The Consequences of Conviction

Sanctions Beyond the Sentence Under Colorado Law

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1. Introduction

The True Consequences of a Criminal Conviction

The impact of a criminal conviction is greater than a number of days in prison or a number of dollars fined. Hundreds of federal, state, and local laws impose additional consequences on people convicted of crimes, many of which remain in effect far beyond any judicially-imposed sentence. Unlike incarceration and fines, however, those additional consequences are frequently unknown to attorneys, judges, and the individuals whose lives they profoundly affect.

This publication attempts to document the true impact of a criminal conviction in Colorado. It contains consequences that arise under Colorado law, yet are not included in the sentence imposed by a judge at the conclusion of a criminal case. The goal of this work is to provide all participants in the criminal justice system a more accurate understanding of how a conviction will impact the life of an accused person and, less directly, the community in which that person will ultimately live.

Five Critical Questions for Assessing Consequences

Some of the consequences mentioned in this publication—such as the loss of a public benefit—can have an immediate impact on accused persons and their families. Other consequences, however, may be impossible to identify as issues before a criminal case reaches disposition. For instance, a person charged with a crime may not be aware that he or she will one day aspire to enter a profession for which being convicted of that crime is disqualifying.

Five questions can help individuals and their attorneys identify those consequences most likely to impact their decision-making process as a case moves toward disposition.[1] This publication is loosely organized around these questions, which are designed to be asked of people accused of criminal offenses:

1. **How are you employed?**

   In many professions certain charges or convictions can result in losing a license or certificate necessary to work. Asking this question can help identify whether an individual works in a field likely to track and care about criminal activity.

[1] These five questions are a modified version of those suggested by Gabriel J. Chin in *Making Padilla Practical: Defense Counsel and Collateral Consequences at Guilty Plea*, 54 How. L. J. 675, 690 (2011).

2. **Do you receive any public benefits?**

   Eligibility for many public benefits can be lost upon conviction for certain crimes. Asking this question can identify whether an individual is at risk of losing critical support, either for themself or their family.

3. **What is your family situation?**

   Some types of convictions can impair an individual's ability to be a part of his or her family, especially when children are involved. Asking about family can identify whether this is a concern.

4. **Do you own, or will you want to own, any firearms?**

   Any felony conviction or a misdemeanor involving domestic violence can leave an individual permanently unable to possess a firearm. Asking this question can both determine whether that is a concern and warn against future charges resulting from unlawful possession of a weapon.

5. **Are you a United States citizen?**

   Non-citizens charged with crimes are often at risk of either being deported or deemed inadmissible. Asking this question can determine whether immigration status is a necessary concern.

The Impact of Federal Law

Federal law imposes numerous consequences of conviction beyond those created by Colorado statutes and regulations, but is generally beyond the scope of this publication. A few broadly applicable federal statutes and regulations have been included for purposes of making this publication more useful to the general public and legal community.

For additional information, the Public Defender Service for the District of Columbia, in conjunction with the American Bar Association, has assembled an excellent resource focused on federal consequences: *Internal Exile: Collateral Consequences of Conviction in Federal Laws and Regulations*.[2]

Limitations of this Publication

This publication describes consequences arising under the 2010 Colorado statutes and electronically-searchable Colorado regulations. Due to the volume of material covered it is necessarily incomplete, as some statutes and regulations have inevitably been missed.

[2] Available: http://www.americanbar.org/content/dam/aba/migrated/cecs/internalexile.authcheckdam.pdf.

The internal policies established by individual state and local agencies are not included. Those policies can, however, have a profound impact on the consequences of a conviction. Local public housing authorities, for example, may have widely different positions on how a conviction impacts eligibility.

Sparse information regarding enforcement is another major limitation. Every effort has been made to note where statutory language indicates a particular penalty or sanction is required. In many cases, however, a criminal conviction "may" prevent someone from obtaining a particular license, certification, or benefit. How individual agencies exercise that discretion is difficult to ascertain. In some cases what appears to be discretionary language could be enforced in a way that effectively renders a consequence mandatory.

In sum, this publication is intended only as a guide to be used in identifying issues. It is not a substitute for legal advice, and people with specific issues should talk to an attorney.

2. Why Criminal Records Matter

Widespread Availability of Criminal History

Criminal history records are more widely available now than ever before. Colorado is an open records state, meaning that the custodians of criminal justice records may allow any person to inspect those records except under limited circumstances. C.R.S. 24-72-305(1). The general public can search Colorado criminal records instantaneously and at minimal expense through the Colorado Bureau of Investigation's website, without having to provide a verifiable reason for the search.

Widespread record availability has profoundly impacted individuals' ability to move beyond an arrest or criminal conviction. Gone are the days when a minor run-in with the law could be forgotten. Because any potential employer, landlord, creditor, or government program administrator can check criminal records at any time, any prior conviction becomes an easily detectible and frequently permanent blemish upon an individual.

Limited Sealing of Criminal Records

Criminal records can only be sealed under limited circumstances. Under C.R.S. 24-72-308, arrest and criminal records *other than* those of convictions can typically be sealed if:

- The records pertain to official actions involving a criminal offense that was not charged, was completely dismissed, or in which the person was acquitted, or
- The records pertain to an offense that was not charged or a case that was dismissed due to a plea agreement in a separate case, and:
    - A petition to seal the records is filed ten years or more after the date of the final disposition of all criminal proceedings against the person, and
    - The person has not been charged with any criminal offense in the ten years since the date of the final disposition of all criminal proceedings.

Conviction records can only be sealed for select drug-related offenses. Under C.R.S. 24-72-308.6, sealing of conviction records for offenses involving controlled substances entered after July 1, 2011, may be possible:

- For a petty offense or a class 2 or 3 misdemeanor, three years after the later of the date of the final disposition of all criminal proceedings against the defendant or the release of the defendant from supervision concerning a conviction.
- For a class 1 misdemeanor, five years after the later of the date of the final disposition of all criminal proceedings against the defendant or the release of the defendant from supervision concerning a conviction.

- For a class 5 or 6 felony, seven years after the later of the date of the final disposition of all criminal proceedings against the defendant or the release of the defendant from supervision concerning a conviction.
- For all other offenses in article 18 of title 18, C.R.S., ten years after the later of the date of the final disposition of all criminal proceedings against the defendant or the release of the defendant from supervision concerning a conviction.

For controlled substance convictions entered prior to July 1, 2011, under C.R.S. 24-27-308.5, sealing is possible when:

- A petition to seal the records is filed ten years or more after the later of the date of the final disposition of all criminal proceedings against the defendant, or the release of the defendant from supervision, and
- The defendant has not been charged with a criminal offense in the ten years since the date of the final disposition of all criminal proceedings or the release of the defendant from supervision.
- Earlier sealing may be available if there is no objection from the district attorney. C.R.S. 24-72-308.6(4)(b).

Instructions for sealing criminal records, as well as the documents necessary for doing so, can be found on the Colorado State Judicial Branch website.[3]

Limited Expunging Opportunities

Colorado does not have a widely available mechanism for expunging adult criminal records.

Most juvenile records can be expunged if statutory eligibility criteria are satisfied. C.R.S. 19-1-306. Juvenile records cannot be expunged for:

- A person who has been adjudicated as an aggravated juvenile offender or a violent juvenile offender.
- A person who has been adjudicated for an offense that would constitute a crime of violence under C.R.S. 18-1.3-406.
- A person who, as a juvenile, has been charged by the direct filing of an information in the district court or by indictment pursuant to C.R.S. 19-2-517, unless the person was sentenced as a juvenile in the same matter.
- A person who has been adjudicated for an offense involving unlawful sexual behavior.

Courts and the Department of Revenue can expunge records of a conviction for underage drinking and driving with a BAC of at least .02 but not more than .05 if the person requesting the action is over twenty-one years of age and several additional criteria are met. C.R.S. 42-2-121(5), 42-4-1715(1)(b).

[3] http://www.courts.state.co.us/Forms/SubCategory.cfm?Category=Criminal.

Biological samples collected following a felony arrest can be expunged under some circumstances. C.R.S. 16-23-105.

Instructions for expunging juvenile adjudications, as well as the documents necessary for doing so, can be found on the Colorado State Judicial Branch website.[4]

[4] http://www.courts.state.co.us/Forms/SubCategory.cfm?Category=Juvenile.

3. Employment

Appendix I contains a list of individual professions where a criminal conviction (or in some cases a criminal charge) can be either disqualifying or potentially disqualifying under Colorado statutes and regulations. The information in this chapter is broadly applicable to Colorado employers and employees.

Critical Employment Areas

1. Government Licenses, Certificates, Registrations, and Contracts
    - As a general rule, if a job requires any type of government-issued license, certificate, registration, or contract, then a criminal conviction could have adverse employment consequences.
2. Vulnerable People and Positions of Trust
    - As a general rule, the greater the extent to which a job involves working with vulnerable populations of people (i.e. students, the mentally ill, prisoners, etc.), the greater the extent to which a criminal conviction may curtail employment possibilities.
    - Also as a general rule, the greater the extent to which a job involves a position of trust or responsibility (i.e. financial responsibility, responsibility for the wellbeing of another, etc.), the greater the extent to which a criminal conviction may curtail employment possibilities.

Guilty Pleas, Nolo Contendere, and Deferred Judgment

When evaluating a criminal offense, the entities that regulate most of the professions listed in Appendix I treat a guilty plea, a plea of nolo contendere, or a deferred judgment, the same way that they treat a conviction following trial.

Defining Crimes of Moral Turpitude

Many of the professions listed in Appendix I are regulated by entities that consider whether a license holder or applicant has been convicted of a crime involving "moral turpitude." The phrase "moral turpitude" has not been defined by statute, at least as used in that context.

What constitutes "moral turpitude" appears to be a case-by-case determination dependent upon the elements of the crime at issue and the factual circumstances of the situation. Interpreting that phrase, Colorado courts have held that a wide range of conduct involves moral turpitude. For examples, see *People v. Martin*, 897 P.2d 802, 804 (Colo. 1995) (third degree sexual assault); *People v. Emeson*, 638 P.2d 293, 295 (Colo. 1981) (willful failure to file a tax return); *R & F Enterprises, Inc. v. Board of County Commissioners*, 606 P.2d 64, 67 (Colo. 1980) (prostitution); *People v. Silvola*, 575 P.2d 413, 413 (Colo. 1978) (theft).

One of the few cases holding that a particular offense was not a crime of moral turpitude involved driving while ability impaired. *Hartman v. Wadlow*, 545 P.2d 735, 737 (Colo. App. 1975). *See also Fort v. Holt*, 508 P.2d 792 (Colo. App. 1973) (involving firearms regulations).

The Effect of Out-of-State and Federal Convictions

Many of the statutes regulating professions listed in Appendix I specify that out-of-state or federal convictions count against an applicant or licensee in the same way as a Colorado conviction. Many others do not specify.

Just because another state does not consider a certain type of conviction disqualifying does not mean that Colorado will agree. For instance, some states may not care whether a public transportation fare inspector has ever been convicted of a felony. In Colorado, however, an out-of-state felony conviction is a mandatory disqualification. C.R.S. 18-4-802(4)(b)(III).

The Effect of Internal Regulations and Policies

This publication contains only Westlaw-searchable Colorado statutes and regulations. It does not include all of the internal regulations and policies followed by individual governmental authorities or agencies. One therefore cannot assume, based on the absence of a mandatory disqualification listed in Appendix I, that an individual employed in a regulated profession will not be subject to an adverse employment action if convicted of a crime.

The Effect of Federal Law

The impact of federal law is beyond the scope of this publication. Nevertheless, federal restrictions on some broadly applicable professions, such as military service, have been included in the list of occupations in Appendix I.

Nearly all jobs working for the federal government are subject to criminal history checks.[5] The extent to which a criminal record will prevent employment varies from job to job. Most jobs requiring federal licensure also have restrictions on persons with various types of criminal history. Federally regulated occupations with such restrictions include but are not limited to:

- Federal law enforcement.
- Child care.
- Transportation industries (air, road, rail, or sea).
- Commodity dealers.
- Broadcast licensing.

[5] For more information see Federal Executive Order 10450 – Security Requirements for Government Employment, available: http://www.archives.gov/federal-register/codification/executive-order/10450.html.

- Firearms related professions (arms use, dealing, transportation, etc.).
- Farm labor contractors.
- Financial institutions (banks, brokers, dealers, investment advisers, etc.).

The degree to which a person's criminal history will preclude employment frequently depends on the nature of the individual job and applicant. For additional information, see *Internal Exile: Collateral Consequences of Conviction in Federal Laws and Regulations*, produced by the American Bar Association and Public Defender Service of the District of Columbia.[6]

Governmental Discrimination Based on Criminal Record

Under many circumstances a criminal offense cannot serve as the sole basis for the state denying an employment opportunity. Colorado's Public Employment Eligibility Statute provides: "the fact that a person has been convicted of a felony or other offense involving moral turpitude shall not, in and of itself, prevent the person from applying for and obtaining public employment or from applying for and receiving a license, certification, permit, or registration required by the laws of this state to follow any business, occupation, or profession." C.R.S. 24-5-101(1)(a).

The intent of the statute is to expand employment opportunities for people who "have been rehabilitated and are ready to accept the responsibilities of a law-abiding and productive member of society." However, it exempts certain professions, including:

- Peace officers.
- People in positions involving direct contact with vulnerable persons.
- Educators.
- Persons employed in public or private correctional facilities or juvenile facilities.
- PERA employees.
- State offices and convictions described in article XII, section 4, of the Colorado Constitution.

Regarding "moral character" requirements, the statute provides: "Whenever any state or local agency is required to make a finding that an applicant for a license, certification, permit, or registration is a person of good moral character as a condition to the issuance thereof, the fact that such applicant has, at some time prior thereto, been convicted of a felony or other offense involving moral turpitude, and pertinent circumstances connected with such conviction, shall be given consideration in determining whether, in fact, the applicant is a person of good moral character at the time of the application." C.R.S. 24-5-101(2).

Many other professions are regulated by statutes that seem to exempt them from the Public Employment Eligibility Statute. See Appendix I for additional information.

[6] Available: http://www.americanbar.org/content/dam/aba/migrated/cecs/internalexile.authcheckdam.pdf.

Private Discrimination Based on Criminal Record

Private employers have great discretion in determining whether to hire people with a criminal record, and there are few checks on private employment decisions.

Under Title VII of the Civil Rights Act of 1964, employers are not supposed to impose blanket exclusions on employing anyone with a prior arrest or conviction.[7] Instead, a criminal-history-based employment prohibition should depend on: (1) the nature and gravity of the offense or offenses; (2) the time that has passed since the conviction and/or completion of the sentence; and (3) the nature of the job held or sought. Regardless, the fact remains that there are few controls on private employers.

No Colorado law prohibits outright discrimination by private employers based on criminal history, and employment can typically be terminated for essentially any reason. Thus, even if a state agency determines that a previously convicted person is eligible for a license to practice a certain profession, that individual has no guarantee of finding an employer willing to accept his or her criminal history.

[7] *See Gregory v. Littleton Systems, Inc.*, 316 F. Supp. 401 (C.D. Cal. 1970). Additional information can be found on the Equal Employment Opportunity Commission's website at www.eeoc.gov.

4. Public Benefits Programs

Public Housing

The federal government has established several subsidized housing programs that are administered by local Public Housing Authorities (PHAs). Individual PHAs have great discretion regarding who—and what types of criminal histories—they will accept. Federal law, however, imposes several broadly applicable restrictions on who PHAs can admit or retain as residents.

Many of the restrictions below apply to "any household member," thus creating a situation where the conduct of one person can result in a loss of housing for an entire family. Additionally, many are based on the PHA's evaluation of conduct alone and do not require a conviction in order to prohibit or terminate housing.

- PHAs *must* prohibit admission if:
    - The PHA determines that any household member is currently engaged in illegal use of a drug.
    - The PHA determines that a household member's illegal drug use or pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
    - Any household member has ever been convicted of drug-related criminal activity for the manufacture or production of methamphetamine on the premises of federally-assisted housing.
    - Any household member is subject to a lifetime registration requirement under a state sex offender registration program.
- PHAs may prohibit admission if any household member is currently engaged in or has engaged in during a reasonable time before the admission:
    - Drug-related criminal activity.
    - Violent criminal activity.
    - Other criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity.
- PHAs *must* terminate assistance if they determine that any member of the household has ever been convicted of producing methamphetamine on the premises of federally assisted housing.
- PHAs may terminate assistance if they determine:
    - Any household member is currently engaged in any illegal use of a drug.
    - A pattern of illegal use of a drug by any household member interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
    - Any household member has engaged in violent criminal activity.
- For additional information, see 42 U.S.C. §§ 1437f, 13661-13663; 24 C.F.R. § 982.553.

