

DEPARTMENT OF PUBLIC SAFETY

Colorado Bureau of Investigation 8 CCR 1507-21

RULES AND REGULATIONS CONCERNING CRIMINAL HISTORY RECORDS OF VOLUNTEERS AND EMPLOYEES OF CHARITABLE ORGANIZATIONS

STATEMENT OF BASIS, STATUTORY AUTHORITY, AND PURPOSE

Pursuant to Section 24-72-305.3(2)(c)(I), C.R.S., the Executive Director of the Colorado Department of Public Safety may promulgate all reasonable and necessary rules to implement subsection (2) of Section 24-72-305.3, C.R.S. Further, pursuant to Section 24-72-305.3(2)(c)(I), C.R.S., the Colorado Bureau of Investigation shall be designated an authorized agency to implement and administer such rules. These rules amendments are proposed pursuant to this authority and are intended to be consistent with the requirements of the State Administrative Procedure Act, Section 24-4-101, et seq., C.R.S.

The purpose of these rules amendments is to update the procedure for requesting qualified entity status and for obtaining a criminal history records check.

Finally, these rules amendments format the rules to comply with accessibility standards and correct any grammatical and formatting errors.

Stan Hilkey
Executive Director, Colorado Department of Public Safety

Date of Adoption

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[Editor's Notes follow the text of the rules at the end of this document.]

AUTHORITY TO ADOPT RULES AND REGULATIONS

The Colorado Department of Public Safety is authorized by the provisions of Section 24-72-305.3 (2) (c) (I), C.R.S., to adopt rules and regulations identifying those entities that may serve as qualified entities and rules concerning criminal history records of volunteers and employees of charitable organizations.

DEFINITIONS

The definitions provided in ~~s~~Section 24-72-305.3(2)(a), C.R.S. shall apply to these ~~rules~~ rules and regulations.

The following additional definition shall also apply:

“National Criminal History Background Check” means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification.

“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 services and is not an entity otherwise required by Colorado Law to obtain criminal history records.

CBI-VCA-1: APPLICABILITY

These rules and regulations shall apply to the Colorado Bureau of Investigation and to any public or private, for-profit, not-for-profit or volunteer organization that provides care or care placement services including a business or organization that licenses or certifies others to provide care or care placement services to any child, elderly person or person with disabilities for whom the organization provides care.

CBI-VCA-2: A. QUALIFIED ENTITIES

Qualified Entities who provide childcare services ~~may~~ may request criminal history record checks.

CBI-VCA-2: B. PROCEDURE FOR OBTAINING “QUALIFIED ENTITY” STATUS

A business or organization seeking to conduct background checks as a “Qualified Entity” as defined in ~~CRS~~ Section 24-72-305.3 (2) (a) (VII), ~~C.R.S.~~ may contact the Colorado Bureau of Investigation, Biometric Identification and Records Unit, by email at cdps_sddssupport@state.co.us or by phone at (303) 239-4208. ~~mail or phone, to obtain an application form, Qualified Entity/Questionnaire at the following address:~~

~~———— Colorado Bureau of Investigation
———— Civil Identification Section
———— 690 Kipling Street, Suite 3000
———— Denver, Colorado 80215
———— (303) 239 4208~~

~~Forms may also be printed from the internet at: WWW.CBI.STATE.CO.US/ID~~

A ~~C~~copy of the requesting entity's registration on file with the Secretary of State or Department of Regulatory Agencies must be returned with the completed forms.

The Identification Section will then determine whether or not the entity will be acknowledged as a “Qualified Entity”. The determination will ~~be~~ be based on the definitions found in ~~Section~~ 24-72-305.3 (2) (a), ~~C.R.S.~~ The Identification Section will notify the entity ~~by letter~~ of their status. The entity may appeal the decision in writing to the Director of the Colorado Bureau of Investigation within ~~thirty~~ (30) days of the date of the ~~letter notification~~ at the following address:

Colorado Bureau of Investigation
690 Kipling Street
~~Denver Lakewood~~, Colorado 80215

CBI-VCA-3: NATIONAL CRIMINAL HISTORY RECORDS CHECK

Organizations and businesses caring for children, the elderly or individuals with disabilities may use national fingerprint based criminal history records to screen volunteers and prospective employees.

When a business has received “Qualified Entity” status from the CBI, the entity may then ~~obtain request~~ a criminal history records check on any person that provides care, or care placement with the entity as a current or prospective employee or volunteer.

Criminal history records checks may be obtained by submitting an email request via the [CBI Biometric Identification and Records Unit website](#).

~~CBI-VCA-4: A. REQUESTING THE CRIMINAL HISTORY RECORDS~~

~~CHECK~~

~~A qualified entity shall submit to the Colorado Bureau of Investigation a request on a completed fingerprint card. A fingerprint card can be obtained from the Central Forms 4200 Garfield Street Denver, Colorado 80216 for a fee. Fingerprints are to be taken at a local law enforcement agency. The law enforcement agency is to mail the fingerprint card and the fee to the CBI. The statutory citation (24-72305.3) will appear in box #16 of the fingerprint card. The qualified entity's name and address will appear in box #15 of the fingerprint card. The appropriate fee, paid to the order of CBI, shall be submitted in the form of money order or certified check along with the fingerprint card. In addition, the fingerprint card and payment must also be accompanied by a completed "Application and Notice Pursuant to the National Child Protection Act of 1993 as Amended by the Volunteers for Children Act". This application may also be obtained by contacting the CBI as indicated in VCA 2.~~

~~CBI-VCA-4: B. COURT DISPOSITIONS~~

~~When dispositions of arrests are lacking from Colorado Bureau of Investigation and/or Federal Bureau of Investigation records, disclosure of dispositions or clarification from the arresting agency for all offenses may be provided by the applicant. The CBI will make a determination of fitness, and will notify the qualified entity of that determination as soon as possible.~~

~~CBI-VCA-4: C. CRITERIA FOR DETERMINATION OF FITNESS~~

~~A copy of criteria guidelines may be obtained by written request to the following address: Colorado Bureau of Investigation Agent in Charge of the Identification Unit 690 Kipling Street, Suite 3000 Denver, Colorado 80215 2 Code of Colorado Regulations The individual may appeal the determination of fitness in writing to the Agent in Charge of the Identification Unit of the Colorado Bureau of Investigation within 30 days.~~

CBI-VCA-54: FORMS, PUBLICATIONS AND RULES INCORPORATED BY REFERENCE

All forms, publications and rules adopted and/or incorporated by reference in these regulations are on file and available for public inspection by contacting the Colorado Bureau of Investigation, 690 Kipling Street, ~~Denver~~**Lakewood**, Colorado 80215. This rule does not include later amendments to or editions of any materials incorporated by reference. All publications and rules adopted and incorporated by reference in these regulations may be examined at the any state publications depository library.

Editor's Notes

History