



Arapahoe County

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Board Summary Report

File #: 26-176

Agenda Date: 3/30/2026

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To: Board of County Commissioners

Through: Ron Carl, County Attorney, County Attorney's Office

Prepared By:

Dawn Johnson, Senior Assistant County Attorney, County Attorney's Office

Presenter: Sgt. Bruce Peterson, Sheriff's Office; Sgt. Chris Chernault, Sheriff's Office; Dawn Johnson, Attorney's Office

Subject:

Implementation of Massage Facility Regulation Legislation

Purpose and Request:

House Bill 24-1371 requires local governments to establish a process, by resolution, ordinance or otherwise, requiring current and prospective owners, operators and employees of massage facilities to submit their fingerprints for a criminal history background check. The statute, C.R.S. § 30-15-401.4, also gives local governments discretion to: (1) implement a licensure program to regulate massage facilities; and/or (2) prohibit activities associated with the operation of illegal massage facilities engaged in human trafficking-related offenses. This study session has been scheduled to obtain guidance from the Board: (1) on the process it wishes to implement for conducting criminal history background checks; and (2) on whether it wishes to implement a licensure process or adopt restrictions on trafficking-related activities.

Alignment with Strategic Plan: Good Governance - Deliver mandated and essential services with excellence.

Background and Discussion: In 2022, the General Assembly enacted legislation (HB22-1300) that permitted county governments, in their discretion, to implement regulatory systems for licensing massage facilities operating within the county and to regulate and prohibit certain unlawful activities to prevent the operation of unlawful massage facilities that engage in human trafficking-related offenses. In 2024, the Legislature adopted HB 24-1371, which extended similar authority to municipalities and imposed a requirement that all local governments establish a process through

which current and prospective owners, operators and employees of massage facility businesses be required to submit to fingerprint-based criminal history records checks no later than October 1, 2025. During the 2025 legislative session, that date was extended to July 1, 2026. As the likely designee for enforcement, the Sheriff's Office has reviewed and discussed this legislation and wishes to make recommendations to the Board regarding implementation.

For purposes of establishing a process for requiring fingerprint-based criminal history background checks, the Sheriff's Office recommends using the state's designated third-party vendors to conduct the checks and designating the Sheriff's Office to receive the results. The Sheriff's Office anticipates having Carl Ditus maintain those records as he currently does for liquor license applicants. Use of the state's designated third-party vendors would minimize the impact on the CHP unit, which is facing a significantly enhanced workload to verify firearms instructors and will soon be facing greater volumes to issue eligibility cards pursuant to SB25-003.

The Sheriff's Office also recommends that the BOCC decline to exercise its discretionary authority both to implement a permit system for massage facility business and to adopt additional regulations prohibiting certain activities associated with human trafficking offenses. The Sheriff's Office believes adequate means are currently in place in Title 18 to investigate and prosecute human trafficking offenses, including illicit conduct occurring in massage facilities. Current staffing and resources can be best allocated when and where necessary without creating and funding additional regulatory schemes that would be tasked with similar objectives.

Alternatives: By statute, the County must adopt a fingerprint-based criminal history background check process to which current and prospective owners, operators and employees of massage facility business must submit. If third-party vendors are not used, the CHP unit will be required to collect and submit the fingerprints to CBI, potentially requiring additional staffing or overtime. If the Board rejects the Sheriff's Office's proposal and pursues establishing a licensing authority for massage facility businesses, further discussion and planning will be needed to determine what department will house the licensing authority, what oversight and process will be adopted and how licensing requirements will be enforced. There is no time limit for adopting a licensing authority, and the Board can reconsider implementing a licensing authority at any time. The Board can similarly elect to adopt regulations prohibiting certain trafficking-related activities at any time.

Fiscal Impact: The Sheriff's Office believes its proposal will have the least fiscal impact of the various alternatives while still complying with legislative requirements. In the event the Board wishes to pursue additional regulation, the fiscal impact will depend on the Board's desired course of action.

Alignment with Strategic Implementation Strategies: The attached framework helps Arapahoe County institutionalize values-based, transparent decision-making, documenting how we make decisions and carry out actions to achieve the county's strategic plan.

Staff Recommendation: Implement fingerprint-based criminal history records check process using

state-approved third-party vendors.

Concurrence: Once the Sheriff's Office receives further direction from the Board, they will be reaching out to the County's municipal partners to discuss adoption and implementation at the County and municipal level.