Additional restrictions may apply to public housing, even in the absence of federal regulation. For instance:

- Group homes for people with mental illness, as established pursuant to C.R.S. 30-28-115, *shall not* accept people determined to be not guilty by reason of insanity of a violent offense, or who have been convicted of a felony involving a violent offense. C.R.S. 30-28-115(1)(b.5), 31-23-303(2)(b.5).
- Homeless and emergency shelters have widely varying policies regarding people with a criminal history, especially violent crimes and sex offenses.

Food Stamps

- A person *shall* be temporarily disqualified from receiving food stamps for:
    - Obtaining, or aiding another in obtaining, food stamp benefits to which the person is not entitled. C.R.S. 26-2-305(1)(a). Subsequent offenses may result in permanent disqualification.
    - Being found by the agency or convicted in a court of having made a fraudulent statement or representation in order to receive multiple food stamp benefits simultaneously. C.R.S. 26-2-305(1)(b).
    - Being found guilty in a court of law of purchasing controlled substances with food stamps. An individual *shall not* be ineligible due to a drug conviction unless misuse of food stamp benefits is part of the court findings. C.R.S. 26-2-305(1)(c). Subsequent offenses may result in permanent disqualification.
- A person *shall* be permanently disqualified from receiving food stamps for:
    - Trafficking in food stamps having a value of five hundred dollars or more. C.R.S. 26-2-305(1)(a).
    - Being found guilty in a court of law of trading ammunition or explosives for food stamps. C.R.S. 26-2-305(1)(d).
- Fleeing felons and people in violation of state or federal probation or parole conditions are ineligible to participate. 10 CCR 2506-1:B-4111.

Federal Student Loan Eligibility

- A student who is convicted of any offense under any federal or state law involving the possession or sale of a controlled substance for conduct that occurred during a period of enrollment for which the student was receiving federal student assistance shall not be eligible to receive any grant, loan, or work assistance under either subchapter IV of chapter 28 of title 20, or part C of subchapter I of chapter 34 of title 42, from the date of that conviction for the period of time specified below. 20 U.S.C. § 1091(r).
    - Possession of a Controlled Substance
        - First Offense: One Year.
        - Second Offense: Two Years.
        - Third Offense: Indefinite.

    - Sale of a Controlled Substance
        - First Offense: Two Years.
        - Second Offense: Indefinite.
- A student whose eligibility has been suspended may resume eligibility before the end of the ineligibility period if certain statutorily specified conditions are met. 20 U.S.C. § 1091(r)(2).
- Pell Grants *shall not* be awarded to individuals who are incarcerated in a federal or state prison, or subject to involuntary civil commitment upon completion of a period of incarceration for a sex offense. 20 U.S.C. § 1070a(b)(6).

Worker's Compensation Benefits

- Subject to limited exceptions, a person entitled to benefits under articles 40 to 47 of title 8, C.R.S., *shall* neither receive nor be entitled to such benefits for any week following a conviction during which that person is confined in a jail, prison, or any Department of Corrections facility. After release, an individual shall be restored to the same position as he otherwise would have enjoyed with respect to benefits. C.R.S. 8-42-113.

Unemployment Benefits

- No payment of unemployment benefits will be made if separation from employment occurs because of incarceration after conviction of a violation of any law, or loss of a license, certification, credential, or other professional designation that is essential to job performance. C.R.S. 8-73-108(5)(e)(X).

Colorado Works Program / TANF

- A person convicted of a drug-related felony offense under the laws of this state, any other state, or the federal government shall not be eligible for assistance under the works program unless such person is determined by the county department to have taken action toward rehabilitation such as, but not limited to, participation in a drug treatment program. C.R.S. 26-2-706(3).
- A person is disqualified from receiving benefits if an inmate of a public institution, except as a patient in a public medical institution. C.R.S. 26-2-706(1.5)(d).
- For additional information, see 9 CCR 2503-1:3.627, 9 CCR 2503-1:3.600.

Veterans Benefits

- If any individual to whom pension is being paid under a law administered by the Department of Veterans Affairs is imprisoned in a federal, state, or local penal institution as a result of conviction of a felony or a misdemeanor, such pension payments will stop on the sixty-first day of imprisonment following conviction.

Normally a portion of the benefits can be assigned to an eligible family member during the period of incarceration. 38 C.F.R. § 3.666.

- No veteran *shall* receive a pension if the veteran is a fugitive felon, and no apportionment will be made to the veteran's dependents. 38 C.F.R. § 3.666.
- No person *shall* be eligible for residence in an armed forces retirement home if he or she has been convicted of a felony or is not free of drug, alcohol, or psychiatric problems. 24 U.S.C. § 412(b).
- All veteran's benefits are forfeited if "evidence satisfactory to the Secretary" shows a veteran to be guilty of mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or its allies, or if convicted of various offenses under federal or military law. 38 U.S.C. § 6104, 38 U.S.C. § 6105.
- Similar offenses, including spying, result in forfeiture of National Service Life Insurance, Servicemembers' Group Life Insurance, and Veterans' Group Life Insurance. 38 U.S.C. § 1911, 38 U.S.C. § 1973.

Social Security

- Old-age and survivors insurance benefit payments will not, subject to various exceptions, be paid for any month in which a person is:
    - Confined in a jail, prison, or other penal institution for conviction of a criminal offense.
    - Confined by court order in an institution at public expense in connection with a verdict of guilty by reason of insanity, a finding of incompetence to stand trial, or a similar verdict or finding.
    - Confined by court order in an institution at public expense, immediately following completion of confinement for a criminal offense, an element of which is sexual activity, and pursuant to a finding that the individual is a sexually dangerous person or a sexual predator or a similar finding.
    - Fleeing to avoid prosecution or custody for a felony.
    - Violating a condition of probation or parole imposed under federal or state law.
    - For additional information, see 42 U.S.C. § 402(x).
- No person shall be eligible for Supplemental Security Income for the Aged, Blind, and Disabled, subject to certain exceptions, if the person is:
    - An inmate at a public institution. 42 U.S.C. § 1382(e)(1).
    - Fleeing to avoid prosecution or custody for a felony. 42 U.S.C. § 1382(e)(4)(A)(i).
    - Violating a condition of probation or parole imposed under federal or state law. 42 U.S.C. § 1382(e)(4)(A)(ii).
- Social Security Disability Insurance (SSDI) *shall not* be paid for any physical or mental impairment, or any increase in the severity of a pre-existing impairment, which arises in connection with commission of a felony. 20 C.F.R. § 404.1506.
- A person who has been convicted of any offense under federal or state law resulting in imprisonment for more than one year *cannot* serve as a representative payee for a beneficiary entitled to certain benefits under the Social Security Act. 42 U.S.C. § 1383(a)(2)(B)(ii)(IV).

5. Family Concerns

Parenting Time Following Divorce or Separation

- In determining parenting time following a divorce or separation, courts may consider:
    - Whether one of the parties has been a perpetrator of child abuse or neglect under C.R.S. 18-6-401, or under similar laws of any other state. C.R.S. 14-10-124(1.5)(a).
    - Whether one of the parties has been a perpetrator of domestic violence. C.R.S. 14-10-124(1.5)(a).
- In allocating decision-making authority, if the court makes a finding of fact that one of the parties has been a perpetrator of child abuse or neglect, then it *shall not* be in the best interests of the child to allocate mutual decision making with respect to any issue over the objection of the other party or the legal representative of the child. C.R.S. 14-10-124(1.5)(b).
- In allocating decision-making authority, if the court makes a finding of fact that one of the parties has been a perpetrator of domestic violence, then it *shall not* be in the best interests of the child to allocate mutual decision-making responsibility over the objection of the other party or the legal representative of the child, unless the court finds that the parties are able to make shared decisions about their children without physical confrontation and in a place and manner that is not a danger to the abused party or the child. C.R.S. 14-10-124(1.5)(b).
- If a parent has been convicted of any of a list of crimes, the other parent—or any other person who has been granted custody of or parental responsibility for the child pursuant to court order—may file an objection to parenting time. The offending parent shall then have the burden of proving that parenting time by such parent is in the best interests of the child or children. C.R.S. 14-10-129(3). The list of crimes is lengthy, but includes:
    - Any crime, the underlying factual basis of which has been found by a court on the record to include domestic violence.
    - Murder.
    - Sexual assault.
    - Unlawful sexual contact if the victim is compelled to submit.
    - Most crimes against children.

Emergency Placement of Children

- An agency *shall not* arrange emergency placement of a child with someone who has been convicted of:
    - Child abuse.
    - A crime of violence.
    - A felony involving unlawful sexual behavior.
    - A felony with an underlying factual basis involving domestic violence.
    - Violation of a protective order.

    - A crime involving homicide.
    - For additional information, see C.R.S. 19-3-406(4) and 12 CCR 2509-4:7.304.
- Once a court terminates a parent-child legal relationship, the child *shall not* be placed with an individual other than a relative of the child unless that individual is of "good moral character." C.R.S. 19-5-104(1).

Name Changes

- A court shall not grant a petition for a name change if the court finds the petitioner was previously convicted of a felony or adjudicated a juvenile delinquent for an offense that would constitute a felony if committed by an adult in this state or any other state or under federal law. C.R.S. 13-15-101(2)(b).
- There are several statutory exceptions to the general rule. C.R.S. 13-15-101(3).

Adoption and Foster Care

- A court *shall not* grant a decree of final adoption if it determines that the prospective adoptive parent was convicted at any time by a court of competent jurisdiction of a felony in one of the following areas: child abuse or neglect; spousal abuse; any crime against a child; or any crime involving violence, rape, sexual assault, or homicide, excluding other physical assault and battery. C.R.S. 19-5-210(4).
- For stepparent, kinship, or custodial adoptions, in addition to not granting a decree of final adoption in the circumstances above, the court *shall not* grant the decree of final adoption if it determines that the prospective adoptive parent was convicted of a felony for physical assault or battery that was committed within the past five years. C.R.S. 19-5-210(4).
- Petitions for adoption must be accompanied by a criminal history records check and a report regarding felony or misdemeanor convictions of the offenses listed above, as well as any crime the underlying factual basis of involved domestic violence, violation of a protective order, and any physical assault or battery or felony drug-related conviction. C.R.S. 19-5-207(2.5)(a)(IV). Slightly different rules apply to stepparent, second parent, kinship, or custodial adoptions. C.R.S. 19-5-208(5).
- For additional information, see 12 CCR 2509-6:7.500.2, 12 CCR 2509-8:7.710.5.
- For information regarding foster care, see the Child Care section of Appendix I.

Guardian or Conservator Appointment

- A court may require a criminal background check to determine the fitness of a nominee for appointment as a guardian, emergency guardian, conservator, or special conservator. C.R.S. 15-14-110; Colorado Probate Forms 805, 834, 850.

Inheritance

- An individual who is determined to have feloniously killed the decedent forfeits all benefits with respect to the decedent's estate. C.R.S. 15-11-803(2).
- A person who has been arrested on suspicion of having committed, is charged with, or has been convicted of, any felony offense specified in part 1 of article 3 of title 18, C.R.S., involving the death of the deceased person, shall not direct the final disposition of the deceased person or arrange the ceremonies for the deceased person. This does not apply if charges are not brought or the person is acquitted. C.R.S. 15-19-109.

6. Firearms

Restrictions Under Colorado Law

- It is a felony offense to knowingly possess a firearm subsequent to conviction for any felony, or subsequent to conviction for attempt or conspiracy to commit a felony, under the laws of Colorado, any other state, or federal law. C.R.S. 18-12-108.
- Conviction of two or more alcohol-related driving offenses within ten years may result in ineligibility to obtain a concealed handgun permit. C.R.S. 18-12-202(3), 18-12-203(1)(e).
- Being subject to a protective order will result in ineligibility to obtain a concealed handgun permit. C.R.S. 18-12-203(1)(g).

Restrictions Under Federal Law

- It is unlawful for any person to possess a firearm or ammunition who:
    - Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.
    - Is a fugitive from justice.
    - Is an unlawful user of, or addicted to, any controlled substance.
    - Is under a court order that restrains the person from harassing, stalking, or threatening an intimate partner.
    - Has been convicted in any court of a misdemeanor crime of domestic violence.
- For more information, see 18 U.S.C. § 922(g).

7. Citizenship and Immigration

Any non-citizen convicted of a crime may face either removal from the United States or classification as "inadmissible." Immigration and citizenship related consequences are imposed by federal law, and are therefore outside of the scope of this publication. The information below is provided to highlight general concerns.

Consequences of Conviction for Non-Citizens

- Inadmissibility: Certain crimes can render a person inadmissible. This means that if the person leaves the United States, they will not be able to return.
- Deportation: Certain crimes can render a person deportable. This means that the person can be removed from the country.
- Other possible consequences include but are not limited to:
    - Inability to obtain asylum or protected status.
    - Inability to become a citizen.
    - Inability to become a legal permanent resident.

Inadmissibility

- Most non-citizens who are deemed inadmissible will not be able to reenter if they leave the country. If an undocumented immigrant is determined inadmissible, he or she will be removed from the country and then barred from seeking readmission for a period of time.
- Subject to limited exceptions and waivers, grounds for inadmissibility include:
    - Conviction of, or admission to having committed, any crime involving moral turpitude. Note that the definition of "moral turpitude" is different in this context than in the rest of this publication.
    - Conviction of, or admission to having committed, any crime relating to a controlled substance. A limited exception applies for marijuana possession.
    - Conviction of two or more criminal offenses, the resulting aggregate sentences for which were five years or more.
    - Commission of prostitution or commercialized vice.
    - Illegal presence in the United States.
- This list is not complete. For additional information, see 8 U.S.C. § 1182.

Deportability

- Subject to limited exceptions and waivers, grounds for deportation include:
    - Presence in the United States as an inadmissible person, or in violation of law.
    - Conviction of a single crime involving moral turpitude within five years of admission for which a sentence of one year or longer may be imposed.

    - Conviction of multiple crimes involving moral turpitude, regardless of the time after admission or the sentence imposed.
    - Conviction of any aggravated felony.
    - Conviction of a violation of any controlled substance law, other than a single offense involving possession for one's own use of thirty grams or less of marijuana.
    - Conviction of a firearms offense.
    - Conviction of a crime of domestic violence, stalking, child abuse, child neglect, or child abandonment.
    - Violation of a protective order.
- This list is not complete. For additional information, see 8 U.S.C. § 1227.

Inability to Obtain Citizenship

- In order to become a naturalized citizen, a person must be of good moral character while in the United States for a minimum of five years. 8 U.S.C. § 1427(a).
- No person shall be regarded as one of good moral character if during the period for which good moral character is required the person was:
    - Confined in a jail or prison for an aggregate of 180 days.
    - Convicted of an aggravated felony at any time.
    - Any of the same offenses or actions listed as being grounds for inadmissibility in 8 U.S.C. § 1182(a).
- This list is not complete. For additional information, see 8 U.S.C. § 1101(f).

8. Other Civil Rights and Privileges

Driving

- C.R.S. 42-2-125 lists multiple offenses for which a driver's license *shall* be revoked after conviction. These include:
    - Vehicular homicide, vehicular assault, or criminally negligent homicide while driving a motor vehicle. See also C.R.S. 42-2-128.
    - Driving under the influence of a controlled substance, as defined in C.R.S. 12-22-303(7), or while a habitual user of a controlled substance.
    - Any felony in the commission of which a motor vehicle was used.
    - Failing to stop and render aid.
    - Perjury in the first or second degree or making of a false affidavit or statement under oath to the Department of Revenue under any law relating to the ownership or operation of a motor vehicle.
    - Reckless driving, if committed three times within two years.
    - Repeated offenses for driving under the influence (DUI), DUI per se, driving while ability impaired (DWAI), or habitual user.
    - Single offenses for DUI, DUI per se, DWAI, underage drinking and driving (UDD), or habitual user if the driver was under twenty-one years of age.
    - Violating any provision of title 42, C.R.S., without filing a notice of financial responsibility, if required to do so.
    - Knowingly and willfully leaving the scene of an accident involving a commercial motor vehicle driven by the person.
    - Underage possession of alcohol, or providing alcohol to a minor, regardless of whether a vehicle was involved. C.R.S. 18-13-122(2), 42-2-125(m), 42-2-127.6. Failure to complete an alcohol evaluation or assessment, education program, or treatment ordered by a court in connection with such a conviction is also cause for revocation. C.R.S. 42-2-131.
    - Aggravated motor vehicle theft or trespass in a car.
- A person having multiple convictions of certain statutorily listed offenses can be designated a habitual driving offender and have his or her driver's license revoked. C.R.S. 42-2-202, 42-2-203.
- The Department of Revenue may suspend a driver's license following accumulation of too many points associated with various vehicular offenses. C.R.S. 42-2-127.
- The Department of Revenue may suspend a license upon determination that the holder operated a motor vehicle without proper insurance. C.R.S. 42-2-127.7.
- A license may be canceled, denied, or not reissued upon conviction of misuse of license, titles, permits, or license plates. C.R.S. 42-2-122(1)(c).
- Alcohol & Drug Specific Provisions:
    - A law enforcement officer *shall* immediately take possession of a driver's license upon probable cause to believe the holder is driving with excessive

BAC or refusing to take a blood, breath, or saliva test. C.R.S. 42-2-126(3).

