

CHAPTER 385

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 03-1114

BY REPRESENTATIVE(S) Clapp, Carroll, Coleman, Frangas, Jahn, Paccione, Rhodes, Schultheis, Stafford, Stengel, Veiga, and Vigil;
also SENATOR(S) Hillman, Arnold, Evans, Groff, Hanna, Isgar, Jones, Keller, Lamborn, Tapia, Tupa, and Windels.

AN ACT

CONCERNING EMPLOYEES IN PUBLIC SCHOOLS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. 13-1-130, Colorado Revised Statutes, is amended to read:

13-1-130. Reports of convictions to department of education. When a person is convicted OF, pleads nolo contendere TO, or receives a deferred sentence for a violation of the provisions of section 18-3-305, 18-6-302, or 18-6-701, C.R.S., or of section 18-6-301, C.R.S., when the victim is a child who is ten years of age or older and under eighteen years of age, or of any of the provisions of part 4 of article 3 when the victim is a child, part 4 of article 6, or part 4 of article 7 of title 18, C.R.S., A FELONY and the court knows the person is a current or former employee of a school district OR A CHARTER SCHOOL in this state or holds a license or authorization pursuant to the provisions of article 60.5 of title 22, C.R.S., the court shall report such fact to the department of education.

SECTION 2. 18-6-301 (2), Colorado Revised Statutes, is amended to read:

18-6-301. Incest. (2) When a person is convicted OF, pleads nolo contendere TO, or receives a deferred sentence for a violation of the provisions of this section and the victim is a child who is ~~ten years of age or older and~~ under eighteen years of age and the court knows the person is a current or former employee of a school district OR A CHARTER SCHOOL in this state or holds a license or authorization pursuant to the provisions of article 60.5 of title 22, C.R.S., the court shall report such fact to the department of education.

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 3. 22-2-117 (1) (b), Colorado Revised Statutes, is amended to read:

22-2-117. Additional power - state board - waiver of requirements - rules.

(1) (b) The state board shall not waive any of the requirements specified in any of the following statutory provisions:

(I) The "Public School Finance Act of 1994", article 54 of this title;

(II) The "Exceptional Children's Educational Act", article 20 of this title; ~~or~~

(III) Any provision of part 6 of article 7 of this title pertaining to the data necessary for school accountability reports; OR

(IV) ANY PROVISION OF THIS TITLE THAT RELATES TO FINGERPRINTING AND CRIMINAL HISTORY RECORD CHECKS OF EDUCATORS AND SCHOOL PERSONNEL.

SECTION 4. The introductory portion to 22-2-119 (1) (a) and 22-2-119 (1) (a) (II), Colorado Revised Statutes, are amended, and the said 22-2-119 (1) (a) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

22-2-119. Department of education - inquiries by boards of education concerning prospective employees. (1) When an inquiry is made by a board of education of a school district pursuant to the provisions of section 22-32-109.7 (1) or (1.5) or by the governing board of a nonpublic school pursuant to the provisions of section 22-1-121 concerning a prospective or current employee, the department shall provide the following information concerning such person:

(a) Whether according to the records of the department such person has been convicted of, has pled nolo contendere to, or has received a deferred sentence ~~or deferred prosecution~~ for:

(II) A misdemeanor crime involving unlawful sexual behavior or unlawful behavior involving children; OR

(III) A MISDEMEANOR CRIME, THE UNDERLYING FACTUAL BASIS OF WHICH HAS BEEN FOUND BY THE COURT ON THE RECORD TO INVOLVE DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S.;

SECTION 5. Part 1 of article 2 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-2-119.5. Department of education - duty to report - convictions.

(1) UPON RECEIVING A REPORT FROM A COURT PURSUANT TO SECTION 13-1-130, C.R.S., THAT A PERSON HAS BEEN CONVICTED OF, PLED GUILTY OR NOLO CONTENDERE TO, OR RECEIVED A DEFERRED SENTENCE FOR AN OFFENSE SPECIFIED IN SUBSECTION (2) OF THIS SECTION, THE DEPARTMENT SHALL IMMEDIATELY REPORT SUCH FACT TO THE SCHOOL DISTRICT THAT IS THE CURRENT EMPLOYER OR THE LAST KNOWN EMPLOYER OF THE PERSON.

