

C.R.S. 24-33.5-412

Statutes current through Chapter 52 of the 2024 Regular Session, effective as of April 4, 2024. The 2024 legislative changes are not final until compared and reconciled to the 2024 work product of the Colorado Office of Legislative Services later in 2024.

Colorado Revised Statutes Annotated > Title 24 . Government - State (§§ 24-1-101 — 24-116-102) > Principal Departments (Arts. 30 — 36) > Article 33.5 .Public Safety (Pts. 1 — 27) > Part 4. Colorado Bureau of Investigation (§§ 24-33.5-401 — 24-33.5-431)

24-33.5-412. Functions of bureau - legislative review - interagency cooperation with reporting functions - processing time for criminal history record checks - computer crime - synthetic cannabinoids enforcement.

(1) The bureau has the following authority:

(a)

(I) When assistance is requested by any sheriff, chief of police, district attorney, head of a state agency, or chief law enforcement officer and with the approval of the director, to assist such state agency or law enforcement authority in the investigation and detection of crime and in the enforcement of the criminal laws of the state.

(II) For purposes of subparagraph (I) of this paragraph (a), “state agency” means any department or agency of the executive branch and the office of the state auditor.

(b) When assistance is requested by any district attorney and upon approval by the director, to assist the district attorney in preparing the prosecution of any criminal case in which the bureau had participated in the investigation under the provisions of this part 4;

(c) To establish and maintain fingerprint, crime, criminal, fugitive, stolen property, and other identification files and records; to operate the statewide uniform crime reporting program; and to arrange for scientific laboratory services and facilities for assistance to law enforcement agencies, utilizing existing facilities and services wherever feasible;

(c.5) To maintain a computerized data file of motor vehicle information received from the department of revenue accessible to law enforcement agencies through the telecommunications network operated by the bureau, and, by January 1, 2001, to allow law enforcement agencies to search multiple fields in the motor vehicle files including but not limited to vehicle license plate numbers, vehicle identification numbers, manufacturers, models, years, tab, and primary body colors, or any combinations thereof;

(d) To investigate suspected criminal activity when directed to do so by the governor;

(e) To procure any records furnished by any law enforcement agency of this state, including local law enforcement agencies, at the expense of the bureau;

- (f) To enter into and perform contracts with the department of human services for the investigation of any matters arising under the “Uniform Interstate Family Support Act”, article 5 of title 14, C.R.S., or a substantially similar enactment of another state;
 - (g) Repealed.
 - (h) To compile, maintain, and distribute a list of missing children as required by section 24-33.5-415.1;
 - (i) To develop and maintain a computerized database for tracking gangs and gang members both within the state and among the various states;
 - (j) When assistance is requested by the P.O.S.T. board, to investigate the backgrounds of applicants for certification as peace officers by the P.O.S.T. board, by a review of fingerprint files or records;
 - (k) To carry out the duties described in article 22 of title 16, C.R.S., including but not limited to promptly transmitting to the federal bureau of investigation upon receipt any fingerprints and conviction data concerning a person convicted of unlawful sexual behavior, as defined in section 16-22-102 (9), C.R.S.;
 - (l) To carry out the duties set forth in section 24-33.5-424 concerning the national instant criminal background check system (“NICS”) in connection with the transfer of firearms;
 - (m) To carry out the duties described in section 18-6-803.7, C.R.S.;
 - (n) To carry out the duties of maintaining information related to crimes involving acts of domestic violence or sexual assault as required by article 21 of title 16, C.R.S.;
 - (o) To carry out the duties set forth in part 2 of article 12 of title 18, C.R.S.;
 - (p) Repealed.
 - (q) To locate and apprehend persons who are fugitives from the law;
 - (r) To conduct criminal history records checks pursuant to section 24-72-305.3; and
 - (s) When requested by the chief of a fire department or his or her designee, and approved by the director or his or her designee, the bureau may assist in the investigation of a possible crime related to arson. When such a request is made by a fire department, the fire department shall notify the appropriate law enforcement agency that a request for assistance from the bureau has been made.
- (2) In order to enable the bureau to carry out the functions enumerated in this section, it shall establish and maintain statewide telecommunications programs consistent with telecommunications programs and policies of the state telecommunications director.
- (3)
- (a) Any other provision of law to the contrary notwithstanding and excluding title 19, C.R.S., except as provided in paragraph (b) of this subsection (3), on and after July 1, 1971, in accordance with a program to be established by the bureau, every law enforcement, correctional, and judicial entity, agency, or facility in this state shall furnish to the bureau all arrest, identification, and final charge dispositional information on persons arrested in Colorado for federal, state, or out-of-state criminal offenses and on persons received for

service of any sentence of incarceration. The department of corrections shall furnish its information to the bureau within twenty-four hours of the time a person is received into the custody of the department for service of sentence and prior to twenty-four hours of the time of the person's final discharge from supervision. The department shall also report to the bureau a person's release to parole or to a community correctional facility or program prior to twenty-four hours of such release. The provision of information required by this subsection (3) shall be made in a manner prescribed by the bureau; except that the provision of information by judicial entities, agencies, and facilities shall be under procedures to be established jointly by the state court administrator and the director.