- Upon conviction for DUI, DUI per se, habitual user, or, for a person under twenty-one years of age, for DUI, DUI per se, DWAI, habitual user, or UDD, the court *shall* require the offender to immediately surrender his or her license. C.R.S. 42-2-129.
- Persons convicted of alcohol or controlled substance related offenses may be required to have a restricted license prior to obtaining any other driver's license. C.R.S. 42-2-132.5.

School Attendance

- Juvenile courts *shall* notify a person's school district if they adjudicate that person delinquent on grounds that require mandatory expulsion, or when they are adjudicated delinquent for an offense that constitutes a crime of violence, an offense involving controlled substances, or (for individuals between the ages of twelve and eighteen) an offense that would constitute unlawful sexual behavior. C.R.S. 22-33-106(1)(d), 22-33-106.5.

University Attendance

- No person convicted of a riot offense *shall* be enrolled in a state-supported institution of higher learning for twelve months following the date of conviction. A student who is enrolled *shall* be suspended for twelve months. C.R.S. 23-5-124.

Voting

- The right to vote is lost while serving a sentence of detention or confinement in a correctional facility, jail, or other location for a felony conviction, or while serving a sentence of parole. C.R.S. 1-2-103(4).
- The Secretary of State may cancel voter registration upon being furnished information that an elector has been convicted of a felony. C.R.S. 1-2-302(3.5)(b), 1-2-606.
- The right to vote is restored immediately upon release. Colo. Const. art. 7, § 10. If a voter's registration has been cancelled due to conviction or confinement, however, it is necessary to re-register.
- Persons confined while awaiting trial retain the right to vote. C.R.S. 1-2-103(4).

Election Participation

- An election judge or student election judge must never have been convicted of election fraud, any other election offense, or fraud. C.R.S. 1-6-101.
- An election judge *shall* be summarily removed if convicted of any felony. C.R.S. 31-10-406.

- An election judge may be removed if convicted of any crime. C.R.S. 1-6-120(2).

Property Forfeiture

- Any building, the ground upon which it sits, and all of its fixtures and contents, as well as any vehicle or other real property, can be deemed a public nuisance and forfeited to the state if used in the commission of various crimes. C.R.S. 16-13-301 to 16-13-316, 16-13-501 to 16-13-511.

Genetic and HIV Testing

- Every person arrested for or charged with a felony offense must submit to collection of a biological substance sample. C.R.S. 16-23-103(1).
- Every person charged with a sex offense involving sexual penetration, or any person who is indicted for or is convicted of such an offense, *shall* be ordered to submit to a diagnostic test for the human immunodeficiency virus (HIV). C.R.S. 18-3-415.
- Every person sentenced for a felony conviction must submit to and pay for collection of a biological substance to determine their genetic markers. C.R.S. 16-11-102.4(1)(g).

Jury Service

- A prospective grand juror *shall* be disqualified if he or she has previously been convicted of a felony in any state, the United States, or any territory under the jurisdiction of the United States. C.R.S. 13-71-105(3).
- Convicted persons are not disqualified from service on petit juries.

Witness Testimony

- A person testifying as a witness in a court proceeding may have their credibility called into question by prior conviction of a felony. C.R.S. 13-90-101; Colorado Rule of Evidence 608.

Community Notification for Child Abuse Offenders

- For persons imprisoned due to child abuse offenses, prior to release from a correctional facility by discharge or parole, the Department of Corrections *shall* notify the victim, the local law enforcement agency having jurisdiction over the last-known home address of the offender, and the local law enforcement agency having jurisdiction over the offender's parole address. C.R.S. 17-22.5-202(3).

Gambling

- A person may be excluded from a licensed gaming establishment if their presence in the establishment is determined to pose a threat to the interests of the State or to licensed gaming, or to both. In making that determination, the gaming commission may consider prior conviction of a felony, a misdemeanor involving moral turpitude, or a violation of the gaming laws of any state, the United States, or any of its possessions or territories, including Indian tribes. C.R.S. 12-47.1-828, 12-47.1-1001(2).
- Persons may be excluded from a licensed animal-racing facility if they have been convicted of a felony under the laws of this state or any other state or of the United States, subject to the provisions of section 24-5-101. C.R.S. 12-60-803.

Identification

- A state identification card may be canceled, denied, or not reissued upon conviction of misuse of an identification card. C.R.S. 42-3-302(3).

Passport

- A person may have their passport revoked or denied if convicted of a federal or state felony drug offense or certain misdemeanor drug offenses, if the person used a passport or otherwise crossed an international border in committing the offense. 22 U.S.C. § 2714.

Hunting and Fishing

- The Colorado Wildlife Commission or a hearing officer can suspend the privilege of applying for, purchasing, or exercising the benefits of a license issued by the commission for a period not to exceed five years if:
    - A person has been convicted of a sufficient number of Colorado wildlife violations, or their out-of-state, federal, or Canadian equivalent, to acquire twenty or more “points” in a consecutive five-year period.
    - A person has been convicted of any violation of title 18, C.R.S., that was committed while hunting, trapping, fishing, or engaging in a related activity.
    - A person has been convicted of other statutorily listed wildlife offenses.
    - For purposes of this statute, “conviction” means payment of a penalty assessment, a court conviction, a plea of nolo contendere, the acceptance of a deferred or suspended sentence by the court, or a juvenile adjudication.
    - For more information, see C.R.S. 33-6-106.
- Several types of wildlife offenses may result in both criminal penalties and immediate suspension of any or all wildlife license privileges. These include:
    - Illegal possession of wildlife. C.R.S. 33-6-109.

- Illegal sale of wildlife. C.R.S. 33-6-113.
- Willful destruction of wildlife. C.R.S. 33-6-117.
- Computer-assisted remote hunting. C.R.S. 33-6-132.

National Guard Youth Challenge Corps Program

- Eligible youth must be free of felony convictions or capital offenses, not indicted or charged with a crime, and not on parole or probation for anything other than juvenile status offenses. C.R.S. 28-3-1703(1)(f).

Tax Refunds

- State tax refunds issued pursuant to the Taxpayer Bill of Rights in years when revenues exceed spending limits *shall not* be issued to:
    - Any person who was convicted of a felony and served a sentence of incarceration for a total of one hundred eighty days or more during the fiscal year.
    - Any person who is convicted of a misdemeanor or is adjudicated for an offense that would constitute a misdemeanor if committed by an adult and who is incarcerated for a total of one hundred eighty days or more during the fiscal year.
    - Any person under eighteen years of age who is adjudicated for an offense that would constitute a felony if committed by an adult who is committed to the Department of Human Services for a total of one hundred eighty days or more during the fiscal year.
    - For more information, see C.R.S. 39-22-2003(1)(b).

Medical Marijuana Registration

- Registration necessary to obtain medical marijuana may be revoked for conviction of any criminal offense pertaining to controlled substances. 5 CCR 1006-2:2.

9. Greater Penalties Upon Repeat Offenses

Many types of offenses place people in a position where it may be difficult to obtain pre-trial release for a subsequent charge, and a subsequent conviction may carry a substantially greater penalty.

Release on Bail

- An arrested person may be ineligible for bail if a crime of violence is alleged to have occurred after two previous felony convictions, or after one previous felony conviction for a crime of violence, or while on bail pending disposition of a previous crime of violence charge. Colo. Const. art. II, § 19; C.R.S. 16-4-101(1)(b).
- Unless the district attorney consents, no person shall be released on personal recognizance if he or she has a record of conviction of a class 1 misdemeanor within two years or a felony within five years. C.R.S. 16-4-105(1)(n).
- Restrictions apply to people who have failed to appear on bond in any case involving a felony or class 1 misdemeanor charge in the preceding five years, or are currently on bond for a different case. C.R.S. 16-4-105(1)(m) to 16-4-105(1)(p.5).

Probation Eligibility

- Probation following a felony conviction is not available to a person who has twice or more been convicted of a felony under the laws of this state, any other state, or the United States, if the current conviction or prior conviction is for any of a list of applicable crimes. C.R.S. 18-1.3-201(2.5). The list includes most crimes against a person, first degree arson, robbery, first or second degree burglary, theft from the person of another, and any felony offense against a child. Attempts and conspiracies to commit those crimes are also disqualifying.
- Restrictions on probation eligibility can be waived under some conditions. C.R.S. 18-1.3-201(4).

Habitual Criminal Laws

- If any person is convicted of a class 1 or 2 felony, or a class 3 felony that is a crime of violence, and has been twice previously convicted—in this state or elsewhere—of a crime that if committed in Colorado would be a class 1 or 2 felony, or a class 3 felony that is a crime of violence, then that person shall be sentenced to the Department of Corrections for life. C.R.S. 18-1.3-801(1).
- If any person is convicted of a class 1, 2, 3, 4, or 5 felony, who within ten years of the date of commission has been twice previously convicted—either in this state or elsewhere—of a crime that if committed in Colorado would be a felony, that person shall be sentenced to the Department of Corrections for a term of three

times the maximum of the presumptive range for the class of felony for which the person was convicted. C.R.S. 18-1.3-801(1.5).

- If any person is convicted of any felony, who has three times previously been convicted—either in this state or elsewhere—of a crime that if committed in Colorado would be a felony, then that person shall be sentenced to the Department of Corrections for a term of four times the maximum of the presumptive range for the class of felony for which the person was convicted. C.R.S. 18-1.3-801(2). An exception applies to class 6 felony convictions for unlawful possession of a controlled substance.

Youthful Offender System Eligibility

- A young adult offender is not eligible for placement in the youthful offender system if he or she has received a sentence to that system for any prior conviction. C.R.S. 18-1.3-407.5(2)(a)(III).

Common Criminal Offenses

A person convicted of any of the following may face a greater penalty if subsequently convicted of the same crime or a similar crime. The penalty for federal offenses committed after conviction of a state crime may also be substantially more severe. U.S. Sentencing Guidelines Manual ch. 4 (2010).

- Burglary. C.R.S. 18-1.3-804.
- Sexual offenses against children. C.R.S. 18-3-412.
- Failure to register as a sex offender. C.R.S. 18-3-412.5(2).
- Stalking. C.R.S. 18-3-602(3).
- Theft of trade secrets. C.R.S. 18-4-408(3).
- Aggravated motor vehicle theft. C.R.S. 18-4-409(3).
- Theft from a store. C.R.S. 18-4-413(2).
- Computer crime offenses. C.R.S. 18-5.5-102(3).
- Child abuse. C.R.S. 18-6-401(7)(e), 18-6-401.2.
- Sexual exploitation of a child. C.R.S. 18-6-403(5)(b).
- Violation of a protective order. C.R.S. 18-6-803.5(2).
- Public indecency. C.R.S. 18-7-301(2).
- Indecent exposure. C.R.S. 18-7-302(2).
- Wiretapping and eavesdropping. C.R.S. 18-9-302.
- Telecommunications crimes. C.R.S. 18-9-309(2.5).
- Possessing a dangerous or illegal weapon. C.R.S. 18-12-102(3).
- Possession of a weapon by a previous offender. C.R.S. 18-12-108(5).
- Possession of a handgun by a juvenile. C.R.S. 18-12-108.5(1)(c).
- Underage possession of alcohol. C.R.S. 18-13-122(2), 12-47-903(3).
- Misrepresentation of age to obtain alcohol. C.R.S. 12-47-903(3).

Controlled Substance Offenses

- Elevated felony levels apply to unlawful distribution, manufacturing, dispensing, or sale, if the offense is committed subsequent to any prior conviction for the same or similar offenses under the laws of this state, any other state, or the United States. C.R.S. 18-18-405.
- Enhanced sentencing applies to felony drug offenses where the defendant has been previously convicted in courts of the United States or any state for two or more offenses involving the manufacture, sale, dispensing, or distribution of controlled substances. C.R.S. 18-18-407(1).
- Increased punishment upon subsequent convictions also applies to:
    - Unlawful administration of gamma hydroxybutyrate (GHB) or ketamine. C.R.S. 18-13-123(5).
    - Unlawful manufacturing, processing, or sale of marijuana. C.R.S. 18-18-406(6), 18-18-406(7).
    - Unlawful use of marijuana in a detention facility. C.R.S. 18-18-406.5.
    - Manufacture, distribution, or possession with intent to distribute of an imitation controlled substance. C.R.S. 18-18-422.
- The penalty for federal offenses committed after conviction of a state crime may also be substantially more severe. U.S. Sentencing Guidelines Manual ch. 4 (2010).

Driving, Boating, and Flying Offenses

A person convicted of any of the following may face a greater penalty if subsequently convicted of the same crime or a similar crime. The penalty for federal offenses committed after conviction of a state crime may also be substantially more severe. U.S. Sentencing Guidelines Manual ch. 4 (2010).

- Driving without a license. C.R.S. 42-2-101(11).
- Driving under the influence, while ability impaired, or with excessive alcohol content. C.R.S. 42-2-125(1), 42-2-126(3), 42-4-1301.
- Driving under restraint. C.R.S. 42-2-138.
- Driving after revocation prohibited. C.R.S. 42-2-206.
- Presenting an altered or counterfeit letter or insurance identification card as proof of financial responsibility. C.R.S. 42-7-301.5(2).
- Deviation from authorized route while transporting hazardous materials. C.R.S. 42-20-305(2).
- Operating a vessel while under the influence. C.R.S. 33-13-108.1(12).
- Operating an aquatic vessel while the privilege to operate is suspended. C.R.S. 33-13-108.2.
- Operating an aircraft under the influence of alcohol or drugs. C.R.S. 41-2-102(7).

Gambling Related Offenses

- A conviction for various gambling offenses, if within five years of a separate misdemeanor gambling offense or anytime after a separate felony gambling offense, results in designation as a "repeating gambling offender." C.R.S. 18-10-102(9), 18-20-102.
- A "repeating gambling offender" is subject to greater punishment if he or she commits offenses including:
    - Professional gambling. C.R.S. 18-10-103.
    - Possession of a gambling device or record. C.R.S. 18-10-105.
    - Transmitting or receiving gambling information. C.R.S. 18-10-106.
    - Maintaining gambling premises. C.R.S. 18-10-107.
    - Cheating. C.R.S. 18-20-106.
    - Fraudulent acts. C.R.S. 18-20-107.
    - Use of a device for calculating probabilities. C.R.S. 18-20-108.
    - Use of counterfeit or unapproved chips or tokens, or unlawful coins or devices. C.R.S. 18-20-109.
    - Cheating game and devices. C.R.S. 18-20-110.
    - Unlawful manufacture, sale, distribution, marking, altering, or modification of equipment and devices associated with limited gaming. C.R.S. 18-20-111, 12-47.1-827(4).
- The penalty for federal offenses committed after conviction of a state crime may also be substantially more severe. U.S. Sentencing Guidelines Manual ch. 4 (2010).

Environmental Offenses

A person convicted of any of the following may face a greater penalty if subsequently convicted of the same crime or a similar crime. The penalty for federal offenses committed after conviction of a state crime may also be substantially more severe. U.S. Sentencing Guidelines Manual ch. 4 (2010).

- Unlawful packaging and sale of motor oil. C.R.S. 8-20-213(3).
- Air quality related criminal offenses. C.R.S. 25-7-122.1.
- Hazardous waste related offenses. C.R.S. 25-15-310.
- Infectious waste related offenses. C.R.S. 25-15-406.
- Vehicular air pollution violations. C.R.S. 42-4-412(4).
- Causing water to overflow highways. C.R.S. 43-5-303.

