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SENATE BILL 25-146

BY SENATOR(S) Rich and Michaelson Jenet, Ball, Catlin, Liston, Sullivan;
also REPRESENTATIVE(S) Hartsook and Lukens, Bird, Clifford, Duran, Lindsay.

CONCERNING ALIGNMENT OF FINGERPRINT-BASED CRIMINAL HISTORY
RECORD CHECK LAWS WITH FEDERAL REQUIREMENTS.

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

SECTION 1. In Colorado Revised Statutes, 12-20-202, **amend** (5) as follows:

12-20-202. Licenses, certifications, and registrations - renewal - reinstatement - fees - occupational credential portability program - exceptions for military personnel, spouses, gold star military spouses, and dependents - rules - consideration of criminal convictions or driver's history - executive director authority - definitions.
(5) **Criminal convictions.** (a) Unless there is a specific statutory disqualification that prohibits an applicant from obtaining licensure, certification, or registration based on a criminal conviction, if a regulator determines that an applicant for licensure, certification, or registration has

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a criminal record, the regulator is governed by sections 12-20-206 and 24-5-101 for purposes of granting or denying, or placing any conditions on, licensure, certification, or registration.

(b) A REGULATOR MAY REQUIRE AN APPLICANT FOR A LICENSE, CERTIFICATION, OR REGISTRATION ISSUED PURSUANT TO THE FOLLOWING SECTIONS TO SUBMIT TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK:

(I) A FUNERAL DIRECTOR LICENSED PURSUANT TO PARTS 5 AND 6 OF ARTICLE 135 OF THIS TITLE 12;

(II) A MORTUARY SCIENCE PRACTITIONER LICENSED PURSUANT TO PARTS 5 AND 7 OF ARTICLE 135 OF THIS TITLE 12;

(III) AN EMBALMER LICENSED PURSUANT TO PARTS 5 AND 8 OF ARTICLE 135 OF THIS TITLE 12;

(IV) A CREMATIONIST LICENSED PURSUANT TO PARTS 5 AND 9 OF ARTICLE 135 OF THIS TITLE 12;

(V) A NATURAL REDUCTIONIST LICENSED PURSUANT TO PARTS 5 AND 9 OF ARTICLE 135 OF THIS TITLE 12;

(VI) AN AUDIOLOGIST LICENSED PURSUANT TO ARTICLE 210 OF THIS TITLE 12;

(VII) A DENTAL HYGIENIST LICENSED PURSUANT TO SECTIONS 12-220-405 TO 12-220-407;

(VIII) A DENTIST LICENSED PURSUANT TO SECTIONS 12-220-401 TO 12-220-404;

(IX) A PHYSICIAN ASSISTANT LICENSED PURSUANT TO SECTION 12-240-113;

(X) A SOCIAL WORKER LICENSED PURSUANT TO PART 4 OF ARTICLE 245 OF THIS TITLE 12;

(XI) A LICENSED PROFESSIONAL COUNSELOR LICENSED PURSUANT TO

PART 6 OF ARTICLE 245 OF THIS TITLE 12;

(XII) A CERTIFIED MIDWIFE LICENSED PURSUANT TO SECTION 12-255-111.5;

(XIII) AN OCCUPATIONAL THERAPIST LICENSED PURSUANT TO SECTIONS 12-270-106 (1) AND 12-270-107;

(XIV) AN OCCUPATIONAL THERAPY ASSISTANT LICENSED PURSUANT TO SECTIONS 12-270-106 (2) AND 12-270-108; OR

(XV) A SPEECH-LANGUAGE PATHOLOGIST CERTIFIED PURSUANT TO ARTICLE 305 OF THIS TITLE 12.

(c) AN APPLICANT SUBMITTING TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION MUST PAY THE COSTS ASSOCIATED WITH THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

(d) AFTER SUBMITTING AN APPLICATION FOR A LICENSE, CERTIFICATION, OR REGISTRATION, IF THE APPLICANT SUBMITS TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK, THE APPLICANT SHALL HAVE THE APPLICANT'S FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY OR A THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION. THE APPLICANT SHALL AUTHORIZE THE ENTITY TAKING THE APPLICANT'S FINGERPRINTS TO SUBMIT, AND THE ENTITY SHALL SUBMIT, THE COMPLETE SET OF THE APPLICANT'S FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

(e) IF AN APPROVED THIRD PARTY TAKES THE APPLICANT'S FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. A THIRD-PARTY VENDOR SHALL NOT KEEP THE APPLICANT'S INFORMATION FOR MORE THAN THIRTY DAYS AFTER THE INFORMATION IS COLLECTED.

