

CHAPTER 29

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 11-1102

BY REPRESENTATIVE(S) Summers, Casso, Court, Kerr A., Kerr J., Labuda, Massey, Nikkel, Priola, Ramirez, Schafer S., Solano, Stephens, Swalm, Todd, Tyler, Williams A., Wilson;
 also SENATOR(S) Newell, Aguilar, Bacon, Boyd, Giron, Guzman, Heath, Hodge, Hudak, Johnston, King S., Morse, Nicholson, Steadman, Tochtrop, Williams S.

AN ACT

CONCERNING PORTABILITY OF FINGERPRINT-BASED CRIMINAL HISTORY RECORDS CHECKS FOR EMPLOYEES OF SEPARATELY LICENSED CHILD CARE FACILITIES OWNED BY A SINGLE PARENT ENTITY.

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

SECTION 1. 26-6-107 (1) (a) (I) (C), Colorado Revised Statutes, is amended, and the said 26-6-107 (1) (a) (I) is further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

26-6-107. Investigations and inspections - local authority - reports - rules.
 (1) (a) (I) (C) Rules promulgated by the state board pursuant to this subparagraph (I) shall require the fingerprint-based criminal history records check in all circumstances, other than those identified in sub-subparagraph (B), ~~or~~ (C.5), OR (C.7) of this subparagraph (I), to include a fingerprint-based criminal history records check through the Colorado bureau of investigation. As part of said investigation, the records and reports of child abuse or neglect maintained by the state department shall be accessed to determine whether the owner, applicant, employee, newly hired employee, licensee, or individual who resides in the licensed facility being investigated has been found to be responsible in a confirmed report of child abuse or neglect. Information shall be made available pursuant to section 19-1-307 (2) (j), C.R.S., and rules promulgated by the state board pursuant to section 19-3-313.5 (4), C.R.S. EXCEPT AS PROVIDED FOR IN SUB-SUBPARAGRAPH (C.7) OF THIS SUBPARAGRAPH (I), any change in ownership of a licensed facility or the addition of a new resident adult or newly hired employee to the licensed facility shall require a new investigation as provided for in this section.

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

(C.7) WHERE TWO OR MORE INDIVIDUALLY LICENSED FACILITIES ARE WHOLLY OWNED, OPERATED, AND CONTROLLED BY A COMMON OWNERSHIP GROUP OR SCHOOL DISTRICT, A FINGERPRINT-BASED CRIMINAL HISTORY RECORDS CHECK COMPLETED FOR ONE OF THE LICENSED FACILITIES OF THE COMMON OWNERSHIP GROUP OR SCHOOL DISTRICT PURSUANT TO THIS SECTION FOR ANY INDIVIDUAL FOR WHOM SUCH A CHECK IS REQUIRED UNDER THIS PART 1 MAY SATISFY THE RECORDS CHECK REQUIREMENT FOR ANY OTHER LICENSED FACILITY UNDER THE SAME COMMON OWNERSHIP GROUP OR SCHOOL DISTRICT. A NEW FINGERPRINT-BASED CRIMINAL HISTORY RECORDS CHECK SHALL NOT BE REQUIRED OF SUCH AN INDIVIDUAL IF THE COMMON OWNERSHIP GROUP OR SCHOOL DISTRICT MAINTAINS A CENTRAL RECORDS MANAGEMENT SYSTEM FOR EMPLOYEES OF ALL ITS LICENSED FACILITIES; TAKES ACTION AS REQUIRED PURSUANT TO SECTION 26-6-104 WHEN INFORMED OF THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORDS CHECK THAT REQUIRES ACTION PURSUANT TO THIS PART 1; AND INFORMS THE DEPARTMENT WHENEVER AN ADDITIONAL LICENSED FACILITY COMES UNDER OR IS NO LONGER UNDER ITS OWNERSHIP OR CONTROL.

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: March 18, 2011