

CHAPTER 249

HEALTH AND ENVIRONMENT

SENATE BILL 03-009

BY SENATOR(S) Tupa, Anderson, Takis, Arnold, Fitz-Gerald, Hanna, May R., Nichol, Sandoval, and Tapia;
also REPRESENTATIVE(S) Coleman, Vigil, White, Williams T., Carroll, Marshall, Paccione, Romanoff, Spence, Stafford, Veiga,
and Williams S.

AN ACT

**CONCERNING FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS FOR EMERGENCY MEDICAL
TECHNICIAN CERTIFICATE APPLICANTS.**

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

SECTION 1. 25-3.5-203 (1) (b) (III) and (4), Colorado Revised Statutes, are amended to read:

25-3.5-203. Emergency medical technicians - certification - renewal of certificate - duties of department - rules adopted by the board - criminal history record checks. (1) (b) The department shall certify emergency medical technicians. The board shall adopt rules for the certification of emergency medical technicians. Such rules shall include, but not be limited to, the following:

(III) Provisions governing the use of results of national and state criminal ~~background~~ HISTORY RECORD checks by the department to determine the action to take on a certification application pursuant to subsection (4) of this section. NOTWITHSTANDING THE PROVISIONS OF SECTION 24-5-101, C.R.S., THESE PROVISIONS SHALL ALLOW THE DEPARTMENT TO CONSIDER WHETHER THE APPLICANT HAS BEEN CONVICTED OF A FELONY OR MISDEMEANOR INVOLVING MORAL TURPITUDE AND THE PERTINENT CIRCUMSTANCES CONNECTED WITH THE CONVICTION AND TO MAKE A DETERMINATION WHETHER ANY SUCH CONVICTION DISQUALIFIES THE APPLICANT FROM CERTIFICATION.

(4) (a) The department may, with reasonable cause, acquire a ~~name or~~ fingerprint-based criminal history record CHECK from the Colorado bureau of investigation for the purpose of investigating the holder of or applicant for an emergency medical technician certificate.

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

(b) Any government entity that employs a person as or allows a person to volunteer as an emergency medical technician in a position that would require direct contact with any patient shall require all volunteer and employed emergency medical technicians, who have lived in the state for three years or less at the time of the initial certification or certification renewal, to submit to a federal bureau of investigation fingerprint-based ~~background~~ NATIONAL CRIMINAL HISTORY RECORD check for the purpose of determining eligibility for employment. Each emergency medical technician required to submit to a federal bureau of investigation fingerprint-based ~~background~~ NATIONAL CRIMINAL HISTORY RECORD check shall obtain a complete set of fingerprints taken by a local law enforcement agency or another entity designated by the department. The local law enforcement agency or other such designated entity that took the fingerprints shall transmit them to the Colorado bureau of investigation, which shall in turn forward them to the federal bureau of investigation for a national criminal history record check. The department or other authorized government entity shall be the authorized agency to receive and disseminate information regarding the result of any national criminal history record check. Any such national CRIMINAL HISTORY RECORD check shall be handled in accordance with P.L. 92-544, as amended. Each government entity acting as the authorized recipient of the result of any national criminal history RECORD check shall forward the result of any such initial ~~background~~ NATIONAL CRIMINAL HISTORY RECORD check and any subsequent notification of activity on the record to the department for the purpose of determining the individual's eligibility for initial certification or certification renewal.

(c) (I) Any government entity or any private, not-for-profit, or for-profit organization that employs a person or allows a person to volunteer as an emergency medical technician in a position that would require direct contact with any patient ~~and if such person has lived in the state for more than three years at the time of initial certification, or certification renewal;~~ shall require all volunteer and employed emergency medical technicians, WHO HAVE LIVED IN THE STATE FOR MORE THAN THREE YEARS AT THE TIME OF INITIAL CERTIFICATION OR CERTIFICATION RENEWAL, to submit to a ~~name or~~ fingerprint-based criminal history ~~background~~ RECORD check by the Colorado bureau of investigation for the purpose of determining eligibility for employment. The organization shall forward the result of any such ~~background~~ CRIMINAL HISTORY RECORD check and any subsequent notification of activity on the record to the department for the purpose of determining eligibility for initial certification or certification renewal.

(II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), IF A PERSON SUBMITTED TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AT THE TIME OF INITIAL CERTIFICATION OR CERTIFICATION RENEWAL, THE PERSON SHALL NOT BE REQUIRED TO SUBMIT TO A SUBSEQUENT FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

(d) (I) If an applicant for initial certification or certification renewal is not employed at the time of application, the department shall require such applicant to submit to a ~~name or~~ fingerprint-based criminal history record check by the Colorado bureau of investigation as defined in rule by the board of health, if the applicant has lived in the state for more than three years.

(II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (d), IF A PERSON SUBMITTED TO A FINGERPRINT-BASED CRIMINAL HISTORY

RECORD CHECK AT THE TIME OF INITIAL CERTIFICATION OR CERTIFICATION RENEWAL, THE PERSON SHALL NOT BE REQUIRED TO SUBMIT TO A SUBSEQUENT FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

(e) If the applicant is not employed or is employed by a nongovernmental entity at the time of application and has lived in the state for three years or less, the department shall require the applicant to submit to a federal bureau of investigation fingerprint-based national criminal history ~~background~~ RECORD check. 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 CRIMINAL HISTORY RECORD check shall be handled in accordance with P.L. 92-544, as amended.

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: May 14, 2003