(f) THE COLORADO BUREAU OF INVESTIGATION SHALL USE THE APPLICANT'S FINGERPRINTS TO CONDUCT A CRIMINAL HISTORY RECORD CHECK USING THE BUREAU'S RECORDS. THE COLORADO BUREAU OF

INVESTIGATION SHALL ALSO FORWARD THE FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION, THE APPLICANT, THE DEPARTMENT, AND THE ENTITY TAKING FINGERPRINTS SHALL COMPLY WITH THE FEDERAL BUREAU OF INVESTIGATION'S REQUIREMENTS TO CONDUCT A CRIMINAL HISTORY RECORD CHECK.

(g) THE COLORADO BUREAU OF INVESTIGATION SHALL RETURN THE RESULTS OF ITS CRIMINAL HISTORY RECORD CHECK TO THE DEPARTMENT, AND THE DEPARTMENT IS AUTHORIZED TO RECEIVE THE RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION'S CRIMINAL HISTORY RECORD CHECK. THE DEPARTMENT SHALL USE THE INFORMATION RESULTING FROM THE CRIMINAL HISTORY RECORD CHECKS TO INVESTIGATE AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO HOLD A LICENSE, CERTIFICATION, OR REGISTRATION PURSUANT TO THIS SECTION AND THE FOLLOWING SECTION FOR THE FOLLOWING APPLICANT OR LICENSEE:

(I) SECTION 12-135-503 FOR A CREMATIONIST, AN EMBALMER, A FUNERAL DIRECTOR, A MORTUARY SCIENCE PRACTITIONER, OR A NATURAL REDUCTIONIST;

(II) SECTION 12-210-108 FOR AN AUDIOLOGIST;

(III) SECTION 12-220-201 FOR A DENTIST OR A DENTAL HYGIENIST;

(IV) SECTION 12-240-121 FOR A PHYSICIAN ASSISTANT;

(V) SECTION 12-245-224 FOR A LICENSED PROFESSIONAL COUNSELOR OR A SOCIAL WORKER;

(VI) SECTION 12-255-120 FOR A CERTIFIED MIDWIFE;

(VII) SECTION 12-270-114 FOR AN OCCUPATIONAL THERAPIST OR AN OCCUPATIONAL THERAPY ASSISTANT; OR

(VIII) SECTION 12-305-112 FOR A SPEECH-LANGUAGE PATHOLOGIST.

(h) WHEN THE RESULTS OF A CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD

OF ARREST WITHOUT A DISPOSITION, THE DEPARTMENT SHALL REQUIRE THE APPLICANT TO SUBMIT TO A NAME-BASED JUDICIAL RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d), PERFORMED USING STATE JUDICIAL DEPARTMENT RECORDS.

SECTION 2. In Colorado Revised Statutes, **add** 24-33.5-424.5 as follows:

24-33.5-424.5. Fingerprint-based criminal history record checks - local government entities - definitions. (1) (a) A LOCAL GOVERNMENT ENTITY THAT REQUIRES BY ORDINANCE OR RESOLUTION, IN ACCORDANCE WITH 34 U.S.C. SEC. 41101, THAT AN APPLICANT OR LICENSEE SUBMIT TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK SHALL SUBMIT THE APPLICANT'S OR LICENSEE'S FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

(b) THE APPLICANT, LICENSEE, OR LOCAL GOVERNMENT ENTITY, AS REQUIRED BY ORDINANCE OR RESOLUTION, MUST PAY THE COSTS ASSOCIATED WITH THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

(c) AFTER SUBMITTING AN APPLICATION THAT REQUIRES A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK, THE APPLICANT OR LICENSEE SHALL HAVE THE APPLICANT'S OR LICENSEE'S FINGERPRINTS TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY OR A THIRD PARTY APPROVED BY THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE APPLICANT OR LICENSEE SHALL AUTHORIZE THE ENTITY TAKING THE APPLICANT'S OR LICENSEE'S FINGERPRINTS TO SUBMIT, AND THE ENTITY SHALL SUBMIT, THE COMPLETE SET OF THE APPLICANT'S OR LICENSEE'S FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

(d) IF AN APPROVED THIRD PARTY TAKES THE APPLICANT'S OR LICENSEE'S FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN EQUIPMENT. A THIRD-PARTY VENDOR SHALL NOT KEEP THE APPLICANT'S OR LICENSEE'S INFORMATION FOR MORE THAN THIRTY DAYS AFTER THE INFORMATION IS COLLECTED.

