

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 10-0108.01 Jery Payne

HOUSE BILL 10-1011

HOUSE SPONSORSHIP

Kerr J., McNulty, Miklosi, Primavera

SENATE SPONSORSHIP

Schultheis, Carroll M., Mitchell, Tochtrop

House Committees

Finance

Senate Committees

Finance

Appropriations

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZATION FOR THE DEPARTMENT OF REVENUE TO**
102 **OBTAIN FINGERPRINT-BASED CRIMINAL HISTORY RECORD**
103 **CHECKS FOR EMPLOYMENT PURPOSES.**

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>.)

Legislative Audit Committee. Authorizes the department of revenue to obtain fingerprint-based criminal history record checks for current and prospective department employees with access to driver's licenses and state identification cards or personal identifying information.

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 Unam ended
March 25, 2010

SENATE
2nd Reading Unam ended
March 23, 2010

HOUSE
3rd Reading Unam ended
February 12, 2010

HOUSE
Am ended 2nd Reading
February 10, 2010

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

2 **SECTION 1.** Part 2 of article 1 of title 42, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **42-1-224. Criminal history check.** THE DEPARTMENT MAY
6 SUBMIT FINGERPRINTS OF AN EMPLOYEE OR PROSPECTIVE EMPLOYEE TO
7 THE COLORADO BUREAU OF INVESTIGATION TO OBTAIN A
8 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK IF THE
9 EMPLOYEE'S DUTIES DO OR WILL PROVIDE THEM WITH ACCESS TO
10 COLORADO DRIVER'S LICENSES AND IDENTIFICATION CARDS ISSUED
11 PURSUANT TO ARTICLE 2 OF THIS TITLE OR PERSONAL IDENTIFYING
12 INFORMATION COLLECTED OR STORED BY THE DEPARTMENT IN ORDER TO
13 ISSUE DRIVER'S LICENSES OR IDENTIFICATION CARDS. THE DEPARTMENT
14 OF REVENUE SHALL REQUIRE ALL SUCH EMPLOYEES HIRED ON OR AFTER
15 THE EFFECTIVE DATE OF THIS SECTION TO OBTAIN A FINGERPRINT-BASED
16 CRIMINAL HISTORY RECORD CHECK PRIOR TO PERFORMING THEIR OFFICIAL
17 DUTIES, AND SHALL REQUIRE ALL SUCH EMPLOYEES HIRED BEFORE THE
18 EFFECTIVE DATE OF THIS SECTION TO OBTAIN A FINGERPRINT-BASED
19 CRIMINAL HISTORY RECORD CHECK BY JULY 1, 2011. THE DEPARTMENT
20 MAY USE THIS INFORMATION TO MAKE EMPLOYMENT DECISIONS
21 CONCERNING SUCH EMPLOYEES. UPON RECEIPT OF FINGERPRINTS AND
22 PAYMENT FOR THE COSTS, THE COLORADO BUREAU OF INVESTIGATION
23 SHALL CONDUCT A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL
24 HISTORY RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU
25 OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION. THE
26 DEPARTMENT SHALL BE THE AUTHORIZED AGENCY TO RECEIVE

1 INFORMATION REGARDING THE RESULT OF THE NATIONAL CRIMINAL
2 HISTORY RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION
3 SHALL CHARGE THE DEPARTMENT A FEE FOR RECORD CHECKS CONDUCTED
4 PURSUANT TO THIS SECTION. THE COLORADO BUREAU OF INVESTIGATION
5 SHALL SET SUCH FEE AT A LEVEL SUFFICIENT TO COVER THE DIRECT AND
6 INDIRECT COSTS OF PROCESSING REQUESTS MADE PURSUANT TO THIS
7 SECTION. MONEYS COLLECTED BY THE BUREAU PURSUANT TO THIS
8 SECTION SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
9 ASSEMBLY FOR THE ADMINISTRATION OF THIS SECTION.

10 **SECTION 2. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety.