

HOUSE COMMITTEE OF REFERENCE REPORT

	April 3, 2025
Chair of Committee	Date

Committee on Business Affairs & Labor.

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

SB25-146 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 12-20-202, **amend**
4 (5) as follows:

5 **12-20-202. Licenses, certifications, and registrations - renewal**
6 **- reinstatement - fees - occupational credential portability program**
7 **- exceptions for military personnel, spouses, gold star military**
8 **spouses, and dependents - rules - consideration of criminal**
9 **convictions or driver's history - executive director authority -**
10 **definitions. (5) Criminal convictions. (a) Unless there is a specific**
11 **statutory disqualification that prohibits an applicant from obtaining**
12 **licensure, certification, or registration based on a criminal conviction, if**
13 **a regulator determines that an applicant for licensure, certification, or**
14 **registration has a criminal record, the regulator is governed by sections**
15 **12-20-206 and 24-5-101 for purposes of granting or denying, or placing**
16 **any conditions on, licensure, certification, or registration.**

17 (b) A REGULATOR MAY REQUIRE AN APPLICANT FOR A LICENSE,
18 CERTIFICATION, OR REGISTRATION ISSUED PURSUANT TO THE FOLLOWING
19 SECTIONS TO SUBMIT TO A FINGERPRINT-BASED CRIMINAL HISTORY
20 RECORD CHECK:

21 (I) A FUNERAL DIRECTOR LICENSED PURSUANT TO PARTS 5 AND 6
22 OF ARTICLE 135 OF THIS TITLE 12;

23 (II) A MORTUARY SCIENCE PRACTITIONER LICENSED PURSUANT TO
24 PARTS 5 AND 7 OF ARTICLE 135 OF THIS TITLE 12;

25 (III) AN EMBALMER LICENSED PURSUANT TO PARTS 5 AND 8 OF
26 ARTICLE 135 OF THIS TITLE 12;

27 (IV) A CREMATIONIST LICENSED PURSUANT TO PARTS 5 AND 9 OF

1 ARTICLE 135 OF THIS TITLE 12;
2 (V) A NATURAL REDUCTIONIST LICENSED PURSUANT TO PARTS 5
3 AND 9 OF ARTICLE 135 OF THIS TITLE 12;
4 (VI) AN AUDIOLOGIST LICENSED PURSUANT TO ARTICLE 210 OF
5 THIS TITLE 12;
6 (VII) A DENTAL HYGIENIST LICENSED PURSUANT TO SECTIONS
7 12-220-405 TO 12-220-407;
8 (VIII) A DENTIST LICENSED PURSUANT TO SECTIONS 12-220-401
9 TO 12-220-404;
10 (IX) A PHYSICIAN ASSISTANT LICENSED PURSUANT TO SECTION
11 12-240-113;
12 (X) A SOCIAL WORKER LICENSED PURSUANT TO PART 4 OF ARTICLE
13 245 OF THIS TITLE 12;
14 (XI) A LICENSED PROFESSIONAL COUNSELOR LICENSED PURSUANT
15 TO PART 6 OF ARTICLE 245 OF THIS TITLE 12;
16 (XII) A CERTIFIED MIDWIFE LICENSED PURSUANT TO SECTION
17 12-255-111.5;
18 (XIII) AN OCCUPATIONAL THERAPIST LICENSED PURSUANT TO
19 SECTIONS 12-270-106 (1) AND 12-270-107;
20 (XIV) AN OCCUPATIONAL THERAPY ASSISTANT LICENSED
21 PURSUANT TO SECTIONS 12-270-106 (2) AND 12-270-108; OR
22 (XV) A SPEECH-LANGUAGE PATHOLOGIST CERTIFIED PURSUANT TO
23 ARTICLE 305 OF THIS TITLE 12.
24 (c) AN APPLICANT SUBMITTING TO A FINGERPRINT-BASED
25 CRIMINAL HISTORY RECORD CHECK PURSUANT TO SUBSECTION (5)(b) OF
26 THIS SECTION MUST PAY THE COSTS ASSOCIATED WITH THE
27 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.
28 (d) AFTER SUBMITTING AN APPLICATION FOR A LICENSE,
29 CERTIFICATION, OR REGISTRATION, IF THE APPLICANT SUBMITS TO A
30 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK, THE APPLICANT
31 SHALL HAVE THE APPLICANT'S FINGERPRINTS TAKEN BY A LOCAL LAW
32 ENFORCEMENT AGENCY OR A THIRD PARTY APPROVED BY THE COLORADO
33 BUREAU OF INVESTIGATION. THE APPLICANT SHALL AUTHORIZE THE
34 ENTITY TAKING THE APPLICANT'S FINGERPRINTS TO SUBMIT, AND THE
35 ENTITY SHALL SUBMIT, THE COMPLETE SET OF THE APPLICANT'S
36 FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE
37 PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY
38 RECORD CHECK.
39 (e) IF AN APPROVED THIRD PARTY TAKES THE APPLICANT'S
40 FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED
41 USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN
42 EQUIPMENT. A THIRD-PARTY VENDOR SHALL NOT KEEP THE APPLICANT'S
43 INFORMATION FOR MORE THAN THIRTY DAYS AFTER THE INFORMATION IS

1 COLLECTED.

2 (f) THE COLORADO BUREAU OF INVESTIGATION SHALL USE THE
3 APPLICANT'S FINGERPRINTS TO CONDUCT A CRIMINAL HISTORY RECORD
4 CHECK USING THE BUREAU'S RECORDS. THE COLORADO BUREAU OF
5 INVESTIGATION SHALL ALSO FORWARD THE FINGERPRINTS TO THE FEDERAL
6 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A
7 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE COLORADO
8 BUREAU OF INVESTIGATION, THE APPLICANT, THE DEPARTMENT, AND THE
9 ENTITY TAKING FINGERPRINTS SHALL COMPLY WITH THE FEDERAL BUREAU
10 OF INVESTIGATION'S REQUIREMENTS TO CONDUCT A CRIMINAL HISTORY
11 RECORD CHECK.

