

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0261.01 Richard Sweetman

SENATE BILL 10-125

SENATE SPONSORSHIP

Tapia,

HOUSE SPONSORSHIP

(None),

Senate Committees
Finance

House Committees

A BILL FOR AN ACT

101 CONCERNING THE COLLECTION BY THE COLORADO BUREAU OF
102 INVESTIGATION OF A SURCHARGE UPON EACH FEE THAT IT
103 COLLECTS FOR THE PERFORMANCE OF A CRIMINAL HISTORY
104 RECORD CHECK.

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>.)

The bill authorizes the Colorado bureau of investigation to collect an additional surcharge on each fee that it collects for the performance of

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.

a criminal history record check that it performs pursuant to statute.
The bill includes a conforming amendment.

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

2 **SECTION 1.** Part 4 of article 33.5 of title 24, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **24-33.5-427. Arrest and identification process - fees**
6 **authorized.** (1) TO ASSIST THE BUREAU TO PROCESS ALL ARREST,
7 IDENTIFICATION, AND FINAL CHARGE DISPOSITIONAL INFORMATION ON
8 PERSONS ARRESTED WITHIN COLORADO FOR FEDERAL, STATE, OR
9 OUT-OF-STATE CRIMINAL OFFENSES AND ON PERSONS RECEIVED FOR
10 SERVICE OF ANY SENTENCE OF INCARCERATION, WHICH INFORMATION IS
11 SUBMITTED TO THE BUREAU BY EVERY LAW ENFORCEMENT,
12 CORRECTIONAL, AND JUDICIAL ENTITY, AGENCY, OR FACILITY IN THIS
13 STATE PURSUANT TO SECTION 24-33.5-412 (3) (a), THE BUREAU IS HEREBY
14 AUTHORIZED TO COLLECT AN ADDITIONAL SURCHARGE ON EACH FEE THAT
15 IT COLLECTS FOR THE PERFORMANCE OF ANY CRIMINAL HISTORY RECORD
16 CHECK THAT IT PERFORMS PURSUANT TO STATUTE.

17 (2) THE TOTAL AMOUNT OF MONEY ANNUALLY COLLECTED AS
18 SURCHARGES BY THE BUREAU PURSUANT TO SUBSECTION (1) OF THIS
19 SECTION IN ANY FISCAL YEAR SHALL NOT EXCEED THE ANNUAL COSTS
20 INCURRED BY THE DEPARTMENT IN PROCESSING THE INFORMATION
21 DESCRIBED IN SECTION 24-33.5-412 (3) (a).

22 (3) THE AMOUNT OF A SURCHARGE COLLECTED BY THE BUREAU
23 PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL NOT EXCEED
24 SIXTY-FIVE PERCENT OF THE FEE UPON WHICH THE SURCHARGE IS
25 ASSESSED.

1 (4) IN DETERMINING THE AMOUNT OF AND COLLECTING
2 SURCHARGES PURSUANT TO THIS SECTION, THE BUREAU, TO THE EXTENT
3 PRACTICABLE, SHALL ENSURE THAT THE TOTAL AMOUNT OF MONEY
4 ANNUALLY COLLECTED AS SURCHARGES IS COLLECTED IN AN EQUITABLE
5 FASHION FROM ALL OF THE FEES ASSOCIATED WITH THE COSTS OF
6 PERFORMING A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL
7 HISTORY RECORD CHECK.

8 **SECTION 2.** 24-72-306 (1), Colorado Revised Statutes, is
9 amended to read:

10 **24-72-306. Copies, printouts, or photographs of criminal**
11 **justice records - fees authorized.** (1) Criminal justice agencies may
12 assess reasonable fees ~~not to exceed actual costs, including but not limited~~
13 ~~to personnel and equipment,~~ for the search, retrieval, and redaction of
14 criminal justice records requested pursuant to this part 3 and may waive
15 fees at their discretion. In addition, criminal justice agencies may charge
16 a fee not to exceed twenty-five cents per standard page for a copy of a
17 criminal justice record or a fee not to exceed the actual cost of providing
18 a copy, printout, or photograph of a criminal justice record in a format
19 other than a standard page. Where fees for certified copies or other
20 copies, printouts, or photographs of criminal justice records are
21 specifically prescribed by law, such specific fees shall apply. Where the
22 criminal justice agency is an agency or department of any county or
23 municipality, the amount of such fees shall be established by the
24 governing body of the county or municipality in accordance with this
25 subsection (1).

26 **SECTION 3. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.