Animal, Wildlife, and Livestock Related Offenses

A person convicted of any of the following may face a greater penalty if subsequently convicted of the same crime or a similar crime. The penalty for federal offenses committed after conviction of a state crime may also be substantially more severe. U.S. Sentencing Guidelines Manual ch. 4 (2010).

- Cruelty to animals. C.R.S. 18-9-202(2).
- Animal fighting. C.R.S. 18-9-204(2).
- Unlawful ownership of a dangerous dog. C.R.S. 18-9-204.5(3).
- Knowingly luring bears. C.R.S. 33-6-131.
- Computer-assisted remote hunting. C.R.S. 33-6-132.
- Possession or release of aquatic nuisance species. C.R.S. 33-10.5-105.
- Violation of the Livestock Health Act. C.R.S. 35-50-119(2).
- Violation of the laws pertaining to the transportation of livestock or failure to properly inspect livestock. C.R.S. 35-53-112(1).
- Violation of laws pertaining to public livestock markets. C.R.S. 35-55-117.
- Violation of laws pertaining to commercial feeding stuffs. C.R.S. 35-60-112(1).

Unauthorized Practice Offenses

A person convicted of any of the following may face a greater penalty if subsequently convicted of the same crime or a similar crime. The penalty for federal offenses committed after conviction of a state crime may also be substantially more severe. U.S. Sentencing Guidelines Manual ch. 4 (2010).

- Unauthorized practice of respiratory therapy. C.R.S. 12-41.5-112.
- Unauthorized practice of psychotherapy. C.R.S. 12-43-702.5(5).
- Unauthorized practice as a surgical assistant or technologist. C.R.S. 12-43.2-102.

Offenses Related to Professions

A person convicted of any of the following may face a greater penalty if subsequently convicted of the same crime or a similar crime. The penalty for federal offenses committed after conviction of a state crime may also be substantially more severe. U.S. Sentencing Guidelines Manual ch. 4 (2010).

- Motor vehicle selling or dealing offenses. C.R.S. 12-6-119.5(1)(b), 12-6-121.
- Powersport vehicle selling or dealing offenses. C.R.S. 12-6-522(1)(b).
- Pawnbroker offenses. C.R.S. 12-56-104(4).
- Real estate appraisal offenses. C.R.S. 12-61-712(2).
- Violations of law pertaining to nongovernmental facilities for treating or housing offenders. C.R.S. 17-27.1-101(9).
- Improper sale of secondhand property. C.R.S. 18-13-114(6).
- Athlete agent offenses. C.R.S. 23-16-214.
- Unlawful retention of patient personal needs funds. C.R.S. 25.5-6-206(8).
- Failure to properly value a mobile home. C.R.S. 39-5-203(3)(b).
- Failure to report a stolen vehicle for motor vehicle recycling. C.R.S. 42-4-2204(3).
- Failure to comply with disclosure requirements upon transfer of a salvage vehicle. C.R.S. 42-6-206(4).

10. Special Considerations for Sexual Offenses

People convicted of sex offenses face a wide array of consequences beyond prison time. Because those consequences change frequently and are often imposed by local governments, they cannot be fully documented in this publication. The following considerations are, however, likely to apply.

Residency and Zoning Restrictions

- Colorado does not have a statewide law concerning where sex offenders can live. Many municipalities and counties within Colorado—as well as many other states—do have such laws.
- Residency restrictions range from limitations on proximity to facilities such as schools, parks, and daycares, to effective banishment from a city or town. Some policies apply only to sexually violent predators and specifically include or exclude juveniles; others apply more broadly. Zoning restrictions in some areas limit the number of unrelated sexual offenders living together. Additionally, some loitering ordinances target individuals who have been convicted of sexual crimes. Violation of such policies can result in civil or criminal penalties.

Registration Requirements

- Colorado's registration laws are complex and constantly evolving, especially concerning the registration of homeless and transient individuals. C.R.S. 16-22-101 to 16-22-115.
- Registration laws and opportunities to terminate registration obligations vary greatly among states and many are experiencing further modification in response to the Adam Walsh Act, a piece of federal legislation enacted in 2006 and still being implemented.
- Being deemed a sexually violent predator triggers specific rules including public community notification meetings every time the person moves, Internet registration, and quarterly registration for life. C.R.S. 16-13-901 to 16-13-906, 16-22-111.
- Registration generally requires payment of fees and personal appearances at local law enforcement agencies. The person registering may be required to provide and keep current with local law enforcement his or her addresses for home, work, and school, as well as information concerning his or her vehicles, e-mail addresses, etc.

Travel Between States

- A person who has successfully been removed from one state's registry cannot assume he or she will not be required to register in another state. A person whose registration obligations in another state have already been terminated may still be required to register in Colorado until he or she obtains a court order in Colorado absolving him or her from registration here. C.R.S. 16-22-103(3).

- Some states restrict a wide array of activities by sex offenders, such as taking photographs, trick-or-treating, or entering public libraries. These restrictions may apply regardless of where the offender was convicted.
- Due to the diversity of registration obligations, anyone traveling outside of Colorado even for a short time should carefully investigate his or her obligations since full registration may be required in another jurisdiction depending on the length of the trip and rules of that jurisdiction.

Social Stigma

- Even when a person's registration status does not require public posting on the Colorado Bureau of Investigation's website, many private entities make available information concerning adult and juvenile sex offenders (*i.e.* The Denver Post website).
- Those convicted of sexual offenses may not be permitted on social networking sites such as Facebook.
- Nationally there have been numerous incidences of vigilantism against those believed to have committed a sexual crime.

11. Special Considerations for Controlled Substance Offenses

Conviction for a controlled substance related offense may result in consequences not typically associated with other crimes. This chapter is intended to highlight those consequences and provide references to the applicable portions of this publication. In addition to the consequences listed below, all of the consequences applicable to *any* conviction will typically also apply to a controlled substance related offense.

For information on consequences specific to controlled substance related offenses, review the following chapters and sections of this publication:

Employment

Many of the professions listed in Appendix I are regulated by statutes or rules that specifically reference controlled substance or drug related offenses. For additional information review the applicable profession.

Public Benefits Programs

- Public housing will almost certainly be lost. See Public Housing.
- Food stamps may be lost if the offense involved food stamps. See Food Stamps.
- Student loans will almost certainly be lost. See Federal Student Loan Eligibility.
- The Colorado Works Program may be unavailable. See Colorado Works Program / TANF.
- Armed forces retirement home eligibility may be lost. See Veterans Benefits.

Family Concerns

- Adoption rights may not be granted. See Adoption.

Firearms

- Possible loss of the ability to possess a firearm under federal law. See Restrictions Under Federal Law.

Citizenship and Immigration

- Subject to limited exceptions, a drug offense will result in either inadmissibility, deportability, or both. See Citizenship and Immigration.

Other Civil Rights and Privileges

- Driving privileges may be lost if the offense involved driving. See Driving.
- Expulsion from school may occur. See School Attendance.
- Passport may be lost, if a passport was used. See Passport.
- Medical marijuana registration may be lost. See Medical Marijuana Registration.

Greater Penalties Upon Repeat Offenses

- Commission of a subsequent controlled substance offense may be punished substantially more severely. See Controlled Substance Offenses and Driving, Boating, and Flying Offenses.

Additional Federal Consequences

- Federal law imposes additional consequences directly tied to controlled substance convictions. For additional information, see Appendix 1 of *Internal Exile: Collateral Consequences of Conviction in Federal Laws and Regulations*.[8]

[8] Available: http://www.americanbar.org/content/dam/aba/migrated/cecs/internalexile.authcheckdam.pdf.

Appendix I: Individual Professions

The statutes regulating the following professions indicate that a criminal charge or conviction may result in adverse employment consequences such as the loss of a necessary license or inability to enter a field.

Accountant, Certified Public

- The board may deny issuance of, refuse to renew, revoke, or suspend any certificate for conviction of any felony under the laws of the United States or any state. Includes pleas of guilty or nolo contendere. C.R.S. 12-2-123(1)(e).
- The board may deny issuance of, refuse to renew, revoke, or suspend any certificate for conviction of any crime, an element of which is dishonesty or fraud, under the laws of the United States or any state. Includes pleas of guilty of nolo contendere. C.R.S. 12-2-123(1)(f).
- In considering the conviction of crimes, the board shall be governed by section 24-5-101. C.R.S. 12-2-123(2).
- For additional information, see 3 CCR 705-1:9.14, 3 CCR 705-1:11.3.

Acupuncturist

- Licensure may be denied or disciplinary action taken against an acupuncturist who had been convicted of any felony or entered a plea of guilty or nolo contendere to a felony. C.R.S. 12-29.5-106(1)(n).
- Licensure may be denied or disciplinary action taken against an acupuncturist who has committed or advertised that he or she will commit any act constituting abuse of health insurance as prohibited by C.R.S. 18-13-119, or a fraudulent insurance act as defined in C.R.S. 10-1-128. C.R.S. 12-29.5-106(1)(d).
- Any person applying for a new license or to renew, reinstate, or reactivate a license shall provide to the director of the division of registrations: "Any final criminal conviction or plea arrangement resulting from the commission or alleged commission of a felony or crime of moral turpitude in any jurisdiction at any time after the person has been issued a license, certification, or registration to practice his or her health care profession in any state or county." The information provided will be made available to the general public. C.R.S. 24-34-110.

Addiction Counselor or Treatment Provider

- For Addiction Counselor, see Mental Health Professional.
- A controlled substance license may be denied, suspended, or revoked if the licensee is convicted of, or pleads guilty to or nolo contendere to, a felony controlled substance offense under state or federal law. 6 CCR 1008-2:22.400.

Air Transportation, Airports, and Pilots

- Federal law requires a criminal history check for all persons employed as a security screener or in a position in which he or she has unescorted access to the aircraft of an air carrier or secured areas of an airport. 49 U.S.C. § 44936.
- A long list of offenses, if committed within the last ten years, will bar employment in these positions. 49 U.S.C. § 44936(b).

Alcohol Sales

- The licensing authority may refuse to accept as a registered manager for a hotel or restaurant licensee any person who is not satisfactory as to character, record, and reputation. C.R.S. 12-47-411(11).
- The licensing authority may refuse to accept as a registered manager for a tavern licensee any person who is not satisfactory as to character, record, and reputation. C.R.S. 12-47-412(7).
- A license to manufacture, import, or sell fermented malt beverages shall not be issued to a person who is not of good moral character. C.R.S. 12-46-104(1)(a)(I), 12-47-307(1)(a)(II).
- A license to manufacture or sell any malt, vinous, or spirituous liquors shall not be issued to a person who is not of good moral character. C.R.S. 12-47-102(2), 12-47-304(2), 12-47-307(1)(a)(II).
- In making a determination as to moral character, or when considering criminal convictions, licensing authorities shall be governed by the provisions of section 24-5-101. C.R.S. 12-47-307(1)(b)(I), 12-47-307(3)(a).
- The licensing authority shall perform a fingerprint-based criminal records check at the time of application for a license. C.R.S. 12-47-307(3).
- Wholesaler rights may be affected. C.R.S. 12-47-406.3(2)(e).
- For purposes of alcohol licensure, crimes of moral turpitude include illegal drug convictions, among a long list of other offenses. For additional information, see 1 CCR 203-2:47-310.

Architect

- The board may deny, suspend, revoke, or refuse to renew the license of one who has been found guilty of a felony concerning the practice of architecture. Includes pleas of nolo contendere. C.R.S. 12-25-308(1), 12-25-310.
- Shall be governed by C.R.S. 24-5-101.

Assisted Living Facility

- A license to operate an assisted living residence *shall be* revoked or refused to renew if the owner, applicant, or licensee has been convicted of a felony or a misdemeanor, which felony or misdemeanor involves moral turpitude or conduct

that could pose a risk to the health, safety, or welfare of the residents of the assisted living residence. C.R.S. 25-27-105(2.8), 25-27-106(3).
- For additional information, see 6 CCR 1011-1:VII.

Athletic Trainer

- The director may revoke, deny, suspend, or refuse to renew a registration upon reasonable grounds that the registrant has been convicted of or pled guilty or nolo contendere to a felony or any crime defined in title 18. C.R.S. 12-29.7-109(2).
- Shall be governed by C.R.S. 24-5-101.

Attorney

- Applicants for admission to the bar must demonstrate that they are morally and ethically qualified for admission. Probable cause for denial exists if the applicant has been convicted of a felony or crime of moral turpitude, or any crime involving a breach of fiduciary duty, or accepted a deferred judgment which is pending as to such a charge in any jurisdiction, or has been found not guilty of any crime by reason of insanity. C.R.C.P. 201.6(1), 201.9(4)(a), 201.9(4)(d), 201.10(5).
- Any attorney can be disbarred, suspended, censured, or admonished for any act or omission which violates the criminal laws of this state, any other state, or of the United States. Conviction is not a prerequisite to disciplinary action, and acquittal does not necessarily bar such action. C.R.C.P. 251.5(b), 251.6.
- Any attorney can be immediately suspended for conviction of any felony or a lesser crime a necessary element of which involves interference with the administration of justice, false swearing, misrepresentation, fraud, willful extortion, misappropriation, theft, or an attempt or conspiracy to commit such crime, or solicitation of another to commit such crime. C.R.C.P. 251.20.
- It is professional misconduct for an attorney to "commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer" or the engage in "conduct involving dishonesty, fraud, deceit or misrepresentation." Colo. RPC 8.4.

Audiologist

- The director of registrations may deny, refuse to renew, revoke, or suspend the license of an applicant or licensee for conviction, acceptance of a plea of guilty or nolo contendere, or receipt of a deferred sentence, in any court for any crime involving fraud, deception, false pretense, theft, misrepresentation, false advertising, or dishonest dealing. C.R.S. 12-5.5-105(1); 12-5.5-205(1)(a).
- Any person applying for a new license or to renew, reinstate, or reactivate a license shall provide to the director of the division of registrations: "Any final criminal conviction or plea arrangement resulting from the commission or alleged commission of a felony or crime of moral turpitude in any jurisdiction at any time after the person has been issued a license, certification, or registration to practice

his or her health care profession in any state or county." The information provided will be made available to the general public. C.R.S. 24-34-110.

Automobile Sellers, Dealers, and Manufacturers

- A motor vehicle dealer's, salesperson's, wholesale motor vehicle auction dealer's, wholesaler's, buyer's agent's, or used motor vehicle dealer's license may be denied, suspended, or revoked on grounds that the licensee or applicant was convicted of or pled nolo contendere to any felony, or any crime pursuant to article 3 (offenses against the person), article 4 (offenses against property), or article 5 (offenses involving fraud) of title 18, C.R.S., or any similar crime under federal law or the law of any other state. C.R.S. 12-6-118(3)(d), 12-6-118(5)(j), 12-6-120.
- Any license issued pursuant to part 1, article 6, title 12, C.R.S., *shall* be revoked or denied if the licensee or applicant has been convicted of or pleaded no contest to any of the following offenses in this state or any other jurisdiction during the previous ten years:
    - A felony under articles 3, 4, or 5 of title 18, C.R.S, or any similar crime.
    - A crime involving odometer fraud, salvage fraud, motor vehicle title fraud, or the defrauding of a retail consumer in a motor vehicle sale or lease transaction.
    - For more information, see C.R.S. 12-6-118(7).
- A license issued pursuant to part 1, article 6, of title 12, C.R.S., can be revoked or suspended for violation of the Sunday closing law. C.R.S. 12-6-303.
- For additional information, see 1 CCR 205-1:12-6-118(6).

Bail Bonding Agent and Bail Recovery

- The division *shall* deny, suspend, revoke, or refuse to renew the license of any person for conviction of a felony, a guilty plea to a felony, or a plea of nolo contendere to a felony within the last ten years. C.R.S. 12-7-106(1)(e).
- The division *shall* deny, suspend, revoke, or refuse to renew the license of any person for service of a sentence upon a conviction of a felony in a correctional facility, city or county jail, community correctional facility, or under the supervision of the state board of parole or any probation department within the last ten years. C.R.S. 12-7-106(1)(f).
- A bail bonding agent *may not* hire or contract with any individual for bail recovery services if the individual has been convicted of or pled guilty or nolo contendere to a felony under federal or state law during the previous fifteen years. C.R.S. 12-7-105.5(4)(a).

Bank, Credit Union, Trust Company, and Lender Employees

- Except with the consent of the corporation, federal law prohibits any person who has been convicted of any criminal offense involving dishonesty, a breach of trust, or money laundering, or who has agreed to enter into a pretrial diversion or

similar program in connection with a prosecution for such offense, from owning, controlling, or working in a federally insured bank. 12 U.S.C. § 1829(a)(1). An exception may be made after ten years have passed since the date of conviction.