12 (g) THE COLORADO BUREAU OF INVESTIGATION SHALL RETURN
13 THE RESULTS OF ITS CRIMINAL HISTORY RECORD CHECK TO THE
14 DEPARTMENT, AND THE DEPARTMENT IS AUTHORIZED TO RECEIVE THE
15 RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION'S CRIMINAL HISTORY
16 RECORD CHECK. THE DEPARTMENT SHALL USE THE INFORMATION
17 RESULTING FROM THE CRIMINAL HISTORY RECORD CHECKS TO
18 INVESTIGATE AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO
19 HOLD A LICENSE, CERTIFICATION, OR REGISTRATION PURSUANT TO THIS
20 SECTION AND THE FOLLOWING SECTION FOR THE FOLLOWING APPLICANT
21 OR LICENSEE:

22 (I) SECTION 12-135-503 FOR A CREMATIONIST, AN EMBALMER, A
23 FUNERAL DIRECTOR, A MORTUARY SCIENCE PRACTITIONER, OR A NATURAL
24 REDUCTIONIST;

25 (II) SECTION 12-210-108 FOR AN AUDIOLOGIST;

26 (III) SECTION 12-220-201 FOR A DENTIST OR A DENTAL HYGIENIST;

27 (IV) SECTION 12-240-121 FOR A PHYSICIAN ASSISTANT;

28 (V) SECTION 12-245-224 FOR A LICENSED PROFESSIONAL
29 COUNSELOR OR A SOCIAL WORKER;

30 (VI) SECTION 12-255-120 FOR A CERTIFIED MIDWIFE;

31 (VII) SECTION 12-270-114 FOR AN OCCUPATIONAL THERAPIST OR
32 AN OCCUPATIONAL THERAPY ASSISTANT; OR

33 (VIII) SECTION 12-305-112 FOR A SPEECH-LANGUAGE
34 PATHOLOGIST.

35 (h) WHEN THE RESULTS OF A CRIMINAL HISTORY RECORD CHECK
36 OF AN APPLICANT PERFORMED PURSUANT TO THIS SECTION REVEAL A
37 RECORD OF ARREST WITHOUT A DISPOSITION, THE DEPARTMENT SHALL
38 REQUIRE THE APPLICANT TO SUBMIT TO A NAME-BASED JUDICIAL RECORD
39 CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d), PERFORMED USING
40 STATE JUDICIAL DEPARTMENT RECORDS.

41 **SECTION 2.** In Colorado Revised Statutes, **add 24-33.5-424.5**
42 **as follows:**

43 **24-33.5-424.5. Fingerprint-based criminal history record**

1 **checks - local government entities - state agencies - definitions.**

2 (1) (a) A LOCAL GOVERNMENT ENTITY THAT REQUIRES BY RULE,
3 ORDINANCE, OR REGULATION THAT AN APPLICANT OR LICENSEE SUBMIT TO
4 A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK SHALL SUBMIT
5 THE APPLICANT'S OR LICENSEE'S FINGERPRINTS TO THE COLORADO BUREAU
6 OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING THE
7 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

8 (b) THE APPLICANT, LICENSEE, OR LOCAL GOVERNMENT ENTITY, AS
9 REQUIRED BY RULE, ORDINANCE, OR REGULATION, MUST PAY THE COSTS
10 ASSOCIATED WITH THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD
11 CHECK.

12 (c) AFTER SUBMITTING AN APPLICATION THAT REQUIRES A
13 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK, THE APPLICANT
14 OR LICENSEE SHALL HAVE THE APPLICANT'S OR LICENSEE'S FINGERPRINTS
15 TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY OR A THIRD PARTY
16 APPROVED BY THE COLORADO BUREAU OF INVESTIGATION FOR THE
17 PURPOSE OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD
18 CHECK. THE APPLICANT OR LICENSEE SHALL AUTHORIZE THE ENTITY
19 TAKING THE APPLICANT'S OR LICENSEE'S FINGERPRINTS TO SUBMIT, AND
20 THE ENTITY SHALL SUBMIT, THE COMPLETE SET OF THE APPLICANT'S OR
21 LICENSEE'S FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION
22 FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL
23 HISTORY RECORD CHECK.

24 (d) IF AN APPROVED THIRD PARTY TAKES THE APPLICANT'S OR
25 LICENSEE'S FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY
26 CAPTURED USING COLORADO BUREAU OF INVESTIGATION-APPROVED
27 LIVESCAN EQUIPMENT. A THIRD-PARTY VENDOR SHALL NOT KEEP THE
28 APPLICANT'S OR LICENSEE'S INFORMATION FOR MORE THAN THIRTY DAYS
29 AFTER THE INFORMATION IS COLLECTED.

30 (e) THE COLORADO BUREAU OF INVESTIGATION SHALL USE THE
31 APPLICANT'S OR LICENSEE'S FINGERPRINTS TO CONDUCT A CRIMINAL
32 HISTORY RECORD CHECK USING THE BUREAU'S RECORDS. THE COLORADO
33 BUREAU OF INVESTIGATION SHALL ALSO FORWARD THE FINGERPRINTS TO
34 THE FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF
35 CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.
36 THE COLORADO BUREAU OF INVESTIGATION, APPLICANT, LICENSEE, LOCAL
37 GOVERNMENT ENTITY, AND ENTITY TAKING FINGERPRINTS SHALL COMPLY
38 WITH THE FEDERAL BUREAU OF INVESTIGATION'S REQUIREMENTS TO
39 CONDUCT A CRIMINAL HISTORY RECORD CHECK.

