

HB1263_L.005

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary

HB12-1263 be amended as follows:

1 Amend reengrossed bill, page 2, line 2, strike "add" and substitute
2 "amend (1) (b) (V) and (1) (b) (VI); and add (1) (b) (VII),".

3 Page 2, strike line 4 and substitute:

4 "24-5-101. Effect of criminal conviction on employment rights.

5 (1) (b) This subsection (1) shall not apply to:

6 (V) The employment of persons in public or private correctional
7 facilities pursuant to the provisions of sections 17-1-109.5 and 17-1-202
8 (1) (a) (I) and (1.5), C.R.S., and the employment of persons in public or
9 private juvenile facilities pursuant to the provisions of sections
10 19-2-403.3 and 19-2-410 (4), C.R.S.; and

11 (VI) The employment of persons by the public employees'
12 retirement association created pursuant to section 24-51-201 who, upon
13 the commencement of that employment, will have access to association
14 investment information, association assets, or financial, demographic, or
15 other information relating to association members or beneficiaries; AND

16 (VII) THE EMPLOYMENT OF PERSONS BY THE DEPARTMENT OF
17 PUBLIC SAFETY."

18 Page 2, line 12, after "AGENCY" insert "DETERMINES THAT AN APPLICANT
19 IS A FINALIST OR".

20 Page 2, strike line 14 and substitute:

21 "(c) IF, AFTER DETERMINING THAT AN APPLICANT IS A FINALIST OR
22 AFTER MAKING A CONDITIONAL OFFER OF EMPLOYMENT TO AN APPLICANT,
23 THE AGENCY DETERMINES THAT THE APPLICANT HAS BEEN ARRESTED OR
24 CHARGED BUT NOT CONVICTED OF A CRIMINAL OFFENSE AND THE
25 CRIMINAL CASE IS NOT ACTIVELY PENDING, THE AGENCY SHALL NOT USE
26 THAT INFORMATION AS A BASIS FOR NOT MAKING AN OFFER OF
27 EMPLOYMENT OR FOR WITHDRAWING THE CONDITIONAL OFFER OF
28 EMPLOYMENT.

29 (d) IF, AFTER DETERMINING THAT AN APPLICANT IS A FINALIST OR
30 AFTER MAKING A CONDITIONAL OFFER OF EMPLOYMENT TO AN APPLICANT,
31 THE AGENCY DETERMINES THAT THE APPLICANT HAS HAD A CRIMINAL
32 CONVICTION EXPUNGED OR SEALED FROM HIS OR HER RECORD, RECEIVED
33 A PARDON, OR THAT CHARGES WERE DISMISSED PURSUANT TO
34 SUCCESSFULLY COMPLETING A DEFERRED JUDGMENT OR SENTENCE, THE
35 AGENCY SHALL NOT USE THAT INFORMATION AS A BASIS FOR NOT MAKING



1 AN OFFER OF EMPLOYMENT OR FOR WITHDRAWING THE CONDITIONAL
2 OFFER OF EMPLOYMENT UNLESS, AFTER REVIEWING THE FACTORS IN
3 SUBSECTION (4) OF THIS SECTION, THE AGENCY DETERMINES THAT THE
4 APPLICANT SHOULD BE DISQUALIFIED FOR THE POSITION.

5 (e) NOTHING IN THIS SECTION PREVENTS AN AGENCY FROM
6 CONSIDERING CRIMINAL HISTORY INFORMATION THAT THE APPLICANT
7 VOLUNTARILY PROVIDES."

8 Page 3, strike lines 1 through 6.

9 Page 3, line 7, after "AFTER" insert "DETERMINING THAT AN APPLICANT IS
10 A FINALIST OR".

11 Page 3, line 17, strike "INCLUDING, BUT NOT LIMITED TO," and substitute
12 "INCLUDING".

13 Page 3, line 19, after "THE" insert "DUTIES OF".

14 Page 3, strike line 20 and substitute "A CO-WORKER OR THE PUBLIC IN A
15 VULNERABLE POSITION;".

16 Page 4, line 5, strike "AN" and substitute "UNLESS THERE IS A SPECIFIC
17 STATUTORY DISQUALIFICATION THAT PROHIBITS AN APPLICANT FROM
18 OBTAINING LICENSURE BASED ON A CRIMINAL CONVICTION, IF THE
19 LICENSING ENTITY DETERMINES THAN AN APPLICANT FOR LICENSURE HAS
20 A CRIMINAL RECORD, THE LICENSING ENTITY IS GOVERNED BY SECTION
21 24-5-101 FOR PURPOSES OF GRANTING OR DENYING LICENSURE OR
22 PLACING ANY CONDITIONS ON LICENSURE."

23 Page 4, strike lines 6 through 17.

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