(e) THE COLORADO BUREAU OF INVESTIGATION SHALL USE THE APPLICANT'S OR LICENSEE'S FINGERPRINTS TO CONDUCT A CRIMINAL HISTORY RECORD CHECK USING THE BUREAU'S RECORDS. THE COLORADO BUREAU OF INVESTIGATION SHALL ALSO FORWARD THE FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION, APPLICANT, LICENSEE, LOCAL GOVERNMENT ENTITY, AND ENTITY TAKING FINGERPRINTS SHALL COMPLY WITH THE FEDERAL BUREAU OF INVESTIGATION'S REQUIREMENTS TO CONDUCT A CRIMINAL HISTORY RECORD CHECK.

(f) THE COLORADO BUREAU OF INVESTIGATION SHALL RETURN THE RESULTS OF ITS CRIMINAL HISTORY RECORD CHECK TO THE LOCAL GOVERNMENT ENTITY, AND THE LOCAL GOVERNMENT ENTITY IS AUTHORIZED TO RECEIVE THE RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION'S CRIMINAL HISTORY RECORD CHECK. THE LOCAL GOVERNMENT ENTITY SHALL USE THE INFORMATION RESULTING FROM THE CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE AND DETERMINE WHETHER AN APPLICANT OR LICENSEE IS QUALIFIED.

(g) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN APPLICANT OR LICENSEE PERFORMED PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE LOCAL GOVERNMENT ENTITY SHALL REQUIRE THE APPLICANT OR LICENSEE TO SUBMIT TO A NAME-BASED JUDICIAL RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d), PERFORMED USING STATE JUDICIAL DEPARTMENT RECORDS.

(2) AS USED IN THIS SECTION:

(a) "APPLICANT" MEANS AN INDIVIDUAL WHO A LOCAL GOVERNMENT ENTITY REQUIRES BY ORDINANCE OR RESOLUTION TO SUBMIT TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AS PART OF AN APPLICATION FOR A LICENSE, CERTIFICATE, CERTIFICATION, LETTER OF AUTHORIZATION, OR REGISTRATION.

(b) "LICENSEE" MEANS AN INDIVIDUAL WHO A LOCAL GOVERNMENT ENTITY REQUIRES BY ORDINANCE OR RESOLUTION TO SUBMIT TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK IN CONNECTION WITH A LICENSE, CERTIFICATE, CERTIFICATION, LETTER OF AUTHORIZATION,

OR REGISTRATION.

(c) "LOCAL GOVERNMENT ENTITY" INCLUDES A COUNTY, MUNICIPALITY, AND CITY AND COUNTY.

SECTION 3. In Colorado Revised Statutes, 12-135-502, **add** (7) as follows:

12-135-502. Criminal history record checks - definition. (7) AS USED IN THIS SECTION, "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OR THE DIRECTOR'S DESIGNEE. THE DIRECTOR'S DESIGNEE MUST BE AN EMPLOYEE OF THE DIVISION.

SECTION 4. In Colorado Revised Statutes, 12-255-111.5, **add** (6) as follows:

12-255-111.5. Requirements for certified midwife licensure - license by endorsement - questionnaire - fees - definition. (6) AS USED IN THIS SECTION, "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OR THE DIRECTOR'S DESIGNEE. THE DIRECTOR'S DESIGNEE MUST BE AN EMPLOYEE OF THE DIVISION.

SECTION 5. In Colorado Revised Statutes, 26-6-705, **amend** (2)(a)(I) as follows:

26-6-705. Approval of temporary caregiver - background check - training. (2) (a) A child placement agency operating a temporary care assistance program shall require an applicant to become an approved temporary caregiver and any other person who resides in the applicant's home and is eighteen years of age or older to submit to the following background checks:

(I) A fingerprint-based criminal history record check through the Colorado bureau of investigation and the federal bureau of investigation in the same manner as described in section 26-6-912 (1)(a)(I)(B). THE COLORADO BUREAU OF INVESTIGATION SHALL SEND RECORDS OBTAINED AS A RESULT OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK ONLY TO THE STATE DEPARTMENT, AND THE USE AND HANDLING OF THE INFORMATION MUST COMPLY WITH THE FEDERAL CRIMINAL JUSTICE INFORMATION SERVICES SECURITY POLICY. INFORMATION REGARDING THE

RESULT OF THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK RECEIVED FROM THE FEDERAL BUREAU OF INVESTIGATION AND RELEASED TO A FACILITY OR AGENCY MUST DISCLOSE ONLY WHETHER THE APPLICANT IS ELIGIBLE OR INELIGIBLE OR THAT THE INVESTIGATION IS INCONCLUSIVE, WITH A FURTHER REQUEST FOR THE APPLICANT TO CONTACT THE STATE DEPARTMENT TO PROVIDE FURTHER INFORMATION TO DETERMINE FINAL ELIGIBILITY STATUS.

