

## CHAPTER 61

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**GOVERNMENT - STATE**

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HOUSE BILL 14-1172

BY REPRESENTATIVE(S) Lawrence, Labuda, Schafer, Stephens;  
also SENATOR(S) Steadman, Guzman, Ulibarri, Carroll.

**AN ACT**

**CONCERNING EXEMPTING CERTAIN PUBLIC SAFETY DEPARTMENTS FROM CERTAIN STATUTORY REQUIREMENTS RELATED TO THE IMPACT OF A CRIMINAL CONVICTION ON STATE EMPLOYMENT OPPORTUNITIES.**

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

**SECTION 1.** In Colorado Revised Statutes, 24-5-101, **amend** (1) (b) (VII), (3) (b), and (4) introductory portion; and **add** (6) as follows:

**24-5-101. Effect of criminal conviction on employment rights.** (1) (b) This subsection (1) shall not apply to:

(VII) The employment of persons by the department of public safety AND THE DEPARTMENT OF CORRECTIONS.

(3) (b) WITH THE EXCEPTION OF THE DEPARTMENT OF CORRECTIONS AND THE DEPARTMENT OF PUBLIC SAFETY, the agency shall not perform a background check until the agency determines that an applicant is a finalist or makes a conditional offer of employment to the applicant.

(4) EXCEPT AS PROVIDED IN SUBSECTION (6) OF THIS SECTION, if, after determining that an applicant is a finalist or making a conditional offer of employment to an applicant, the agency determines that the applicant has been convicted of a crime, the agency shall consider the following factors when determining whether the conviction disqualifies the applicant for the position:

(6) IF, AT ANY STAGE IN THE HIRING PROCESS, THE DEPARTMENT OF CORRECTIONS OR THE DEPARTMENT OF PUBLIC SAFETY DETERMINES THAT THE APPLICANT HAS BEEN CONVICTED OF A CRIME, THE DEPARTMENT MUST CONSIDER THE FACTORS

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

LISTED IN PARAGRAPHS (a) TO (d) OF SUBSECTION (4) OF THIS SECTION WHEN DETERMINING WHETHER THE CONVICTION DISQUALIFIES THE APPLICANT FOR THE POSITION.

**SECTION 2. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 21, 2014