40 (f) THE COLORADO BUREAU OF INVESTIGATION SHALL RETURN THE
41 RESULTS OF ITS CRIMINAL HISTORY RECORD CHECK TO THE LOCAL
42 GOVERNMENT ENTITY, AND THE LOCAL GOVERNMENT ENTITY IS
43 AUTHORIZED TO RECEIVE THE RESULTS OF THE FEDERAL BUREAU OF

1 INVESTIGATION'S CRIMINAL HISTORY RECORD CHECK. THE LOCAL
2 GOVERNMENT ENTITY SHALL USE THE INFORMATION RESULTING FROM THE
3 CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE AND DETERMINE
4 WHETHER AN APPLICANT OR LICENSEE IS QUALIFIED.

5 (g) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
6 HISTORY RECORD CHECK OF AN APPLICANT OR LICENSEE PERFORMED
7 PURSUANT TO THIS SECTION REVEAL A RECORD OF ARREST WITHOUT A
8 DISPOSITION, THE LOCAL GOVERNMENT ENTITY SHALL REQUIRE THE
9 APPLICANT OR LICENSEE TO SUBMIT TO A NAME-BASED JUDICIAL RECORD
10 CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d), PERFORMED USING
11 STATE JUDICIAL DEPARTMENT RECORDS.

12 (2) AS USED IN THIS SECTION:

13 (a) "APPLICANT" MEANS AN INDIVIDUAL WHO A LOCAL
14 GOVERNMENT ENTITY REQUIRES BY RULE, ORDINANCE, OR REGULATION TO
15 SUBMIT TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AS
16 PART OF AN APPLICATION FOR A LICENSE, CERTIFICATE, CERTIFICATION,
17 LETTER OF AUTHORIZATION, OR REGISTRATION.

18 (b) "LICENSEE" MEANS AN INDIVIDUAL WHO A LOCAL
19 GOVERNMENT ENTITY REQUIRES BY RULE, ORDINANCE, OR REGULATION TO
20 SUBMIT TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK IN
21 CONNECTION WITH A LICENSE, CERTIFICATE, CERTIFICATION, LETTER OF
22 AUTHORIZATION, OR REGISTRATION.

23 (c) "LOCAL GOVERNMENT ENTITY" INCLUDES A COUNTY,
24 MUNICIPALITY, AND CITY AND COUNTY.

25 **SECTION 3.** In Colorado Revised Statutes, 12-135-502, **add** (7)
26 as follows:

27 **12-135-502. Criminal history record checks - definition.**

28 (7) AS USED IN THIS SECTION, "DIRECTOR" MEANS THE DIRECTOR OF THE
29 DIVISION OR THE DIRECTOR'S DESIGNEE. THE DIRECTOR'S DESIGNEE MUST
30 BE AN EMPLOYEE OF THE DIVISION.

31 **SECTION 4.** In Colorado Revised Statutes, 12-255-111.5, **add**
32 (6) as follows:

33 **12-255-111.5. Requirements for certified midwife licensure -**
34 **license by endorsement - questionnaire - fees - definition.** (6) AS USED

35 IN THIS SECTION, "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OR
36 THE DIRECTOR'S DESIGNEE. THE DIRECTOR'S DESIGNEE MUST BE AN
37 EMPLOYEE OF THE DIVISION.

38 **SECTION 5.** In Colorado Revised Statutes, 26-6-705, **amend**
39 (2)(a)(I) as follows:

40 **26-6-705. Approval of temporary caregiver - background**
41 **check - training.** (2) (a) A child placement agency operating a temporary
42 care assistance program shall require an applicant to become an approved
43 temporary caregiver and any other person who resides in the applicant's

1 home and is eighteen years of age or older to submit to the following
2 background checks:

3 (I) A fingerprint-based criminal history record check through the
4 Colorado bureau of investigation and the federal bureau of investigation
5 in the same manner as described in section 26-6-912 (1)(a)(I)(B). THE
6 COLORADO BUREAU OF INVESTIGATION SHALL SEND RECORDS OBTAINED
7 AS A RESULT OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
8 ONLY TO THE STATE DEPARTMENT, AND THE USE AND HANDLING OF THE
9 INFORMATION MUST COMPLY WITH THE FEDERAL CRIMINAL JUSTICE
10 INFORMATION SERVICES SECURITY POLICY. INFORMATION REGARDING THE
11 RESULT OF THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
12 RECEIVED FROM THE FEDERAL BUREAU OF INVESTIGATION AND RELEASED
13 TO A FACILITY OR AGENCY MUST DISCLOSE ONLY WHETHER THE APPLICANT
14 IS ELIGIBLE OR INELIGIBLE OR THAT THE INVESTIGATION IS INCONCLUSIVE,
15 WITH A FURTHER REQUEST FOR THE APPLICANT TO CONTACT THE STATE
16 DEPARTMENT TO PROVIDE FURTHER INFORMATION TO DETERMINE FINAL
17 ELIGIBILITY STATUS.