(b) On or after July 1, 1983, the bureau may establish a program under which every entity, agency, or facility specified in paragraph (a) of this subsection (3) shall furnish to the bureau the information specified in section 19-1-306 (3), C.R.S.

(c) For purposes of improving the performance of criminal background checks and the implementation of the integrated criminal justice information system established in article 20.5 of title 16, C.R.S.:

(I) The criminal justice information program task force created in section 16-20.5-103, C.R.S., shall establish and require the use of uniform identifiers in the information required by this subsection (3) in order to facilitate the matching of criminal records in the bureau's databases and in the ICON system at the state judicial department, and such identifiers may be any identifiers existing on or after May 30, 2001; and

(II) Except as otherwise provided in this subsection (3), every law enforcement, correctional, and judicial entity, agency, or facility in this state shall forward to the bureau the information required by this subsection (3) within seventy-two hours after receiving such information; except that the time period shall not include Saturdays, Sundays, or legal holidays. The information forwarded to the bureau shall include, but need not be limited to, the fingerprints of said arrested persons.

(d) The bureau shall electronically forward the information required by this subsection (3) to the judicial department through the integrated criminal justice information system program established by article 20.5 of title 16, C.R.S., within twenty-four hours after the receipt of:

(I) An electronic version of the suspect's arrest and fingerprint information by the bureau; or

(II) A paper copy of the suspect's arrest and fingerprint information by the bureau if the information is from a jurisdiction that does not use an electronically-based fingerprint transmission system.

(4) The bureau is charged with the responsibility to investigate organized crime which cuts across jurisdictional boundaries of local law enforcement agencies, subject to the provisions of section 24-33.5-410.

(5)

(a) To assist the bureau in its operation of the uniform crime reporting program, every law enforcement agency in this state shall furnish such information to the bureau concerning crimes, arrests, and stolen and recovered property as is necessary for uniform compilation of statewide reported crime, arrest, and recovered property statistics. In cases involving child

abuse or sexual assault on a child and in all other cases involving murder, sexual assault, or robbery, the law enforcement agency shall furnish information to the bureau concerning the modus operandi of such crimes in order to facilitate the identification of cross-jurisdictional offenders. Information required to be submitted pursuant to this section shall be submitted in a form specified by the bureau; except that the bureau shall adopt a form and reporting standards consistent with the development of the strategic plan for an integrated criminal justice information system, in accordance with article 20.5 of title 16, that shall be consistent with applicable federal and state laws and regulations such as the national criminal justice information system standards. The cost to the law enforcement agency of furnishing such information shall be reimbursed out of appropriations made therefor by the general assembly; except that the general assembly shall make no such reimbursement if said cost was incurred in a fiscal year during which the Colorado crime information center was funded exclusively by state or federal funds.

(b) Beginning in 2018, and every year thereafter, the department shall include as part of its “State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act” hearing required by section 2-7-203 information concerning the reports submitted by law enforcement agencies pursuant to subsection (5)(a) of this section, including but not limited to information concerning reports of bias-motivated crimes, as described in section 18-9-121.

(6) The bureau is charged with the responsibility of implementing, administering, complying with the terms of, and serving as the state’s criminal history record repository as defined in the “National Crime Prevention and Privacy Compact” established in accordance with the provisions of part 27 of article 60 of this title. For purposes of said compact, the compact officer for the state of Colorado shall be the director of the bureau or a designee of the director.

(7) Notwithstanding any provision of law to the contrary, if a department or agency of the executive branch is required by statute to request a fingerprint-based criminal history record check from or through the bureau and obtain and process the results within a specified time, whether for purposes of issuance of a professional license or for any other reason, and, due to a backlog in requests pending with the bureau or due to other factors beyond the control of the department or agency, the department or agency is unable to act within the time required by statute:

(a) The department or agency is allowed an extension of time within which to obtain and process the results of the record check;

(b) The department or agency shall notify the applicant and other interested persons of the reason for the delay; and

(c) The status of the person whose criminal history is the subject of the record check, and his or her rights and responsibilities as specified in the statute that set forth the original period for agency action, do not change as a result of the delay.

