

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 14-0331.02 Michael Dohr x4347

SENATE BILL 14-027

SENATE SPONSORSHIP

Guzman,

HOUSE SPONSORSHIP

Lee,

Senate Committees

Judiciary

Finance

Appropriations

House Committees

Judiciary

Finance

A BILL FOR AN ACT

101 **CONCERNING CRIMINAL HISTORY BACKGROUND CHECKS FOR**
102 **PROFESSIONALS WHO HAVE THE AUTHORITY TO APPEAR IN**
103 **COURT, AND, IN CONNECTION THEREWITH, MAKING AN**
104 **APPROPRIATION.**

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 requires a fingerprint-based criminal history background check for a law license applicant and a child and family investigator. The

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 Unamended
February 12, 2014

SENATE
Amended 2nd Reading
February 11, 2014

bill updates the license to practice law statute.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 12-5-101 as
3 follows:

4 **12-5-101. License to practice necessary.** (1) No person shall be
5 permitted to practice as an attorney- or counselor-at-law or to commence,
6 conduct, or defend any action, suit, or plaint in which he OR SHE is not a
7 party concerned in any court of record within this state, either by using or
8 subscribing his OR HER own name or the name of any other person,
9 without having previously obtained a license ~~for that purpose from the~~
10 ~~supreme court. Said license shall constitute the person receiving the same~~
11 ~~an attorney- and counselor-at-law and shall authorize him to appear in all~~
12 ~~the courts of record in this state and there to practice as an attorney- and~~
13 ~~counselor-at-law according to the laws and customs thereof for and~~
14 ~~during his good behavior in said practice, and to demand and to receive~~
15 ~~all such fees as are established for any services which he renders as an~~
16 ~~attorney- and counselor-at-law in this state. Nothing in this section shall~~
17 ~~be construed to require membership in a professional organization or bar~~
18 ~~association as a prerequisite to licensure~~ OR OTHER AUTHORIZATION TO
19 PRACTICE LAW PURSUANT TO THE SUPREME COURT'S RULES GOVERNING
20 ADMISSION TO THE PRACTICE OF LAW IN COLORADO.

21 (2) UPON REQUEST OF THE SUPREME COURT OR ITS OFFICE OF
22 ATTORNEY REGULATION COUNSEL, 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

1 FEDERAL BUREAU OF INVESTIGATION. UPON COMPLETION OF THE
2 CRIMINAL HISTORY RECORD CHECK, THE BUREAU SHALL PROVIDE THE
3 RESULTS TO THE REQUESTING AGENCY.

4 (3) UPON REQUEST OF THE SUPREME COURT OR A REPRESENTATIVE
5 OF ITS OFFICE OF ATTORNEY REGULATION COUNSEL, THE COLORADO
6 BUREAU OF INVESTIGATION SHALL ALSO PROVIDE A NAME-BASED
7 CRIMINAL HISTORY RECORD CHECK FOR ANY APPLICANT WHOSE
8 FINGERPRINTS ARE UNCLASSIFIABLE.

9 (4) LOCAL LAW ENFORCEMENT AGENCIES SHALL COOPERATE WITH
10 ANY SUPREME COURT REQUEST FOR RECORDS RELATED TO CRIMINAL
11 HISTORY.

12 **SECTION 2.** In Colorado Revised Statutes, 14-10-116.5, **add** (4)
13 as follows:

14 **14-10-116.5. Appointment in domestic relations cases - child**
15 **and family investigator - disclosure.** (4) (a) PRIOR TO BEING APPOINTED
16 AS A CHILD AND FAMILY INVESTIGATOR, THE PERSON SHALL SUBMIT A
17 COMPLETE SET OF HIS OR HER FINGERPRINTS TO THE JUDICIAL
18 DEPARTMENT FOR THE PURPOSES OF A BACKGROUND CHECK, AND THE
19 JUDICIAL DEPARTMENT SHALL DETERMINE BASED ON THE BACKGROUND
20 CHECK WHETHER THE PERSON IS SUITABLE TO ACT AS A CHILD AND FAMILY
21 INVESTIGATOR. THE DEPARTMENT SHALL FORWARD SUCH FINGERPRINTS
22 TO THE COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF
23 CONDUCTING A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL
24 HISTORY RECORD CHECK UTILIZING THE RECORDS OF THE COLORADO
25 BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION.
26 THE DEPARTMENT IS THE AUTHORIZED AGENCY TO RECEIVE INFORMATION
27 REGARDING THE RESULT OF A NATIONAL FINGERPRINT-BASED CRIMINAL

1 HISTORY RECORD CHECK.

2 (b) UPON REQUEST OF THE DEPARTMENT, THE COLORADO BUREAU
3 OF INVESTIGATION SHALL ALSO PROVIDE A NAME-BASED CRIMINAL
4 HISTORY RECORD CHECK FOR ANY PERSON WHOSE FINGERPRINTS ARE
5 UNCLASSIFIABLE.

6 (c) THE APPLICANT SHALL PAY THE COST ASSOCIATED WITH THE
7 BACKGROUND CHECK.

8 **SECTION 3. Appropriation.** (1) In addition to any other
9 appropriation, there is hereby appropriated, out of any moneys in the
10 Colorado bureau of investigation identification unit fund created in
11 section 24-33.5-426, Colorado Revised Statutes, not otherwise
12 appropriated, to the department of public safety, for the fiscal year
13 beginning July 1, 2014, the sum of \$68,636 and 0.3 FTE, or so much
14 thereof as may be necessary, to be allocated to the Colorado crime
15 information center for criminal history record checks related to the
16 implementation of this act as follows:

17 (a) \$14,916 and 0.3 FTE for personal services; and

18 (b) \$53,720 for operating and capital outlay expenses.

19 **SECTION 4. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.