

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 14-0617.01 Michael Dohr x4347

**HOUSE BILL 14-1172**

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**HOUSE SPONSORSHIP**

**Lawrence,**

**SENATE SPONSORSHIP**

**Steadman,**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

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

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**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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

HOUSE  
3rd Reading Unamended  
February 20, 2014

HOUSE  
2nd Reading Unamended  
February 19, 2014

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.

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

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

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  
5 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a  
6 referendum petition is filed pursuant to section 1 (3) of article V of the  
7 state constitution against this act or an item, section, or part of this act  
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.