(8)

(a) The bureau has the authority to conduct criminal investigations relating to cybercrime violations pursuant to section 18-5.5-102, when violations are reported or investigations requested by law enforcement officials or the governor or when violations are discovered by the bureau. All investigations conducted by the bureau must be in cooperation and coordination with local, state, or federal law enforcement authorities, subject to the provisions of section 24-33.5-410.

(b) The bureau shall develop and collect information with regard to cybercrime in an effort to identify, charge, and prosecute criminal offenders and enterprises that unlawfully access and exploit computer systems and networks, impact functionality, and access sensitive data and shall report such information to the appropriate law enforcement organizations. The bureau must also provide awareness training and information concerning cyber-security and security risks to the information technology critical infrastructure industry.

(c) The bureau shall prepare reports at least annually concerning any activities of cybercrime in Colorado for use by local or federal law enforcement officials or the governor. The reports are available for public inspection unless the material in the reports is exempt under article 72 of this title 24.

(d) The director of the bureau may enter into any contract that is necessary to carry out the duties and responsibilities set forth in this subsection (8).

(9) On and after September 1, 2014, the bureau shall purchase and maintain materials and equipment to be made available by the bureau to law enforcement agencies and to the liquor enforcement division in the department of revenue, for the presumptive identification of synthetic cannabinoids or any other designer drugs.

History

Source:**L. 83:**Entire article added, p. 933, § 1, effective July 1, 1984.**L. 84:**(1)(a), (2), and (3) amended, p. 681, § 15, effective March 29; (1)(h) added, p. 687, § 1, effective April 5.**L. 87:**(5) amended, p. 694, § 12, effective June 16; (3)(a) amended, p. 658, § 19, effective July 10; (3)(b) amended, p. 820, § 33, effective July 10.**L. 89:**(1)(i) added, p. 874, § 5, effective June 5.**L. 90:**(1)(j) added, p. 1208, § 5, effective March 16.**L. 91:**(1)(k) added, p. 395, § 2, effective April 17.**L. 92:**(5) amended, p. 257, § 4, effective June 3.**L. 93:**(1)(f) amended, p. 1606, § 8, effective January 1, 1995.**L. 94:**(1)(l) added, p. 17, § 2, effective February 26; (1)(f) amended, p. 2694, § 234, effective July 1; (1)(n) added, p. 2042, § 26, effective July 1; (1)(f) amended, p. 2695, § 235, effective January 1, 1995; (1)(m) added, p. 2017, § 12, effective January 1, 1995.**L. 95:**(1)(n) and (5) amended, p. 601, § 4, effective May 22; (1)(n) amended, p. 949, § 6, effective July 1.**L. 96:**(1)(o) added, p. 1024, § 2, effective May 23; (3)(b) amended, p. 1175, § 13, effective January 1, 1997.**L. 98:**(1)(p) added, p. 962, § 7, effective May 27.**L. 99:**(1)(c.5) added, p. 996, § 3, effective May 29.**L. 2000:**(1)(l) amended, p. 8, § 2, effective March 7; (6) added, p. 66, § 2, effective March 10; (1)(q) added, p. 398, § 1, effective April 12; (1)(c.5) amended, p. 1636, § 11, effective June 1; (1)(k) amended, p. 926, § 20, effective July 1; (1)(r) added, p. 1703, § 2, effective July 1.**L. 2001:**(3)(c) and (3)(d) added, p. 613, § 4, effective May 30.**L. 2002:**(1)(k) amended, p. 1189, § 31, effective July 1.**L. 2003:**(1)(o) amended, p. 649, § 7, effective May 17.**L. 2005:**(1)(a) amended, p. 860, § 1, effective June 1.**L. 2010:**(1)(r) amended and (1)(s) added,(HB 10-1399), ch. 331, p. 1526, § 1, effective May 27.**L. 2012:**(1)(p) repealed,(HB 12-1266), ch. 280, p. 1530, § 50, effective July 1.**L. 2013:**(7) added,(SB 13-192), ch. 129, p. 431, § 2, effective April 19.**L. 2014:**(8) added,(HB 14-1095), ch. 154, p. 532, § 1, effective May 9; (9) added,(HB 14-1037), ch. 358, p. 1682, § 4, effective August 6.**L. 2017:**(5) amended,(HB 17-1138), ch. 136, p. 456, § 2, effective August 9.**L. 2018:**(9) amended,(HB 18-1375), ch. 274, p. 1709, § 43, effective May 29; (8)(a), (8)(b), and (8)(c) amended,(HB 18-1200), ch. 379, p. 2293, § 7, effective August 8.

Colorado Revised Statutes Annotated
Copyright © 2024 All rights reserved.

End of Document