18 **SECTION 6.** In Colorado Revised Statutes, 30-15-401.4, **amend**
19 **(2)(a.5), (3.5), and (4)(c.5)** as follows:

20 **30-15-401.4. Statewide policy to prevent the operation of illicit**
21 **massage businesses - local regulation authorized - background checks**
22 **required - legislative declaration - definitions.** (2) As used in this
23 section, unless the context otherwise requires:

24 (a.5) "Background check" means a fingerprint-based criminal
25 history record check conducted in accordance with subsection (4)(c.5) of
26 this section and SECTION 24-33.5-424.5. "BACKGROUND CHECK" also
27 includes, to the extent allowed or required, as applicable, by ~~subsection~~
28 ~~(4)(c.5)(VI) of this section~~ SECTION 24-33.5-424.5 (1)(g) when a
29 fingerprint-based criminal history record check cannot be completed or
30 reveals a record of arrest without disposition, a criminal history record
31 check using the Colorado bureau of investigation's records and a
32 name-based judicial record check, as defined in section 22-2-119.3 (6)(d),
33 PERFORMED USING STATE JUDICIAL DEPARTMENT RECORDS.

34 (3.5) Except as otherwise provided in subsection (3)(c) of this
35 section, a local government shall establish a process, which ~~may~~ MUST be
36 established by ~~resolution or ordinance or otherwise~~ RULE, ORDINANCE, OR
37 REGULATION, MUST MEET THE CRITERIA ESTABLISHED BY THE FEDERAL
38 BUREAU OF INVESTIGATION IN IMPLEMENTING 34 U.S.C. SEC. 41101, and
39 MUST BE PERFORMED IN ACCORDANCE WITH SECTION 24-33.5-424.5, to
40 require that, as a condition for a person remaining as or becoming an
41 operator, owner, or employee:

42 (a) ~~A person who is~~ An operator, owner, or employee on the
43 effective date of the resolution or ordinance submit to a background

1 check PERFORMED IN ACCORDANCE WITH SECTION 24-33.5-424.5 on or
2 before the earlier of ~~October 1, 2025~~ JULY 1, 2026, or any other date
3 specified by a local government in its process;

4 (b) A prospective employee submit to a background check
5 PERFORMED IN ACCORDANCE WITH SECTION 24-33.5-424.5 before
6 commencing employment with a massage facility; and

7 (c) A prospective operator or owner submit to a background check
8 PERFORMED IN ACCORDANCE WITH SECTION 24-33.5-424.5 at least thirty
9 days before, as applicable, being granted a license to operate a massage
10 facility or assuming an ownership interest in a massage facility that would
11 make the prospective owner an owner.

12 (4) (c.5) (I) An applicant who holds a license or is applying for a
13 license, an owner or prospective owner, or an employee or prospective
14 employee shall submit to a fingerprint-based criminal history record
15 check AS REQUIRED BY A LOCAL GOVERNMENT'S RULE, ORDINANCE, OR
16 REGULATION AND PERFORMED IN ACCORDANCE WITH SECTION
17 24-33.5-424.5. The applicant, owner or prospective owner, or employee
18 or prospective employee shall pay the costs associated with the
19 fingerprint-based criminal history record check.

20 (II) ~~A person who is, As of the effective date of this subsection~~
21 ~~(4)(c.5)~~ AUGUST 7, 2024, an applicant who holds a license, an owner, or
22 an employee shall have the applicant's, owner's, or employee's
23 fingerprints taken by a local law enforcement agency or ~~any~~ A third party
24 approved by the Colorado bureau of investigation for the purpose of
25 obtaining a fingerprint-based criminal history record check AS REQUIRED
26 BY A LOCAL GOVERNMENT'S RULE, ORDINANCE, OR REGULATION AND
27 PERFORMED IN ACCORDANCE WITH SECTION 24-33.5-424.5 no later than
28 ~~October 1, 2025~~. An applicant for a new license, a prospective owner, or
29 a prospective employee shall have the applicant's fingerprints taken by a
30 ~~local law enforcement agency or any third party approved by the~~
31 ~~Colorado bureau of investigation for the purpose of obtaining a~~
32 ~~fingerprint-based criminal history record check before, as applicable,~~
33 ~~being granted a license, assuming an ownership interest in a massage~~
34 ~~facility that would make the prospective owner an owner, or commencing~~
35 ~~employment with a massage facility. The applicant, owner or prospective~~
36 ~~owner, or employee or prospective employee shall authorize the entity~~
37 ~~taking the applicant's fingerprints to submit, and the entity shall submit,~~
38 ~~the complete set of the applicant's fingerprints to the Colorado bureau of~~
39 ~~investigation for the purpose of conducting a fingerprint-based criminal~~
40 ~~history record check JULY 1, 2026.~~

41 (III) ~~If an approved third party takes the applicant's, owner's or~~
42 ~~prospective owner's, or employee's or prospective employee's fingerprints,~~
43 ~~the fingerprints may be electronically captured using Colorado bureau of~~

1 investigation-approved livescan equipment. Third-party vendors shall not
2 keep the applicant's, owner's or prospective owner's, or employee's or
3 prospective employee's information for more than thirty days.

4 ~~(IV) The Colorado bureau of investigation shall use the~~
5 ~~applicant's, owner's or prospective owner's, or employee's or prospective~~
6 ~~employee's fingerprints to conduct a criminal history record check using~~
7 ~~the bureau's records. The Colorado bureau of investigation shall also~~
8 ~~forward the fingerprints to the federal bureau of investigation for the~~
9 ~~purpose of conducting a national fingerprint-based criminal history record~~
10 ~~check. The Colorado bureau of investigation, the applicant, owner or~~
11 ~~prospective owner, or employee or prospective employee; the licensing~~
12 ~~authority; and the entity taking fingerprints shall comply with the federal~~
13 ~~bureau of investigation's requirements to conduct a fingerprint-based~~
14 ~~criminal history record check.~~

