO SUBMIT TO THE SCHOOL DISTRICT A COMPLETE SET OF HIS OR HER FINGERPRINTS TAKEN BY A QUALIFIED LAW ENFORCEMENT AGENCY. SAID FINGERPRINTS SHALL BE SUBMITTED WITHIN TWENTY DAYS OF RECEIPT OF WRITTEN NOTIFICATION FROM THE SCHOOL DISTRICT. THE SCHOOL DISTRICT SHALL FORWARD the fingerprints of such person ~~previously submitted pursuant to subsection (1) of this section~~ to the Colorado bureau of investigation for the purpose of ~~fingerprint processing~~ CONDUCTING A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK utilizing the ~~files~~ and records of the Colorado bureau of investigation and the federal bureau of investigation.

(10) (a) The provisions of this section shall not apply to any person who is enrolled as a student in any school district and who is applying to the same school district in which such student is enrolled for a position of employment for which a license issued pursuant to article 60.5 of this title is not required.

(b) ~~The fingerprints required by this section shall not be required of any person who:~~

~~(I) Has submitted a set of fingerprints pursuant to subsection (1) of this section to any school district in the state of Colorado during the two-year period immediately preceding the date of receipt of written notification requesting fingerprints; and~~

~~(II) Has consented by written notice to the transfer of a copy of the previously submitted set of fingerprints to the requesting district for processing under this section.~~

SECTION 10. 22-32-109.9 (1) (a) and (2), Colorado Revised Statutes, are amended to read:

22-32-109.9. Licensed personnel - submittal of fingerprints. (1) (a) ~~If~~ WHEN

any school district finds good cause to believe that any licensed personnel employed by such school district ~~on or after January 1, 1991~~, has been convicted of any felony or misdemeanor, ~~but not including any OTHER THAN A misdemeanor traffic offense or traffic infractions~~ INFRACTION, subsequent to such employment, such school district ~~may~~ SHALL require such person to submit a complete set of HIS OR HER fingerprints taken by a qualified law enforcement agency. ~~unless such person has submitted a set of fingerprints to any school district in the state of Colorado pursuant to this section during the two-year period immediately preceding the date of receipt of written notification requesting fingerprints and has consented by written notice to the transfer of a copy of the previously submitted set of fingerprints to the requesting district.~~ Said fingerprints ~~or written notice of consent~~ shall be submitted within twenty days of receipt of written notification from ~~such~~ THE school district.

(2) Any school district to which fingerprints are submitted pursuant to subsection (1) of this section shall ~~release~~ FORWARD such fingerprints to the Colorado bureau of investigation FOR THE PURPOSE OF CONDUCTING A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING THE RECORDS OF THE COLORADO BUREAU OF INVESTIGATION and the federal bureau of investigation.

SECTION 11. 24-33.5-415.4 (2), Colorado Revised Statutes, is amended to read:

24-33.5-415.4. Security guard clearance - criminal history record checks.

(2) After January 1, 1992, any contract security agency or proprietary security organization may submit fingerprints of security guards to the bureau for purposes of a ~~national~~ FINGERPRINT-BASED criminal history record check pursuant to part 3 of article 72 of this title. ~~The bureau shall require each person applying for a national criminal history record check pursuant to this section to be fingerprinted, such fingerprints shall be available for use by the bureau and for transmittal to the identification division of the federal bureau of investigation for a national criminal history record check.~~ The information obtained from the ~~national~~ criminal history record check conducted pursuant to this section may be used by the contract security agency or proprietary security organization to determine whether or not to employ a person as a security guard. Nothing in this section shall be used as a basis for discrimination banned by section 24-34-402 (1) (a). The bureau shall charge a fee for record checks conducted pursuant to this section. The bureau shall set such fee at a level sufficient to cover the direct and indirect costs of processing requests made pursuant to this section. Moneys collected by the bureau pursuant to this section shall be subject to annual appropriation by the general assembly for the administration of criminal ~~justice~~ HISTORY record checks of security guards pursuant to this section.

SECTION 12. 24-35-205, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-35-205. Contractors supplying gaming equipment - disclosures.

