

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 25-0266.02 Josh Schultz x5486

SENATE BILL 25-146

SENATE SPONSORSHIP

Rich and Michaelson Jenet, Ball, Catlin, Liston, Sullivan

HOUSE SPONSORSHIP

Hartsook and Lukens, Bird, Clifford, Duran, Lindsay

Senate Committees

Business, Labor, & Technology

House Committees

Business Affairs & Labor

A BILL FOR AN ACT

101 **CONCERNING ALIGNMENT OF FINGERPRINT-BASED CRIMINAL HISTORY**

102 **RECORD CHECK LAWS WITH FEDERAL REQUIREMENTS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill allows a regulator of the following professions and occupations to require an applicant for a license, certification, or registration to submit to a fingerprint-based criminal history record check (fingerprint-based record check):

- Audiologists;
- Certified midwives;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
3rd Reading Unamended
April 15, 2025

HOUSE
Amended 2nd Reading
April 14, 2025

SENATE
3rd Reading Unamended
March 3, 2025

SENATE
Amended 2nd Reading
February 28, 2025

- Cremationists;
- Dental hygienists;
- Dentists;
- Embalmers;
- Funeral directors;
- Licensed professional counselors;
- Mortuary science practitioners;
- Natural reductionists;
- Occupational therapists;
- Occupational therapy assistants;
- Physician assistants;
- Social workers; and
- Speech-language pathologists.

An applicant submitting to a fingerprint-based record check must pay the costs associated with the fingerprint-based record check.

If an applicant's fingerprint-based record check reveals a record of arrest without a disposition, the applicant must submit to a name-based judicial record check.

A local government entity is authorized to perform a fingerprint-based record check when a statute, rule, ordinance, or regulation requires an individual to submit to a fingerprint-based record check.

The bill also defines terms to clear ambiguity about who is eligible to submit to, who is eligible to receive records from, and the type of records an entity may receive from a fingerprint-based record check.

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

1 a regulator determines that an applicant for licensure, certification, or
2 registration has a criminal record, the regulator is governed by sections
3 12-20-206 and 24-5-101 for purposes of granting or denying, or placing
4 any conditions on, licensure, certification, or registration.

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

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

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

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

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

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

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

21 (VII) A DENTAL HYGIENIST LICENSED PURSUANT TO SECTIONS
22 12-220-405 TO 12-220-407;

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

25 (IX) A PHYSICIAN ASSISTANT LICENSED PURSUANT TO SECTION
26 12-240-113;

27 (X) A SOCIAL WORKER LICENSED PURSUANT TO PART 4 OF ARTICLE

1 245 OF THIS TITLE 12;

2 (XI) A LICENSED PROFESSIONAL COUNSELOR LICENSED PURSUANT
3 TO PART 6 OF ARTICLE 245 OF THIS TITLE 12;

4 (XII) A CERTIFIED MIDWIFE LICENSED PURSUANT TO SECTION
5 12-255-111.5;

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

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

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

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

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

27 (e) IF AN APPROVED THIRD PARTY TAKES THE APPLICANT'S

1 FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED
2 USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVSCAN
3 EQUIPMENT. A THIRD-PARTY VENDOR SHALL NOT KEEP THE APPLICANT'S
4 INFORMATION FOR MORE THAN THIRTY DAYS AFTER THE INFORMATION IS
5 COLLECTED.

6 (f) THE COLORADO BUREAU OF INVESTIGATION SHALL USE THE
7 APPLICANT'S FINGERPRINTS TO CONDUCT A CRIMINAL HISTORY RECORD
8 CHECK USING THE BUREAU'S RECORDS. THE COLORADO BUREAU OF
9 INVESTIGATION SHALL ALSO FORWARD THE FINGERPRINTS TO THE FEDERAL
10 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A
11 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE COLORADO
12 BUREAU OF INVESTIGATION, THE APPLICANT, THE DEPARTMENT, AND THE
13 ENTITY TAKING FINGERPRINTS SHALL COMPLY WITH THE FEDERAL BUREAU
14 OF INVESTIGATION'S REQUIREMENTS TO CONDUCT A CRIMINAL HISTORY
15 RECORD CHECK.

