

DEPARTMENT OF PUBLIC SAFETY

Colorado Bureau of Investigation

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

8 CCR 1507-21

[Editor's Notes follow the text of the rules at the end of this CCR 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 section 24-72-305.3(2)(a) shall apply to these 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.

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* request criminal history record checks. Any entity is a “qualified entity” if it falls within the purview of the following definition:

A 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 and is not an entity otherwise required by Colorado Law to obtain criminal history records 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 24-72-305.3 (2) (a) (VII), may contact the Colorado Bureau of Investigation, by mail or phone, to obtain an application form, Qualified Entity Application/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 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 based on the definitions found in 24-72-305.3 (2) (a). 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 30 days of the date of the letter at the following address:

Colorado Bureau of Investigation
690 Kipling Street
Denver, 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 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.

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 (24-72-305.3) 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

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-5: 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 manager of the Civil Identification Section, Colorado Bureau of Investigation, Colorado Department of Public Safety, 690 Kipling Street, Denver, 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