SECTION 6. In Colorado Revised Statutes, 30-15-401.4, **amend** (2)(a.5) and (3.5); and **repeal** (4)(c.5) as follows:

30-15-401.4. Statewide policy to prevent the operation of illicit massage businesses - local regulation authorized - background checks required - legislative declaration - definitions. (2) As used in this section, unless the context otherwise requires:

(a.5) "Background check" means a fingerprint-based criminal history record check conducted in accordance with subsection (4)(c.5) of this section and SECTION 24-33.5-424.5. "BACKGROUND CHECK" also includes, to the extent allowed or required, as applicable, by ~~subsection (4)(c.5)(VI) of this section~~ SECTION 24-33.5-424.5 (1)(g) when a fingerprint-based criminal history record check cannot be completed or reveals a record of arrest without disposition, a criminal history record check using the Colorado bureau of investigation's records and a name-based judicial record check, as defined in section 22-2-119.3 (6)(d), PERFORMED USING STATE JUDICIAL DEPARTMENT RECORDS.

(3.5) Except as otherwise provided in subsection (3)(c) of this section, a local government shall establish a process IN ACCORDANCE WITH 34 U.S.C. SEC. 41101, which ~~may~~ MUST be established by ~~resolution or ordinance or otherwise~~ ORDINANCE OR RESOLUTION, IN ACCORDANCE WITH 34 U.S.C. SEC. 41101; MUST MEET THE CRITERIA ESTABLISHED BY THE FEDERAL BUREAU OF INVESTIGATION IN IMPLEMENTING 34 U.S.C. SEC. 41101; AND MUST BE PERFORMED IN ACCORDANCE WITH SECTION 24-33.5-424.5, to require that, as a condition for a person remaining as or becoming an operator, owner, or employee:

(a) ~~A person who is~~ An operator, owner, or employee on the effective date of the resolution or ordinance submit to a background check PERFORMED IN ACCORDANCE WITH SECTION 24-33.5-424.5 on or before the

earlier of ~~October 1, 2025~~ JULY 1, 2026, or any other date specified by a local government in its process;

(b) A prospective employee submit to a background check PERFORMED IN ACCORDANCE WITH SECTION 24-33.5-424.5 before commencing employment with a massage facility; and

(c) A prospective operator or owner submit to a background check PERFORMED IN ACCORDANCE WITH SECTION 24-33.5-424.5 at least thirty days before, as applicable, being granted a license to operate a massage facility or assuming an ownership interest in a massage facility that would make the prospective owner an owner.

~~(4) (c.5) (I) An applicant who holds a license or is applying for a license, an owner or prospective owner, or an employee or prospective employee shall submit to a fingerprint-based criminal history record check. The applicant, owner or prospective owner, or employee or prospective employee shall pay the costs associated with the fingerprint-based criminal history record check.~~

~~(II) A person who is, as of the effective date of this subsection (4)(c.5), an applicant who holds a license, an owner, or an employee shall have the applicant's, owner's, or employee's fingerprints taken by a local law enforcement agency or any third party approved by the Colorado bureau of investigation for the purpose of obtaining a fingerprint-based criminal history record check no later than October 1, 2025. An applicant for a new license, a prospective owner, or a prospective employee shall have the applicant's fingerprints taken by a local law enforcement agency or any third party approved by the Colorado bureau of investigation for the purpose of obtaining a fingerprint-based criminal history record check before, as applicable, being granted a license, assuming an ownership interest in a massage facility that would make the prospective owner an owner, or commencing employment with a massage facility. The applicant, owner or prospective owner, or employee or prospective employee shall authorize the entity taking the applicant's fingerprints to submit, and the entity shall submit, the complete set of the applicant's fingerprints to the Colorado bureau of investigation for the purpose of conducting a fingerprint-based criminal history record check.~~

~~(III) If an approved third party takes the applicant's, owner's or~~

~~prospective owner's, or employee's or prospective employee's fingerprints, the fingerprints may be electronically captured using Colorado bureau of investigation-approved livescan equipment. Third-party vendors shall not keep the applicant's, owner's or prospective owner's, or employee's or prospective employee's information for more than thirty days.~~

~~(IV) The Colorado bureau of investigation shall use the applicant's, owner's or prospective owner's, or employee's or prospective employee's fingerprints to conduct a criminal history record check using the bureau's records. The Colorado bureau of investigation shall also forward the fingerprints to the federal bureau of investigation for the purpose of conducting a national fingerprint-based criminal history record check. The Colorado bureau of investigation, the applicant, owner or prospective owner, or employee or prospective employee, the licensing authority, and the entity taking fingerprints shall comply with the federal bureau of investigation's requirements to conduct a fingerprint-based criminal history record check.~~