(10) (a) EACH SUPPLIER, PRIOR TO ENTERING INTO A CONTRACT TO SUPPLY GAMING MATERIALS OR EQUIPMENT, SHALL SUBMIT A SET OF FINGERPRINTS TO THE COMMISSION. THE COMMISSION SHALL FORWARD SUCH FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION. ONLY THE ACTUAL COSTS OF SUCH RECORD CHECK SHALL BE

BORNE BY THE SUPPLIER. NOTHING IN THIS SUBSECTION (10) SHALL PRECLUDE THE COMMISSION FROM MAKING FURTHER INQUIRIES INTO THE BACKGROUND OF THE SUPPLIER.

(b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRARY, FOR PURPOSES OF THIS SUBSECTION (10), "SUPPLIER" MEANS AN INDIVIDUAL OR ANY PERSON DESCRIBED IN PARAGRAPH (a) OR (g) OF SUBSECTION (1) OF THIS SECTION.

SECTION 13. 24-35-206, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-35-206. Licenses. (10) (a) EACH APPLICANT FOR A LOTTERY SALES AGENT LICENSE, WITH THE SUBMISSION OF SUCH APPLICATION, SHALL SUBMIT A SET OF FINGERPRINTS TO THE COMMISSION. THE COMMISSION SHALL FORWARD SUCH FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION. ONLY THE ACTUAL COSTS OF SUCH RECORD CHECK SHALL BE BORNE BY THE APPLICANT. NOTHING IN THIS SUBSECTION (10) SHALL PRECLUDE THE COMMISSION FROM MAKING FURTHER INQUIRIES INTO THE BACKGROUND OF THE APPLICANT.

(b) FOR PURPOSES OF THIS SUBSECTION (10), "APPLICANT" MEANS AN INDIVIDUAL OR EACH OFFICER OR DIRECTOR OF A FIRM, ASSOCIATION, OR CORPORATION THAT IS APPLYING FOR A LICENSE PURSUANT TO THIS SECTION.

SECTION 14. The introductory portion to 24-72-305.4 (1) and 24-72-305.4 (2), Colorado Revised Statutes, are amended to read:

24-72-305.4. Governmental access to criminal history records of applicants in regulated professions or occupations. (1) ~~For the purpose of complying with federal requirements;~~ Any division, board, commission, or person responsible for the licensing, certification, or registration functions for any governmental entity, in addition to any other authority conferred by law, may use fingerprints to access, for comparison purposes, arrest history records of:

(2) The persons or entities authorized to access arrest history records pursuant to subsection (1) of this section may access records that are maintained by or within this state ~~and any other state or territory of the United States, any other nation, or any federal agency, or subdivision thereof, of the United States including, but not limited to, the federal~~ THROUGH THE COLORADO bureau of investigation. ~~in the United States department of justice.~~

SECTION 15. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, for the fiscal year beginning July 1, 2002, to the department of revenue, state lottery division, the sum of seven thousand eight hundred dollars (\$7,800) cash funds exempt, or so much thereof as may be necessary for implementation of this act. Such sum shall be from fingerprint and name check processing fees.

(2) In addition to any other appropriation, there is hereby appropriated, for the fiscal year beginning July 1, 2002, to the department of regulatory agencies, real estate division, the sum of one hundred thirty-five thousand dollars (\$135,000) cash funds, or so much thereof as may be necessary for implementation of this act. Such sum shall be from fingerprint and name check processing fees.

(3) In addition to any other appropriation, there is hereby appropriated, for the fiscal year beginning July 1, 2002, to the department of public safety, Colorado bureau of investigation, the sum of one hundred forty-two thousand dollars (\$142,000) and 0.6 FTE, or so much thereof as may be necessary for implementation of this act. Of said sum, one thousand two hundred dollars (\$1,200) shall be from cash funds and one hundred forty-one thousand six hundred dollars (\$141,600) shall be cash funds exempt. Such sums shall be from cash funds and cash funds exempt received from the department of revenue and the department of regulatory agencies out of appropriations made in subsections (1) and (2) of this section.

SECTION 16. 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 1, 2002