(2) THE PROVISIONS OF THIS SECTION SHALL APPLY TO THE FOLLOWING OFFENSES:

(a) A FELONY;

(b) A MISDEMEANOR OFFENSE SPECIFIED IN SECTION 18-7-302 (2) (b), C.R.S., OR IN PART 4 OF ARTICLE 3, PART 4 OF ARTICLE 6, OR PART 4 OF ARTICLE 7 OF TITLE 18, C.R.S., OR ANY COUNTERPART MUNICIPAL LAW OF THIS STATE;

(c) A MISDEMEANOR, THE UNDERLYING FACTUAL BASIS OF WHICH HAS BEEN FOUND BY THE COURT ON THE RECORD TO INVOLVE DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S.

SECTION 6. 22-32-110.3 (4) (a), Colorado Revised Statutes, is amended to read:

22-32-110.3. Board of education - specific powers - teacher in residence program. (4) (a) A school district may hire a person to teach as a resident teacher even though the person is not licensed pursuant to article 60.5 of this title, ~~and does not hold any type of~~ IF THE PERSON HOLDS A TYPE VII authorization pursuant to section 22-60.5-111. The resident teacher may teach under the supervision of an administrator with an assigned, licensed teacher serving as a mentor and shall enroll in such teacher preparation courses as the school district deems necessary for the resident teacher and for which the school district has contracted with an institution of higher education. Supervision for a resident teacher shall include an annual minimum of one hundred hours of observation and supervision in the classroom.

SECTION 7. 22-60.5-103 (1), (2) (c), and (4), Colorado Revised Statutes, are amended, and the said 22-60.5-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

22-60.5-103. Applicants - licenses - authorizations - submittal of form and fingerprints - failure to comply constitutes grounds for denial. (1) (a) Any person making ~~initial~~ application for any ~~provisional~~ license specified in section 22-60.5-201, 22-60.5-210, 22-60.5-301, or 22-60.5-306 or for any authorization specified in section 22-60.5-111 shall submit TO THE DEPARTMENT OF EDUCATION AT THE TIME OF APPLICATION a complete set of fingerprints of such applicant taken by a qualified law enforcement agency, ~~and a completed form as specified in subsection (2) of this section.~~ Said fingerprints and form shall be submitted to the department of education at the time of application. The provisions of this section concerning submission of fingerprints shall not apply to any person making application for any professional license specified in section 22-60.5-201, 22-60.5-210, 22-60.5-301, or 22-60.5-306, for renewal of a license pursuant to the provisions of section 22-60.5-110, or for renewal of an authorization UNLESS THE APPLICANT PREVIOUSLY SUBMITTED A COMPLETE SET OF HIS OR HER FINGERPRINTS TO THE DEPARTMENT OF EDUCATION.

(b) Any person applying for any ~~professional~~ license specified in section 22-60.5-201, 22-60.5-210, 22-60.5-301, or 22-60.5-306 OR FOR ANY AUTHORIZATION SPECIFIED IN SECTION 22-60.5-111 OR for renewal of a SUCH license pursuant to the provisions of section 22-60.5-110, or for renewal of an authorization ~~shall, however,~~ OR AUTHORIZATION OR FOR ANY MASTER CERTIFICATE SPECIFIED IN SECTION 22-60.5-202, 22-60.5-211, 22-60.5-302, OR 22-60.5-307, SHALL submit TO THE DEPARTMENT OF EDUCATION AT THE TIME OF APPLICATION a completed form as specified in subsection (2) of this section.

(2) (c) For the purposes of this ~~subsection (2)~~ SECTION, "convicted" OR "CONVICTION" means a conviction by a jury VERDICT or by ENTRY OF A VERDICT OR ACCEPTANCE OF A GUILTY PLEA BY a court and shall also include the forfeiture of any bail, bond, or other security deposited to secure the appearance by a person charged with having committed a felony or misdemeanor, the payment of a fine, a plea of nolo contendere, the imposition of a deferred or suspended sentence by the court, or an agreement for a deferred prosecution approved by the court.

(4) The department of education shall ~~release~~ FORWARD fingerprints submitted pursuant to subsection (1) of this section to the Colorado bureau of investigation for the purpose of ~~fingerprint processing, utilizing the files and records of~~ OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK THROUGH the Colorado bureau of investigation and the federal bureau of investigation, TO DETERMINE WHETHER THE APPLICANT FOR LICENSURE OR AUTHORIZATION HAS A CRIMINAL HISTORY. TO FACILITATE A CRIMINAL HISTORY RECORD CHECK CONDUCTED PURSUANT TO THIS SUBSECTION (4), THE DEPARTMENT OF EDUCATION MAY CONDUCT A SEARCH ON THE ICON SYSTEM AT THE STATE JUDICIAL DEPARTMENT, AS DEFINED IN SECTION 24-33.5-102 (3), C.R.S., AND MAY USE ANY OTHER AVAILABLE SOURCE OF CRIMINAL HISTORY INFORMATION THAT THE DEPARTMENT OF EDUCATION DETERMINES IS APPROPRIATE. THE DEPARTMENT OF EDUCATION MAY USE THE SPECIFIED SOURCES TO DETERMINE ANY CRIME OR CRIMES FOR WHICH THE PERSON WAS ARRESTED OR CHARGED AND THE DISPOSITION OF ANY CRIMINAL CHARGES.

