

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

**PREAMENDED**

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

LLS NO. 01-0124.02 Michele Hanigsberg

**SENATE BILL 01-050**

---

**SENATE SPONSORSHIP**

**Linkhart**, Anderson, Lamborn, Reeves, Taylor, and Windels

**HOUSE SPONSORSHIP**

(None)

---

**Senate Committees**

Judiciary

Appropriations

---

**House Committees**

---

**A BILL FOR AN ACT**

101     **CONCERNING BACKGROUND CHECKS FOR INDIVIDUALS WHO HAVE**  
102             **DIRECT CONTACT WITH VULNERABLE PERSONS, AND MAKING AN**  
103             **APPROPRIATION THEREFOR.**

---

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

**Legislative Audit Committee.** Requires local agencies and providers that serve people with developmental disabilities to conduct criminal background investigations on their employees and prospective employees. Requires the background check to include a fingerprint check through the CBI and requires the state department to request that the CBI forward the fingerprints to the FBI for employees and prospective employees who have lived in Colorado for 24 or fewer months. Requires

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.*

the local agency or provider to pay for the costs of the criminal background investigations.

---

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

2 **SECTION 1.** 27-1-110, Colorado Revised Statutes, is amended  
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **27-1-110. Employment of personnel - screening of applicants -**  
5 **disqualifications from employment.** (4.5) ANY LOCAL AGENCY OR  
6 PROVIDER THAT SERVES PERSONS WHO ARE DEVELOPMENTALLY DISABLED  
7 PURSUANT TO SECTION 27-10.5-102 (11) SHALL INVESTIGATE \_\_\_\_\_  
8 PROSPECTIVE EMPLOYEES AND PROSPECTIVE CONTRACTORS AS SET FORTH  
9 IN SECTION 27-10.5-103.

10 **SECTION 2.** 27-10.5-103, Colorado Revised Statutes, is amended  
11 BY THE ADDITION OF A NEW SUBSECTION to read:

12 **27-10.5-103. Duties of the executive director - rules -**  
13 **background checks.** (4) (a) EVERY LOCAL AGENCY OR PROVIDER THAT  
14 SERVES PEOPLE WITH DEVELOPMENTAL DISABILITIES PURSUANT TO THIS  
15 ARTICLE SHALL CONDUCT CRIMINAL BACKGROUND INVESTIGATIONS OF  
16 \_\_\_\_\_ PROSPECTIVE EMPLOYEES AND PROSPECTIVE CONTRACTORS  
17 WHO HAVE OR WILL HAVE DIRECT CONTACT WITH PEOPLE RECEIVING  
18 SERVICES. THE CRIMINAL BACKGROUND INVESTIGATION SHALL INCLUDE  
19 BUT NEED NOT BE LIMITED TO ARRESTS, CONVICTION RECORDS, AND THE  
20 DISPOSITION OF ANY CRIMINAL CHARGES. THE CRIMINAL BACKGROUND  
21 INVESTIGATION SHALL INCLUDE A NAME CHECK THROUGH THE COLORADO  
22 BUREAU OF INVESTIGATION AND A CRIMINAL HISTORY SEARCH ON THE  
23 ICON SYSTEM AT THE STATE JUDICIAL DEPARTMENT. THE STATE  
24 DEPARTMENT SHALL REQUEST THAT THE COLORADO BUREAU OF  
25 INVESTIGATION FORWARD \_\_\_\_\_ FINGERPRINTS TO THE FEDERAL BUREAU

1 OF INVESTIGATION FOR \_\_\_\_\_ PROSPECTIVE EMPLOYEES AND  
2 PROSPECTIVE CONTRACTORS WHO HAVE LIVED IN COLORADO FOR  
3 TWENTY-FOUR OR FEWER MONTHS. THE STATE DEPARTMENT SHALL PAY  
4 FOR THE COSTS OF CRIMINAL BACKGROUND CHECKS CONDUCTED PURSUANT  
5 TO THIS SECTION. \_\_\_\_\_  
6 \_\_\_\_\_

7 (b) IF THE CRIMINAL BACKGROUND INVESTIGATION CONDUCTED  
8 PURSUANT TO THIS SUBSECTION (4) INDICATES THAT A PROSPECTIVE  
9 EMPLOYEE OR PROSPECTIVE CONTRACTOR WAS CONVICTED OF ANY OF THE  
10 DISQUALIFYING OFFENSES SET FORTH IN SECTION 27-1-110 (7) (b) OR (7)  
11 (c), OR ANY OTHER OFFENSES AS SPECIFIED BY RULE OF THE STATE BOARD  
12 OF HUMAN SERVICES, SAID PERSON SHALL BE DISQUALIFIED FROM  
13 EMPLOYMENT IN OR CONTRACTING FOR \_\_\_\_\_ A POSITION  
14 INVOLVING DIRECT CONTACT WITH PERSONS RECEIVING SERVICES.

15 (c) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PRECLUDE  
16 THE LOCAL AGENCY FROM ADOPTING A POLICY REGARDING  
17 SELF-REPORTING OF ARRESTS, CHARGES, OR SUMMONSES OR A POLICY  
18 REGARDING DISQUALIFICATION FROM EMPLOYMENT OR CONTRACTING THAT  
19 INCLUDES OTHER OFFENSE NOT SET FORTH IN SECTION 27-1-110 (7) (b) OR  
20 (c).

21 (d) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO RESULT IN  
22 ADDITIONAL LIABILITY FOR ANY PROVIDER THAT HIRES AN EMPLOYEE  
23 CONDITIONALLY UPON THE REQUIRED BACKGROUND CHECK BEING  
24 COMPLETED PURSUANT TO THIS SECTION.

25 **SECTION 3.** 27-10.5-102, Colorado Revised Statutes, is amended  
26 BY THE ADDITION OF A NEW SUBSECTION to read:

27 **27-10.5-102. Definitions.** As used in this article, unless the

1 context otherwise requires:

2 (11.5) "DIRECT CONTACT" MEANS THE PROVISION OF FACE-TO-FACE  
3 CARE, TRAINING, SUPERVISION, COUNSELING, CONSULTATION, OR  
4 MEDICATION ASSISTANCE TO PERSONS RECEIVING SERVICES \_\_\_\_\_ BY  
5 AN EMPLOYEE OR CONTRACTOR OF A LOCAL AGENCY OR PROVIDER  
6 REGARDLESS OF THE LEVEL OF SUPERVISION OF THE EMPLOYEE. "DIRECT  
7 CONTACT" MAY INCLUDE POSITIONS IN WHICH PERSONS HAVE ACCESS TO OR  
8 UNSUPERVISED TIME WITH PERSONS RECEIVING SERVICES INCLUDING BUT  
9 NOT LIMITED TO MAINTENANCE PERSONNEL, TRANSPORTATION PERSONNEL,  
10 AND ADMINISTRATIVE STAFF.

11 **SECTION 4. Appropriation.** In addition to any other  
12 appropriation, there is hereby appropriated, out of any moneys in the  
13 general fund not otherwise appropriated, to the department of human  
14 services, for the fiscal year beginning July 1, 2001, the sum of sixty-six  
15 thousand eight hundred twenty-one dollars (\$66,821), or so much thereof  
16 as may be necessary, for the implementation of this act.

17 **SECTION 5. Effective date.** This act shall take effect July 1,  
18 2001.

19 **SECTION 6. 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.