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

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

1 REDUCTIONIST;
2 (II) SECTION 12-210-108 FOR AN AUDIOLOGIST;
3 (III) SECTION 12-220-201 FOR A DENTIST OR A DENTAL HYGIENIST;
4 (IV) SECTION 12-240-121 FOR A PHYSICIAN ASSISTANT;
5 (V) SECTION 12-245-224 FOR A LICENSED PROFESSIONAL
6 COUNSELOR OR A SOCIAL WORKER;
7 (VI) SECTION 12-255-120 FOR A CERTIFIED MIDWIFE;
8 (VII) SECTION 12-270-114 FOR AN OCCUPATIONAL THERAPIST OR
9 AN OCCUPATIONAL THERAPY ASSISTANT; OR
10 (VIII) SECTION 12-305-112 FOR A SPEECH-LANGUAGE
11 PATHOLOGIST.

12 (h) WHEN THE RESULTS OF A CRIMINAL HISTORY RECORD CHECK
13 OF AN APPLICANT PERFORMED PURSUANT TO THIS SECTION REVEAL A
14 RECORD OF ARREST WITHOUT A DISPOSITION, THE DEPARTMENT SHALL
15 REQUIRE THE APPLICANT TO SUBMIT TO A NAME-BASED JUDICIAL RECORD
16 CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d), PERFORMED USING
17 STATE JUDICIAL DEPARTMENT RECORDS.

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

20 **24-33.5-424.5. Fingerprint-based criminal history record**
21 **checks - local government entities - definitions.** (1) (a) A LOCAL
22 GOVERNMENT ENTITY THAT REQUIRES BY ORDINANCE OR RESOLUTION, IN
23 ACCORDANCE WITH 34 U.S.C. SEC. 41101, THAT AN APPLICANT OR
24 LICENSEE SUBMIT TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD
25 CHECK SHALL SUBMIT THE APPLICANT'S OR LICENSEE'S FINGERPRINTS TO
26 THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF
27 CONDUCTING THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

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

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

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

23 (e) THE COLORADO BUREAU OF INVESTIGATION SHALL USE THE
24 APPLICANT'S OR LICENSEE'S FINGERPRINTS TO CONDUCT A CRIMINAL
25 HISTORY RECORD CHECK USING THE BUREAU'S RECORDS. THE COLORADO
26 BUREAU OF INVESTIGATION SHALL ALSO FORWARD THE FINGERPRINTS TO
27 THE FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF

1 CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.
2 THE COLORADO BUREAU OF INVESTIGATION, APPLICANT, LICENSEE, LOCAL
3 GOVERNMENT ENTITY, AND ENTITY TAKING FINGERPRINTS SHALL COMPLY
4 WITH THE FEDERAL BUREAU OF INVESTIGATION'S REQUIREMENTS TO
5 CONDUCT A CRIMINAL HISTORY RECORD CHECK.

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

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

21 (2) AS USED IN THIS SECTION:

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

27 (b) "LICENSEE" MEANS AN INDIVIDUAL WHO A LOCAL

1 GOVERNMENT ENTITY REQUIRES BY ORDINANCE OR RESOLUTION TO
2 SUBMIT TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK IN
3 CONNECTION WITH A LICENSE, CERTIFICATE, CERTIFICATION, LETTER OF
4 AUTHORIZATION, OR REGISTRATION.

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

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

9 **12-135-502. Criminal history record checks - definition.**

10 (7) AS USED IN THIS SECTION, "DIRECTOR" MEANS THE DIRECTOR OF THE
11 DIVISION OR THE DIRECTOR'S DESIGNEE. THE DIRECTOR'S DESIGNEE MUST
12 BE AN EMPLOYEE OF THE DIVISION.

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

15 **12-255-111.5. Requirements for certified midwife licensure -**
16 **license by endorsement - questionnaire - fees - definition.** (6) AS USED

17 IN THIS SECTION, "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OR
18 THE DIRECTOR'S DESIGNEE. THE DIRECTOR'S DESIGNEE MUST BE AN
19 EMPLOYEE OF THE DIVISION.

