

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 11-0660.01 Christy Chase

HOUSE BILL 11-1195

HOUSE SPONSORSHIP

Gardner B., Ryden

SENATE SPONSORSHIP

Newell,

House Committees

Judiciary

Finance

Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE VOLUNTARY LICENSURE OF PRIVATE**
102 **INVESTIGATORS, AND MAKING AN APPROPRIATION THEREFOR.**

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 permits a private investigator in Colorado to obtain a voluntary license from the director of the division of registrations in the department of regulatory agencies (director) if the private investigator:

- ! Is at least 21 years of age;
- ! Is lawfully present in the United States;

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.*

- ! Has not been convicted of a felony or, within the previous 10 years, of a class 1 misdemeanor;
- ! Has at least 4,000 hours of verifiable, applicable experience as a private investigator within the previous 5 years or 2,000 hours of experience plus an amount of education as determined by the director;
- ! Has knowledge and understanding of the laws affecting the activities of licensed private investigators in this state, as attested to in a sworn, notarized affidavit submitted to the director with the application;
- ! Obtains a fingerprint-based criminal history record check;
- ! Pays the required fee; and
- ! Submits a current photograph and any applicable business registration documentation.

A private investigator who does not obtain a license is prohibited from holding himself or herself out as, or using the title of, "licensed private investigator".

The bill grants a licensed private investigator access to the following records, unredacted by the custodians of the records:

- ! State, county, and municipal court records pertaining to criminal, civil, and domestic cases;
- ! Records in the custody of a county clerk and recorder, including real and personal property records, voter records, marriage records, and motor vehicle records;
- ! Records of or in the custody of a county tax assessor;
- ! Records in the custody of the state registrar of vital statistics, including records of birth, death, marriage, and divorce;
- ! Records in the custody of the secretary of state, including voter records; corporate or business filings; "Uniform Commercial Code" filings; bingo, raffle, and notary public filings; and lobbyist filings;
- ! Law enforcement records other than those records pertaining to ongoing or active law enforcement investigations; and
- ! State and local government records relating to professional, occupational, or business licenses, registrations, or certifications.

The bill requires the department of revenue to establish procedures for a licensed private investigator seeking access to motor vehicle records to work with department personnel to identify specific motor vehicle records for disclosure to the licensed private investigator for a permitted use. Additionally, custodians of records are not required to release a person's social security number to a licensed private investigator unless otherwise required by law or court order.

The functions of the director pertaining to the licensure of private investigators is subject to sunset review and repeal on September 1, 2016.

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

2 **SECTION 1.** Title 12, Colorado Revised Statutes, is amended BY
3 THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 58.5**

5 **Private Investigators**

6 **12-58.5-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND
7 MAY BE CITED AS THE "PRIVATE INVESTIGATORS VOLUNTARY LICENSURE
8 ACT".

9 **12-58.5-102. Legislative declaration.** THE GENERAL ASSEMBLY
10 HEREBY FINDS THAT IN ORDER TO PROTECT THE CITIZENS OF THE STATE
11 AND ALLOW PRIVATE INVESTIGATORS ACCESS TO PUBLIC RECORDS, IT IS
12 IMPORTANT TO CREATE A LICENSURE PROGRAM TO ALLOW QUALIFIED
13 PRIVATE INVESTIGATORS, AT THEIR OPTION, TO OBTAIN A STATE-ISSUED
14 LICENSE TO CONDUCT PRIVATE INVESTIGATIONS.

15 **12-58.5-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
16 CONTEXT OTHERWISE REQUIRES:

17 (1) "APPLICANT" MEANS A PRIVATE INVESTIGATOR WHO APPLIES
18 FOR AN INITIAL OR RENEWAL LICENSE PURSUANT TO THIS ARTICLE.

19 (2) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION.

20 (3) "DIVISION" MEANS THE DIVISION OF REGISTRATIONS IN THE
21 DEPARTMENT OF REGULATORY AGENCIES.

22 (4) "LICENSED PRIVATE INVESTIGATOR" MEANS A PRIVATE
23 INVESTIGATOR LICENSED BY THE DIRECTOR PURSUANT TO THIS ARTICLE.