15 ~~(V) The Colorado bureau of investigation shall return the results~~
16 ~~of its criminal history record check to the licensing authority, and the~~
17 ~~licensing authority is authorized to receive the results of the federal~~
18 ~~bureau of investigation's criminal history record check. The licensing~~
19 ~~authority shall use the information resulting from the criminal history~~
20 ~~record checks to investigate and determine whether an applicant is~~
21 ~~qualified to hold a license or be an owner or employee pursuant to this~~
22 ~~section.~~

23 ~~(VI) When the results of a fingerprint-based criminal history~~
24 ~~record check of an applicant performed pursuant to this section reveal a~~
25 ~~record of arrest without a disposition, the local licensing authority shall~~
26 ~~require the applicant to submit to a name-based judicial record check, as~~
27 ~~defined in section 22-2-119.3 (6)(d).~~

28 **SECTION 7.** In Colorado Revised Statutes, 25-3.5-203, **amend**
29 **(4)(a) and (4)(g) as follows:**

30 **25-3.5-203. Emergency medical service providers - licensure**
31 **- renewal of license - duties of department - rules - record checks -**
32 **definitions.** (4) (a) The department shall require a certification or
33 licensure applicant to submit to a federal bureau of investigation
34 fingerprint-based national criminal history record check from the
35 Colorado bureau of investigation to investigate the applicant for an
36 emergency medical service provider certificate or license. The department
37 may acquire a name-based judicial record check for a certificate or license
38 applicant, PERFORMED USING STATE JUDICIAL DEPARTMENT RECORDS.

39 (g) When the results of a fingerprint-based criminal history record
40 check of ~~a person~~ AN INDIVIDUAL performed pursuant to this subsection
41 (4) reveal a record of arrest without a disposition, the department
42 ~~government entity, or private, not-for-profit, or for-profit organization~~
43 ~~that required the fingerprint-based criminal history record check shall~~

1 require that ~~person~~ INDIVIDUAL to submit to a name-based judicial record
2 check, as defined in section 22-2-119.3 (6)(d), PERFORMED USING STATE
3 JUDICIAL DEPARTMENT RECORDS.

4 **SECTION 8.** In Colorado Revised Statutes, 25-3.5-317, **add**
5 (3)(a)(III) and (7) as follows:

6 **25-3.5-317. License - application - inspection - criminal history**
7 **record check - issuance - investigation - definitions.** (3) (a) (III) WHEN
8 THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
9 OF AN INDIVIDUAL PERFORMED PURSUANT TO THIS SUBSECTION (3) REVEAL
10 A RECORD OF ARREST WITHOUT A DISPOSITION, THE DEPARTMENT SHALL
11 REQUIRE THAT INDIVIDUAL TO SUBMIT TO A NAME-BASED JUDICIAL
12 RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d), PERFORMED
13 USING STATE JUDICIAL DEPARTMENT RECORDS.

14 (7) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
15 REQUIRES:

16 (a) "OPERATOR" MEANS AN INDIVIDUAL DESIGNATED BY AN
17 AMBULANCE SERVICE AS RESPONSIBLE FOR THE DAY-TO-DAY OPERATIONS
18 OF THE AMBULANCE SERVICE.

19 (b) "OWNER" MEANS AN OFFICER, DIRECTOR, GENERAL PARTNER,
20 LIMITED PARTNER, OR OTHER INDIVIDUAL WITH A FINANCIAL OR EQUITY
21 OWNERSHIP INTEREST OF FIFTY PERCENT OR MORE OF AN AMBULANCE
22 SERVICE.

23 **SECTION 9.** In Colorado Revised Statutes, 25-3.5-1305, **amend**
24 (3)(a)(III) and (3)(a)(IV) as follows:

25 **25-3.5-1305. License - application - inspection - record check**
26 **- issuance.** (3) (a) (III) The department may acquire a name-based
27 judicial record check, PERFORMED USING STATE JUDICIAL DEPARTMENT
28 RECORDS, for an owner, manager, or administrator.

29 (IV) When the results of a fingerprint-based criminal history
30 record check of ~~a person~~ AN INDIVIDUAL performed pursuant to this
31 subsection (3) reveal a record of arrest without a disposition, the
32 department shall require that ~~person~~ INDIVIDUAL to submit to a
33 name-based judicial record check, as defined in section 22-2-119.3 (6)(d),
34 PERFORMED USING STATE JUDICIAL DEPARTMENT RECORDS.

35 **SECTION 10.** In Colorado Revised Statutes, 25-27-105, **amend**
36 (2.5)(a), (2.5)(a.5), and (2.5)(a.7); and **add** (5) as follows:

37 **25-27-105. License - application - inspection - issuance -**
38 **definitions.** (2.5) (a) ~~On July 1, 2002, as part of an original application~~
39 ~~and on and after July 1, 2002, on the first renewal of an application for~~
40 ~~assisted living residences licensed before July 1, 2002, for a license, an~~
41 ~~owner, applicant, or licensee shall request from a criminal justice agency~~
42 ~~designated by the department criminal history record information~~
43 ~~regarding such owner, applicant, or licensee. The information, upon such~~

1 ~~request and subject to any restrictions imposed by such agency, shall be~~
2 ~~forwarded by the criminal justice agency directly to the department~~ WHEN
3 SUBMITTING AN APPLICATION FOR A LICENSE PURSUANT TO THIS SECTION,
4 OR WITHIN TEN DAYS AFTER A CHANGE IN OWNERSHIP OR A CHANGE IN THE
5 LICENSEE, EACH OWNER, APPLICANT, OR LICENSEE SHALL SUBMIT A
6 COMPLETE SET OF THE OWNER'S, APPLICANT'S, OR LICENSEE'S
7 FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE
8 PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY
9 RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION SHALL
10 FORWARD THE FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION
11 FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL
12 HISTORY RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION
13 SHALL FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECKS
14 TO THE DEPARTMENT.