- It is a criminal offense for any person to serve as an officer or director of a state bank, or serve as a commissioner, deputy commissioner, or employee of the division, who has been convicted of an unpardoned offense constituting, in the jurisdiction in which the conviction was had, a violation of the banking laws, a felony involving moral turpitude, or a breach of trust. C.R.S. 11-107-103.
- The banking board can take possession of a state bank if it finds that control of the bank has been assumed by any person or persons convicted of fraud or a felony involving moral turpitude or financial dealings in this state or any other jurisdiction, unless the board determines the person has been duly rehabilitated or that the bank will be honestly and effectively managed. C.R.S. 11-108-602.
- The banking board can take possession of an industrial bank if it finds that control of the bank has been assumed by any person or persons convicted of fraud or a felony involving moral turpitude or financial dealings in this state or any other jurisdiction, unless the board determines the person has been duly rehabilitated or that the bank will be honestly and effectively managed. C.R.S. 11-108-602.
- The banking board can take possession of a trust company if it finds that control of the trust company has been assumed by any person or persons convicted of fraud or a felony involving moral turpitude or financial dealings in this state or any other jurisdiction, unless the board determines the person has been duly rehabilitated or that the trust company will be honestly and effectively managed. C.R.S. 11-109-702.
- No person may be employed as an officer of a state bank who has been convicted of fraud involving any financial institution or of a felony, subject to waiver. C.R.S. 11-103-501(6).
- Any employee, officer, or director of a credit union may be suspended or removed if he or she has entered a guilty plea or nolo contendere to or been convicted of a crime involving theft or fraud that is classified as a felony. C.R.S. 11-30-106(8)(a)(II).
- The commissioner of the financial services board may suspend or remove any director, officer, or employee of an association who, under the laws of this state, the United States, or any other state or territory, has entered a plea of guilty or nolo contendere to or been convicted of a crime involving theft or fraud that is classified as a felony. C.R.S. 11-44-106.5.
- A supervised lender license may be denied, or disciplinary action may be taken, if the applicant, licensee, or its owners, partners, members, officers, or directors have been convicted of or entered a plea of guilty or nolo contendere to a crime specified in part 4 of article 4 of title 18, C.R.S., or in parts 1, 2, 3, 5, or 7 of article 5 of title 18, C.R.S., to a crime involving fraud or deceit, or to any similar crime under the jurisdiction of any federal court or the court of another state. C.R.S. 5-2-303(1)(h).
- A like-kind exchange facilitator engages in deceptive trade practices if convicted of, or, in the case of an entity, one or more of its owners, officers, directors, or employees who has access to exchange funds is convicted of, any crime involving

fraud, misrepresentation, deceit, embezzlement, misappropriation of funds, robbery, other theft of property, or any crime defined in title 18, C.R.S., that relates to the person's employment as an exchange facilitator. C.R.S. 6-1-721(3)(d).

Barber

- The director may deny, revoke, suspend, or make probationary any license upon proof that the licensee has been convicted of or has entered a plea of nolo contendere to a felony. C.R.S. 12-8-132 (1)(a).
- In considering the crime, the director shall be governed by C.R.S. 24-5-101.

Bingo Games

- A person *shall not* be eligible for certification as a games manager in the conduct of any game of chance pursuant to article 9 of title 12, C.R.S., if he or she has been convicted of any felony or any offense involving gambling. C.R.S. 12-9-105.1(2).
- A person *shall not* act as a caller or an assistant to the caller in the conduct of any game of bingo unless the person is of good moral character and has never been convicted of a felony or a crime involving gambling. C.R.S. 12-9-107(19)(a).
- Additional restrictions may apply on applications for landlord licenses, C.R.S. 12-9-105.3, manufacturer's licenses, C.R.S. 12-9-105.5, supplier's licenses, C.R.S. 12-9-105.7, and manufacturer's agent or supplier's agent licenses, C.R.S. 12-9-105.9, as well as service on the Bingo-Raffle Advisory Board, C.R.S. 12-9-201(2).
- Any license issued under article 9 of title 12, C.R.S. *shall* be forfeited for at least one year upon conviction of an offense under that article. C.R.S. 12-9-110.

Blind Vendor

- A license issued to a blind vendor pursuant to the business enterprise program may be terminated if the vendor is convicted of a felony or pattern of misdemeanors, or fails to self-report an arrest or charge. 12 CCR 2513-1:9.402.

Boxing

- Licenses for boxers, seconds, inspectors, promoters, judges, and referees can be denied, suspended, or placed on probation if the applicant or licensee has been convicted of or entered a plea of nolo contendere or guilty to a felony. C.R.S. 12-10-106(1)(a), 12-10-107.1(1)(c).
- The director of the office of boxing *shall* be of good moral character and not have been convicted of any felony. C.R.S. 12-10-107(2).
- Members of the state boxing commission *shall* be of good moral character and not have been convicted of any felony or match-related offense. C.R.S. 12-10-105(2).

- These provisions are governed by section 24-5-101. C.R.S. 12-10-107(2)(a), 12-10-107(2), 12-10-107.1(1)(c).

Casino and Gaming Employees

- Virtually all persons seeking gambling-related employment are disqualified, subject to C.R.S. 24-5-101, if they have served a sentence for a variety of statutorily delineated offenses, or been under the supervision of the state board of parole or any probation department within ten years prior to applying for a license. C.R.S. 12-47.1-801.
- A gaming license may be denied if the applicant or any of its officers, directors, stockholders, limited partners, or other persons having a financial or equity interest of five percent or greater in the applicant have served a sentence upon conviction of:
    - A felony within the ten years prior to the application.
    - Any misdemeanor gambling-related offense or misdemeanor theft by deception within the ten years prior to the application.
    - Any misdemeanor involving fraud or misrepresentation within the ten years prior to the application.
    - Any gambling-related felony or felony involving theft by deception.
    - Any felony involving fraud or misrepresentation.
    - All of the above are notwithstanding section 24-5-101. C.R.S. 12-47.1-510(1)(c).
- A gaming license may be denied if the applicant or any of its officers, directors, stockholders, limited partners, or other persons having a financial or equity interest of five percent or greater in the applicant, are subject to a current prosecution or pending charge in any jurisdiction. C.R.S. 12-47.1-510(1)(d).
- Any license granted pursuant to article 47.1 of title 12, C.R.S., may be suspended or revoked for being convicted of, or in some cases charged with, any crime. C.R.S. 12-47.1-525(1)(b).
    - For additional information, see 1 CCR 207-1:47.1-509 and associated regulations.
- Renewal of a license may be denied for a violation of article 47.1 or article 20 of title 18. C.R.S. 12-47.1-519(4).
- The director of the division of gaming, and anyone employed by the director, must be of good moral character and not have been convicted of any felony or gambling-related offense, notwithstanding the provisions of section 24-5-101. C.R.S. 12-47.1-203(1)(b), 12-47.1-203(2)(c), 12-47.1-401(1)(e).
- A member of the Colorado limited gaming control commission must not have been convicted of any felony or gambling-related offense, notwithstanding the provisions of section 24-5-101. C.R.S. 12-47.1-301(1), 12-47.1-401(1)(e).
- Prior to licensure as an operator, slot machine manufacturer or distributor, key employee, support licensee, or retailer, an applicant shall show he or she is of good moral character. C.R.S. 12-47.1-505.
- The penalty associated with several gambling offenses is higher for people who hold a license issued under article 47.1 of title 12, C.R.S. These include:

- Cheating. C.R.S. 18-20-106.
- Fraudulent acts. C.R.S. 18-20-107.
- Use of a device for calculating probabilities. C.R.S. 18-20-108.
- Unlawful manufacture, sale, distribution, marking, altering, or modification of equipment and devices associated with limited gaming. C.R.S. 18-20-111.

Child Care

- The license for any family child care home, foster care home, child care center, residential child care facility, secure residential treatment center, or child placement agency *shall* be denied, revoked, or suspended if the applicant or any employee of the applicant has been convicted of:
    - Child abuse, as specified in C.R.S. 18-6-401.
    - A crime of violence, as defined in C.R.S. 18-1.3-406.
    - Any felony offenses involving unlawful sexual behavior, as defined in C.R.S. 16-22-102(9).
    - Any felony, the underlying factual basis of which had been found by the court on the record to include an act of domestic violence, as defined in C.R.S. 18-6-800.3.
    - Any felony involving physical assault, battery, or a drug-related offense within the five years preceding the date of application for a license or certificate.
    - A pattern of misdemeanor convictions, as defined by rule of the state board, within the ten years immediately preceding the date of submission of the application.
    - For purposes of the above, "convicted" means conviction by a jury or a court, and includes a deferred judgment and sentence agreement, a deferred prosecution agreement, a deferred adjudication agreement, an adjudication, and a plea of guilty or nolo contendere. C.R.S. 26-6-104(7)(a)(II).
    - For additional information see C.R.S. 26-6-104(7), 26-6-107, 26-6-108(2.5), and 12 CCR 2509-6:7.500.3.
- The license for any facility regulated under part 1 of article 6 of title 26, C.R.S., may be denied, suspended, or revoked if the licensee or any person employed by the licensee is:
    - Convicted of any felony, notwithstanding C.R.S. 24-5-101, or receives a deferred judgment agreement or a deferred prosecution agreement to any felony.
    - Convicted of third degree assault, any misdemeanor with an underlying factual basis of domestic violence, violation of a protection order, misdemeanor child abuse, or substantially similar offenses in other states. For these crimes, "conviction" has the same meaning as in C.R.S. 26-6-104(7)(a)(II).

    - Convicted of unlawful use, distribution, manufacturing, sale, or possession of a controlled substance, including unlawful offenses related to marijuana.
    - Charged with the commission of an act of child abuse or an unlawful sexual offense.
    - Admits to an act of child abuse.
    - For additional information, see C.R.S. 26-6-108(2).
- Somewhat less restrictive requirements may apply to employees or volunteers at:
    - Substitute child care providers. C.R.S. 26-6-103.3.
    - Guest child care facilities. C.R.S. 26-6-103.5(2).
    - Licensed neighborhood youth organizations. C.R.S. 26-6-103.7(4); 12 CCR 2509-8:7.720.4.
    - Foster care facilities. C.R.S. 26-6-107(1)(a.7).
    - Exempt family child care home providers. C.R.S. 26-6-120.
- Colorado regulations place additional restrictions on child care facilities and organizations. For more information, see 12 CCR 2509-8.
- A provider may not be able to receive money under the State Child Care Assistance Program if convicted of certain offenses. 9 CCR 2503-1:3.906.

Chiropractor

- The board may revoke, suspend, deny, or refuse to renew a license for conviction of a felony or any crime that would constitute a violation of article 33 of section 12, C.R.S. Includes guilty pleas, pleas of nolo contendere, and deferred sentences. C.R.S. 12-33-113(1)(d), 12-33-117(1).
- Any person applying for a new license or to renew, reinstate, or reactivate a license shall provide to the director of the division of registrations: "Any final criminal conviction or plea arrangement resulting from the commission or alleged commission of a felony or crime of moral turpitude in any jurisdiction at any time after the person has been issued a license, certification, or registration to practice his or her health care profession in any state or county." The information provided will be made available to the general public. C.R.S. 24-34-110.

Commercial Driver

- Fingerprinting for a criminal history check may be required for a hazardous materials endorsement on a commercial driver's license. C.R.S. 42-2-404(1)(c)(II).
- A person who has any alcohol in his or her system while driving a commercial vehicle *shall* be placed out of service, as defined by the statute. C.R.S. 42-2-405(2)(a).
- A person who knowingly possesses or uses certain controlled substances during on-duty time *shall* have their license cancelled for six months, or *shall not* be issued a commercial license for six months. C.R.S. 42-2-405(2)(b).
- Federal law imposes additional disqualifications for offenses including leaving the scene of an accident caused by a commercial motor vehicle, using a

commercial vehicle while committing a felony, driving a commercial vehicle while license revoked or disqualified, and causing a fatality through operation of a commercial vehicle. 49 U.S.C. § 31310.

- Some criminal record sealing provisions are inapplicable to holders of a commercial driver's license. C.R.S. 24-72-308(3)(e).
- A person's right to receive a commercial driver's license *shall* be permanently revoked upon conviction of unlawful possession of use of a commercial driver's license. C.R.S. 42-2-409(3).
- Pilot escort drivers, see 2 CCR 601-4:5.
- Non-medical transportation drivers, see 10 CCR 2505-10:8.494.

Coroner

- No person *shall* be eligible to hold the office of coroner if that person has ever been convicted of, or pleaded guilty to, or entered a plea of nolo contendere to, any felony charge under federal or state laws, unless pardoned. C.R.S. 30-10-601.5.

Correctional Facility Employee

- It is the policy of the department not to employ people currently under the supervision of the criminal justice system. Department of Corrections Administrative Regulation 1450-16 provides additional guidance for employment of offenders and ex-offenders.
- Public and private correctional facilities *shall not* hire persons required to register under the Colorado Sex Offender Registration Act. C.R.S. 17-1-109.5(1), 17-1-202(1)(a), 17-1-204.
- Current employees who are convicted of offenses that require them to register as sex offenders may not have unsupervised contact with inmates. C.R.S. 17-1-109.5(3).

Cosmetologist and Esthetician

- See Barber.

Debt Collector and Collection Agencies

- No collections agency *shall* employ any collections manager, debt collector, or solicitor, who has been convicted of or who has entered a plea of guilty or nolo contendere to any crime specified in part 4 of article 4, or in parts 1, 2, 3, 5, 7, or 9 of article 5, or in article 5.5 of title 18, C.R.S., or any similar crime. C.R.S. 12-14-123(2)(a).
- Additional restrictions apply to who can own or operate a collection agency. C.R.S. 12-14-123(2)(b).

- Applications for a collection agency license require disclosure of any conviction, plea of guilty, or nolo contendere to any felony on the part of the principles and the collections manager. C.R.S. 12-14-119(2)(d).
- Any collections licensee, or one of its principles or collections managers, is subject to disciplinary action if convicted of, or having pleaded guilty or nolo contendere to, any crime specified in part 4 of article 4, in parts 1, 2, 3, 5, 7, or 9 of article 5, or in article 5.5 of title 18, C.R.S., or any similar crime. C.R.S. 12-14-130(3).
- An application for licensure or renewal can be denied for commission of the crimes listed in the previous bullet point. C.R.S. 12-14-120(2).

Debt Management Service Provider

- Applications for registration as a debt service provider must include a criminal history records check and a statement describing criminal history. C.R.S. 12-14.5-206(6), 12-14.5-206(14).
- A registration may be denied if an officer, director, or owner of the applicant has been convicted of a crime, or suffered a civil judgment, involving dishonesty or violation of state or federal securities laws. C.R.S. 12-14.5-209(2).

Dentist and Dental Hygienist

- The board may deny the issuance or renewal of, suspend, or revoke a license for conviction of a felony or any crime that would constitute a violation of article 35 of title 12, C.R.S. Includes entry of a plea of guilty or nolo contendere or a deferred sentence. C.R.S. 12-35-129(1)(b).
- The board may deny the issuance or renewal of, suspend, or revoke a license for conviction of any federal or state law regulating controlled substances. Shall be governed by section 24-5-101. C.R.S. 12-35-129(1)(d).
- Qualification for service on the dental board may be affected. C.R.S. 12-35-105.
- Any person applying for a new license or to renew, reinstate, or reactivate a license shall provide to the director of the division of registrations: "Any final criminal conviction or plea arrangement resulting from the commission or alleged commission of a felony or crime of moral turpitude in any jurisdiction at any time after the person has been issued a license, certification, or registration to practice his or her health care profession in any state or county." The information provided will be made available to the general public. C.R.S. 24-34-110.

Developer, Subdivision

- A certificate of registration may be denied an applicant who has been convicted of a felony within the preceding ten years, governed by section 24-5-101. C.R.S. 12-61-403(2)(a)(VI).
- Registration as a subdivision developer may be refused, revoked, or suspended if the developer or any director, officer, or stockholder has been convicted of or pled nolo contendere to a crime involving fraud, deception, false pretense, theft,

misrepresentation, false advertising, or dishonest dealing in any court. C.R.S. 12-61-405(1)(d).

- Certain exemptions to the regulation of large planned communities may not apply if any officer, director, shareholder, partner, or other entity having more than a ten-percent equity interest in the owner has been convicted of a felony within the last ten years. C.R.S. 38-33.3-116.3(2).