(6) (a) WHEN THE DEPARTMENT OF EDUCATION FINDS PROBABLE CAUSE TO BELIEVE THAT AN EDUCATOR LICENSED OR AUTHORIZED PURSUANT TO THIS ARTICLE HAS BEEN CONVICTED OF A FELONY OR MISDEMEANOR, OTHER THAN A MISDEMEANOR TRAFFIC OFFENSE OR TRAFFIC INFRACTION, SUBSEQUENT TO THE EDUCATOR'S LICENSURE OR AUTHORIZATION, THE DEPARTMENT OF EDUCATION SHALL REQUIRE THE EDUCATOR TO SUBMIT A COMPLETE SET OF THE EDUCATOR'S FINGERPRINTS TAKEN BY A QUALIFIED LAW ENFORCEMENT AGENCY. THE EDUCATOR SHALL SUBMIT THE FINGERPRINTS WITHIN THIRTY DAYS AFTER RECEIPT OF THE WRITTEN REQUEST FOR FINGERPRINTS FROM THE DEPARTMENT OF EDUCATION. THE DEPARTMENT OF EDUCATION SHALL DENY, SUSPEND, ANNUL, OR REVOKE, PURSUANT TO SECTION 22-60.5-107 (2.5), THE EDUCATOR'S LICENSE OR AUTHORIZATION IF HE OR SHE FAILS TO SUBMIT FINGERPRINTS ON A TIMELY BASIS PURSUANT TO THIS SUBSECTION (6).

(b) THE DEPARTMENT OF EDUCATION SHALL FORWARD FINGERPRINTS SUBMITTED PURSUANT TO THIS SUBSECTION (6) TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK THROUGH THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION, TO DETERMINE WHETHER THE EDUCATOR HAS A CRIMINAL HISTORY. IN ADDITION, THE DEPARTMENT OF EDUCATION MAY USE THE RECORDS OF THE ICON SYSTEM AT THE STATE JUDICIAL DEPARTMENT, AS DEFINED IN SECTION 24-33.5-102 (3), C.R.S., OR ANY OTHER SOURCE AVAILABLE, TO ASCERTAIN WHETHER THE EDUCATOR HAS BEEN CONVICTED OF AN OFFENSE DESCRIBED IN SECTION 22-60.5-107 (2) OR (2.5).

SECTION 8. 22-60.5-107 (2) and (3), Colorado Revised Statutes, are amended, and the said 22-60.5-107 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

22-60.5-107. Grounds for denying, annulling, suspending, or revoking license, certificate, endorsement, or authorization. (2) Any license, certificate, endorsement, or authorization may be denied, annulled, suspended, or revoked in the manner prescribed in section 22-60.5-108, notwithstanding the provisions of subsection (1) of this section:

(a) When the holder has been determined to be mentally incompetent by a court of competent jurisdiction and a court has entered, pursuant to part 3 or part 4 of article 14 of title 15 or section 27-10-109 (4) or 27-10-125, C.R.S., an order specifically finding that the mental incompetency is of such a degree that the holder is incapable of continuing to perform his OR HER job; except that the license, certificate, endorsement, or authorization held by a person who has been determined to be mentally incompetent and for whom such an order has been entered shall be revoked or suspended by operation of law without a hearing, notwithstanding the provisions of section 22-60.5-108;

(b) When the APPLICANT OR holder is convicted OF, pleads nolo contendere TO, or receives a deferred sentence ~~or a deferred prosecution~~ for a violation of any law of this state or any counterpart municipal law of this state involving ~~unlawful behavior pursuant to any of the following statutory provisions: Sections 18-3-305, 18-6-302, and 18-6-701, C.R.S., section 18-6-301, C.R.S., when the victim is a child who is ten years of age or older and under eighteen years of age, part 4 of article 3, part 4 of article 6, and part 4 of article 7 of title 18, C.R.S.;~~ ONE OF THE FOLLOWING OFFENSES:

(I) MISDEMEANOR SEXUAL ASSAULT AS DESCRIBED IN SECTION 18-3-402, C.R.S.;

(II) MISDEMEANOR UNLAWFUL SEXUAL CONDUCT AS DESCRIBED IN SECTION 18-3-404, C.R.S.;

(III) MISDEMEANOR SEXUAL ASSAULT ON A CLIENT BY A PSYCHOTHERAPIST AS DESCRIBED IN SECTION 18-3-405.5, C.R.S.;

(IV) MISDEMEANOR CHILD ABUSE AS DESCRIBED IN SECTION 18-6-401, C.R.S.;

(V) MISDEMEANOR SEXUAL EXPLOITATION OF CHILDREN AS DESCRIBED IN SECTION 18-6-403, C.R.S.;

(VI) A MISDEMEANOR, THE UNDERLYING FACTUAL BASIS OF WHICH HAS BEEN FOUND BY THE COURT ON THE RECORD TO INVOLVE DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S., AND THE CONVICTION IS A SECOND OR SUBSEQUENT CONVICTION FOR THE SAME OFFENSE; OR

(VII) CONTRIBUTING TO THE DELINQUENCY OF A MINOR AS DESCRIBED IN SECTION 18-6-701, C.R.S.;

(c) When the APPLICANT OR holder is found guilty of or upon the court's acceptance of a guilty plea or a plea of nolo contendere to a MISDEMEANOR violation of any law of this state, any municipality of this state, or the United States involving the illegal sale of controlled substances, as defined in section 12-22-303 (7), C.R.S.;

(d) When the APPLICANT OR holder is found guilty of a felony, OTHER THAN A

FELONY DESCRIBED IN SUBSECTION (2.5) OF THIS SECTION, or upon the court's acceptance of a guilty plea or a plea of nolo contendere to a felony, OTHER THAN A FELONY DESCRIBED IN SUBSECTION (2.5) OF THIS SECTION, in this state or, under the laws of any other state, the United States, or any territory subject to the jurisdiction of the United States, of a crime which, if committed within this state, would be a felony, OTHER THAN A FELONY DESCRIBED IN SUBSECTION (2.5) OF THIS SECTION, when the commission of said felony, in the judgment of the state board of education, renders ~~him~~ THE APPLICANT OR HOLDER unfit to perform the services authorized by his OR HER license, certificate, endorsement, or authorization;

(e) WHEN THE APPLICANT OR HOLDER HAS RECEIVED A DISPOSITION OR AN ADJUDICATION FOR AN OFFENSE INVOLVING WHAT WOULD CONSTITUTE A PHYSICAL ASSAULT, A BATTERY, OR A DRUG-RELATED OFFENSE IF COMMITTED BY AN ADULT AND THE OFFENSE WAS COMMITTED WITHIN THE TEN YEARS PRECEDING THE DATE OF APPLICATION FOR A LICENSE, CERTIFICATE, ENDORSEMENT, OR AUTHORIZATION PURSUANT TO THIS ARTICLE;

(f) WHEN THE APPLICANT OR HOLDER HAS FORFEITED ANY BAIL, BOND, OR OTHER SECURITY DEPOSITED TO SECURE THE APPEARANCE BY THE APPLICANT OR HOLDER WHO IS CHARGED WITH HAVING COMMITTED A FELONY OR MISDEMEANOR, HAS PAID A FINE, HAS ENTERED A PLEA OF NOLO CONTENDERE, OR HAS RECEIVED A DEFERRED OR SUSPENDED SENTENCE IMPOSED BY THE COURT FOR ANY OFFENSE DESCRIBED IN SUBPARAGRAPH (I) OR (II) OF PARAGRAPH (a) OF SUBSECTION (2.5) OF THIS SECTION.

(2.5) (a) A LICENSE, CERTIFICATE, ENDORSEMENT, OR AUTHORIZATION SHALL BE DENIED, ANNULLED, SUSPENDED, OR REVOKED IN THE MANNER PRESCRIBED IN SECTION 22-60.5-108, NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION TO THE CONTRARY, IN THE FOLLOWING CIRCUMSTANCES:

(I) WHEN THE APPLICANT OR HOLDER IS CONVICTED OF ONE OF THE FOLLOWING OFFENSES:

(A) FELONY CHILD ABUSE, AS SPECIFIED IN SECTION 18-6-401, C.R.S.;

(B) A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406, C.R.S.;

(C) A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 16-22-102 (9), C.R.S.;