24 (5) "PRIVATE INVESTIGATION" MEANS AN INVESTIGATION FOR THE
25 PURPOSE OF OBTAINING INFORMATION PERTAINING TO:

1 (a) A CRIME, WRONGFUL ACT, OR THREAT AGAINST THE UNITED
2 STATES OR ANY STATE OR TERRITORY OF THE UNITED STATES;

3 (b) THE IDENTITY, REPUTATION, CHARACTER, HABITS, CONDUCT,
4 BUSINESS OCCUPATION, HONESTY, INTEGRITY, CREDIBILITY, KNOWLEDGE,
5 TRUSTWORTHINESS, EFFICIENCY, LOYALTY, ACTIVITY, MOVEMENTS,
6 WHEREABOUTS, AFFILIATIONS, ASSOCIATIONS, OR TRANSACTIONS OF A
7 PERSON OR GROUP OF PERSONS;

8 (c) THE CREDIBILITY OF WITNESSES OR OTHER PERSONS;

9 (d) THE WHEREABOUTS OF MISSING PERSONS;

10 (e) DETERMINE THE OWNERS OF ABANDONED PROPERTY;

11 (f) THE CAUSES AND ORIGIN OF, OR RESPONSIBILITY FOR, A FIRE,
12 LIBEL, SLANDER, A LOSS, AN ACCIDENT, DAMAGE, OR AN INJURY TO A
13 PERSON OR TO REAL OR PERSONAL PROPERTY;

14 (g) THE BUSINESS OF SECURING EVIDENCE TO BE USED BEFORE AN
15 INVESTIGATORY COMMITTEE OR BOARD OF AWARD OR ARBITRATION OR IN
16 THE PREPARATION FOR OR IN A CIVIL OR CRIMINAL TRIAL;

17 (h) THE BUSINESS OF LOCATING PERSONS WHO HAVE BECOME
18 DELINQUENT IN THEIR LAWFUL DEBTS, EITHER WHEN HIRED BY AN
19 INDIVIDUAL OR COLLECTION AGENCY OR THROUGH DIRECT PURCHASE OF
20 THE DEBT FROM A FINANCIAL INSTITUTION OR ENTITY OWNING THE DEBT
21 OR JUDGMENT.

22 (6) (a) "PRIVATE INVESTIGATOR" MEANS A PERSON WHO, FOR
23 CONSIDERATION, ENGAGES IN BUSINESS OR ACCEPTS EMPLOYMENT TO
24 CONDUCT PRIVATE INVESTIGATIONS.

25 (b) "PRIVATE INVESTIGATOR" DOES NOT INCLUDE:

26 (I) A COLLECTION AGENCY, AS DEFINED IN SECTION 12-14-103;

27 (II) A PERSON CONDUCTING AN INVESTIGATION ON THE PERSON'S

1 OWN BEHALF, OR AN EMPLOYEE CONDUCTING AN INVESTIGATION ON
2 BEHALF OF THE EMPLOYER;

3 (III) AN EMPLOYEE OR INDEPENDENT CONTRACTOR OF AN
4 ATTORNEY LICENSED TO PRACTICE LAW IN THIS STATE;

5 (IV) A CERTIFIED PEACE OFFICER OF A LAW ENFORCEMENT
6 AGENCY OPERATING IN HIS OR HER OFFICIAL CAPACITY;

7 (V) A CONSUMER REPORTING AGENCY, AS DEFINED IN SECTION
8 12-14-103;

9 (VI) A CERTIFIED PUBLIC ACCOUNTANT CERTIFIED OR AUTHORIZED
10 TO PROVIDE ACCOUNTING SERVICES IN THE STATE PURSUANT TO ARTICLE
11 2 OF THIS TITLE AND ANY EMPLOYEE OR AFFILIATE OF AN ACCOUNTING
12 FIRM REGISTERED PURSUANT TO SECTION 12-2-117;

13 (VII) AN INVESTIGATOR EMPLOYED BY A PUBLIC OR
14 GOVERNMENTAL AGENCY;

15 (VIII) A JOURNALIST OR GENEALOGIST; OR

16 (IX) A PERSON SERVING PROCESS.

17 **12-58.5-104. Voluntary license - title protection - penalty.**

18 (1) (a) BY JULY 1, 2012, A PRIVATE INVESTIGATOR CONDUCTING PRIVATE
19 INVESTIGATIONS IN THIS STATE WHO MEETS THE REQUIREMENTS OF
20 SECTION 12-58.5-105 MAY OBTAIN A LICENSE FROM THE DIRECTOR. ONLY
21 A PRIVATE INVESTIGATOR WHO OBTAINS A LICENSE PURSUANT TO SECTION
22 12-58.5-105 SHALL HOLD HIMSELF OR HERSELF OUT AS, OR USE THE TITLE
23 OF, A "LICENSED PRIVATE INVESTIGATOR".

