

CHAPTER 311

LABOR AND INDUSTRY

SENATE BILL 04-226

BY SENATOR(S) Taylor, Arnold, and Entz;
also REPRESENTATIVE(S) Cadman, Fairbank, Frangas, Jahn, Romanoff, Rose, and Spence.

AN ACT

**CONCERNING FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS FOR APPLICANTS FOR
EXPLOSIVES PERMITS, AND MAKING AN APPROPRIATION THEREFOR.**

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

SECTION 1. 9-7-106 (1), Colorado Revised Statutes, is amended to read:

9-7-106. Explosives permits. (1) It is a violation of this article to manufacture, sell, PURCHASE, store, transport, or use explosives without first obtaining from the division a permit.

SECTION 2. 9-7-108, Colorado Revised Statutes, is amended to read:

9-7-108. Issuance of permit - renewal - criminal history record check.

(1) Permits issued under this article shall be valid for up to thirty-six months after the date of issue unless sooner revoked or suspended. Permits may be issued on a conditional basis, subject to revocation or suspension based on the occurrence or nonoccurrence of an event specified by the division. Permits may be renewed on or before their expiration date upon the payment of the required fee.

(2) PRIOR TO THE ISSUANCE OF A PERMIT PURSUANT TO THIS ARTICLE, EACH APPLICANT FOR A PERMIT SHALL SUBMIT HIS OR HER SET OF FINGERPRINTS TO THE DEPARTMENT. THE DEPARTMENT SHALL CONDUCT A CRIMINAL HISTORY RECORD CHECK OF EACH APPLICANT. IF, AS A RESULT OF SUCH CHECK, THE DEPARTMENT FINDS THAT FURTHER INVESTIGATION IS NECESSARY, THE DEPARTMENT SHALL FORWARD THE 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. THE COSTS

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

ASSOCIATED WITH THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK SHALL BE PAID BY THE APPLICANT TO THE COLORADO BUREAU OF INVESTIGATION. THE DEPARTMENT SHALL CONSIDER THE INFORMATION RESULTING FROM THE CRIMINAL HISTORY RECORD CHECKS IN ITS DETERMINATION AS TO WHETHER THE DIVISION SHALL ISSUE A PERMIT TO THE APPLICANT. NOTHING IN THIS SECTION SHALL PRECLUDE THE DEPARTMENT FROM MAKING FURTHER INQUIRIES INTO THE BACKGROUND OF THE APPLICANT.

SECTION 3. 9-7-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

9-7-103. Definitions. As used in this article, unless the context otherwise requires:

(1.5) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND EMPLOYMENT.

SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys collected pursuant to section 9-7-108 (2), Colorado Revised Statutes, to the department of public safety, for allocation to the Colorado bureau of investigation, for the fiscal year beginning July 1, 2004, the sum of two thousand nine hundred sixty-three dollars (\$2,963), or so much thereof as may be necessary, for the implementation of this act. Of said sum, one thousand six hundred fifty dollars (\$1,650) shall be from cash funds exempt collected for federal criminal history background checks and one thousand three hundred thirteen dollars (\$1,313) shall be from cash funds generated from fees for Colorado bureau of investigation criminal background checks.

SECTION 5. 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 27, 2004