(D) A FELONY, THE UNDERLYING FACTUAL BASIS OF WHICH HAS BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, C.R.S.;

(E) A FELONY OFFENSE IN ANOTHER STATE, THE UNITED STATES, OR TERRITORY SUBJECT TO THE JURISDICTION OF THE UNITED STATES, THE ELEMENTS OF WHICH ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ONE OF THE OFFENSES DESCRIBED IN SUB-SUBPARAGRAPHS (A) TO (D) OF THIS SUBPARAGRAPH (I);

(II) WHEN THE APPLICANT OR HOLDER IS CONVICTED OF INDECENT EXPOSURE, AS DESCRIBED IN SECTION 18-7-302 (2) (b), C.R.S., OR OF A CRIME UNDER THE LAWS OF ANOTHER STATE, THE UNITED STATES, OR A TERRITORY SUBJECT TO THE JURISDICTION

OF THE UNITED STATES, THE ELEMENTS OF WHICH ARE SUBSTANTIALLY SIMILAR TO THE OFFENSE OF INDECENT EXPOSURE DESCRIBED IN THIS SUBPARAGRAPH (II);

(III) WHEN THE APPLICANT OR HOLDER HAS RECEIVED A DISPOSITION OR AN ADJUDICATION FOR AN OFFENSE THAT WOULD CONSTITUTE FELONY UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 16-22-102 (9), C.R.S., IF COMMITTED BY AN ADULT; OR

(IV) WHEN THE APPLICANT OR HOLDER FAILS TO SUBMIT FINGERPRINTS ON A TIMELY BASIS AFTER RECEIPT OF THE WRITTEN REQUEST FROM THE DEPARTMENT OF EDUCATION PURSUANT TO SECTION 22-60.5-103 (6) (a).

(b) FOR PURPOSES OF THIS SUBSECTION (2.5), "CONVICTED" OR "CONVICTION" MEANS A CONVICTION BY A JURY VERDICT OR BY ENTRY OF A VERDICT OR ACCEPTANCE OF A GUILTY PLEA BY A COURT.

(2.7) NOTWITHSTANDING ANY OTHER PROVISION OF SUBSECTION (2.5) OF THIS SECTION TO THE CONTRARY, IF THE STATE BOARD DETERMINES A PERSON WHO HELD A LICENSE, CERTIFICATE, ENDORSEMENT, OR AUTHORIZATION PRIOR TO JUNE 6, 1991, HAS BEEN CONVICTED OF AN OFFENSE DESCRIBED IN SUBSECTION (2.5) OF THIS SECTION, THE STATE BOARD MAY ANNUL, SUSPEND, OR REVOKE A LICENSE, CERTIFICATE, ENDORSEMENT, OR AUTHORIZATION IN THE MANNER PRESCRIBED IN SECTION 22-60.5-108, UNLESS THE HOLDER WAS PREVIOUSLY AFFORDED THE RIGHTS SET FORTH IN SECTION 22-60.5-108 WITH RESPECT TO THE OFFENSE AND THE HOLDER RECEIVED OR RETAINED HIS OR HER LICENSE, CERTIFICATE, ENDORSEMENT, OR AUTHORIZATION AS A RESULT.

(3) A certified copy of the judgment of a court of competent jurisdiction of a conviction, the acceptance of a guilty plea, a plea of nolo contendere, OR a deferred sentence, or a deferred prosecution SENTENCE shall be conclusive evidence for the purposes of paragraphs (b) and (c) of subsection (2) of this section. A CERTIFIED COPY OF THE JUDGMENT OF A COURT OF COMPETENT JURISDICTION OF A CONVICTION OR THE ACCEPTANCE OF A GUILTY PLEA SHALL BE CONCLUSIVE EVIDENCE FOR THE PURPOSES OF SUBSECTION (2.5) OF THIS SECTION. Upon receipt of a certified copy of the judgment, the department of education may take immediate action to deny, annul, or suspend any license, certificate, endorsement, or authorization without a hearing, notwithstanding the provisions of section 22-60.5-108. The department of education may revoke a suspended license based on a violation of paragraph (b) or (c) of subsection (2) of this section AND SHALL REVOKE A SUSPENDED LICENSE BASED ON A VIOLATION OF SUBSECTION (2.5) OF THIS SECTION without a hearing and without any further action, after the exhaustion of all appeals, if any, or after the time for seeking an appeal has elapsed, and upon the entry of a final judgment.