24 (b) NOTHING IN THIS ARTICLE REQUIRES A PRIVATE INVESTIGATOR
25 ENGAGING IN PRIVATE INVESTIGATIONS IN THIS STATE TO OBTAIN A
26 LICENSE UNDER THIS ARTICLE, BUT A PRIVATE INVESTIGATOR WHO IS NOT
27 SO LICENSED SHALL NOT REFER TO HIMSELF OR HERSELF AS A "LICENSED

1 PRIVATE INVESTIGATOR".

2 (2) ANY PERSON WHO HOLDS HIMSELF OR HERSELF OUT AS OR USES
3 THE TITLE "LICENSED PRIVATE INVESTIGATOR" WITHOUT AN ACTIVE
4 LICENSE ISSUED UNDER THIS ARTICLE COMMITS A CLASS 2 MISDEMEANOR
5 AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S., FOR
6 THE FIRST OFFENSE, AND, FOR THE SECOND OR ANY SUBSEQUENT OFFENSE,
7 COMMITS A CLASS 1 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED
8 IN SECTION 18-1.3-501, C.R.S.

9 **12-58.5-105. Private investigator voluntary license -**
10 **qualifications - fees - renewal.** (1) UPON APPLICATION IN THE FORM
11 AND MANNER DETERMINED BY THE DIRECTOR, PAYMENT OF THE REQUIRED
12 FEE, SUBMISSION OF A CURRENT PHOTOGRAPH OF THE APPLICANT AND
13 BUSINESS REGISTRATION DOCUMENTATION AS REQUIRED BY SUBSECTION
14 (3) OF THIS SECTION, AND SATISFACTION OF THE REQUIREMENTS OF
15 SUBSECTION (2) OF THIS SECTION, THE DIRECTOR SHALL ISSUE AN INITIAL
16 OR RENEWAL LICENSE TO AN APPLICANT WHO PROVIDES EVIDENCE
17 SATISFACTORY TO THE DIRECTOR THAT HE OR SHE:

- 18 (a) IS AT LEAST TWENTY-ONE YEARS OF AGE;
- 19 (b) IS LAWFULLY PRESENT IN THE UNITED STATES;
- 20 (c) HAS NOT BEEN CONVICTED OF OR PLED GUILTY OR NOLO
21 CONTENDERE TO A FELONY OR, WITHIN THE TEN YEARS IMMEDIATELY
22 PRECEDING THE DATE OF APPLICATION, A CLASS 1 MISDEMEANOR; HAS NOT
23 BEEN CONVICTED OF ANY OTHER OFFENSE, THE UNDERLYING FACTUAL
24 BASIS OF WHICH HAS BEEN FOUND BY THE COURT TO INVOLVE UNLAWFUL
25 SEXUAL BEHAVIOR, DOMESTIC VIOLENCE, AS DEFINED IN SECTION
26 18-6-800.3 (1), C.R.S., STALKING, AS DEFINED IN SECTION 18-3-602,
27 C.R.S.; AND HAS NOT BEEN CONVICTED OF VIOLATION OF A PROTECTION

1 ORDER, AS DEFINED IN SECTION 18-6-803.5, C.R.S.;

2 (d) (I) HAS AT LEAST FOUR THOUSAND HOURS OF VERIFIABLE,
3 APPLICABLE EXPERIENCE, AS DETERMINED BY THE DIRECTOR WITHIN THE
4 FIVE YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION; OR

5 (II) HAS AT LEAST TWO THOUSAND HOURS OF VERIFIABLE,
6 APPLICABLE EXPERIENCE, AS DETERMINED BY THE DIRECTOR, WITHIN THE
7 FIVE YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION PLUS AN
8 AMOUNT OF POSTSECONDARY EDUCATION DETERMINED BY THE DIRECTOR;
9 AND

10 (e) HAS KNOWLEDGE AND UNDERSTANDING OF THE STATUTES AND
11 RULES AFFECTING THE ACTIVITIES OF LICENSED PRIVATE INVESTIGATORS
12 IN THIS STATE, AS ATTESTED TO IN A SWORN, NOTARIZED AFFIDAVIT
13 SUBMITTED TO THE DIRECTOR WITH THE APPLICATION.

