BILL J

LLS NO. 00-0339.01 Jeff Conway SENATE BILL

BY SENATORS Arnold, Linkhart, Pascoe, Tebedo, and Wham;
also REPRESENTATIVES Tupa, Alexander, Hefley, Spence, and S. Williams.

A BILL FOR AN ACT

CONCERNING CRIMINAL HISTORY RECORDS CHECKS ON BEHALF OF CERTAIN ENTITIES ENGAGED IN CHILD CARE SERVICES.

Bill Summary

"Crim Hist Record Checks For Child Care"

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

Child Care Interim Committee. Clarifies that the Colorado bureau of investigation is required to access federal criminal history records when conducting a criminal history records check on behalf of an entity that provides child care services.

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

SECTION 1. 24-72-305.3, Colorado Revised Statutes, is amended to read:

24-72-305.3. Private access to criminal history records of volunteers and employees of charitable organizations. (1) For the purpose of complying with federal requirements, any public or private nonprofit, not-for-profit, or volunteer organization may use fingerprints to access through the Colorado bureau of investigation, for comparison

purposes, arrest history records of any person who seeks employment with, is currently employed by, or volunteers or seeks to volunteer with the organization and has or may have unsupervised access to any ~~child~~ PERSON for whom the organization provides care. Under this section, the organization may access records that are maintained by or within this state and any other state or territory of the United States, any other nation, or any agency or subdivision of the United States including, but not limited to, the federal bureau of investigation in the United States department of justice. For the purposes of this section, the Colorado bureau of investigation is the authorized agency for access to arrest history records as required by the "National Child Protection Act of 1993", 42 U.S.C. sec. 5119a.

(2) (a) AS USED IN THIS SUBSECTION (2), "QUALIFIED ENTITY" MEANS A BUSINESS OR ORGANIZATION, WHETHER PUBLIC, PRIVATE, FOR-PROFIT, NOT-FOR-PROFIT, OR VOLUNTARY, THAT PROVIDES CHILD CARE OR CHILD CARE PLACEMENT SERVICES, INCLUDING A BUSINESS OR ORGANIZATION THAT LICENSES OR CERTIFIES OTHERS TO PROVIDE CHILD CARE OR CHILD CARE PLACEMENT SERVICES.

(b) FOR THE PURPOSE OF COMPLYING WITH FEDERAL REQUIREMENTS, ANY QUALIFIED ENTITY MAY USE FINGERPRINTS TO ACCESS THROUGH THE COLORADO BUREAU OF INVESTIGATION, FOR COMPARISON PURPOSES, ARREST HISTORY RECORDS OF ANY PERSON WHO SEEKS EMPLOYMENT WITH, IS CURRENTLY EMPLOYED BY, OR VOLUNTEERS OR SEEKS TO VOLUNTEER WITH THE QUALIFIED ENTITY AND HAS OR MAY HAVE UNSUPERVISED ACCESS TO ANY CHILD FOR WHOM THE QUALIFIED ENTITY PROVIDES CHILD CARE. UNDER THIS SECTION, THE QUALIFIED ENTITY

SHALL ACCESS RECORDS THAT ARE MAINTAINED BY OR WITHIN THIS STATE AND ANY OTHER STATE OR TERRITORY OF THE UNITED STATES, ANY OTHER NATION, OR ANY AGENCY OR SUBDIVISION OF THE UNITED STATES INCLUDING, BUT NOT LIMITED TO, THE FEDERAL BUREAU OF INVESTIGATION IN THE UNITED STATES DEPARTMENT OF JUSTICE. FOR THE PURPOSES OF THIS SECTION, THE COLORADO BUREAU OF INVESTIGATION IS THE AUTHORIZED AGENCY FOR ACCESS TO ARREST HISTORY RECORDS AS REQUIRED BY THE "NATIONAL CHILD PROTECTION ACT OF 1993", 42 U.S.C. SEC. 5119a.

SECTION 2. 24-33.5-412 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-33.5-412. Functions of bureau - legislative review. (1) The bureau has the following authority:

(q) TO CONDUCT CRIMINAL HISTORY RECORDS CHECKS PURSUANT TO SECTION 24-72-305.3.

SECTION 3. Effective date. This act shall take effect July 1, 2000.

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