~~(V) The Colorado bureau of investigation shall return the results of its criminal history record check to the licensing authority, and the licensing authority is authorized to receive the results of the federal bureau of investigation's criminal history record check. The licensing authority shall use the information resulting from the criminal history record checks to investigate and determine whether an applicant is qualified to hold a license or be an owner or employee pursuant to this section.~~

~~(VI) When the results of a fingerprint-based criminal history record check of an applicant performed pursuant to this section reveal a record of arrest without a disposition, the local licensing authority shall require the applicant to submit to a name-based judicial record check, as defined in section 22-2-119.3 (6)(d).~~

SECTION 7. In Colorado Revised Statutes, 25-3.5-203, **amend** (4)(a) and (4)(g) as follows:

25-3.5-203. Emergency medical service providers - licensure - renewal of license - duties of department - rules - record checks - definitions. (4) (a) The department shall require a certification or licensure applicant to submit to a federal bureau of investigation fingerprint-based national criminal history record check from the Colorado bureau of

investigation to investigate the applicant for an emergency medical service provider certificate or license. The department may acquire a name-based judicial record check for a certificate or license applicant, PERFORMED USING STATE JUDICIAL DEPARTMENT RECORDS.

(g) When the results of a fingerprint-based criminal history record check of a ~~person~~ AN INDIVIDUAL performed pursuant to this subsection (4) reveal a record of arrest without a disposition, the department ~~government entity, or private, not-for-profit, or for-profit organization that required the fingerprint-based criminal history record check~~ shall require that ~~person~~ INDIVIDUAL to submit to a name-based judicial record check, as defined in section 22-2-119.3 (6)(d), PERFORMED USING STATE JUDICIAL DEPARTMENT RECORDS.

SECTION 8. In Colorado Revised Statutes, 25-3.5-317, **add** (3)(a)(III) and (7) as follows:

25-3.5-317. License - application - inspection - criminal history record check - issuance - investigation - definitions. (3) (a) (III) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF AN INDIVIDUAL PERFORMED PURSUANT TO THIS SUBSECTION (3) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE DEPARTMENT SHALL REQUIRE THAT INDIVIDUAL TO SUBMIT TO A NAME-BASED JUDICIAL RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d), PERFORMED USING STATE JUDICIAL DEPARTMENT RECORDS.

(7) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "OPERATOR" MEANS AN INDIVIDUAL DESIGNATED BY AN AMBULANCE SERVICE AS RESPONSIBLE FOR THE DAY-TO-DAY OPERATIONS OF THE AMBULANCE SERVICE.

(b) "OWNER" MEANS AN OFFICER, DIRECTOR, GENERAL PARTNER, LIMITED PARTNER, OR OTHER INDIVIDUAL WITH A FINANCIAL OR EQUITY OWNERSHIP INTEREST OF FIFTY PERCENT OR MORE OF AN AMBULANCE SERVICE.

SECTION 9. In Colorado Revised Statutes, 25-3.5-1305, **amend** (3)(a)(III) and (3)(a)(IV) as follows:

25-3.5-1305. License - application - inspection - record check - issuance. (3) (a) (III) The department may acquire a name-based judicial record check, PERFORMED USING STATE JUDICIAL DEPARTMENT RECORDS, for an owner, manager, or administrator.

(IV) When the results of a fingerprint-based criminal history record check of a ~~person~~ AN INDIVIDUAL performed pursuant to this subsection (3) reveal a record of arrest without a disposition, the department shall require that ~~person~~ INDIVIDUAL to submit to a name-based judicial record check, as defined in section 22-2-119.3 (6)(d), PERFORMED USING STATE JUDICIAL DEPARTMENT RECORDS.

SECTION 10. In Colorado Revised Statutes, 25-27-105, **amend** (2.5)(a), (2.5)(a.5), and (2.5)(a.7); and **add** (5) as follows:

25-27-105. License - application - inspection - issuance - definitions. (2.5) (a) ~~On July 1, 2002, as part of an original application and on and after July 1, 2002, on the first renewal of an application for assisted living residences licensed before July 1, 2002, for a license, an owner, applicant, or licensee shall request from a criminal justice agency designated by the department criminal history record information regarding such owner, applicant, or licensee. The information, upon such request and subject to any restrictions imposed by such agency, shall be forwarded by the criminal justice agency directly to the department~~ WHEN SUBMITTING AN APPLICATION FOR A LICENSE PURSUANT TO THIS SECTION, OR WITHIN TEN DAYS AFTER A CHANGE IN OWNERSHIP OR A CHANGE IN THE LICENSEE, EACH OWNER, APPLICANT, OR LICENSEE SHALL SUBMIT A COMPLETE SET OF THE OWNER'S, APPLICANT'S, OR LICENSEE'S FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION SHALL FORWARD THE FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION SHALL FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECKS TO THE DEPARTMENT.