Dog Racing

- The commission may deny or revoke a license for having been convicted of, or entered a plea of guilty or nolo contendere to, a criminal charge under the laws of this or any other state. This provision shall be applied in accordance with section 24-5-101. C.R.S. 12-60-507(1)(b).
- The commission may deny a license to any applicant with a current prosecution or pending charge for a felony against the applicant or any of the applicant's officers, directors, partners, or stockholders. C.R.S. 12-60-507(1)(c).
- The commission *shall* deny a license on the basis of conviction of the applicant, or any of its officers or directors, or any of its general partners, or any stockholders, limited partners, or other persons having a financial or equity interest of five percent or greater in the applicant, of any of the following:
    - Any gambling-related offense or theft by deception.
    - Any crime involving fraud or misrepresentation committed within ten years prior to the date of the application, notwithstanding the provisions of C.R.S. 24-5-101.
    - A current prosecution or pending charge for one of the same crimes is also disqualifying.
    - For additional information, see C.R.S. 12-60-507.5.
- Business, meet, and race operator licenses may be impacted by a finding of bad character or criminal convictions. C.R.S. 12-60-504, 12-60-505, 12-60-511.
- The director of the division of racing events, employees of the director, and members of the racing commission *shall not* have been convicted of a felony or gambling-related offense, notwithstanding the provisions of C.R.S. 24-5-101. The director *shall* be of good moral character. C.R.S. 12-60-202, 12-60-301.
- Willful violation of article 60 of title 12, C.R.S., may result in the cancellation of a license issued under that article. C.R.S. 12-60-802.
- For additional information, see 1 CCR 208-2:33.

Driver of Passenger Vehicle

- Any person *shall* be disqualified from driving a charter bus, luxury limousine, off-road scenic charter, or children's activity bus if a criminal history check reveals that:
    - The individual is not of good moral character, based on the results of the criminal history check.
    - The individual has been convicted of a felony or misdemeanor involving moral turpitude, including any unlawful sexual offense against a child.

    - Within the last two years, has been convicted of driving under the influence, driving with excessive alcohol content, driving while ability impaired, driving while a habitual user of a controlled substance, or any comparable offenses as defined by any state or the United States.
    - For more information, see C.R.S. 40-10.1-110.
- The results of the criminal history check will be considered in accordance with C.R.S. 24-5-101(2).
- Any license issued by the Public Utilities Commission may be suspended or revoked for repeated violations of registration requirements in sections 42-8-105 and 42-8-106. C.R.S. 42-8-109(3).

Educator

- Every person seeking a license as a teacher, substitute teacher, special service provider, principal, administrator, adjunct instructor, school speech-language pathology assistant, JROTC instructor, career and technical educator, or literacy instructor shall submit to a fingerprint-based criminal history check. C.R.S. 22-60.5-103 (citing various education licensing statutes).
- A license *shall be* denied, annulled, suspended, or revoked when the applicant or holder is convicted of any of the following offenses. C.R.S. 22-60.5-107(2.5).
    - Felony child abuse.
    - A crime of violence.
    - A felony offense involving unlawful sexual behavior.
    - A felony, the underlying basis of which has been found by a court on the record to include an act of domestic violence. An exception may apply if five years have passed since the offense.
    - Indecent exposure.
    - A felony drug offense, subject to exceptions. C.R.S. 22-60.5-107(2.6).
- Licensure *shall be* denied, annulled, suspended, or revoked when the applicant or holder has received a disposition or adjudication for an offense that would constitute felony unlawful sexual behavior. C.R.S. 22-60.5-107(2.5)(a)(III).
- Licensure may be denied, annulled, suspended, or revoked when the applicant or holder is convicted of, pleads nolo contendere to, or receives a deferred sentence for a violation of any of the following offenses. C.R.S. 22-60.5-107(2).
    - Misdemeanor sexual assault.
    - Misdemeanor unlawful sexual contact.
    - Misdemeanor sexual assault on a client by a psychotherapist.
    - Misdemeanor child abuse.
    - A misdemeanor, the underlying factual basis of which has been found by the court on the record to involve domestic violence, and the conviction is a second or subsequent conviction for the same offense.
    - Contributing to the delinquency of a minor.
    - A misdemeanor committed under the laws of the United States or another state, the elements of which are similar to sexual exploitation of children as defined by C.R.S. 18-6-403(3)(b.5).

    - A crime under the laws of the United States or any other state with elements similar to the crimes listed above.
    - A misdemeanor offense involving the sale of controlled substances.
    - Any felony other than those which require denial or revocation of a license.
    - An offense committed by a juvenile that would constitute a physical assault, battery, or drug-related offense if committed by an adult and the offense was committed within the last ten years.
- Good moral character is required for licensure as a teacher, special service provider, principal, or administrator. C.R.S. 22-60.5-201, 22-60.5-210, 22-60.5-301, 22-60.5-306.
- A teacher may be dismissed for immorality, conviction of a felony, or the acceptance of a guilty plea, a plea of nolo contendere, or a deferred sentence for a felony. C.R.S. 22-63-301.
- When the Department of Education denies, revokes, or annuls a license due to a conviction for felony child abuse of unlawful sexual behavior, the department *shall* enter into a settlement agreement with the individual that prohibits ever teaching at a public or private school in the United States. C.R.S. 22-60.5-108(4).
- Public, nonpublic, and charter schools all have an obligation to perform a criminal history check on prospective employees. C.R.S. 22-1-121, 22-2-119, 22-30.5-110.5, 22-30.5-110.7, 22-30.5-511.5, 22-32-109.7, 22-32-109.8.
- Supplemental education service providers are subject to criminal history checks. C.R.S. 22-2-129(3)(b).
- A school director of a school district *shall not* have been convicted of commission of a sexual offense against a child, and *shall* be removed from office if found guilty of a felony. C.R.S. 22-31-107(5), 22-31-129(1)(e).
- Courts *shall* report to the Department of Education when a defendant known to be a current or former employee of a school district, or who holds a license or authorization pursuant to article 60.5 of title 22, C.R.S., is convicted, pleads nolo contendere, or receives a deferred sentence for:
    - A violation of any crime under part 4 of article 3 of title 18 (pertaining to unlawful sexual behavior). C.R.S. 18-3-416.
    - Incest. C.R.S. 18-6-302.
    - Wrongs to children (child abuse and sexual exploitation of a child). C.R.S. 18-6-405.
    - Contributing to the delinquency of a minor. C.R.S. 18-6-701.
    - Child prostitution related offenses. C.R.S. 18-7-409.
- For additional information, see 1 CCR 301-37:2260.5-R-15.00.

Electrician

- The board may deny, suspend, revoke, or refuse to renew a license for conviction or acceptance of a plea of guilty or nolo contendere by a court to a felony. C.R.S. 12-23-118(1).
- In considering the crime, the board shall be governed by C.R.S. 24-5-101.

Emergency Medical Technician

- Certification as an EMT may be denied if the applicant has been convicted of a felony or misdemeanor involving moral turpitude. C.R.S. 25-3.5-203.
- For additional information, see 6 CCR 1015-3:1.6.

Employee Leasing Services

- Disciplinary action can be taken against an employee leasing company for a violation of specified statutes, as well as conviction for a crime arising from the operation of an employee leasing company related to fraud, deceit, or the ability of such a company to operate. C.R.S. 8-70-114(8).

Engineer

- The board has the power to deny, suspend, revoke, or refuse to renew the license of one who has been found guilty of a felony that is related to the ability to practice engineering. Includes pleas of nolo contendere. C.R.S. 12-25-108(1), 12-25-110(1).
- In considering the crime, the board shall be governed by C.R.S. 24-5-101.

Environmental Jobs

- Certificates necessary to practice various air quality control related professions can be revoked, suspended, or not renewed upon conviction, acceptance of a guilty plea, or a nolo contendere, to a felony related to the ability to engage in activities regulated by part 5 of article 7 of title 25. C.R.S. 25-7-508(2)(a)(III). Out of state convictions may also be disqualifying. C.R.S. 25-7-508(2)(a)(II).

Escort

- Criminal history may be considered during application for licensure as an escort, escort bureau, or escort bureau runner. C.R.S. 12-25.5-106(3).
- No license shall be issued to any person unless he or she is of good moral character. Criminal history can be considered for purposes of determining good character. C.R.S. 12-25.5-109.
- Any license issued under article 25.5 of title 12, C.R.S., can be suspended, revoked, or not reissued upon violating any of the provisions of that article. C.R.S. 12-25.5-113(1).

Fare Inspector

- A person appointed or employed to enforce public transit fare evasion laws *shall* have never been convicted of or pleaded guilty to or entered a plea of nolo

contendere to any felony charge under federal or state law. C.R.S. 18-4-802(3)(b).

Farms, Farm Products, and Commodity Warehouses

- The commissioner may deny, refuse to renew, revoke, or suspend any farm products dealer or agent license if the licensee has been convicted of a felony under the law of the United States or any state. C.R.S. 12-16-108(1), 12-16-206.5(1)(c). In considering the crime, the commissioner shall be governed by C.R.S. 24-5-101.
- Qualification as a certified weigher requires good moral character, subject to section 24-5-101. C.R.S. 35-14-121(1). The commissioner may deny, refuse to renew, revoke, or suspend a license if the applicant or licensee has violated any provision of article 14 of title 35, C.R.S., or been convicted of any felony under state or federal law, subject to section 24-5-101. C.R.S. 35-14-124.5.
- The commissioner may deny, revoke, or suspend a registration issued under the Colorado Nursery Act for conviction of a felony related to conduct regulated by that act. C.R.S. 35-26-114(7).
- The commissioner may deny, revoke, or suspend a registration issued under the Colorado Seed Act for conviction of a felony related to conduct regulated by that act. C.R.S. 35-27-117.
- A license issued under the Alternative Livestock Act may be denied, suspended, not renewed, restricted, or revoked for conviction of stealing big game wildlife. C.R.S. 35-41.5-113(1).
- Feedlot certification may be denied, suspended, not renewed, or revoked if the applicant or certificate holder has committed various livestock offenses or entered a plea of guilty or nolo contendere to, or been convicted of, any criminal act under title 18. C.R.S. 35-53.5-112.
- A public livestock market license may revoked or suspended if the licensee has been convicted of or has entered a plea of nolo contendere to a felony for an offense related to the conduct regulated by article 55 of title 35. C.R.S. 35-55-107(1)(m).
- Applicants for licensure under the Inedible Meat Rendering and Processing Act must be of good character, subject to section 24-5-101. C.R.S. 35-59-106.

Firefighters and First Responders

- A license may be denied, revoked, suspended, annulled, limited, or modified for controlled substance related offenses or conviction of, or a plea of no contest to, unlawful conduct that relates to certification status. 8 CCR 1507-3:7, 8 CCR 1507-16:13.

Fireworks

- A license to sell or operate fireworks can be denied, suspended, revoked, or not renewed upon conviction for any felony, subject to the provisions of section 24-5-101. C.R.S. 12-28-111(1)(b).

Fundraisers and Paid Solicitors

- No person *shall* act as a professional fundraising consultant and no professional fundraising consultant required to register under section 16 of title 6, C.R.S., shall knowingly employ any person as an officer, trustee, director, or employee if such person, within the immediately preceding five years, has been convicted of, found guilty of, pled guilty or nolo contendere to, been adjudicated a juvenile violator of, or has been incarcerated for any felony involving fraud, theft, larceny, embezzlement, fraudulent conversion, or misappropriation of property or any crime arising from the conduct of a solicitation for a charitable organization or sponsor, under the laws of this or any other state or of the United States. C.R.S. 6-16-104.3(10).
- No person *shall* act as a paid solicitor and no paid solicitor required to register under section 16 of title 6, C.R.S., shall knowingly employ any person as an officer, trustee, director, or employee if such person, within the immediately preceding five years, has been convicted of, found guilty of, pled guilty or nolo contendere to, been adjudicated a juvenile violator of, or has been incarcerated for any felony involving fraud, theft, larceny, embezzlement, fraudulent conversion, or misappropriation of property or any crime arising from the conduct of a solicitation for a charitable organization or sponsor, under the laws of this or any other state or of the United States. C.R.S. 6-16-104.6(10).
- Violation of the Colorado Charitable Solicitations Act can result in denial, suspension, or revocation of a license for a person or entity licensed under that act. C.R.S. 6-16-111(6).

Funeral Establishments and Mortuaries

- A funeral establishment registration may be denied or revoked if the establishment or its designee has been convicted of a felony related to an activity regulated under article 54 of title 12, C.R.S., or a felony of moral turpitude. C.R.S. 12-54-401(2).
- The license of a preneed funeral contract provider may be refused to be renewed, revoked, or suspended after notice and a hearing, if the contract seller has been convicted of, or any officer, director, or controlling shareholder has been convicted of, a crime involving fraud, misappropriation, or misuse of funds. C.R.S. 10-15-114(1).

Government Contracts and Contractors

- A person may be debarred from consideration for award of contracts for a period not to exceed three years upon:
    - Conviction of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract.
    - Conviction under state of federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, or receiving stolen property.
    - Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals.
    - For more information, see C.R.S. 24-109-105.
- Colorado Department of Transportation contractors may be debarred for criminal convictions. 2 CCR 601-10:3.
- Conviction of a wide variety of offenses can result in a loss of the ability to contract with the federal government or participate in federal government programs (i.e. healthcare providers, defense contractors, federal grants, contracts, etc.). These consequences are beyond the scope of this publication. For additional information, see *Internal Exile: Collateral Consequences of Conviction in Federal Laws and Regulations*.[9]

Guide

- See Outfitter.

Hearing Aid Provider

- See Audiologist.

Home Care Agency

- A license to operate a home care agency *shall be* revoked or refused to renew where the owner or licensee has been convicted of a felony or misdemeanor involving moral turpitude or involving conduct that could pose a risk to the health, safety, or welfare of home care customers. C.R.S. 25-27.5-106(4); 25-27.5-108(3).
- All employees of home care agencies or home care placement agencies shall submit to a criminal history record check. C.R.S. 25-27.5-107.
- For additional information, see 6 CCR 1011-1:XXVI.

[9] Available at: http://www.americanbar.org/content/dam/aba/migrated/cecs/internalexile.authcheckdam.pdf.

Horse Racing

- See Dog Racing.

Insurance Agent or Producer

- A license for an insurance producer may be suspended, revoked, or refused to issue, continue, or renew upon: (1) conviction of a felony or misdemeanor involving moral turpitude, including any sexual offense against a child; (2) commission of any unfair trade practice or fraud; or (3) the use of fraudulent, coercive, or dishonest practices. C.R.S. 10-2-801(1).
- Federal law places additional restrictions on people convicted of a felony involving dishonesty or a breach of trust, or an insurance-related offense. 18 U.S.C. § 1033(e).
- The license of a viatical settlement provider *shall* be refused, suspended, revoked, or refused to renew if the licensee or any of its officers, partners, members, or key management personnel have been found guilty of, or have pleaded guilty or nolo contendere to, any felony, or to a misdemeanor involving fraud or moral turpitude, regardless of whether a judgment or conviction has been entered by the court. C.R.S. 10-7-604(1).
- A person in the business of viatical settlements *shall* not knowingly or intentionally permit a person convicted of a felony involving dishonesty or breach of trust to participate in the business of viatical settlements. C.R.S. 10-7-612(1)(c).
- No person may serve as a director or officer of an insurance company who has been convicted of fraud involving any financial institution or of a felony involving misuse of funds. C.R.S. 10-6-108.
- No person may serve on the insurance board of directors who has been convicted of fraud involving any financial institution or of a felony, subject to waiver. C.R.S. 10-3-112(1).

Investment Advisor and Representative

- A license to transact business may be denied, suspended, or revoked if one has, within the last ten years, entered a plea of guilty or nolo contendere to, or has been convicted of, any felony, any misdemeanor involving a breach of fiduciary duty or fraud, or any misdemeanor in connection with the purchase or sale of a security. C.R.S. 11-51-401, 11-51-410(1)(b).
- Investment advisors required to register with the SEC *shall* have their license limited or suspended for a period not to exceed twelve months if within the last ten years they have been convicted of a variety of felony and misdemeanor offenses. 15 U.S.C. § 80b-3(e).
- Federal law also prohibits any person from working in virtually any capacity for a registered investment company if they have been convicted within the last ten years of a felony or misdemeanor related to securities. 15 U.S.C. § 80a-9(a).

Judge

- Justices or judges of any court of this state *shall* be removed from office upon conviction of a felony or other offense involving moral turpitude. Colo. Const. art. VI, § 23; Colorado Code of Judicial Conduct 1.1.
- A municipal judge may be removed if he or she is found guilty of a felony or any other crime involving moral turpitude. C.R.S. 13-10-105(2).