15 (a.5) ~~On and after July 1, 2002, the department may require that~~
16 ~~an administrator request from a criminal justice agency designated by the~~
17 ~~department a criminal history record on such administrator. The~~
18 ~~information, upon such request and subject to any restrictions imposed by~~
19 ~~such agency, shall be forwarded by the criminal justice agency directly to~~
20 ~~the department~~ THE DEPARTMENT MAY REQUIRE THAT AN ADMINISTRATOR
21 SUBMIT A COMPLETE SET OF THE ADMINISTRATOR'S FINGERPRINTS TO THE
22 COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING
23 A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE
24 COLORADO BUREAU OF INVESTIGATION SHALL FORWARD THE
25 FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE
26 PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY
27 RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION SHALL
28 FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECKS TO
29 THE DEPARTMENT.

30 (a.7) When the results of a fingerprint-based criminal history
31 record check of an applicant performed pursuant to this section reveal a
32 record of arrest without a disposition, the department shall require that
33 applicant to submit to a name-based judicial record check, as defined in
34 section 22-2-119.3 (6)(d), PERFORMED USING STATE JUDICIAL
35 DEPARTMENT RECORDS.

36 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
37 REQUIRES:

38 (a) "ADMINISTRATOR" MEANS AN INDIVIDUAL WHO CONTROLS AND
39 SUPERVISES OR ATTEMPTS TO CONTROL AND SUPERVISE THE DAY-TO-DAY
40 OPERATIONS OF AN ASSISTED LIVING RESIDENCE, INCLUDING AN
41 INDIVIDUAL CONSIDERED AN INTERIM ADMINISTRATOR FOR THE PURPOSES
42 OF SECTION 25-27-106 (4)(b).

43 (b) "APPLICANT" MEANS AN INDIVIDUAL WHO IS SEEKING A

1 LICENSE TO OPERATE AN ASSISTED LIVING RESIDENCE.

2 (c) (I) "OWNER" MEANS AN INDIVIDUAL WHO;

3 (A) IS A SOLE PROPRIETOR, A SHAREHOLDER IN A FOR-PROFIT OR

4 NONPROFIT CORPORATION, A PARTNER IN A PARTNERSHIP OR LIMITED

5 PARTNERSHIP, OR A MEMBER IN A LIMITED LIABILITY COMPANY; AND

6 (B) HAS A FINANCIAL OR EQUITY INTEREST OF FIFTY PERCENT OR

7 MORE IN THE ENTITY TO WHICH THE LICENSE TO OPERATE AN ASSISTED

8 LIVING RESIDENCE IS ISSUED.

9 (II) "OWNER" INCLUDES A LICENSEE.

10 **SECTION 11.** In Colorado Revised Statutes, 25-27.5-106,

11 **amend** (3)(a) and (3)(a.5) as follows:

12 **25-27.5-106. License or registration - application - inspection**

13 **- issuance - rules.** (3) (a) With the submission of an application for a

14 license or registration granted pursuant to this article 27.5, or within ten

15 days after a change in the owner, manager, or administrator, each owner

16 of a home care agency or home care placement agency and each manager

17 or administrator of a home care agency or home care placement agency

18 ~~must~~ SHALL submit a complete set of the ~~person's~~ INDIVIDUAL'S

19 fingerprints to the Colorado bureau of investigation for the purpose of

20 conducting a ~~state and national~~ fingerprint-based criminal history record

21 ~~check. utilizing records of the Colorado bureau of investigation and the~~

22 ~~federal bureau of investigation~~ THE COLORADO BUREAU OF

23 INVESTIGATION SHALL FORWARD THE FINGERPRINTS TO THE FEDERAL

24 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A

25 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. Each owner and

26 each manager or administrator is responsible for paying the fee

27 established by the Colorado bureau of investigation for conducting the

28 fingerprint-based criminal history record check to the bureau. ~~Upon~~

29 ~~completion of the fingerprint-based criminal history record check, the~~

30 ~~bureau shall forward the results to the department.~~

31 (a.5) When the results of a fingerprint-based criminal history

32 record check of a ~~person~~ AN INDIVIDUAL performed pursuant to this

33 subsection (3) reveal a record of arrest without a disposition, the

34 department shall require that ~~person~~ INDIVIDUAL to submit to a

35 name-based judicial record check, as defined in section 22-2-119.3 (6)(d),

36 PERFORMED USING STATE JUDICIAL DEPARTMENT RECORDS.

37 **SECTION 12.** In Colorado Revised Statutes, 26-5.7-110, **amend**

38 (3)(f)(III); and **add** (1)(b.5) as follows:

39 **26-5.7-110. Host homes for youth - report - rules - definitions.**

40 (1) As used in this section, unless the context otherwise requires:

