

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REREVISED

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

LLS NO. 11-0235.01 Jane Ritter

HOUSE BILL 11-1102

HOUSE SPONSORSHIP

Summers,

SENATE SPONSORSHIP

Newell,

House Committees
Economic and Business Development

Senate Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING PORTABILITY OF FINGERPRINT-BASED CRIMINAL**
102 **HISTORY RECORDS CHECKS FOR EMPLOYEES OF SEPARATELY**
103 **LICENSED CHILD CARE FACILITIES OWNED BY A SINGLE PARENT**
104 **ENTITY.**

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 allows for portability of a fingerprint-based criminal history records check (background check) in separately licensed child

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 7, 2011

SENATE
2nd Reading Unam ended
March 4, 2011

HOUSE
3rd Reading Unam ended
February 3, 2011

HOUSE
Am ended 2nd Reading
February 2, 2011

care facilities owned or controlled by a single parent entity. If an individual who is required to obtain a background check transfers employment to another licensed facility owned and operated by the same parent entity, a new background check shall not be required if the parent entity maintains a central records management system for employees of all its licensed facilities; takes action as required when informed of the results of a background check that requires action; and informs the department of human services whenever an additional licensed facility comes under or is no longer under its ownership or control.

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

2 **SECTION 1.** 26-6-107 (1) (a) (I) (C), Colorado Revised Statutes,
3 is amended, and the said 26-6-107 (1) (a) (I) is further amended BY THE
4 ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

5 **26-6-107. Investigations and inspections - local authority -**
6 **reports - rules.** (1) (a) (I) (C) Rules promulgated by the state board
7 pursuant to this subparagraph (I) shall require the fingerprint-based
8 criminal history records check in all circumstances, other than those
9 identified in sub-subparagraph (B), ~~or~~ (C.5), ~~OR~~ (C.7) of this
10 subparagraph (I), to include a fingerprint-based criminal history records
11 check through the Colorado bureau of investigation. As part of said
12 investigation, the records and reports of child abuse or neglect maintained
13 by the state department shall be accessed to determine whether the owner,
14 applicant, employee, newly hired employee, licensee, or individual who
15 resides in the licensed facility being investigated has been found to be
16 responsible in a confirmed report of child abuse or neglect. Information
17 shall be made available pursuant to section 19-1-307 (2) (j), C.R.S., and
18 rules promulgated by the state board pursuant to section 19-3-313.5 (4),
19 C.R.S. EXCEPT AS PROVIDED FOR IN SUB-SUBPARAGRAPH (C.7) OF THIS
20 SUBPARAGRAPH (I), any change in ownership of a licensed facility or the

1 addition of a new resident adult or newly hired employee to the licensed
2 facility shall require a new investigation as provided for in this section.

3 (C.7) WHERE TWO OR MORE INDIVIDUALLY LICENSED FACILITIES
4 ARE WHOLLY OWNED, OPERATED, AND CONTROLLED BY A [REDACTED] COMMON
5 OWNERSHIP GROUP OR SCHOOL DISTRICT, A FINGERPRINT-BASED CRIMINAL
6 HISTORY RECORDS CHECK COMPLETED FOR ONE OF THE LICENSED
7 FACILITIES OF THE COMMON OWNERSHIP GROUP OR SCHOOL DISTRICT
8 PURSUANT TO THIS SECTION FOR ANY INDIVIDUAL FOR WHOM SUCH A
9 CHECK IS REQUIRED UNDER THIS PART 1 MAY SATISFY THE RECORDS CHECK
10 REQUIREMENT FOR ANY OTHER LICENSED FACILITY UNDER THE SAME
11 COMMON OWNERSHIP GROUP OR SCHOOL DISTRICT. A NEW
12 FINGERPRINT-BASED CRIMINAL HISTORY RECORDS CHECK SHALL NOT BE
13 REQUIRED OF SUCH AN INDIVIDUAL IF THE COMMON OWNERSHIP GROUP OR
14 SCHOOL DISTRICT [REDACTED] MAINTAINS A CENTRAL RECORDS MANAGEMENT
15 SYSTEM FOR EMPLOYEES OF ALL ITS LICENSED FACILITIES; TAKES ACTION
16 AS REQUIRED PURSUANT TO SECTION 26-6-104 WHEN INFORMED OF THE
17 RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORDS CHECK
18 THAT REQUIRES ACTION PURSUANT TO THIS PART 1; AND INFORMS THE
19 DEPARTMENT WHENEVER AN ADDITIONAL LICENSED FACILITY COMES
20 UNDER OR IS NO LONGER UNDER ITS OWNERSHIP OR CONTROL.

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