Juvenile Facilities

- The Department of Human Services *shall not* hire a person who is required to register as a sex offender to work at a juvenile facility. C.R.S. 19-2-403.3(1).
- An entity that contracts with the Department of Human Services to operate a private juvenile facility *shall not* hire a person who is required to register as a sex offender to work in the juvenile facility. C.R.S. 19-2-410(4), 19-2-411.5(4).

Landscape Architect

- Being convicted of or pleading nolo contendere to a felony, if the felony or other crime concerns the practice of landscape architecture, is grounds for discipline by the board. C.R.S. 12-45-113(2)(f). This may result in the board denying, refusing to renew, suspending, or revoking a license. C.R.S. 12-45-114(1).
- The board shall be governed by C.R.S. 24-5-101 when considering the conviction or plea.

Licensed Professional Counselor

- See Mental Health Professional.

Liquor License

- See Alcohol Sales.

Lottery Related Jobs

- The director of the State Lottery Division *shall not* have been convicted of any felony or gambling-related offense. C.R.S. 24-35-204(1). Members of the commission *shall not* have been convicted of the same, subject to section 24-5-101. C.R.S. 24-35-207(1).
- The state lottery will not contract for supply services, equipment, or materials if certain members of the contracting person or agency have been convicted of a felony or gambling-related offense, have engaged in illegal gambling, are not of good character, or have been convicted of a crime involving fraud or misrepresentation. C.R.S. 24-35-205(5). Exceptions may apply.

- The director of the division *shall* revoke the license of a lottery sales agent upon finding that a licensee has been convicted of any gambling-related offense, and may revoke a license upon finding that a licensee has been convicted of any felony. C.R.S. 24-35-206(2).
- People may be ineligible for licensure as a sales agent for being convicted of a gambling-related offense or a crime involving misrepresentation, notwithstanding the provisions of section 24-5-101. C.R.S. 24-35-206(4).
- For additional information, see 1 CCR 206-1:2, 1 CCR 206-1:4.

Manicurist

- See Barber.

Marriage and Family Therapist

- See Mental Health Professional.

Massage Therapist

- The director may revoke, suspend, deny, or refuse to renew a registration for any person who has been convicted of a felony or pled guilty or nolo contendere to a felony. Shall be governed by section 24-5-101. C.R.S. 12-35.5-107(2), 12-35.5-111(1)(j), 12-35.5-112(1).
- The director is authorized to take disciplinary action against any person who has been convicted of or pled guilty to a charge of unlawful sexual behavior as defined in C.R.S. 16-22-102, or any prostitution-related offense, whether or not the act was committed in Colorado. C.R.S. 12-35.5-111(1)(m).
- A massage parlor license shall not be issued to any person "unless such person is of moral character and has a record that is satisfactory to the local licensing authority." C.R.S. 12-48.5-108.
- When reviewing a massage parlor license application, the licensing authority may consider the applicant's criminal history record. C.R.S. 12-48.5-105(2).
- A license issued under article 48.5 of title 12, C.R.S., may be suspended or revoked for up to five years for violating the provisions of that article. C.R.S. 12-48.5-111(1).

Medical Marijuana Business

- A license provided by this article *shall* not be issued to or held by a person whose criminal history indicates that he of she is not of good moral character. C.R.S. 12-43.3-307(1)(b).
- A license provided by this article *shall* not be issued to or held by a person who has discharged a sentence in the five years immediately preceding the application date for conviction of a felony, or a person who at any time has been convicted of a felony pursuant to any state or federal law regarding the possession, distribution,

manufacturing, cultivation, or use of a controlled substance. C.R.S. 12-43.3-307(1)(h). Limited exceptions apply to convictions for possession or use.

- A license provided by this article *shall* not be issued to or held by a person who employs a person who had not passed a criminal history record check. C.R.S. 12-43.3-307(1)(i).

Mental Health Professional

- A person licensed, registered, certified, or regulated under article 43 of title 12, C.R.S., commits a prohibited activity if he or she has been convicted of or pled guilty or nolo contendere to, or received a deferred sentence to, a felony if the felony is related to the ability to practice under that article. In considering disciplinary action, the applicable board shall be governed by section 24-5-101. C.R.S. 12-43-222(1)(a).
- A person licensed, registered, certified, or regulated under article 43 of title 12, C.R.S., commits a prohibited activity if he or she has committed abuse of health insurance pursuant to section 18-13-119. C.R.S. 12-43-222(1)(d).
- Any person applying for a new license or to renew, reinstate, or reactivate a license shall provide to the director of the division of registrations: "Any final criminal conviction or plea arrangement resulting from the commission or alleged commission of a felony or crime of moral turpitude in any jurisdiction at any time after the person has been issued a license, certification, or registration to practice his or her health care profession in any state or county." The information provided will be made available to the general public. C.R.S. 24-34-110.
- Anyone wishing to become a treatment provider for domestic violence offenders must submit to a criminal history check to be used by the board to determine an applicant's eligibility for placement. C.R.S. 16-11.8-103(4)(a)(III), 16-11.8-104.
- For additional information, see 2 CCR 502-2:RA.3.

Midwife

- The director has the power to deny, revoke, or suspend a registration to one who has been convicted of a felony or has had accepted by a court a plea of guilty or nolo contendere to a felony. C.R.S. 12-37-107(3)(i).
- Any person applying for a new license or to renew, reinstate, or reactivate a license shall provide to the director of the division of registrations: "Any final criminal conviction or plea arrangement resulting from the commission or alleged commission of a felony or crime of moral turpitude in any jurisdiction at any time after the person has been issued a license, certification, or registration to practice his or her health care profession in any state or county." The information provided will be made available to the general public. C.R.S. 24-34-110.

Military

- Each branch of the armed forces has different standards regarding what types of criminal histories they will or will not accept. Individuals with questions should contact an attorney or a recruiter.
- No person convicted of a felony shall be allowed to enlist in any armed force, absent an exception from the Secretary of Defense. 10 U.S.C. § 504.
- A misdemeanor domestic violence conviction may preclude military service due to the federal ban on firearms possession following such a conviction. 18 U.S.C. § 922(g).

Miner

- Blaster certification may be suspended or revoked upon conviction of criminal possession or sale of a dangerous drugs. 2 CCR 407-2:6.04.

Money Transmitter

- Licensure as an owner, principal shareholder, principle member, director, trustee, officer, or managing official of a business that transmits money must submit fingerprints for a criminal background check. C.R.S. 12-52-106(1)(d.5).
- A license *shall* not be issued to an applicant if an owner, principal shareholder, principal member, director, trustee, officer, or other managing official has, within the past ten years, entered a plea of guilty or nolo contendere to, or was convicted of, a felony or misdemeanor involving a breach of fiduciary duty or fraud. C.R.S. 12-52-108(4).
- No money transmitter *shall* employ or contract with another who has been convicted of or pleaded guilty or nolo contendere to the offenses in article 5 of title 18, C.R.S., a felony in the selling or issuing of exchange or in money transmission, a felony involving a financial institution, or an equivalent crime outside Colorado. C.R.S. 12-52-205.
- For additional information, see 3 CCR 701-7:MO5.

Mortgage Broker or Loan Originator

- A criminal record check is necessary to obtain a license as a mortgage loan originator. C.R.S. 12-61-903(2).
- The board may deny, refuse to renew, or revoke the license of an applicant or licensee who has:
    - Within the last five years, been convicted of, or pled guilty or nolo contendere to, a crime involving fraud, deceit, material misrepresentation, theft, or a breach of a fiduciary duty. C.R.S. 12-61-905(1)(b).
    - At any time been convicted of, or pled guilty or nolo contendere to, a felony involving an act of fraud, dishonesty, breach of trust, or money

laundering. An exception applies if the individual is pardoned. C.R.S. 12-61-905(1)(h).
    - Within the last seven years been convicted of, or pled guilty or nolo contendere to, a felony. C.R.S. 12-61-905(1)(i).
- The board may deny, suspend, or revoke a license for conviction of, entering a guilty plea to, or entering a plea of nolo contendere to any crime in article 3 of title 18, C.R.S. (offenses against persons), in parts 1 to 4 of article 4 of title 18, C.R.S. (offenses against property), in article 5 of title 18, C.R.S (offenses involving fraud), in part 3 of article 8 of title 18, C.R.S. (bribery and corrupt influences), in article 15 of title 18, C.R.S. (loan offenses), in article 17 of title 18, C.R.S. (organized crime), or any other like crime under Colorado law, federal law, or the laws of other states. C.R.S. 12-61-905.5(1)(n).
- Hearings conducted for the purpose of denying, suspending, or revoking a license due to conviction of a felony or crime involving moral turpitude shall be governed by section 24-5-101. C.R.S. 12-61-905.6(6).
- Federal law also places criminal-history based restrictions on licensure and registration as a state-licensed loan originator. 12 U.S.C. § 5104(b).

Notary

- Applications to become a notary must certify that the applicant has not been convicted of a felony or, in the prior five years, one of a list of misdemeanors that disqualifies him or her from being a notary. C.R.S. 12-55-104(1)(e).
- The secretary of state may deny an application for appointment or reappointment, or revoke a notary commission, if the applicant or notary is convicted of official misconduct under part 1 of article 55 of title 12, C.R.S., or any felony or, in the prior five years, a misdemeanor involving dishonesty. C.R.S. 12-55-107(1)(b).

Nurse

- The board has the power to conduct criminal history record checks on any individual under its jurisdiction. C.R.S. 12-38-108(1).
- Conviction of any felony or any crime that would constitute a violation of article 38 of title 12, C.R.S., is grounds for discipline. Includes entry of a plea of guilty or nolo contendere or the imposition of a deferred sentence. C.R.S. 12-38-117(1)(b).
- Engaging in any conduct that would constitute a crime as defined by title 18, C.R.S., which conduct relates to a person's employment as a practical or professional nurse, is grounds for discipline. C.R.S. 12-38-117(1)(l).
- Any person applying for a new license or to renew, reinstate, or reactivate a license shall provide to the director of the division of registrations: "Any final criminal conviction or plea arrangement resulting from the commission or alleged commission of a felony or crime of moral turpitude in any jurisdiction at any time after the person has been issued a license, certification, or registration to practice his or her health care profession in any state or county." The information provided will be made available to the general public. C.R.S. 24-34-110.

Nurse Aide

- The board may suspend, revoke, or deny any person's certification to practice upon proof that such person has been convicted of a felony or has had a court accept a plea of guilty or nolo contendere to a felony. C.R.S. 12-38.1-111(1)(b).
- Shall be governed by C.R.S. 24-5-101.

Nursing Home Administrators

- A person convicted of a felony in Colorado or any other state, or of violating article 39 of title 12, C.R.S., *shall not* be appointed to or serve on the board of nursing home administrators. C.R.S. 12-39-104.5.
- The board has the power to revoke, suspend, withhold, or refuse to renew any license upon proof that a person has been convicted of a felony or pled guilty or nolo contendere to a felony. This provision shall be governed by section 24-5-101. C.R.S. 12-39-108(10), 12-39-111(1)(b).
- The board has the power to revoke, suspend, withhold, or refuse to renew any license upon proof that a person participates in the unlawful use of a controlled substance as specified in section 18-18-404. C.R.S. 12-39-111(1)(g).
- All nursing care facility employees must undergo a criminal history check prior to employment. C.R.S. 25-1-124.5.

Occupational Therapist

- The director may revoke, suspend, deny, or refuse to renew a registration upon proof that the registrant has been convicted of or pled guilty or nolo contendere to a felony or committed unauthorized practice as specified in section 12-40.5-111. C.R.S. 12-40.5-110(1)(g).
- Shall be governed by C.R.S. 24-5-101.

Optometrist

- Conviction of a felony or the acceptance of a plea of guilty or nolo contendere, or a plea resulting in a deferred sentence to a felony, is unprofessional conduct. C.R.S. 12-40-118(1)(t). Unprofessional conduct may result in suspension, revocation, or refusal to renew a license. C.R.S. 12-40-119(1)(a).
- Any person applying for a new license or to renew, reinstate, or reactivate a license shall provide to the director of the division of registrations: "Any final criminal conviction or plea arrangement resulting from the commission or alleged commission of a felony or crime of moral turpitude in any jurisdiction at any time after the person has been issued a license, certification, or registration to practice his or her health care profession in any state or county." The information provided will be made available to the general public. C.R.S. 24-34-110.

Outfitter

- The director may deny, suspend, revoke, or place on probation an outfitter's registration if the applicant or holder:
    - Violates any local, state, or federal law related to public land management, wildlife, health, or cruelty to animals, including but not limited to section 33-6-113. C.R.S. 12-55.5-106(1)(c).
    - Is convicted of or has entered a plea of nolo contendere or guilty to a felony, except that the director shall be governed by section 24-5-101. C.R.S. 12-55.5-106(1)(c).
    - Is addicted to alcohol or a controlled substance, or is a habitual user of a controlled substance as defined by 18-18-102(5). C.R.S. 12-55.5-106(1)(g).
    - Is convicted of second or third degree criminal trespass pursuant to C.R.S. 18-4-503 or 18-4-504, except that the director shall be governed by section 24-5-101. C.R.S. 12-55.5-106(1)(i).
    - Violates C.R.S. 18-4-503 or 18-4-504, resulting in two of more second or third degree criminal trespass convictions within any three- to five-year period while acting as an outfitter or guide. C.R.S. 12-55.5-106(1)(l).

Parole Board

- No person who has been convicted of a felony or a misdemeanor involving moral turpitude *shall* be eligible for appointment. Final conviction of a felony during the term of office of a board member shall automatically result in the disqualification of the member from further service. C.R.S. 17-2-201.

Peace Officer

- The board *shall* deny certification to any person who has been convicted of the offenses below. C.R.S. 24-31-304, 24-31-305(1.5).
    - A felony.
    - Any misdemeanor in violation of C.R.S. 18-3-204, 18-3-402, 18-3-404, 18-3-405.5, and 18-3-412.5.
    - Any misdemeanor in violation of C.R.S. 18-7-201, 18-7-202, 18-7-203, 18-7-204, 18-7-302, and 18-7-601.
    - Any misdemeanor in violation of any section of article 8 of title 18, C.R.S.
    - Any misdemeanor in violation of C.R.S. 18-9-111 and 18-9-121.
    - Any misdemeanor in violation of C.R.S. 18-18-404, 18-18-405, 18-18-406, and 18-18-411.
    - Any misdemeanor in violation of C.R.S. 18-6-403(3)(b.5), as it existed prior to July 1, 2006, and C.R.S. 18-7-208.
    - Any misdemeanor in violation of federal law or the law of any state that is the equivalent of any of the offenses specified above.

- Exceptions may be made for misdemeanor convictions if requested by the applicant or the chief law enforcement officer of the agency. C.R.S. 24-31-305(1.6).
- Federal law enforcement officers, including those working in detentions, *shall be* removed from employment if convicted of a felony. 5 U.S.C. § 7371, 5 U.S.C. § 8331(20).
- Police and fire pension plan disability benefits *shall not* be paid for any disability resulting in whole or in part from engaging in any act for which the member was convicted of a felony. C.R.S. 31-31-803(3).
- For additional information, see 4 CCR 901-1.

PERA Employee

- The employment of persons by the Public Employees' Retirement Association who, upon the commencement of that employment, will have access to association investment information, association assets, or financial, demographic, or other information relating to association members or beneficiaries, is not subject to the provisions of section 24-5-101. C.R.S. 24-5-101(1)(b)(VI).
- No person *shall* be or can continue to be a trustee of the board who has been adjudicated of having violated any of the provisions of article 51 of title 24, C.R.S., or who has been convicted of a felony or any crime involving the misappropriation of funds. C.R.S. 24-51-203(8).
- A person who has been adjudicated delinquent for violating any provision of article 54 of title 24, C.R.S., or who has been convicted of a felony or any crime involving the misrepresentation of funds *shall not* be elected or continue to serve as a member of the joint board of retirement. C.R.S. 24-54-107.5(1).

Pesticide Dealer or User

- The commissioner of agriculture may deny, refuse to renew, or revoke any pesticide or device registration, or any pesticide dealer license, if the applicant, holder of registration, or licensee has been convicted of a felony for an offense related to conduct regulated by the Pesticide Act. C.R.S. 35-9-122(1)(b). An applicator's license can be similarly sanctioned upon violation of the Pesticide Applicator's Act. C.R.S. 35-10-121(1)(b).

Pet Care

- A license issued under the Pet Animal Care and Facilities Act may be denied, suspended, refused to renew, restricted, or revoked upon conviction of cruelty to animals, as defined by article 9 of title 18. C.R.S. 35-80-112(1)(b).
- A license issued under the Pet Animal Care and Facilities Act *shall* be denied, suspended, refused to renew, or revoked upon conviction, at any time, of a violation of C.R.S. 18-9-202, the underlying basis of which involves intentional torture or torment of an animal. C.R.S. 35-80-112.5.

Pharmacist

- The board may suspend, revoke, or refuse to renew a license upon proof that a licensee is guilty of the commission of a felony or has had accepted by a court a plea of guilty or nolo contendere to a felony or has received a deferred judgment and sentence for a felony, has violated any state of federal law pertaining to drugs, or has failed to notify the board of any criminal conviction or deferred judgment. In considering the conviction, the board will be governed by section 24-5-101. C.R.S. 12-22-125.
- Manufacturer, distributor, researcher, and addiction program licenses may also be denied, suspended, or revoked upon conviction of, or acceptance of a guilty plea or nolo contendere to, any state or federal law relating to a controlled substance. C.R.S. 12-22-305(1)(c), 12-22-307(3), 12-22-308.
- Pharmaceutical wholesaler licenses may also be adversely affected by a criminal conviction. C.R.S. 12-22-802, 12-22-803. 3 CCR 719-1:15.00.00.
- Upon conviction of any person for a violation of the drug laws in part 4 of article 18 of title 18, C.R.S., a copy of the judgment, sentence, or opinion shall be sent by the court to the state Board of Pharmacy or the Department of Public Health and Environment or officer, if any, by whom the convicted defendant has been licensed or registered to practice his profession. C.R.S. 18-18-417.

Physical Therapist

- It is grounds for disciplinary action to have been convicted of, or pled guilty or nolo contendere to, any crime related to the licensee's practice of physical therapy, a felony, or any act specified in section 12-41-121. C.R.S. 12-41-115(1)(q). The disciplinary action shall be governed by C.R.S. 24-5-101.
- Any person applying for a new license or to renew, reinstate, or reactivate a license shall provide to the director of the division of registrations: "Any final criminal conviction or plea arrangement resulting from the commission or alleged commission of a felony or crime of moral turpitude in any jurisdiction at any time after the person has been issued a license, certification, or registration to practice his or her health care profession in any state or county." The information provided will be made available to the general public. C.R.S. 24-34-110.

Physician and Osteopath

- It is "unprofessional conduct," potentially resulting in discipline or refusal of a license, to have been convicted of an offense of moral turpitude, a felony, or a crime that would constitute a violation of article 36 of title 12, C.R.S. Includes entry of a guilty plea or nolo contendere, or the imposition of a deferred sentence. C.R.S. 12-36-117(1)(f).
- It is "unprofessional conduct," potentially resulting in discipline or refusal of a license, to have been convicted of violating any federal or state law regulating the possession, distribution, or use of any controlled substance, as defined by C.R.S. 12-22-303(7). This provision shall be governed by C.R.S. 24-5-101. Includes

entry of a plea of guilty or nolo contendere, or the imposition of a deferred sentence. C.R.S. 12-36-117(1)(h).

- Any person applying for a new license or to renew, reinstate, or reactivate a license shall provide to the director of the division of registrations: "Any final criminal conviction or plea arrangement resulting from the commission or alleged commission of a felony or crime of moral turpitude in any jurisdiction at any time after the person has been issued a license, certification, or registration to practice his or her health care profession in any state or county." The information provided will be made available to the general public. C.R.S. 24-34-110.
- For additional information, see 3 CCR 713-36:380.

Physician Assistant

- See Physician. C.R.S. 12-36-107.4(5).

Plumber

- The board may deny, suspend, revoke, or refuse to renew a license for conviction of or acceptance of a guilty plea or plea of nolo contendere by a court to a felony. In considering the disciplinary action, the board shall be governed by section 24-5-101. C.R.S. 12-58-110(1)(f).

Podiatrist

- The board may refuse to issue, revoke, suspend, or refuse to renew the license of one convicted of a felony or any crime that would constitute a violation of article 32 of title 12. C.R.S. 12-32-107(2).
- Any person applying for a new license or to renew, reinstate, or reactivate a license shall provide to the director of the division of registrations: "Any final criminal conviction or plea arrangement resulting from the commission or alleged commission of a felony or crime of moral turpitude in any jurisdiction at any time after the person has been issued a license, certification, or registration to practice his or her health care profession in any state or county." The information provided will be made available to the general public. C.R.S. 24-34-110.

Powersports Vehicles

- A powersports vehicle wholesaler's license, dealer's license, used vehicle dealer's license, or wholesaler's license may be denied, suspended, or revoked for having been convicted of or pled nolo contendere to any felony or crime pursuant to article 3, 4, or 5 of title 18, C.R.S., or any like crime pursuant to federal law or the law of any other state, or for willingly violating any state or federal law or rule respecting commerce or powersports vehicles. C.R.S. 12-6-520.
- Any license issued pursuant to part 5, article 6, title 12, C.R.S., *shall* be revoked or denied if the licensee or applicant has been convicted of or pleaded no contest

to any of the following offenses in this state or any other jurisdiction during the previous ten years:

- A felony under article 3, 4, or 5 of title 18, C.R.S, or any similar crime.
- A crime involving salvage fraud or the defrauding of a retail consumer in a powersports vehicle sale or lease transaction.
- For more information, see C.R.S. 12-6-520(6), 12-6-523(1)(d)(III), and 1 CCR 205-2:12-6-520(5).

Private Occupational School

- Instructional staff or prospective instructional staff must provide fingerprints for a criminal history check. The results will be used to assess whether the individual is "of good reputation and free from moral turpitude." C.R.S. 12-59-105.7, 12-59-106(1)(l). Additional restrictions applicable to Private Occupational Schools can be found at 8 CCR 1504-1.

Psychiatric Technician

- A license may be withheld, or disciplinary action may be taken against, a psychiatric technician who had been convicted of a felony or any crime that would constitute a violation of article 42 of title 12. C.R.S. 12-42-104(2), 12-42-113(1)(b), 12-42-114(2).
- Conviction includes pleas of guilty and nolo contendere, as well as the imposition of a sentence that is deferred prior to final sentencing or dismissal with prejudice. C.R.S. 12-42-113(1)(b).

Psychologist

- See Mental Health Professional.

Real Estate Appraiser

- The board may deny or not renew a license to one who has been convicted of a crime involving moral turpitude. C.R.S. 12-61-709(1).
- The board may refuse to renew or revoke a license for one who is convicted of a felony or has had accepted by a court a plea of guilty or nolo contendere to a felony if the felony is related to the ability to act as a real property appraiser. C.R.S. 12-61-710(1), (2).

Real Estate Broker or Salesperson

- Applicants for a real estate broker's license must submit to a fingerprint-based criminal history check. C.R.S. 12-61-103(1)(b).

- The commission may revoke a license for conviction of, entering a plea of guilty to, or entering a plea of nolo contendere to any crime in article 3 of title 18, C.R.S. (offenses against persons); parts 1 to 4 of article 4 of title 18, C.R.S. (offenses against property); parts 1, 2, 3, 4, 5, 7, 8, or 9 of article 5 of title 18, C.R.S. (offenses involving fraud); article 5.5 of title 18, C.R.S. (computer crime); parts 1, 3, 4, 6, 7, and 8 of article 6 of title 18, C.R.S. (family relations, including domestic violence); parts 1, 3, 4, 5, 6, 7, and 8 of article 7 of title 18, C.R.S. (offenses related to morals); part 3 of article 8 of title 18, C.R.S. (bribery and corrupt influences); article 15 of title 18, C.R.S. (loan offenses); article 17 of title 18, C.R.S. (organized crime); sections 18-18-404, 18-18-405, 18-18-406, 18-18-411, 18-18-412.5, 18-18-412.7, 18-18-412.8, 18-18-415, 18-18-416, 18-18-422, or 18-18-423 (drug offenses), or any other like crime under Colorado law, federal law, or the laws of other states. C.R.S. 12-61-113(1)(m).
- In hearings conducted by the commission in which there is the possibility of denial, suspension, or revocation of a license because of conviction of a felony or of a crime involving moral turpitude, the commission shall be governed by section 24-5-101. C.R.S. 12-61-114(6).

Respiratory Therapist

- The director may revoke, suspend, deny, or refuse to renew a license upon proof that a person has been convicted of or has entered and had accepted by a court a plea of guilty or nolo contendere to a felony pursuant to section 18-1.3-401. C.R.S. 12-41.5-109(2)(b).
- The director may revoke, suspend, deny, or refuse to renew a license upon proof that a person has been convicted of or has entered and had accepted by a court a plea of guilty or nolo contendere to any crime as defined in title 18 that relates to such person's employment as a respiratory therapist. C.R.S. 12-41.5-109(2)(b).
- Shall be governed by section 24-5-101.

School Employee

- Nonlicensed school district employees must disclose prior convictions and submit fingerprints for a fingerprint-based criminal history check. C.R.S. 22-32-109.8. They shall be disqualified from employment if convicted of, or convicted of attempt, solicitation, or conspiracy to commit, any of the following:
    - Felony child abuse.
    - A crime of violence.
    - A felony involving unlawful sexual behavior.
    - A felony the underlying basis of which includes an act of domestic violence, subject to a limited exception.
    - A felony drug offense, subject to a limited exception.
    - Felony indecent exposure.
    - A similar offense in any other state or the United States.
    - For additional information, see C.R.S. 22-32-109.8(6.5).

- Charter school employees are disqualified from employment for the same reasons as listed directly above. C.R.S. 22-30.5-110.7(6.5).
- For additional information, see Educator.

Sheriff

- No person *shall* be eligible for nomination, election, or appointment as sheriff if that person has ever been convicted of or pleaded guilty or entered a plea of nolo contendere to any felony charge under federal or state laws, unless pardoned. C.R.S. 30-10-501.5.

Social Worker

- See Mental Health Professional.

State Employee – Department of Human Services

- Employment in direct contact with vulnerable persons, as an employee or a contract employee, *shall* be denied or terminated for the reasons below. C.R.S. 27-90-111(1).
- A person *shall* be disqualified from employment regardless of the length of time that may have passed since the discharge of the sentence imposed for any of the following criminal offenses:
    - A crime of violence.
    - Any felony offense involving unlawful sexual behavior.
    - Any felony, the underlying facts of which have been found by a court on the record to include an act of domestic violence.
    - Any felony offense of child abuse.
    - For additional information, see C.R.S. 27-90-111(9)(b).
- A person *shall* be disqualified from employment if less than ten years have passed since the person was discharged from a sentence imposed for conviction of any of the following criminal offenses:
    - Third degree assault.
    - Any misdemeanor, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence.
    - Violation of a protective order.
    - Any misdemeanor offense of child abuse.
    - Any misdemeanor offense of sexual assault on a client by a psychotherapist.
    - For additional information, see C.R.S. 27-90-111(9)(c).
- If a person was adjudicated a juvenile delinquent for the commission of any of the disqualifying offenses listed above, and more than seven years have elapsed since the commission of the offense, the person my submit a request for reconsideration of the disqualification. C.R.S. 27-90-111(9)(d).
- A person who is required to register as a sex offender *shall not* work at a Department of Human Services juvenile facility, or an entity that contracts with

the Department of Human Services for the operation of a juvenile facility. C.R.S. 19-2-403.3, 19-2-410(4).

State Employee – General

- Employees in the state personnel system may be dismissed, suspended, or otherwise disciplined by the appointing authority upon final conviction of a felony or other offense which involves moral turpitude. Colo. Const, art. XII, § 13(8).
- In considering the conviction of a crime, the board shall be governed by section 24-5-101. C.R.S. 24-50-125.
- For additional information, see 4 CCR 801-1:6.

State, County, and Other Governmental Officers

- No person convicted of embezzlement of public moneys, bribery, perjury, solicitation of bribery, or subornation of perjury, *shall* be eligible to the general assembly, or capable of holding any office of trust or profit in this state. Colo. Const. art. XII, § 4.
- The governor's office *shall* be declared vacant upon conviction of a felony. Colo. Const. art. IV, §13.
- The governor and other state and judicial officers are liable to impeachment for high crimes or misdemeanors. Colo. Const. art. XIII, § 2.
- Any officer failing or refusing to pay to the county treasurer or the state treasurer the fees of his office is guilty of a crime and may be removed from office by the court before which the conviction was had. C.R.S. 30-1-117.
- When a county officer is found guilty of any felony or infamous crime by a court or jury, the board of county commissioners *shall* immediately suspend the officer, and once the conviction is final, *shall* remove the officer from his office. C.R.S. 30-10-105(2).
- A director of a special district *shall* be removed if convicted of a felony. C.R.S. 32-1-905(1)(e).

State Personnel Board

- Any member of the board may be removed by the governor for final conviction of a felony or any other offense involving moral turpitude. Colo. Const. art. 12, § 14; C.R.S. 24-50-103(5).

Stockbroker and Securities Sales Representative

- Brokers and dealers required to register with the SEC *shall* have their license limited or suspended for a period not to exceed twelve months if, within the last ten years, they have been convicted of a variety of felony or misdemeanor offenses. 15 U.S.C. § 78o(b)(4).

- Several statutory exemptions to regulation may be withdrawn if certain participating parties have been convicted within ten years of any felony in connection with the purchase or sale of any security. C.R.S. 11-51-310(2).
- For additional information, see Investment Advisor and Representative.

Student

- See School Attendance or University Attendance in the Other Civil Rights and Privileges chapter.

Surgical Assistant or Technologist

- The director may revoke, suspend, deny, or refuse to renew a registration upon proof that the registrant has been convicted of, or pled guilty or nolo contendere to, a misdemeanor related to drugs or alcohol or a felony. C.R.S. 12-43.2-102(3)(b), 12-43.2-105(2)(g).

Surveyor

- The board has the power to deny, suspend, revoke, or refuse to renew the license of one who has been found guilty of a felony that is related to the ability to practice land surveying. Includes pleas of nolo contendere. C.R.S. 12-25-208(1), 12-25-210.
- The board may revoke the licensure of any professional land surveyor convicted under the laws pertaining to the perpetuation of land survey monuments. C.R.S. 38-53-110(3).

Taxi Driver

- Any person *shall* be disqualified from driving a taxicab for a holder of a certificate of public convenience and necessity if a criminal history check reveals that:
    - The individual is not of good moral character.
    - The individual has been convicted of a felony or misdemeanor involving moral turpitude, including any unlawful sexual offense against a child.
    - Within the last two years, has been convicted of driving under the influence, driving with excessive alcohol content, driving while ability impaired, driving while a habitual user of a controlled substance, or any comparable offenses as defined by any state or the United States.
    - For additional information, see C.R.S. 40-10.1-110.
- The results of the criminal history check will be considered in accordance with C.R.S. 24-5-101(2).
- Any license issued by the public utilities commission may be suspended or revoked for repeated violations of registration requirements in sections 42-8-105 and 42-8-106. C.R.S. 42-8-109(3).

- For additional information, see 4 CCR 723-6:6105.

Towing Carrier

- The Public Utilities Commission may suspend, revoke, or amend a towing carrier permit if the carrier has been convicted of, or pleaded guilty or nolo contendere to, a felony. C.R.S. 40-10.1-112.
- Any license issued by the Public Utilities Commission may be suspended or revoked for repeated violations of registration requirements in sections 42-8-105 and 42-8-106. C.R.S. 42-8-109(3).

Veterinarian

- The board may revoke or suspend a veterinary license for:
    - Conviction of a charge of cruelty to animals. C.R.S. 12-64-111(1)(o).
    - Conviction of a violation of the "Uniform Controlled Substances Act of 1992," article 18 of title 18, C.R.S., the federal "Controlled Substances Act," or the federal "Controlled Substances Import and Export Act." C.R.S. 12-64-111(1)(p).
    - Conviction of a crime in the courts of this state or any state for an offense related to conduct regulated in article 64 of title 12, C.R.S., regardless of whether the sentence is deferred. C.R.S. 12-64-111(1)(q).
    - Conviction upon charges that involve the unlawful practice of veterinary medicine. C.R.S. 12-64-111(1)(r).
    - Conviction of a felony. C.R.S. 12-64-111(2).

Comments and Feedback

I have undoubtedly missed some things and misstated others. Any feedback, corrections, or suggestions for how to improve subsequent versions of this publication would be greatly appreciated. Please contact me at: mark.evans@coloradodefenders.us.