41 (b.5) "ORGANIZATION" MEANS A CHILD PLACEMENT AGENCY, A

42 COUNTY OR DISTRICT DEPARTMENT OF HUMAN OR SOCIAL SERVICES, OR A

43 HOMELESS YOUTH SHELTER.

1 (3) To operate a host home program, an organization must:
2 (f) Maintain accurate and up-to-date records documenting the
3 following for each host home operating under the program:
4 (III) A copy of the ~~completed~~ DETERMINATION BY THE
5 DEPARTMENT OF HUMAN SERVICES AS TO WHETHER THE INDIVIDUAL
6 MEETS CRITERIA OR DOES NOT MEET CRITERIA FOR CERTIFICATION TO
7 OPERATE A HOST HOME IN RESPONSE TO THE FINGERPRINT-BASED criminal
8 history record check conducted pursuant to subsection (5) of this section
9 for the individual operating the host home and all other individuals
10 residing in the home who are eighteen years of age or older;
11 **SECTION 13.** In Colorado Revised Statutes, 44-30-1603, **amend**
12 (1) and (2); and **add** (1.5), (6.1), and (6.5) as follows:
13 **44-30-1603. Definitions.** As used in this part 16, unless the
14 context otherwise requires:
15 (1) ~~"Confidential information" means information related to the~~
16 ~~play of a fantasy contest by fantasy contest players obtained as a result of~~
17 ~~or by virtue of a person's employment~~ "APPLICANT" MEANS A PERSON
18 THAT HAS APPLIED FOR AN INITIAL LICENSE OR REGISTRATION OR A
19 RENEWAL LICENSE OR REGISTRATION TO OPERATE IN COLORADO AS A
20 FANTASY CONTEST OR A SMALL FANTASY CONTEST OPERATOR. AN
21 APPLICANT MUST BE THE INDIVIDUAL OR ENTITY THAT IS RESPONSIBLE FOR
22 THE FINANCIAL AND CONTRACTUAL OBLIGATIONS OF THE FANTASY
23 CONTEST PROVIDER.
24 (1.5) "CONFIDENTIAL INFORMATION" MEANS INFORMATION
25 RELATED TO THE PLAY OF A FANTASY CONTEST BY FANTASY CONTEST
26 PLAYERS OBTAINED AS A RESULT OF OR BY VIRTUE OF AN INDIVIDUAL'S
27 EMPLOYMENT.
28 (2) "Director" means the director of the division of gaming. ~~or the~~
29 ~~director's designee.~~
30 (6.1) "GENERAL PARTNER" MEANS AN INDIVIDUAL ENGAGED WITH
31 AT LEAST ONE OTHER INDIVIDUAL FOR THE PURPOSE OF JOINT PROFIT,
32 THEREBY CREATING A GENERAL PARTNERSHIP.
33 (6.5) "MANAGING OFFICER" MEANS AN INDIVIDUAL WHO MANAGES
34 THE DAY-TO-DAY OPERATIONS OF A FANTASY CONTEST AND IS
35 RESPONSIBLE FOR EXECUTING THE DECISIONS MADE BY THE BOARD OF
36 DIRECTORS OF THE FANTASY CONTEST, IF APPLICABLE.
37 **SECTION 14.** In Colorado Revised Statutes, 44-10-307, **amend**
38 (4)(a) and (4)(c) as follows:
39 **44-10-307. Persons prohibited as licensees -**
40 **definition.** (4) (a) In investigating the qualifications of an applicant or a
41 licensee, the state ~~and local~~ licensing ~~authorities~~ AUTHORITY may have
42 access to criminal history record information furnished by a criminal
43 justice agency subject to any restrictions imposed by such agency. In the

1 event the state ~~or local~~ licensing authority considers the applicant's
2 criminal history record, the state ~~or local~~ licensing authority shall also
3 consider any information provided by the applicant regarding such
4 criminal history record, including but not limited to evidence of
5 rehabilitation, character references, and educational achievements,
6 especially those items pertaining to the period of time between the
7 applicant's last criminal conviction and the consideration of the
8 application for a state license.

9 (c) (I) At the time of filing an application for issuance or renewal
10 of a state medical marijuana business license, ~~or~~ A retail marijuana
11 business license, OR A REGULATED MARIJUANA LICENSE OR REGISTRATION,
12 INCLUDING AN OCCUPATIONAL LICENSE AND A LICENSE FOR A
13 CONTROLLING BENEFICIAL OWNER, AS DEFINED IN SECTION 44-10-103 (13),
14 an applicant shall submit a set of ~~his or her~~ THEIR fingerprints and file
15 personal history information concerning the applicant's qualifications for
16 a state license on forms prepared by the state licensing authority.

17 (II) The state ~~or local~~ licensing authority ~~or local jurisdiction~~ shall
18 submit the APPLICANT'S fingerprints to the Colorado bureau of
19 investigation for the purpose of conducting fingerprint-based criminal
20 history record checks. The Colorado bureau of investigation shall ~~forward~~
21 SUBMIT the fingerprints to the federal bureau of investigation for the
22 purpose of conducting NATIONAL fingerprint-based criminal history
23 record checks.

24 (III) RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY
25 RECORD CHECK SUBMITTED TO THE FEDERAL BUREAU OF INVESTIGATION
26 IN ACCORDANCE WITH THIS SECTION SHALL BE SENT TO THE STATE
27 LICENSING AUTHORITY.

28 (IV) When the results of a fingerprint-based criminal history
29 record check reveal a record of arrest without a disposition, the state ~~or~~
30 ~~local~~ licensing authority ~~or local jurisdiction~~ shall require an applicant or
31 a license holder to submit to a name-based judicial record check, as
32 defined in section 22-2-119.3 (6)(d). The state ~~or local licensing~~ authority
33 ~~or local jurisdiction~~ shall use the information resulting from the
34 fingerprint-based criminal history record check to investigate and
35 determine whether an applicant is qualified to hold a state or local license
36 pursuant to this article 10. The state ~~or local~~ licensing authority ~~or local~~
37 ~~jurisdiction~~ may verify any of the information an applicant is required to
38 submit.

39 **SECTION 15.** In Colorado Revised Statutes, 44-20-118, **amend**
40 (2) as follows:

41 **44-20-118. Application - prelicensing education -**
42 **fingerprint-based criminal history record check - rules.**

43 (2) Application for distributor's, manufacturer representative's, ~~or~~

1 manufacturer's, OR BUYER AGENT'S licenses ~~shall~~ MUST be made to the
2 executive director.