SECTION 9. 22-60.5-111 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-60.5-111. Authorization - types - applicants' qualifications. (1) Pursuant to the rules of the state board of education, the department of education is authorized to issue the following authorizations to persons of good moral character meeting the qualifications prescribed by this section and by the rules of the state board of education:

(g) A TYPE VII AUTHORIZATION, TEACHER IN RESIDENCE, AUTHORIZES A SCHOOL DISTRICT TO EMPLOY A PERSON WHO IS ELIGIBLE, PURSUANT TO SECTION 22-32-110.3, AS A TEACHER IN RESIDENCE.

SECTION 10. 22-63-302 (11) (a) (I), Colorado Revised Statutes, is amended to read:

22-63-302. Procedure for dismissal - judicial review. (11) (a) The board of a school district may take immediate action to dismiss a teacher, without a hearing, notwithstanding subsections (2) to (10) of this section, pending the final outcome of judicial review or when the time for seeking review has elapsed, when the teacher is convicted, pleads nolo contendere, or receives a deferred sentence for:

(I) A violation of any law of this state or any counterpart municipal law of this state involving unlawful behavior pursuant to any of the following statutory provisions: Sections 18-3-305, 18-6-302, and 18-6-701, C.R.S., OR section 18-6-301, C.R.S., ~~when the victim is a child who is ten years of age or older and under eighteen years of age, and~~ OR part 4 of article 3, part 4 of article 6, and part 4 of article 7 of title 18, C.R.S.; or

SECTION 11. 24-5-101, Colorado Revised Statutes, is amended to read:

24-5-101. Effect of criminal conviction on employment rights. (1) (a) Except as otherwise provided ~~by section 4 of article XII of the state constitution, and except for the certification and revocation of certification of peace officers as provided in section 24-31-305, and except for the employment of personnel in positions involving direct contact with vulnerable persons as specified in section 27-1-110, C.R.S.,~~ IN PARAGRAPH (b) OF THIS SUBSECTION (1), the fact that a person has been convicted of a felony or other offense involving moral turpitude shall not, in and of itself, prevent the person from applying for and obtaining public employment or from applying for and receiving a license, certification, permit, or registration required by the laws of this state to follow any business, occupation, or profession.

(b) THIS SUBSECTION (1) SHALL NOT APPLY TO:

(I) THE OFFICES AND CONVICTIONS DESCRIBED IN SECTION 4 OF ARTICLE XII OF THE STATE CONSTITUTION;

(II) THE CERTIFICATION AND REVOCATION OF CERTIFICATION OF PEACE OFFICERS AS PROVIDED IN SECTION 24-31-305;

(III) THE EMPLOYMENT OF PERSONNEL IN POSITIONS INVOLVING DIRECT CONTACT WITH VULNERABLE PERSONS AS SPECIFIED IN SECTION 27-1-110, C.R.S.; AND

(IV) THE LICENSURE OR AUTHORIZATION OF EDUCATORS PROHIBITED PURSUANT TO SECTION 22-60.5-107 (2) OR (2.5), C.R.S.

(2) Whenever any state or local agency is required to make a finding that an applicant for a license, certification, permit, or registration is a person of good moral character as a condition to the issuance thereof, the fact that such applicant has, at some time prior thereto, been convicted of a felony or other offense involving moral

turpitude, and pertinent circumstances connected with such conviction, shall be given consideration in determining whether, in fact, the applicant is a person of good moral character at the time of the application. The intent of this section is to expand employment opportunities for persons who, notwithstanding that fact of conviction of an offense, have been rehabilitated and are ready to accept the responsibilities of a law-abiding and productive member of society.

SECTION 12. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the educator licensure cash fund created in section 22-60.5-112, Colorado Revised Statutes, not otherwise appropriated, to the department of education, for allocation to the office of professional services, for the fiscal year beginning July 1, 2003, the sum of three hundred twenty-seven thousand four hundred sixty-seven dollars (\$327,467), or so much thereof as may be necessary, for the implementation of this act. The general assembly has determined that this act can be implemented with contract services, and therefore no separate appropriation of FTE authority is necessary to carry out the purposes of this act.

(2) In addition to any other appropriation, there is hereby appropriated to the department of public safety, for allocation to the Colorado bureau of investigation, for the fiscal year beginning July 1, 2003, the sum of two hundred thirty-five thousand eight hundred dollars (\$235,800), or so much thereof as may be necessary, for fingerprint processing services related to the implementation of this act. Said sum shall be from cash funds exempt received from the department of education out of the appropriation made in subsection (1) of this section.

SECTION 13. 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 5, 2003