Second Regular Session Sixty-ninth General Assembly STATE OF COLORADO

REENGROSSED

This Version Includes All Amendments Adopted in the House of Introduction HOUSE BILL 14-1172

LLS NO. 14-0617.01 Michael Dohr x4347

HOUSE SPONSORSHIP

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House Committees Judiciary **Senate Committees**

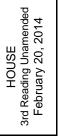
A BILL FOR AN ACT

| 101 | CONCERNING EXEMPTING CERTAIN PUBLIC SAFETY DEPARTMENTS |
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| 102 | FROM CERTAIN STATUTORY REQUIREMENTS RELATED TO THE |
| 103 | IMPACT OF A CRIMINAL CONVICTION ON STATE EMPLOYMENT |
| 104 | OPPORTUNITIES. |

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://www.leg.state.co.us/billsummaries.)

Under current law, a felony conviction does not automatically disqualify a person from state employment. The bill clarifies that the





provision does not apply to the department of public safety and the department of corrections. If the departments determine that an applicant has been convicted of a crime, they still must consider the statutory factors in deciding whether they preclude the applicant from receiving an offer of employment.

| 1 | Be it enacted by the General Assembly of the State of Colorado: |
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| 2 | SECTION 1. In Colorado Revised Statutes, 24-5-101, amend (1) |
| 3 | (b) (VII), (3) (b), and (4) introductory portion; and add (6) as follows: |
| 4 | 24-5-101. Effect of criminal conviction on employment rights. |
| 5 | (1) (b) This subsection (1) shall not apply to: |
| 6 | (VII) The employment of persons by the department of public |
| 7 | safety AND THE DEPARTMENT OF CORRECTIONS. |
| 8 | (3) (b) WITH THE EXCEPTION OF THE DEPARTMENT OF |
| 9 | CORRECTIONS AND THE DEPARTMENT OF PUBLIC SAFETY, the agency shall |
| 10 | not perform a background check until the agency determines that an |
| 11 | applicant is a finalist or makes a conditional offer of employment to the |
| 12 | applicant. |
| 13 | (4) EXCEPT AS PROVIDED IN SUBSECTION (6) OF THIS SECTION, if, |
| 14 | after determining that an applicant is a finalist or making a conditional |
| 15 | offer of employment to an applicant, the agency determines that the |
| 16 | applicant has been convicted of a crime, the agency shall consider the |
| 17 | following factors when determining whether the conviction disqualifies |
| 18 | the applicant for the position: |
| 19 | (6) IF, AT ANY STAGE IN THE HIRING PROCESS, THE DEPARTMENT |
| 20 | OF CORRECTIONS OR THE DEPARTMENT OF PUBLIC SAFETY DETERMINES |
| 21 | THAT THE APPLICANT HAS BEEN CONVICTED OF A CRIME, THE DEPARTMENT |
| 22 | MUST CONSIDER THE FACTORS LISTED IN PARAGRAPHS (a) TO (d) OF |
| 23 | SUBSECTION (4) OF THIS SECTION WHEN DETERMINING WHETHER THE |

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1 CONVICTION DISQUALIFIES THE APPLICANT FOR THE POSITION.

2 **SECTION 2.** Act subject to petition - effective date. This act 3 takes effect at 12:01 a.m. on the day following the expiration of the 4 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 5 6 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 7 8 within such period, then the act, item, section, or part will not take effect 9 unless approved by the people at the general election to be held in 10 November 2014 and, in such case, will take effect on the date of the 11 official declaration of the vote thereon by the governor.