

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

**REVISED**

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

LLS NO. 11-0235.01 Jane Ritter

**HOUSE BILL 11-1102**

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**HOUSE SPONSORSHIP**

**Summers,**

**SENATE SPONSORSHIP**

**Newell,**

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**House Committees**

Economic and Business Development

**Senate Committees**

Judiciary

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**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.**

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**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  
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.

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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.