

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**

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**SENATE SPONSORSHIP**

**Guzman,**

**HOUSE SPONSORSHIP**

**(None),**

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**Senate Committees**

Judiciary  
Finance  
Appropriations

**House Committees**

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**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.**

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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 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.

bill updates the license to practice law statute.

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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 CONSISTENT WITH SECTION 24-5-101, C.R.S. THE  
22 DEPARTMENT SHALL FORWARD SUCH FINGERPRINTS TO THE COLORADO  
23 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A STATE  
24 AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK  
25 UTILIZING THE RECORDS OF THE COLORADO BUREAU OF INVESTIGATION  
26 AND THE FEDERAL BUREAU OF INVESTIGATION. THE DEPARTMENT IS THE  
27 AUTHORIZED AGENCY TO RECEIVE INFORMATION REGARDING THE RESULT

1 OF A NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

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

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

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

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

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

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