

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

REENGROSSED

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

LLS NO. 13-0769.01 Duane Gall x4335

SENATE BILL 13-192

SENATE SPONSORSHIP

Heath,

HOUSE SPONSORSHIP

Tyler,

Senate Committees
Local Government

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ABILITY OF GOVERNMENT AGENCIES TO EXTEND THE**
102 **TIME PERMITTED FOR ACTION BASED ON THE RESULTS OF**
103 **FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECKS.**

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>.)

In statutes relating to licensing of taxicab drivers and other regulated professions, as well as other statutes, the regulatory agency is given a period of time to issue or deny an operating permit or take other action on the basis of a fingerprint-based criminal history record check

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.

SENATE
3rd Reading Unamended
March 11, 2013

SENATE
2nd Reading Unamended
March 8, 2013

through the Colorado bureau of investigation. A recent backlog in processing these record checks has made it difficult for agencies to meet the statutory deadline. The bill allows an agency to extend the statutory time period for action in these situations upon finding that exigent circumstances exist.

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

2 **SECTION 1.** In Colorado Revised Statutes, 40-10.1-110, **amend**
3 (2) as follows:

4 **40-10.1-110. Criminal history record check.** (2) An individual
5 whose fingerprints are checked ~~pursuant to~~ IN ACCORDANCE WITH
6 subsection (1) of this section may, pending the results of the criminal
7 history record check, drive ~~such~~ THE motor vehicles for the motor carrier
8 described in subsection (1) of this section for up to ninety days after the
9 commission forwards the fingerprints to the Colorado bureau of
10 investigation or until the commission receives the results of the check,
11 whichever occurs first. THE COMMISSION MAY TEMPORARILY EXTEND THE
12 NINETY-DAY PERIOD, IN ACCORDANCE WITH SECTION 24-33.5-412 (7),
13 C.R.S., BASED ON A DELAY IN PROCESSING CRIMINAL HISTORY RECORD
14 CHECKS BY THE COLORADO BUREAU OF INVESTIGATION OR ON OTHER
15 EXIGENT CIRCUMSTANCES BEYOND THE COMMISSION'S CONTROL. Upon the
16 commission's receipt of the results, the individual may resume driving
17 motor vehicles for the motor carrier described in subsection (1) of this
18 section, so long as the driving does not violate applicable law and does
19 not occur while the individual has a criminal conviction ~~on his or her~~
20 ~~record~~ that disqualifies ~~and prohibits~~ him or her from driving a motor
21 vehicle ~~pursuant to~~ IN ACCORDANCE WITH subsection (3) of this section.

22 **SECTION 2.** In Colorado Revised Statutes, 24-33.5-412, **add** (7)
23 as follows:

1 **24-33.5-412. Functions of bureau - legislative review -**
2 **interagency cooperation with reporting functions - processing time**
3 **for criminal history record checks.** (7) NOTWITHSTANDING ANY
4 PROVISION OF LAW TO THE CONTRARY, IF A DEPARTMENT OR AGENCY OF
5 THE EXECUTIVE BRANCH IS REQUIRED BY STATUTE TO REQUEST A
6 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK FROM OR
7 THROUGH THE BUREAU AND OBTAIN AND PROCESS THE RESULTS WITHIN A
8 SPECIFIED TIME, WHETHER FOR PURPOSES OF ISSUANCE OF A PROFESSIONAL
9 LICENSE OR FOR ANY OTHER REASON, AND, DUE TO A BACKLOG IN
10 REQUESTS PENDING WITH THE BUREAU OR DUE TO OTHER FACTORS
11 BEYOND THE CONTROL OF THE DEPARTMENT OR AGENCY, THE
12 DEPARTMENT OR AGENCY IS UNABLE TO ACT WITHIN THE TIME REQUIRED
13 BY STATUTE:

14 (a) THE DEPARTMENT OR AGENCY IS ALLOWED AN EXTENSION OF
15 TIME WITHIN WHICH TO OBTAIN AND PROCESS THE RESULTS OF THE
16 RECORD CHECK;

17 (b) THE DEPARTMENT OR AGENCY SHALL NOTIFY THE APPLICANT
18 AND OTHER INTERESTED PERSONS OF THE REASON FOR THE DELAY; AND

19 (c) THE STATUS OF THE PERSON WHOSE CRIMINAL HISTORY IS THE
20 SUBJECT OF THE RECORD CHECK, AND HIS OR HER RIGHTS AND
21 RESPONSIBILITIES AS SPECIFIED IN THE STATUTE THAT SET FORTH THE
22 ORIGINAL PERIOD FOR AGENCY ACTION, DO NOT CHANGE AS A RESULT OF
23 THE DELAY.

24 **SECTION 3. Applicability.** This act applies to requests for
25 fingerprint-based criminal history record checks that are pending on or
26 after the effective date of this act.

27 **SECTION 4. 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.