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

22 **26-6-705. Approval of temporary caregiver - background**

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

1 (I) A fingerprint-based criminal history record check through the
2 Colorado bureau of investigation and the federal bureau of investigation
3 in the same manner as described in section 26-6-912 (1)(a)(I)(B). THE
4 COLORADO BUREAU OF INVESTIGATION SHALL SEND RECORDS OBTAINED
5 AS A RESULT OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
6 ONLY TO THE STATE DEPARTMENT, AND THE USE AND HANDLING OF THE
7 INFORMATION MUST COMPLY WITH THE FEDERAL CRIMINAL JUSTICE
8 INFORMATION SERVICES SECURITY POLICY. INFORMATION REGARDING THE
9 RESULT OF THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
10 RECEIVED FROM THE FEDERAL BUREAU OF INVESTIGATION AND RELEASED
11 TO A FACILITY OR AGENCY MUST DISCLOSE ONLY WHETHER THE APPLICANT
12 IS ELIGIBLE OR INELIGIBLE OR THAT THE INVESTIGATION IS INCONCLUSIVE,
13 WITH A FURTHER REQUEST FOR THE APPLICANT TO CONTACT THE STATE
14 DEPARTMENT TO PROVIDE FURTHER INFORMATION TO DETERMINE FINAL
15 ELIGIBILITY STATUS.

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

18 **30-15-401.4. Statewide policy to prevent the operation of illicit**
19 **massage businesses - local regulation authorized - background checks**
20 **required - legislative declaration - definitions. (2) As used in this**
21 **section, unless the context otherwise requires:**

22 (a.5) "Background check" means a fingerprint-based criminal
23 history record check conducted in accordance with subsection (4)(c.5) of
24 this section and SECTION 24-33.5-424.5. "BACKGROUND CHECK" also
25 includes, to the extent allowed or required, as applicable, by ~~subsection~~
26 ~~(4)(c.5)(VI) of this section~~ SECTION 24-33.5-424.5 (1)(g) when a
27 fingerprint-based criminal history record check cannot be completed or

1 reveals a record of arrest without disposition, a criminal history record
2 check using the Colorado bureau of investigation's records and a
3 name-based judicial record check, as defined in section 22-2-119.3 (6)(d),
4 PERFORMED USING STATE JUDICIAL DEPARTMENT RECORDS.

5 (3.5) Except as otherwise provided in subsection (3)(c) of this
6 section, a local government shall establish a process IN ACCORDANCE
7 WITH 34 U.S.C. SEC. 41101, which ~~may~~ MUST be established by ~~resolution~~
8 ~~or ordinance or otherwise~~ ORDINANCE OR RESOLUTION, IN ACCORDANCE
9 WITH 34 U.S.C. SEC. 41101; MUST MEET THE CRITERIA ESTABLISHED BY
10 THE FEDERAL BUREAU OF INVESTIGATION IN IMPLEMENTING 34 U.S.C. SEC.
11 41101; and MUST BE PERFORMED IN ACCORDANCE WITH SECTION
12 24-33.5-424.5, to require that, as a condition for a person remaining as or
13 becoming an operator, owner, or employee:

14 (a) ~~A person who is~~ An operator, owner, or employee on the
15 effective date of the resolution or ordinance submit to a background
16 check PERFORMED IN ACCORDANCE WITH SECTION 24-33.5-424.5 on or
17 before the earlier of ~~October 1, 2025~~ JULY 1, 2026, or any other date
18 specified by a local government in its process;

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

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

27 (4) (c.5) (f) ~~An applicant who holds a license or is applying for a~~

1 license, an owner or prospective owner, or an employee or prospective
2 employee shall submit to a fingerprint-based criminal history record
3 check. The applicant, owner or prospective owner, or employee or
4 prospective employee shall pay the costs associated with the
5 fingerprint-based criminal history record check.

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

24 (H) If an approved third party takes the applicant's, owner's or
25 prospective owner's, or employee's or prospective employee's fingerprints,
26 the fingerprints may be electronically captured using Colorado bureau of
27 investigation-approved livescan equipment. Third-party vendors shall not

1 keep the applicant's, owner's or prospective owner's, or employee's or
2 prospective employee's information for more than thirty days.

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

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

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

27 **SECTION 7.** In Colorado Revised Statutes, 25-3.5-203, **amend**

1 (4)(a) and (4)(g) as follows:

2 **25-3.5-203. Emergency medical service providers - licensure**
3 **- renewal of license - duties of department - rules - record checks -**
4 **definitions.** (4) (a) The department shall require a certification or
5 licensure applicant to submit to a federal bureau of investigation
6 fingerprint-based national criminal history record check from the
7 Colorado bureau of investigation to investigate the applicant for an
8 emergency medical service provider certificate or license. The department
9 may acquire a name-based judicial record check for a certificate or license
10 applicant, PERFORMED USING STATE JUDICIAL DEPARTMENT RECORDS.

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

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

21 **25-3.5-317. License - application - inspection - criminal history**
22 **record check - issuance - investigation - definitions.** (3) (a) (III) WHEN
23 THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
24 OF AN INDIVIDUAL PERFORMED PURSUANT TO THIS SUBSECTION (3) REVEAL
25 A RECORD OF ARREST WITHOUT A DISPOSITION, THE DEPARTMENT SHALL
26 REQUIRE THAT INDIVIDUAL TO SUBMIT TO A NAME-BASED JUDICIAL
27 RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d), PERFORMED

1 USING STATE JUDICIAL DEPARTMENT RECORDS.

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

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

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

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

13 **25-3.5-1305. License - application - inspection - record check**
14 **- issuance.** (3) (a) (III) The department may acquire a name-based
15 judicial record check, PERFORMED USING STATE JUDICIAL DEPARTMENT
16 RECORDS, for an owner, manager, or administrator.

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

23 **SECTION 10.** In Colorado Revised Statutes, 25-27-105, **amend**
24 (2.5)(a), (2.5)(a.5), and (2.5)(a.7); and **add** (5) as follows:

25 **25-27-105. License - application - inspection - issuance -**
26 **definitions.** (2.5) (a) ~~On July 1, 2002, as part of an original application~~
27 ~~and on and after July 1, 2002, on the first renewal of an application for~~

1 ~~assisted living residences licensed before July 1, 2002, for a license, an~~
2 ~~owner, applicant, or licensee shall request from a criminal justice agency~~
3 ~~designated by the department criminal history record information~~
4 ~~regarding such owner, applicant, or licensee. The information, upon such~~
5 ~~request and subject to any restrictions imposed by such agency, shall be~~
6 ~~forwarded by the criminal justice agency directly to the department~~ WHEN
7 SUBMITTING AN APPLICATION FOR A LICENSE PURSUANT TO THIS SECTION,
8 OR WITHIN TEN DAYS AFTER A CHANGE IN OWNERSHIP OR A CHANGE IN THE
9 LICENSEE, EACH OWNER, APPLICANT, OR LICENSEE SHALL SUBMIT A
10 COMPLETE SET OF THE OWNER'S, APPLICANT'S, OR LICENSEE'S
11 FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE
12 PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY
13 RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION SHALL
14 FORWARD THE FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION
15 FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL
16 HISTORY RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION
17 SHALL FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECKS
18 TO THE DEPARTMENT.

19 (a.5) ~~On and after July 1, 2002, the department may require that~~
20 ~~an administrator request from a criminal justice agency designated by the~~
21 ~~department a criminal history record on such administrator. The~~
22 ~~information, upon such request and subject to any restrictions imposed by~~
23 ~~such agency, shall be forwarded by the criminal justice agency directly to~~
24 ~~the department~~ THE DEPARTMENT MAY REQUIRE THAT AN ADMINISTRATOR
25 SUBMIT A COMPLETE SET OF THE ADMINISTRATOR'S FINGERPRINTS TO THE
26 COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING
27 A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE

1 COLORADO BUREAU OF INVESTIGATION SHALL FORWARD THE
2 FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE
3 PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY
4 RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION SHALL
5 FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECKS TO
6 THE DEPARTMENT.

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

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

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

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

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

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

26 (B) HAS A FINANCIAL OR EQUITY INTEREST OF FIFTY PERCENT OR
27 MORE IN THE ENTITY TO WHICH THE LICENSE TO OPERATE AN ASSISTED

1 LIVING RESIDENCE IS ISSUED.

2 (II) "OWNER" INCLUDES A LICENSEE.

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

5 25-27.5-106. License or registration - application - inspection

6 - issuance - rules. (3) (a) With the submission of an application for a

7 license or registration granted pursuant to this article 27.5, or within ten

8 days after a change in the owner, manager, or administrator, each owner

9 of a home care agency or home care placement agency and each manager

10 or administrator of a home care agency or home care placement agency

11 ~~must~~ SHALL submit a complete set of the ~~person's~~ INDIVIDUAL'S

12 fingerprints to the Colorado bureau of investigation for the purpose of

13 conducting a ~~state and national~~ fingerprint-based criminal history record

14 check. ~~utilizing records of the Colorado bureau of investigation and the~~

15 ~~federal bureau of investigation~~ THE COLORADO BUREAU OF

16 INVESTIGATION SHALL FORWARD THE FINGERPRINTS TO THE FEDERAL

17 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A

18 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. Each owner and

19 each manager or administrator is responsible for paying the fee

20 established by the Colorado bureau of investigation for conducting the

21 fingerprint-based criminal history record check to the bureau. ~~Upon~~

22 ~~completion of the fingerprint-based criminal history record check, the~~

23 ~~bureau shall forward the results to the department.~~

24 (a.5) When the results of a fingerprint-based criminal history

25 record check of a ~~person~~ AN INDIVIDUAL performed pursuant to this

26 subsection (3) reveal a record of arrest without a disposition, the

27 department shall require that ~~person~~ INDIVIDUAL to submit to a

1 name-based judicial record check, as defined in section 22-2-119.3 (6)(d),
2 PERFORMED USING STATE JUDICIAL DEPARTMENT RECORDS.

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

5 **26-5.7-110. Host homes for youth - report - rules - definitions.**

6 (1) As used in this section, unless the context otherwise requires:

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

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

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

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

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

22 **44-30-1603. Definitions.** As used in this part 16, unless the
23 context otherwise requires:

24 (1) "~~Confidential information~~" means information related to the
25 play of a fantasy contest by fantasy contest players obtained as a result of
26 or by virtue of a person's employment "APPLICANT" MEANS A PERSON
27 THAT HAS APPLIED FOR AN INITIAL LICENSE OR REGISTRATION OR A

1 RENEWAL LICENSE OR REGISTRATION TO OPERATE IN COLORADO AS A
2 FANTASY CONTEST OR A SMALL FANTASY CONTEST OPERATOR. AN
3 APPLICANT MUST BE THE INDIVIDUAL OR ENTITY THAT IS RESPONSIBLE FOR
4 THE FINANCIAL AND CONTRACTUAL OBLIGATIONS OF THE FANTASY
5 CONTEST PROVIDER.

6 (1.5) "CONFIDENTIAL INFORMATION" MEANS INFORMATION
7 RELATED TO THE PLAY OF A FANTASY CONTEST BY FANTASY CONTEST
8 PLAYERS OBTAINED AS A RESULT OF OR BY VIRTUE OF AN INDIVIDUAL'S
9 EMPLOYMENT.

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

12 (6.1) "GENERAL PARTNER" MEANS AN INDIVIDUAL ENGAGED WITH
13 AT LEAST ONE OTHER INDIVIDUAL FOR THE PURPOSE OF JOINT PROFIT,
14 THEREBY CREATING A GENERAL PARTNERSHIP.

15 (6.5) "MANAGING OFFICER" MEANS AN INDIVIDUAL WHO MANAGES
16 THE DAY-TO-DAY OPERATIONS OF A FANTASY CONTEST AND IS
17 RESPONSIBLE FOR EXECUTING THE DECISIONS MADE BY THE BOARD OF
18 DIRECTORS OF THE FANTASY CONTEST, IF APPLICABLE.

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

21 **44-10-307. Persons prohibited as licensees -**
22 **definition.** (4) (a) In investigating the qualifications of an applicant or a
23 licensee, the state ~~and local~~ licensing ~~authorities~~ AUTHORITY may have
24 access to criminal history record information furnished by a criminal
25 justice agency subject to any restrictions imposed by such agency. In the
26 event the state ~~or local~~ licensing authority considers the applicant's
27 criminal history record, the state ~~or local~~ licensing authority shall also

1 consider any information provided by the applicant regarding such
2 criminal history record, including but not limited to evidence of
3 rehabilitation, character references, and educational achievements,
4 especially those items pertaining to the period of time between the
5 applicant's last criminal conviction and the consideration of the
6 application for a state license.

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

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

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

26 (IV) When the results of a fingerprint-based criminal history
27 record check reveal a record of arrest without a disposition, the state ~~or~~

1 ~~local~~ licensing authority ~~or local jurisdiction~~ shall require an applicant or
2 a license holder to submit to a name-based judicial record check, as
3 defined in section 22-2-119.3 (6)(d). The state ~~or local licensing~~ authority
4 ~~or local jurisdiction~~ shall use the information resulting from the
5 fingerprint-based criminal history record check to investigate and
6 determine whether an applicant is qualified to hold a state or local license
7 pursuant to this article 10. The state ~~or local~~ licensing authority ~~or local~~
8 ~~jurisdiction~~ may verify any of the information an applicant is required to
9 submit.

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

12 **44-20-118. Application - prelicensing education -**
13 **fingerprint-based criminal history record check - rules.**
14 **(2)** Application for distributor's, manufacturer representative's, ~~or~~
15 manufacturer's, OR BUYER AGENT'S licenses ~~shall~~ **MUST** be made to the
16 executive director.

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

19 **44-20-118. Application - prelicensing education -**
20 **fingerprint-based criminal history record check - rules.** **(8) (a)** With
21 the submission of an application for ~~any~~ A license issued under this part
22 1, each applicant shall submit a complete set of fingerprints to the
23 Colorado bureau of investigation or the auto industry division for the
24 purpose of conducting fingerprint-based criminal history record checks.
25 The Colorado bureau of investigation shall forward the fingerprints to the
26 federal bureau of investigation for the purpose of conducting
27 fingerprint-based criminal history record checks. The ~~board or the~~

1 ~~executive director~~ AUTO INDUSTRY DIVISION shall use the information
2 resulting from the fingerprint-based criminal history record check to
3 investigate ~~and determine whether~~ an applicant. ~~is qualified to be~~
4 ~~licensed.~~ The ~~board or the executive director~~ AUTO INDUSTRY DIVISION
5 may verify the information an applicant is required to submit. The
6 applicant ~~shall~~ MUST pay the costs associated with the fingerprint-based
7 criminal history record check to the Colorado bureau of investigation.

8 **SECTION 17.** In Colorado Revised Statutes, 44-20-417, **amend**
9 (8)(a) as follows:

10 **44-20-417. Application - fingerprint-based criminal history**
11 **record check - rules.** (8) (a) With the submission of an application for
12 ~~any~~ A license issued under this part 4, each applicant shall submit a
13 complete set of fingerprints to the Colorado bureau of investigation or the
14 auto industry division for the purpose of conducting fingerprint-based
15 criminal history record checks. The Colorado bureau of investigation
16 shall forward the fingerprints to the federal bureau of investigation for the
17 purpose of conducting fingerprint-based criminal history record checks.
18 ~~The board or the executive director~~ AUTO INDUSTRY DIVISION shall use the
19 information resulting from the fingerprint-based criminal history record
20 check to investigate ~~and determine whether~~ an applicant. ~~is qualified to~~
21 ~~be licensed.~~ The ~~board or the executive director~~ AUTO INDUSTRY DIVISION
22 may verify the information an applicant is required to submit. The
23 applicant ~~shall~~ MUST pay the costs associated with the fingerprint-based
24 criminal history record check to the Colorado bureau of investigation.

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

27 **44-32-503. Rules of commission - licensing - record check.**

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

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

13 **44-32-102. Definitions - rules.** As used in this article 32, unless
14 the context otherwise requires:

15 (1) ~~"Breakage" means the odd cents by which the amount payable~~
16 ~~on each dollar wagered in a pari-mutuel pool exceeds a multiple of ten~~
17 ~~cents~~ "APPLICANT" MEANS AN INDIVIDUAL APPLYING FOR A LICENSE,
18 PERMIT, OR REGISTRATION OR THE RENEWAL OF A LICENSE, PERMIT, OR
19 REGISTRATION GRANTED BY THE DIVISION PURSUANT TO THIS ARTICLE 32.

20 (1.5) "BREAKAGE" MEANS THE ODD CENTS BY WHICH THE AMOUNT
21 PAYABLE ON EACH DOLLAR WAGERED IN A PARI-MUTUEL POOL EXCEEDS
22 A MULTIPLE OF TEN CENTS.

23 (13.3) "KEY OCCUPATIONAL LICENSE" MEANS A LICENSE ISSUED BY
24 THE DIVISION REQUIRED FOR AN INDIVIDUAL WHO EXERCISES SIGNIFICANT
25 INFLUENCE OVER DECISIONS AFFECTING A BUSINESS LICENSED WITH THE
26 COMMISSION PURSUANT TO SECTION 44-32-504.

27 (13.7) "LICENSE" MEANS A LICENSE GRANTED BY THE DIVISION

1 PURSUANT TO THIS ARTICLE 32.

2 (23.5) "SUPPORT OCCUPATIONAL LICENSE" MEANS A LICENSE
3 ISSUED BY THE DIVISION REQUIRED FOR AN INDIVIDUAL REGULATED BY
4 THE DIVISION WHO IS NOT SUBJECT TO A KEY OCCUPATIONAL LICENSE OR
5 AN OCCUPATIONAL REGISTRATION LICENSE.

6 **SECTION 20. Safety clause.** The general assembly finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, or safety or for appropriations for
9 the support and maintenance of the departments of the state and state
10 institutions.