(a.5) ~~On and after July 1, 2002, the department may require that an administrator request from a criminal justice agency designated by the department a criminal history record on such administrator. The information, upon such request and subject to any restrictions imposed by~~

~~such agency, shall be forwarded by the criminal justice agency directly to the department~~ THE DEPARTMENT MAY REQUIRE THAT AN ADMINISTRATOR SUBMIT A COMPLETE SET OF THE ADMINISTRATOR'S FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION SHALL FORWARD THE FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION SHALL FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECKS TO THE DEPARTMENT.

(a.7) When the results of a fingerprint-based criminal history record check of an applicant performed pursuant to this section reveal a record of arrest without a disposition, the department shall require that applicant to submit to a name-based judicial record check, as defined in section 22-2-119.3 (6)(d), PERFORMED USING STATE JUDICIAL DEPARTMENT RECORDS.

(5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ADMINISTRATOR" MEANS AN INDIVIDUAL WHO CONTROLS AND SUPERVISES OR ATTEMPTS TO CONTROL AND SUPERVISE THE DAY-TO-DAY OPERATIONS OF AN ASSISTED LIVING RESIDENCE, INCLUDING AN INDIVIDUAL CONSIDERED AN INTERIM ADMINISTRATOR FOR THE PURPOSES OF SECTION 25-27-106 (4)(b).

(b) "APPLICANT" MEANS AN INDIVIDUAL WHO IS SEEKING A LICENSE TO OPERATE AN ASSISTED LIVING RESIDENCE.

(c) (I) "OWNER" MEANS AN INDIVIDUAL WHO;

(A) IS A SOLE PROPRIETOR, A SHAREHOLDER IN A FOR-PROFIT OR NONPROFIT CORPORATION, A PARTNER IN A PARTNERSHIP OR LIMITED PARTNERSHIP, OR A MEMBER IN A LIMITED LIABILITY COMPANY; AND

(B) HAS A FINANCIAL OR EQUITY INTEREST OF FIFTY PERCENT OR MORE IN THE ENTITY TO WHICH THE LICENSE TO OPERATE AN ASSISTED LIVING RESIDENCE IS ISSUED.

(II) "OWNER" INCLUDES A LICENSEE.

SECTION 11. In Colorado Revised Statutes, 25-27.5-106, **amend** (3)(a) and (3)(a.5) as follows:

25-27.5-106. License or registration - application - inspection - issuance - rules. (3) (a) With the submission of an application for a license or registration granted pursuant to this article 27.5, or within ten days after a change in the owner, manager, or administrator, each owner of a home care agency or home care placement agency and each manager or administrator of a home care agency or home care placement agency ~~must~~ **SHALL** submit a complete set of the ~~person's~~ INDIVIDUAL'S fingerprints to the Colorado bureau of investigation for the purpose of conducting a ~~state and national~~ fingerprint-based criminal history record check. ~~utilizing records of the Colorado bureau of investigation and the federal bureau of investigation~~ **THE COLORADO BUREAU OF INVESTIGATION SHALL FORWARD THE FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.** Each owner and each manager or administrator is responsible for paying the fee established by the Colorado bureau of investigation for conducting the fingerprint-based criminal history record check to the bureau. ~~Upon completion of the fingerprint-based criminal history record check, the bureau shall forward the results to the department.~~

(a.5) When the results of a fingerprint-based criminal history record check of a ~~person~~ AN INDIVIDUAL performed pursuant to this subsection (3) reveal a record of arrest without a disposition, the department shall require that ~~person~~ INDIVIDUAL to submit to a name-based judicial record check, as defined in section 22-2-119.3 (6)(d), **PERFORMED USING STATE JUDICIAL DEPARTMENT RECORDS.**

SECTION 12. In Colorado Revised Statutes, 26-5.7-110, **amend** (3)(f)(III); and **add** (1)(b.5) as follows:

26-5.7-110. Host homes for youth - report - rules - definitions.
(1) As used in this section, unless the context otherwise requires:

(b.5) "ORGANIZATION" MEANS A CHILD PLACEMENT AGENCY, A COUNTY OR DISTRICT DEPARTMENT OF HUMAN OR SOCIAL SERVICES, OR A HOMELESS YOUTH SHELTER.