14 (2) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (1) OF THIS
15 SECTION, EACH LICENSE APPLICANT SHALL HAVE HIS OR HER FINGERPRINTS
16 TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY FOR THE PURPOSE OF
17 OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.
18 THE APPLICANT IS REQUIRED TO SUBMIT PAYMENT BY CERTIFIED CHECK OR
19 MONEY ORDER FOR THE FINGERPRINTS AND FOR THE ACTUAL COSTS OF THE
20 RECORD CHECK AT THE TIME THE FINGERPRINTS ARE SUBMITTED TO THE
21 COLORADO BUREAU OF INVESTIGATION. UPON RECEIPT OF FINGERPRINTS
22 AND RECEIPT OF THE PAYMENT FOR COSTS, THE COLORADO BUREAU OF
23 INVESTIGATION SHALL CONDUCT A STATE AND NATIONAL
24 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK UTILIZING
25 RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE
26 FEDERAL BUREAU OF INVESTIGATION AND SHALL FORWARD THE RESULTS
27 OF THE CRIMINAL HISTORY RECORD CHECK TO THE DIRECTOR.

1 (3) IF AN APPLICANT HAS REGISTERED AS A BUSINESS ENTITY WITH
2 THE SECRETARY OF STATE, AT THE TIME OF APPLICATION FOR A LICENSE
3 THE APPLICANT SHALL PROVIDE DOCUMENTATION TO THE DIRECTOR THAT
4 THE APPLICANT'S BUSINESS REGISTRATION IS CURRENT AND IN GOOD
5 STANDING WITH THE SECRETARY OF STATE.

6 (4) AN APPLICANT FOR LICENSURE SHALL PAY LICENSE, RENEWAL,
7 AND REINSTATEMENT FEES ESTABLISHED BY THE DIRECTOR PURSUANT TO
8 SECTION 24-34-105, C.R.S. ALL LICENSES SHALL BE RENEWED OR
9 REINSTATED PURSUANT TO A SCHEDULE ESTABLISHED BY THE DIRECTOR
10 AND PURSUANT TO SECTION 24-34-102 (8), C.R.S. IF A PERSON FAILS TO
11 RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE ESTABLISHED BY
12 THE DIRECTOR, THE LICENSE EXPIRES AND THE PERSON SHALL NOT HOLD
13 HIMSELF OR HERSELF OUT AS A LICENSED PRIVATE INVESTIGATOR UNTIL HE
14 OR SHE PAYS THE APPROPRIATE FEES TO REINSTATE THE LICENSE.

15

16 **12-58.5-106. Director may promulgate rules.** IN ADDITION TO
17 ALL OTHER POWERS AND DUTIES CONFERRED OR IMPOSED UPON THE
18 DIRECTOR BY THIS ARTICLE OR BY ANY OTHER LAW, THE DIRECTOR MAY
19 PROMULGATE RULES PURSUANT TO SECTION 24-4-103, C.R.S., TO
20 IMPLEMENT THIS ARTICLE.

21 **12-58.5-107. Disciplinary actions - grounds for discipline.**

22 (1) THE DIRECTOR MAY DENY, SUSPEND, REVOKE, OR PLACE ON
23 PROBATION A PRIVATE INVESTIGATOR'S LICENSE IF THE APPLICANT:

24 (a) VIOLATES ANY ORDER OF THE DIRECTOR OR ANY PROVISION OF
25 THIS ARTICLE OR OF RULES ESTABLISHED UNDER THIS ARTICLE;

26 (b) FAILS TO MEET THE REQUIREMENTS OF SECTION 12-58.5-105 OR
27 USES FRAUD, MISREPRESENTATION, OR DECEIT IN APPLYING FOR OR

1 ATTEMPTING TO APPLY FOR A LICENSE;

2 (c) IS CONVICTED OF OR HAS ENTERED A PLEA OF GUILTY OR NOLO
3 CONTENDERE TO A FELONY; EXCEPT THAT THE DIRECTOR SHALL BE
4 GOVERNED BY THE PROVISIONS OF SECTION 24-5-101, C.R.S., IN
5 CONSIDERING THE CONVICTION OR PLEA;

6 (d) HAS BEEN SUBJECT TO DISCIPLINE RELATED TO THE PRACTICE
7 OF PRIVATE INVESTIGATIONS IN ANOTHER JURISDICTION. EVIDENCE OF
8 DISCIPLINARY ACTION IN ANOTHER JURISDICTION IS PRIMA FACIE EVIDENCE
9 FOR DENIAL OF A LICENSE OR OTHER DISCIPLINARY ACTION IF THE
10 VIOLATION WOULD BE GROUNDS FOR DISCIPLINARY ACTION IN THIS STATE.