3 **SECTION 16.** In Colorado Revised Statutes, 44-20-118, **amend**
4 (8)(a) as follows:

5 **44-20-118. Application - prelicensing education -**
6 **fingerprint-based criminal history record check - rules.** (8) (a) With
7 the submission of an application for ~~any~~ A license issued under this part
8 1, each applicant shall submit a complete set of fingerprints to the
9 Colorado bureau of investigation or the auto industry division for the
10 purpose of conducting fingerprint-based criminal history record checks.
11 The Colorado bureau of investigation shall forward the fingerprints to the
12 federal bureau of investigation for the purpose of conducting
13 fingerprint-based criminal history record checks. ~~The board or the~~
14 ~~executive director~~ AUTO INDUSTRY DIVISION shall use the information
15 resulting from the fingerprint-based criminal history record check to
16 investigate ~~and determine whether~~ an applicant. ~~is qualified to be~~
17 ~~licensed.~~ ~~The board or the executive director~~ AUTO INDUSTRY DIVISION
18 may verify the information an applicant is required to submit. The
19 applicant ~~shall~~ MUST pay the costs associated with the fingerprint-based
20 criminal history record check to the Colorado bureau of investigation.

21 **SECTION 17.** In Colorado Revised Statutes, 44-20-417, **amend**
22 (8)(a) as follows:

23 **44-20-417. Application - fingerprint-based criminal history**
24 **record check - rules.** (8) (a) With the submission of an application for
25 ~~any~~ A license issued under this part 4, each applicant shall submit a
26 complete set of fingerprints to the Colorado bureau of investigation or the
27 auto industry division for the purpose of conducting fingerprint-based
28 criminal history record checks. The Colorado bureau of investigation
29 shall forward the fingerprints to the federal bureau of investigation for the
30 purpose of conducting fingerprint-based criminal history record checks.
31 ~~The board or the executive director~~ AUTO INDUSTRY DIVISION shall use the
32 information resulting from the fingerprint-based criminal history record
33 check to investigate ~~and determine whether~~ an applicant. ~~is qualified to~~
34 ~~be licensed.~~ ~~The board or the executive director~~ AUTO INDUSTRY DIVISION
35 may verify the information an applicant is required to submit. The
36 applicant ~~shall~~ MUST pay the costs associated with the fingerprint-based
37 criminal history record check to the Colorado bureau of investigation.

38 **SECTION 18.** In Colorado Revised Statutes, 44-32-503, **amend**
39 (4)(a) as follows:

40 **44-32-503. Rules of commission - licensing - record check.**
41 (4) (a) With the submission of an application for a KEY OCCUPATIONAL
42 LICENSE OR A SUPPORT OCCUPATIONAL license granted pursuant to this
43 article 32, each applicant shall submit a set of fingerprints to the

1 commission. The commission shall ~~forward~~ SUBMIT the fingerprints to the
2 Colorado bureau of investigation for the purpose of conducting a state
3 and national fingerprint-based criminal history record check utilizing
4 records of the Colorado bureau of investigation and the federal bureau of
5 investigation. Only the actual costs of the record check must be borne by
6 the applicant. Nothing in this subsection (4) precludes the commission
7 from making further inquiries into the background of the applicant.

8 **SECTION 19.** In Colorado Revised Statutes, 44-32-102, **amend**
9 (1); and **add** (1.5), (13.3), (13.7), and (23.5) as follows:

10 **44-32-102. Definitions - rules.** As used in this article 32, unless
11 the context otherwise requires:

12 (1) ~~"Breakage" means the odd cents by which the amount payable~~
13 ~~on each dollar wagered in a pari-mutuel pool exceeds a multiple of ten~~
14 ~~cents~~ "APPLICANT" MEANS AN INDIVIDUAL APPLYING FOR A LICENSE,
15 PERMIT, OR REGISTRATION OR THE RENEWAL OF A LICENSE, PERMIT, OR
16 REGISTRATION GRANTED BY THE DIVISION PURSUANT TO THIS ARTICLE 32.

17 (1.5) "BREAKAGE" MEANS THE ODD CENTS BY WHICH THE AMOUNT
18 PAYABLE ON EACH DOLLAR WAGERED IN A PARI-MUTUEL POOL EXCEEDS
19 A MULTIPLE OF TEN CENTS.

20 (13.3) "KEY OCCUPATIONAL LICENSE" MEANS A LICENSE ISSUED BY
21 THE DIVISION REQUIRED FOR AN INDIVIDUAL WHO EXERCISES SIGNIFICANT
22 INFLUENCE OVER DECISIONS AFFECTING A BUSINESS LICENSED WITH THE
23 COMMISSION PURSUANT TO SECTION 44-32-504.

24 (13.7) "LICENSE" MEANS A LICENSE GRANTED BY THE DIVISION
25 PURSUANT TO THIS ARTICLE 32.

26 (23.5) "SUPPORT OCCUPATIONAL LICENSE" MEANS A LICENSE
27 ISSUED BY THE DIVISION REQUIRED FOR AN INDIVIDUAL REGULATED BY
28 THE DIVISION WHO IS NOT SUBJECT TO A KEY OCCUPATIONAL LICENSE OR
29 AN OCCUPATIONAL REGISTRATION LICENSE.

30 **SECTION 20. Safety clause.** The general assembly finds,
31 determines, and declares that this act is necessary for the immediate
32 preservation of the public peace, health, or safety or for appropriations for
33 the support and maintenance of the departments of the state and state
34 institutions."

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