(3) To operate a host home program, an organization must:

(f) Maintain accurate and up-to-date records documenting the following for each host home operating under the program:

(III) A copy of the ~~completed~~ DETERMINATION BY THE DEPARTMENT OF HUMAN SERVICES AS TO WHETHER THE INDIVIDUAL MEETS CRITERIA OR DOES NOT MEET CRITERIA FOR CERTIFICATION TO OPERATE A HOST HOME IN RESPONSE TO THE FINGERPRINT-BASED criminal history record check conducted pursuant to subsection (5) of this section for the individual operating the host home and all other individuals residing in the home who are eighteen years of age or older;

SECTION 13. In Colorado Revised Statutes, 44-30-1603, **amend** (1) and (2); and **add** (1.5), (6.1), and (6.5) as follows:

44-30-1603. Definitions. As used in this part 16, unless the context otherwise requires:

(1) ~~"Confidential information" means information related to the play of a fantasy contest by fantasy contest players obtained as a result of or by virtue of a person's employment~~ "APPLICANT" MEANS A PERSON THAT HAS APPLIED FOR AN INITIAL LICENSE OR REGISTRATION OR A RENEWAL LICENSE OR REGISTRATION TO OPERATE IN COLORADO AS A FANTASY CONTEST OR A SMALL FANTASY CONTEST OPERATOR. AN APPLICANT MUST BE THE INDIVIDUAL OR ENTITY THAT IS RESPONSIBLE FOR THE FINANCIAL AND CONTRACTUAL OBLIGATIONS OF THE FANTASY CONTEST PROVIDER.

(1.5) "CONFIDENTIAL INFORMATION" MEANS INFORMATION RELATED TO THE PLAY OF A FANTASY CONTEST BY FANTASY CONTEST PLAYERS OBTAINED AS A RESULT OF OR BY VIRTUE OF AN INDIVIDUAL'S EMPLOYMENT.

(2) "Director" means the director of the division of gaming. ~~or the director's designee.~~

(6.1) "GENERAL PARTNER" MEANS AN INDIVIDUAL ENGAGED WITH AT LEAST ONE OTHER INDIVIDUAL FOR THE PURPOSE OF JOINT PROFIT, THEREBY CREATING A GENERAL PARTNERSHIP.

(6.5) "MANAGING OFFICER" MEANS AN INDIVIDUAL WHO MANAGES

THE DAY-TO-DAY OPERATIONS OF A FANTASY CONTEST AND IS RESPONSIBLE FOR EXECUTING THE DECISIONS MADE BY THE BOARD OF DIRECTORS OF THE FANTASY CONTEST, IF APPLICABLE.

SECTION 14. In Colorado Revised Statutes, 44-10-307, **amend** (4)(a) and (4)(c) as follows:

44-10-307. Persons prohibited as licensees - definition. (4) (a) In investigating the qualifications of an applicant or a licensee, the state ~~and local~~ licensing ~~authorities~~ AUTHORITY may have access to criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such agency. In the event the state ~~or local~~ licensing authority considers the applicant's criminal history record, the state ~~or local~~ licensing authority shall also consider any information provided by the applicant regarding such criminal history record, including but not limited to evidence of rehabilitation, character references, and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and the consideration of the application for a state license.

(c) (I) At the time of filing an application for issuance or renewal of a state medical marijuana business license, ~~or~~ A retail marijuana business license, OR A REGULATED MARIJUANA LICENSE OR REGISTRATION, INCLUDING AN OCCUPATIONAL LICENSE AND A LICENSE FOR A CONTROLLING BENEFICIAL OWNER, AS DEFINED IN SECTION 44-10-103 (13), an applicant shall submit a set of ~~his or her~~ THEIR fingerprints and file personal history information concerning the applicant's qualifications for a state license on forms prepared by the state licensing authority.

(II) The state ~~or local~~ licensing authority ~~or local jurisdiction~~ shall submit the APPLICANT'S fingerprints to the Colorado bureau of investigation for the purpose of conducting fingerprint-based criminal history record checks. The Colorado bureau of investigation shall ~~forward~~ SUBMIT the fingerprints to the federal bureau of investigation for the purpose of conducting NATIONAL fingerprint-based criminal history record checks.

(III) RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK SUBMITTED TO THE FEDERAL BUREAU OF INVESTIGATION IN ACCORDANCE WITH THIS SECTION SHALL BE SENT TO THE STATE LICENSING AUTHORITY.

(IV) When the results of a fingerprint-based criminal history record check reveal a record of arrest without a disposition, the state ~~or local~~ licensing authority ~~or local jurisdiction~~ shall require an applicant or a license holder to submit to a name-based judicial record check, as defined in section 22-2-119.3 (6)(d). The state ~~or local~~ licensing authority ~~or local jurisdiction~~ shall use the information resulting from the fingerprint-based criminal history record check to investigate and determine whether an applicant is qualified to hold a state or local license pursuant to this article 10. The state ~~or local~~ licensing authority ~~or local jurisdiction~~ may verify any of the information an applicant is required to submit.

