

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 14, 2011

Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

HB11-1121 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 2, strike lines 2 and 3.
- 2 Renumber succeeding sections accordingly.
- 3 Page 6, line 25, after "(6.5)" insert "(a)".
- 4 Page 7, line 1, strike "(a)" and substitute "(I)".
- 5 Page 7, line 4, strike "(I)" and substitute "(A)".
- 6 Page 7, line 6, strike "(II)" and substitute "(B)".
- 7 Page 7, line 8, strike "(III)" and substitute "(C)".
- 8 Page 7, line 10, strike "(IV) A" and substitute "(D) EXCEPT AS PROVIDED
- 9 IN PARAGRAPH (b) OF THIS SUBSECTION (6.5), A".
- 10 Page 7, line 13, strike "(V) A" and substitute "(E) EXCEPT AS PROVIDED
- 11 IN PARAGRAPH (b) OF THIS SUBSECTION (6.5), A".
- 12 Page 7, line 14, strike "C.R.S.;" and substitute "C.R.S., COMMITTED ON OR
- 13 AFTER AUGUST 25, 2012;".
- 14 Page 7, line 15, strike "(VI)" and substitute "(F)".

1 Page 7, line 17, strike "(VII)" and substitute "(G)".

2 Page 7, strike line 20 and substitute "DESCRIBED IN SUB-SUBPARAGRAPHS
3 (A) TO (F) OF THIS SUBPARAGRAPH (I);".

4 Page 7, line 21, strike "(b)" and substitute "(II)".

5 Page 7, line 25, strike "(c)" and substitute "(III)".

6 Page 8, after line 1 insert:

7 (b) THE DISQUALIFICATION FROM EMPLOYMENT PURSUANT TO
8 SUB-SUBPARAGRAPHS (D) AND (E) OF SUBPARAGRAPH (I) OF PARAGRAPH
9 (a) OF THIS SUBSECTION (6.5) SHALL ONLY APPLY IF LESS THAN FIVE YEARS
10 HAVE PASSED SINCE THE DATE THE OFFENSE WAS COMMITTED. AN
11 EMPLOYEE TERMINATED FROM EMPLOYMENT SOLELY ON THE BASIS OF THE
12 DISQUALIFICATION CONTAINED IN SUB-SUBPARAGRAPHS (D) AND (E) OF
13 SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (6.5) MAY
14 REAPPLY FOR EMPLOYMENT AFTER FIVE YEARS HAVE PASSED SINCE THE
15 DATE THE OFFENSE WAS COMMITTED.

16 (c) NOTHING IN THIS SUBSECTION (6.5) SHALL REQUIRE A SECOND
17 OR SUBSEQUENT FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
18 TO BE CONDUCTED FOR AN EMPLOYEE FOR WHOM A FINGERPRINT-BASED
19 CRIMINAL HISTORY RECORD CHECK HAS BEEN COMPLETED PRIOR TO THE
20 EFFECTIVE DATE OF THIS SUBSECTION (6.5)."

21 Page 9, line 15, after "(2) (f)," insert "(2.5) (a) (I) (D), (2.5) (b),".

22 Page 10, after line 15 insert:

23 (2.5) (a) A license, certificate, endorsement, or authorization
24 shall be denied, annulled, suspended, or revoked in the manner prescribed
25 in section 22-60.5-108, notwithstanding the provisions of subsection (1)
26 of this section to the contrary, in the following circumstances:

27 (I) When the applicant or holder is convicted of one of the
28 following offenses:

29 (D) EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION
30 (2.5), a felony, the underlying factual basis of which has been found by
31 the court on the record to include an act of domestic violence, as defined
32 in section 18-6-800.3, C.R.S.;

1 (b) For purposes of this subsection (2.5), "convicted" or
2 "conviction" means a conviction by a jury verdict or by entry of a verdict
3 or acceptance of a guilty plea OR A PLEA OF NOLO CONTENDERE by a
4 court."

5 Page 10, strike lines 16 through 27 and substitute:

6 "(2.6) (a) IN ADDITION TO THE OFFENSES DESCRIBED IN
7 SUBSECTION (2.5) OF THIS SECTION, THE STATE BOARD OF EDUCATION
8 SHALL DENY, ANNUL, SUSPEND, OR REVOKE A LICENSE, CERTIFICATE,
9 ENDORSEMENT, OR AUTHORIZATION IF THE APPLICANT FOR OR HOLDER OF
10 THE LICENSE, CERTIFICATE, ENDORSEMENT, OR AUTHORIZATION IS
11 CONVICTED OF A FELONY DRUG OFFENSE DESCRIBED IN PART 4 OF ARTICLE
12 18 OF TITLE 18, C.R.S., COMMITTED ON OR AFTER AUGUST 25, 2012. THE
13 REQUIREMENT THAT THE STATE BOARD OF EDUCATION DENY, ANNUL,
14 SUSPEND, OR REVOKE A LICENSE, CERTIFICATE, ENDORSEMENT, OR
15 AUTHORIZATION SHALL ONLY APPLY FOR A PERIOD OF FIVE YEARS
16 FOLLOWING THE DATE OF THE CONVICTION."

17 Page 11, strike lines 1 through 12 and substitute:

18 "(b) NOTHING IN THIS SUBSECTION (2.6) SHALL LIMIT THE
19 AUTHORITY OF THE STATE BOARD OF EDUCATION TO DENY, ANNUL,
20 SUSPEND, OR REVOKE A LICENSE, CERTIFICATE, ENDORSEMENT, OR
21 AUTHORIZATION IF THE APPLICANT OR HOLDER IS CONVICTED OF A FELONY
22 DRUG OFFENSE DESCRIBED IN PART 4 OF ARTICLE 18 OF TITLE 18, C.R.S.,
23 COMMITTED PRIOR TO AUGUST 25, 2012."

24 Page 11, line 15, after "PLEA" insert "OR A PLEA OF NOLO CONTENDERE".

25 Page 12, after line 10 insert:

26 "SECTION 8. 22-60.5-107 (2.5), Colorado Revised Statutes, is
27 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

28 **22-60.5-107. Grounds for denying, annulling, suspending, or**
29 **revoking license, certificate, endorsement, or authorization.**

30 (2.5) (c) THE GROUNDS FOR MANDATORY DENIAL, ANNULMENT,
31 SUSPENSION, OR REVOCATION OF A LICENSE, CERTIFICATE, ENDORSEMENT,
32 OR AUTHORIZATION PURSUANT TO SUB-SUBPARAGRAPH (D) OF
33 SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (2.5) SHALL
34 ONLY APPLY IF LESS THAN FIVE YEARS HAVE PASSED SINCE THE DATE THE
35 OFFENSE WAS COMMITTED."

- 1 Renumber succeeding sections accordingly.
- 2 Page 1, strike line 102 through 104 and substitute "**CONVICTION OF**
- 3 **CERTAIN OFFENSES.**".

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