

## CHAPTER 23

---

**COURTS**


---

**HOUSE BILL 04-1195**

BY REPRESENTATIVE(S) Stengel, Carroll, Garcia, Jahn, and Stafford;  
also SENATOR(S) Dyer, Arnold, and Grossman.

**AN ACT**

**CONCERNING CRIMINAL HISTORY RECORD CHECKS FOR USE IN COURT PROCEEDINGS.**

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

**SECTION 1.** 13-14-102 (17.5) (b) (II), Colorado Revised Statutes, is amended to read:

**13-14-102. Civil protection orders.** (17.5) (b) (II) ~~Any~~ A COURT SHALL NOT CONSIDER A motion to modify a protection order filed by a restrained party pursuant to paragraph (a) of this subsection (17.5) ~~shall be accompanied by~~ UNLESS THE COURT RECEIVES the results ~~from the Colorado bureau of investigation~~ of a fingerprint-based criminal history record check OF THE RESTRAINED PARTY THAT IS CONDUCTED WITHIN NINETY DAYS PRIOR TO THE FILING OF THE MOTION. The fingerprint-based criminal history record check shall include ~~arrests, conviction records, any criminal dispositions reflected in~~ A REVIEW OF THE STATE AND FEDERAL CRIMINAL HISTORY RECORDS MAINTAINED BY the Colorado bureau of investigation and federal bureau of investigation. ~~records concerning any felony record or any misdemeanor record, the underlying factual basis of which has been found by a court on the record to include an act of domestic violence, fingerprint processing by the federal bureau of investigation and the Colorado bureau of investigation, and a query of the protection order registry.~~ THE RESTRAINED PARTY SHALL BE RESPONSIBLE FOR SUPPLYING FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION AND TO THE FEDERAL BUREAU OF INVESTIGATION AND PAYING THE COSTS OF THE RECORD CHECKS. The restrained party ~~shall be responsible for providing~~ MAY BE REQUIRED BY THE COURT TO PROVIDE certified copies of any criminal dispositions that are not reflected in the ~~Colorado bureau of investigation~~ STATE or federal ~~bureau of investigation~~ records and any other dispositions that are unknown. ~~The restrained party shall be responsible for supplying fingerprints to the Colorado bureau of investigation and for obtaining the fingerprint-based criminal history record check. The restrained party~~

---

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

~~shall also be responsible for the cost of the fingerprint-based criminal history record check.~~

**SECTION 2.** 13-15-101 (1) (a) and (1) (c), Colorado Revised Statutes, are amended to read:

**13-15-101. Petition - proceedings.** (1) (a) Every person desiring to change his or her name may present a petition to that effect, verified by affidavit, to the district or county court in the county of the petitioner's residence. The petition shall include the petitioner's full name, the new name desired, and, for persons fourteen years of age or older, the results of a certified, fingerprint-based criminal history ~~check~~ RECORD CHECKS CONDUCTED PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (1) WITHIN NINETY DAYS PRIOR TO THE DATE OF THE FILING OF THE PETITION, and a concise statement of the reason for the desired name change.

(c) The petitioner shall be responsible for supplying fingerprints to the Colorado bureau of investigation AND TO THE FEDERAL BUREAU OF INVESTIGATION and for obtaining the fingerprint-based criminal history ~~check~~ RECORD CHECKS. The petitioner shall also be responsible for the cost of ~~the fingerprint-based criminal history check~~ SUCH CHECKS.

**SECTION 3. Effective date - applicability.** (1) This act shall take effect September 1, 2004.

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the 90-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later.

(3) The provisions of this act shall apply to motions or petitions filed on or after the applicable effective date of this act.

Approved: March 8, 2004