11 (2) THE DIRECTOR SHALL CONDUCT ANY PROCEEDING TO DENY,
12 SUSPEND, OR REVOKE A LICENSE OR PLACE A PRIVATE INVESTIGATOR ON
13 PROBATION IN ACCORDANCE WITH SECTIONS 24-4-104 AND 24-4-105,
14 C.R.S. THE DIRECTOR MAY DESIGNATE AN ADMINISTRATIVE LAW JUDGE
15 PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO CONDUCT
16 HEARINGS, AND THE ADMINISTRATIVE LAW JUDGE SHALL CONDUCT THE
17 HEARINGS IN ACCORDANCE WITH SECTIONS 24-4-104 AND 24-4-105,
18 C.R.S. ANY PERSON WHOSE LICENSE IS DENIED, SUSPENDED, PLACED ON
19 PROBATION, OR REVOKED SHALL PAY FOR THE COSTS INCURRED IN
20 BRINGING AND CONDUCTING SUCH PROCEEDING. A FINAL DECISION OF THE
21 DIRECTOR OR THE ADMINISTRATIVE LAW JUDGE IS SUBJECT TO JUDICIAL
22 REVIEW BY THE COURT OF APPEALS PURSUANT TO SECTION 24-4-106 (11),
23 C.R.S.

24 (3) (a) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN
25 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES
26 NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT THAT SHOULD NOT
27 BE DISMISSED AS BEING WITHOUT MERIT, A LETTER OF ADMONITION MAY

1 BE ISSUED AND SENT, BY CERTIFIED MAIL, TO THE LICENSED PRIVATE
2 INVESTIGATOR.

3 (b) WHEN THE DIRECTOR SENDS A LETTER OF ADMONITION TO A
4 LICENSED PRIVATE INVESTIGATOR, THE DIRECTOR SHALL ADVISE THE
5 PRIVATE INVESTIGATOR THAT HE OR SHE HAS THE RIGHT TO REQUEST IN
6 WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF THE LETTER, THAT
7 FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO ADJUDICATE THE
8 PROPRIETY OF THE CONDUCT UPON WHICH THE LETTER OF ADMONITION IS
9 BASED.

10 (c) IF THE LICENSED PRIVATE INVESTIGATOR TIMELY REQUESTS
11 ADJUDICATION, THE DIRECTOR SHALL VACATE THE LETTER OF
12 ADMONITION AND PROCESS THE MATTER BY MEANS OF FORMAL
13 DISCIPLINARY PROCEEDINGS.

14 (4) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN
15 INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE
16 DIRECTOR AND, IN THE OPINION OF THE DIRECTOR, THE COMPLAINT
17 SHOULD BE DISMISSED, BUT THE DIRECTOR HAS NOTICED INDICATIONS OF
18 POSSIBLE ERRANT CONDUCT BY THE LICENSED PRIVATE INVESTIGATOR
19 THAT COULD LEAD TO SERIOUS CONSEQUENCES IF NOT CORRECTED, THE
20 DIRECTOR MAY SEND THE LICENSED PRIVATE INVESTIGATOR A
21 CONFIDENTIAL LETTER OF CONCERN.

22 (5) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN
23 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR,
24 WARRANTS FORMAL ACTION, THE DIRECTOR SHALL NOT RESOLVE THE
25 COMPLAINT BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR
26 PROSECUTION.

27 **12-58.5-108. Immunity.** THE DIRECTOR, THE DIRECTOR'S STAFF,

1 ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE DIRECTOR,
2 ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS
3 ARTICLE, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS
4 ARTICLE IS IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT
5 AGAINST HIM OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER
6 CAPACITY AS DIRECTOR, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY,
7 IF THE INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS
8 OR HER RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN
9 THE FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN
10 THE REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS
11 WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH
12 IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR
13 ADMINISTRATIVE PROCEEDING PURSUANT TO THIS ARTICLE IS IMMUNE
14 FROM ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM THAT
15 PARTICIPATION.

