

CHAPTER 146

COURTS

SENATE BILL 14-027

BY SENATOR(S) Guzman, King, Newell;  
also REPRESENTATIVE(S) Lee, Hullinghorst, Kagan, Primavera, Schafer.

AN ACT

CONCERNING CRIMINAL HISTORY BACKGROUND CHECKS FOR PROFESSIONALS WHO HAVE THE AUTHORITY TO APPEAR IN COURT, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

**SECTION 1.** In Colorado Revised Statutes, **amend** 12-5-101 as follows:

**12-5-101. License to practice necessary.** (1) No person shall be permitted to practice as an attorney- or counselor-at-law or to commence, conduct, or defend any action, suit, or plaint in which he OR SHE is not a party concerned in any court of record within this state, either by using or subscribing his OR HER own name or the name of any other person, without having previously obtained a license for that purpose from the supreme court. Said license shall constitute the person receiving the same an attorney- and counselor-at-law and shall authorize him to appear in all the courts of record in this state and there to practice as an attorney- and counselor-at-law according to the laws and customs thereof for and during his good behavior in said practice, and to demand and to receive all such fees as are established for any services which he renders as an attorney- and counselor-at-law in this state. Nothing in this section shall be construed to require membership in a professional organization or bar association as a prerequisite to licensure OR OTHER AUTHORIZATION TO PRACTICE LAW PURSUANT TO THE SUPREME COURT'S RULES GOVERNING ADMISSION TO THE PRACTICE OF LAW IN COLORADO.

(2) UPON REQUEST OF THE SUPREME COURT OR ITS OFFICE OF ATTORNEY REGULATION COUNSEL, THE COLORADO BUREAU OF INVESTIGATION SHALL CONDUCT A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK, UTILIZING RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION. UPON COMPLETION OF THE CRIMINAL HISTORY

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

RECORD CHECK, THE BUREAU SHALL PROVIDE THE RESULTS TO THE REQUESTING AGENCY.

(3) UPON REQUEST OF THE SUPREME COURT OR A REPRESENTATIVE OF ITS OFFICE OF ATTORNEY REGULATION COUNSEL, THE COLORADO BUREAU OF INVESTIGATION SHALL ALSO PROVIDE A NAME-BASED CRIMINAL HISTORY RECORD CHECK FOR ANY APPLICANT WHOSE FINGERPRINTS ARE UNCLASSIFIABLE.

(4) LOCAL LAW ENFORCEMENT AGENCIES SHALL COOPERATE WITH ANY SUPREME COURT REQUEST FOR RECORDS RELATED TO CRIMINAL HISTORY.

**SECTION 2.** In Colorado Revised Statutes, 14-10-116.5, **add** (4) as follows:

**14-10-116.5. Appointment in domestic relations cases - child and family investigator - disclosure.** (4) (a) PRIOR TO BEING APPOINTED AS A CHILD AND FAMILY INVESTIGATOR, THE PERSON SHALL SUBMIT A COMPLETE SET OF HIS OR HER FINGERPRINTS TO THE JUDICIAL DEPARTMENT FOR THE PURPOSES OF A BACKGROUND CHECK, AND THE JUDICIAL DEPARTMENT SHALL DETERMINE BASED ON THE BACKGROUND CHECK WHETHER THE PERSON IS SUITABLE TO ACT AS A CHILD AND FAMILY INVESTIGATOR. THE DEPARTMENT SHALL FORWARD SUCH 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 DEPARTMENT IS THE AUTHORIZED AGENCY TO RECEIVE INFORMATION REGARDING THE RESULT OF A NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

(b) UPON REQUEST OF THE DEPARTMENT, THE COLORADO BUREAU OF INVESTIGATION SHALL ALSO PROVIDE A NAME-BASED CRIMINAL HISTORY RECORD CHECK FOR ANY PERSON WHOSE FINGERPRINTS ARE UNCLASSIFIABLE.

(c) THE APPLICANT SHALL PAY THE COST ASSOCIATED WITH THE BACKGROUND CHECK.

**SECTION 3. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the Colorado bureau of investigation identification unit fund created in section 24-33.5-426, Colorado Revised Statutes, not otherwise appropriated, to the department of public safety, for the fiscal year beginning July 1, 2014, the sum of \$68,636 and 0.3 FTE, or so much thereof as may be necessary, to be allocated to the Colorado crime information center for criminal history record checks related to the implementation of this act as follows:

(a) \$14,916 and 0.3 FTE for personal services; and

(b) \$53,720 for operating and capital outlay expenses.

**SECTION 4. 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 2, 2014