

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

May 4, 2012
Date

Committee on Judiciary.

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

HB12-1263 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 2, line 2, strike "**add**" and substitute
2 "**amend** (1) (b) (V) and (1) (b) (VI); and **add** (1) (b) (VII),".

3 Page 2, strike line 4 and substitute:

4 "**24-5-101. Effect of criminal conviction on employment rights.**

5 (1) (b) This subsection (1) shall not apply to:

6 (V) The employment of persons in public or private correctional
7 facilities pursuant to the provisions of sections 17-1-109.5 and 17-1-202
8 (1) (a) (I) and (1.5), C.R.S., and the employment of persons in public or
9 private juvenile facilities pursuant to the provisions of sections
10 19-2-403.3 and 19-2-410 (4), C.R.S.; ~~and~~

11 (VI) The employment of persons by the public employees'
12 retirement association created pursuant to section 24-51-201 who, upon
13 the commencement of that employment, will have access to association
14 investment information, association assets, or financial, demographic, or
15 other information relating to association members or beneficiaries; AND

16 (VII) THE EMPLOYMENT OF PERSONS BY THE DEPARTMENT OF
17 PUBLIC SAFETY.".

18 Page 2, line 12, after "AGENCY" insert "DETERMINES THAT AN APPLICANT
19 IS A FINALIST OR".

20 Page 2, strike line 14 and substitute:

1 "(c) IF, AFTER DETERMINING THAT AN APPLICANT IS A FINALIST OR
2 AFTER MAKING A CONDITIONAL OFFER OF EMPLOYMENT TO AN APPLICANT,
3 THE AGENCY DETERMINES THAT THE APPLICANT HAS BEEN ARRESTED OR
4 CHARGED BUT NOT CONVICTED OF A CRIMINAL OFFENSE AND THE
5 CRIMINAL CASE IS NOT ACTIVELY PENDING, THE AGENCY SHALL NOT USE
6 THAT INFORMATION AS A BASIS FOR NOT MAKING AN OFFER OF
7 EMPLOYMENT OR FOR WITHDRAWING THE CONDITIONAL OFFER OF
8 EMPLOYMENT.

9 (d) IF, AFTER DETERMINING THAT AN APPLICANT IS A FINALIST OR
10 AFTER MAKING A CONDITIONAL OFFER OF EMPLOYMENT TO AN APPLICANT,
11 THE AGENCY DETERMINES THAT THE APPLICANT HAS HAD A CRIMINAL
12 CONVICTION EXPUNGED OR SEALED FROM HIS OR HER RECORD, RECEIVED
13 A PARDON, OR THAT CHARGES WERE DISMISSED PURSUANT TO
14 SUCCESSFULLY COMPLETING A DEFERRED JUDGMENT OR SENTENCE, THE
15 AGENCY SHALL NOT USE THAT INFORMATION AS A BASIS FOR NOT MAKING
16 AN OFFER OF EMPLOYMENT OR FOR WITHDRAWING THE CONDITIONAL
17 OFFER OF EMPLOYMENT UNLESS, AFTER REVIEWING THE FACTORS IN
18 SUBSECTION (4) OF THIS SECTION, THE AGENCY DETERMINES THAT THE
19 APPLICANT SHOULD BE DISQUALIFIED FOR THE POSITION.

20 (e) NOTHING IN THIS SECTION PREVENTS AN AGENCY FROM
21 CONSIDERING CRIMINAL HISTORY INFORMATION THAT THE APPLICANT
22 VOLUNTARILY PROVIDES."

23 Page 3, strike lines 1 through 6.

24 Page 3, line 7, after "AFTER" insert "DETERMINING THAT AN APPLICANT IS
25 A FINALIST OR".

26 Page 3, line 17, strike "INCLUDING, BUT NOT LIMITED TO," and substitute
27 "INCLUDING".

28 Page 3, line 19, after "THE" insert "DUTIES OF".

29 Page 3, strike line 20 and substitute "A CO-WORKER OR THE PUBLIC IN A
30 VULNERABLE POSITION;".

31 Page 4, line 5, strike "AN" and substitute "UNLESS THERE IS A SPECIFIC
32 STATUTORY DISQUALIFICATION THAT PROHIBITS AN APPLICANT FROM
33 OBTAINING LICENSURE BASED ON A CRIMINAL CONVICTION, IF THE
34 LICENSING ENTITY DETERMINES THAN AN APPLICANT FOR LICENSURE HAS

1 A CRIMINAL RECORD, THE LICENSING ENTITY IS GOVERNED BY SECTION
2 24-5-101 FOR PURPOSES OF GRANTING OR DENYING LICENSURE OR
3 PLACING ANY CONDITIONS ON LICENSURE."

4 Page 4, strike lines 6 through 17.

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