SECTION 15. In Colorado Revised Statutes, 44-20-118, **amend** (2) as follows:

44-20-118. Application - prelicensing education - fingerprint-based criminal history record check - rules. (2) Application for distributor's, manufacturer representative's, ~~or~~ manufacturer's, ORBUYER AGENT'S licenses ~~shall~~ MUST be made to the executive director.

SECTION 16. In Colorado Revised Statutes, 44-20-118, **amend** (8)(a) as follows:

44-20-118. Application - prelicensing education - fingerprint-based criminal history record check - rules. (8) (a) With the submission of an application for ~~any~~ A license issued under this part 1, each applicant shall submit a complete set of fingerprints to the Colorado bureau of investigation or the auto industry division for the purpose of conducting fingerprint-based criminal history record checks. The Colorado bureau of investigation shall forward the fingerprints to the federal bureau of investigation for the purpose of conducting fingerprint-based criminal history record checks. The ~~board or the executive director~~ AUTO INDUSTRY DIVISION shall use the information resulting from the fingerprint-based criminal history record check to investigate ~~and determine whether~~ an applicant. ~~is qualified to be licensed.~~ The ~~board or the executive director~~ AUTO INDUSTRY DIVISION may verify the information an applicant is required to submit. The applicant ~~shall~~ MUST pay the costs associated with the fingerprint-based criminal history record check to the Colorado bureau of investigation.

SECTION 17. In Colorado Revised Statutes, 44-20-417, **amend**

(8)(a) as follows:

44-20-417. Application - fingerprint-based criminal history record check - rules. (8) (a) With the submission of an application for ~~any~~ A license issued under this part 4, each applicant shall submit a complete set of fingerprints to the Colorado bureau of investigation or the auto industry division for the purpose of conducting fingerprint-based criminal history record checks. The Colorado bureau of investigation shall forward the fingerprints to the federal bureau of investigation for the purpose of conducting fingerprint-based criminal history record checks. ~~The board or the executive director~~ AUTO INDUSTRY DIVISION shall use the information resulting from the fingerprint-based criminal history record check to investigate ~~and determine whether~~ an applicant. ~~is qualified to be licensed.~~ The ~~board or the executive director~~ AUTO INDUSTRY DIVISION may verify the information an applicant is required to submit. The applicant ~~shall~~ MUST pay the costs associated with the fingerprint-based criminal history record check to the Colorado bureau of investigation.

SECTION 18. In Colorado Revised Statutes, 44-32-503, **amend** (4)(a) as follows:

44-32-503. Rules of commission - licensing - record check. (4) (a) With the submission of an application for a KEY OCCUPATIONAL LICENSE OR A SUPPORT OCCUPATIONAL license granted pursuant to this article 32, each applicant shall submit a set of fingerprints to the commission. The commission shall ~~forward~~ SUBMIT the fingerprints to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation. Only the actual costs of the record check must be borne by the applicant. Nothing in this subsection (4) precludes the commission from making further inquiries into the background of the applicant.

SECTION 19. In Colorado Revised Statutes, 44-32-102, **amend** (1); and **add** (1.5), (13.3), (13.7), and (23.5) as follows:

44-32-102. Definitions - rules. As used in this article 32, unless the context otherwise requires:

(1) ~~"Breakage" means the odd cents by which the amount payable~~

~~on each dollar wagered in a pari-mutuel pool exceeds a multiple of ten cents~~
"APPLICANT" MEANS AN INDIVIDUAL APPLYING FOR A LICENSE, PERMIT, OR REGISTRATION OR THE RENEWAL OF A LICENSE, PERMIT, OR REGISTRATION GRANTED BY THE DIVISION PURSUANT TO THIS ARTICLE 32.

(1.5) "BREAKAGE" MEANS THE ODD CENTS BY WHICH THE AMOUNT PAYABLE ON EACH DOLLAR WAGERED IN A PARI-MUTUEL POOL EXCEEDS A MULTIPLE OF TEN CENTS.

(13.3) "KEY OCCUPATIONAL LICENSE" MEANS A LICENSE ISSUED BY THE DIVISION REQUIRED FOR AN INDIVIDUAL WHO EXERCISES SIGNIFICANT INFLUENCE OVER DECISIONS AFFECTING A BUSINESS LICENSED WITH THE COMMISSION PURSUANT TO SECTION 44-32-504.

(13.7) "LICENSE" MEANS A LICENSE GRANTED BY THE DIVISION PURSUANT TO THIS ARTICLE 32.

(23.5) "SUPPORT OCCUPATIONAL LICENSE" MEANS A LICENSE ISSUED BY THE DIVISION REQUIRED FOR AN INDIVIDUAL REGULATED BY THE DIVISION WHO IS NOT SUBJECT TO A KEY OCCUPATIONAL LICENSE OR AN OCCUPATIONAL REGISTRATION LICENSE.

SECTION 20. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO