

**NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

HOUSE BILL 10-1011

BY REPRESENTATIVE(S) Kerr J., McNulty, Miklosi, Primavera, Apuan, Gerou, Labuda, Lambert, Nikkel, Schafer S., Stephens, Summers, Todd, Tyler, Waller;  
also SENATOR(S) Schultheis, Carroll M., Mitchell, Tochtrop.

CONCERNING AUTHORIZATION FOR THE DEPARTMENT OF REVENUE TO OBTAIN FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS FOR EMPLOYMENT PURPOSES.

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

**SECTION 1.** Part 2 of article 1 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**42-1-224. Criminal history check.** THE DEPARTMENT MAY SUBMIT FINGERPRINTS OF AN EMPLOYEE OR PROSPECTIVE EMPLOYEE TO THE COLORADO BUREAU OF INVESTIGATION TO OBTAIN A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK IF THE EMPLOYEE'S DUTIES DO OR WILL PROVIDE THEM WITH ACCESS TO COLORADO DRIVER'S LICENSES AND IDENTIFICATION CARDS ISSUED PURSUANT TO ARTICLE 2 OF THIS TITLE OR PERSONAL IDENTIFYING INFORMATION COLLECTED OR STORED BY THE DEPARTMENT IN ORDER TO ISSUE DRIVER'S LICENSES OR IDENTIFICATION CARDS. THE DEPARTMENT OF REVENUE SHALL REQUIRE ALL SUCH

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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.*

EMPLOYEES HIRED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION TO OBTAIN A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK PRIOR TO PERFORMING THEIR OFFICIAL DUTIES, AND SHALL REQUIRE ALL SUCH EMPLOYEES HIRED BEFORE THE EFFECTIVE DATE OF THIS SECTION TO OBTAIN A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK BY JULY 1, 2011. THE DEPARTMENT MAY USE THIS INFORMATION TO MAKE EMPLOYMENT DECISIONS CONCERNING SUCH EMPLOYEES. UPON RECEIPT OF FINGERPRINTS AND PAYMENT FOR THE COSTS, 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. THE DEPARTMENT SHALL BE THE AUTHORIZED AGENCY TO RECEIVE INFORMATION REGARDING THE RESULT OF THE NATIONAL CRIMINAL HISTORY RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION SHALL CHARGE THE DEPARTMENT A FEE FOR RECORD CHECKS CONDUCTED PURSUANT TO THIS SECTION. THE COLORADO BUREAU OF INVESTIGATION SHALL SET SUCH FEE AT A LEVEL SUFFICIENT TO COVER THE DIRECT AND INDIRECT COSTS OF PROCESSING REQUESTS MADE PURSUANT TO THIS SECTION. MONEYS COLLECTED BY THE BUREAU PURSUANT TO THIS SECTION SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE ADMINISTRATION OF THIS SECTION.

**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.

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Terrance D. Carroll  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Brandon C. Shaffer  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Karen Goldman  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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Bill Ritter, Jr.  
GOVERNOR OF THE STATE OF COLORADO