16 **12-58.5-109. Fees - cash fund.** THE DIVISION SHALL TRANSMIT
17 ALL FEES COLLECTED PURSUANT TO THIS ARTICLE TO THE STATE
18 TREASURER, WHO SHALL CREDIT THE FEES TO THE DIVISION OF
19 REGISTRATIONS CASH FUND CREATED PURSUANT TO SECTION 24-34-105
20 (2) (b), C.R.S. THE GENERAL ASSEMBLY SHALL MAKE ANNUAL
21 APPROPRIATIONS FROM THE DIVISION OF REGISTRATIONS CASH FUND FOR
22 EXPENDITURES OF THE DIVISION INCURRED IN THE PERFORMANCE OF ITS
23 DUTIES UNDER THIS ARTICLE.

24 **12-58.5-110. Repeal of article - review of functions.** THIS
25 ARTICLE IS REPEALED, EFFECTIVE SEPTEMBER 1, 2016. PRIOR TO ITS
26 REPEAL, THE POWERS, DUTIES, AND FUNCTIONS OF THE DIRECTOR
27 REGARDING THE LICENSURE OF PRIVATE INVESTIGATORS AS SPECIFIED IN

1 THIS ARTICLE SHALL BE REVIEWED AS PROVIDED IN SECTION 24-34-104,
2 C.R.S.

3 **SECTION 2.** 24-34-104 (47.5), Colorado Revised Statutes, is
4 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

5 **24-34-104. General assembly review of regulatory agencies**
6 **and functions for termination, continuation, or reestablishment.**

7 (47.5) The following agencies, functions, or both, shall terminate on
8 September 1, 2016:

9 (c) THE VOLUNTARY LICENSING OF PRIVATE INVESTIGATORS BY
10 THE DIRECTOR OF THE DIVISION OF REGISTRATIONS IN ACCORDANCE WITH
11 ARTICLE 58.5 OF TITLE 12, C.R.S.

12 **SECTION 3. Appropriation.** (1) In addition to any other
13 appropriation, there is hereby appropriated, out of any moneys in the
14 Colorado bureau of investigation identification unit fund created in
15 section 24-33.5-426, Colorado Revised Statutes, not otherwise
16 appropriated, to the department of public safety, for allocation to the
17 Colorado bureau of investigations, for the Colorado crime information
18 center, identification, for the fiscal year beginning July 1, 2011, the sum
19 of nineteen thousand seven hundred fifty dollars (\$19,750) cash funds, or
20 so much thereof as may be necessary, for the implementation of this act.

21 (2) In addition to any other appropriation, there is hereby
22 appropriated, out of any moneys in the division of registrations cash fund
23 created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not
24 otherwise appropriated, to the department of regulatory agencies, for
25 allocation to the executive director's office, for legal services, for the
26 fiscal year beginning July 1, 2011, the sum of seven thousand three
27 hundred thirty-seven dollars (\$7,337) cash funds, or so much thereof as

1 may be necessary, for the implementation of this act.

2 (3) In addition to any other appropriation, there is hereby
3 appropriated, out of any moneys in the division of registrations cash fund
4 created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not
5 otherwise appropriated, to the department of regulatory agencies, for
6 allocation to the division of registrations, for the fiscal year beginning
7 July 1, 2011, the sum of seventy-five thousand one hundred ninety-six
8 dollars (\$75,196) cash funds and 1.0 FTE, or so much thereof as may be
9 necessary, for the implementation of this act.

10 (4) In addition to any other appropriation, there is hereby
11 appropriated to the department of law, for the fiscal year beginning July
12 1, 2011, the sum of seven thousand three hundred thirty-seven dollars
13 (\$7,337), or so much thereof as may be necessary, for the provision of
14 legal services to the department of regulatory agencies related to the
15 implementation of this act. Said sum shall be from reappropriated funds
16 received from the department of regulatory agencies out of the
17 appropriation made in subsection (2) of this section.

18 **SECTION 4. Act subject to petition - effective date.** This act
19 shall take effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part shall not take effect
25 unless approved by the people at the general election to be held in
26 November 2012 and shall take effect on the date of the official
27 declaration of the vote thereon by the governor.