

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 15-0886.01 Richard Sweetman x4333

HOUSE BILL 15-1328

HOUSE SPONSORSHIP

Singer, Priola, Buckner, Danielson, Esgar, Garnett, Ginal, Lebsock, Lee, Lontine, Salazar, Tyler, Williams, Winter

SENATE SPONSORSHIP

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House Committees
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A BILL FOR AN ACT

101 **CONCERNING REQUIRING YOUTH SPORTS ORGANIZATIONS TO REQUIRE**
102 **CRIMINAL HISTORY RECORD CHECKS OF PERSONS WHO WORK**
103 **WITH CHILDREN.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

A youth sports organization shall require all employees and volunteers who work directly with youth members 5 or more days in a calendar month, and any employee or volunteer who will accompany the youth sports organization on any trip that includes one or more overnight stays, to obtain a criminal history record check.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
3rd Reading Unamended
April 27, 2015

HOUSE
Amended 2nd Reading
April 23, 2015

A "youth sports organization" means a private, for-profit or not-for-profit organization that provides sports activities designed for the participation of youth 18 years of age or younger.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 26-6-103.8 as
3 follows:

4 **26-6-103.8. Application of part - youth sports organizations -**
5 **background checks required - definitions.** (1) NOTWITHSTANDING ANY
6 PROVISION OF THIS PART 1 TO THE CONTRARY, A YOUTH SPORTS
7 ORGANIZATION THAT IS NOT LICENSED PURSUANT TO THIS PART 1 ON THE
8 EFFECTIVE DATE OF THIS SECTION IS SUBJECT ONLY TO THE REQUIREMENTS
9 OF THIS SECTION AND IS OTHERWISE EXEMPT FROM THE REQUIREMENTS OF
10 THIS PART 1.

11 (2) (a) A YOUTH SPORTS ORGANIZATION OPERATING IN THE STATE
12 OF COLORADO SHALL REQUIRE ALL EMPLOYEES AND VOLUNTEERS WHO
13 WORK DIRECTLY, OR WILL WORK DIRECTLY, WITH YOUTH MEMBERS FIVE
14 OR MORE DAYS IN A CALENDAR MONTH, AND ANY EMPLOYEE OR
15 VOLUNTEER WHO WILL ACCOMPANY THE YOUTH SPORTS ORGANIZATION
16 ON ANY TRIP THAT INCLUDES ONE OR MORE OVERNIGHT STAYS, TO OBTAIN,
17 PRIOR TO STARTING SUCH WORK OR TAKING SUCH TRIP, AND EVERY TWO
18 YEARS THEREAFTER, AS MAY BE NECESSARY, A CRIMINAL HISTORY RECORD
19 CHECK BY A PRIVATE ENTITY REGULATED AS A CONSUMER REPORTING
20 AGENCY PURSUANT TO 15 U.S.C. SEC. 1681, ET SEQ., THAT DISCLOSES, AT
21 A MINIMUM, SEXUAL OFFENDERS AND FELONY CONVICTIONS AND
22 INCLUDES A SOCIAL SECURITY NUMBER TRACE AND A SEARCH OF THE
23 COLORADO JUDICIAL PUBLIC ACCESS SYSTEM. THE SEPARATE
24 BACKGROUND CHECK MUST ASCERTAIN WHETHER THE PERSON BEING

1 INVESTIGATED HAS BEEN CONVICTED OF FELONY CHILD ABUSE AS
2 SPECIFIED IN SECTION 18-6-401, C.R.S.; A FELONY OFFENSE INVOLVING
3 UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9),
4 C.R.S.; OR A COMPARABLE OFFENSE COMMITTED IN ANY OTHER STATE.

5 (b) A YOUTH SPORTS ORGANIZATION SHALL NOT HIRE A PERSON AS
6 AN EMPLOYEE OR APPROVE A PERSON AS A VOLUNTEER IF A CRIMINAL
7 HISTORY RECORD CHECK OF THE PERSON PERFORMED PURSUANT TO
8 PARAGRAPH (a) OF THIS SUBSECTION (2) SHOWS THAT THE PERSON HAS
9 BEEN CONVICTED OF FELONY CHILD ABUSE AS SPECIFIED IN SECTION
10 18-6-401, C.R.S.; A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL
11 BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), C.R.S.; OR ANY
12 COMPARABLE OFFENSE COMMITTED IN ANOTHER STATE.

13 (3) A PERSON WHO TAKES PART IN THE ACTIVITIES OF A YOUTH
14 SPORTS ORGANIZATION BUT WHO IS NOT REQUIRED TO OBTAIN A CRIMINAL
15 HISTORY RECORD CHECK PURSUANT TO SUBSECTION (2) OF THIS SECTION
16 MUST AT ALL TIMES BE SUPERVISED BY AN EMPLOYEE OR VOLUNTEER WHO
17 HAS BEEN HIRED OR APPROVED AFTER OBTAINING A CRIMINAL HISTORY
18 RECORD CHECK PURSUANT TO SUBSECTION (2) OF THIS SECTION.

19 (4) NOTWITHSTANDING ANY PROVISION OF THIS SECTION, A YOUTH
20 SPORTS ORGANIZATION IS NOT REQUIRED TO PERFORM A CRIMINAL
21 HISTORY RECORD CHECK ON A VOLUNTEER PARENT WHO IS NOT ACTING IN
22 A CAPACITY AS HEAD COACH OR MANAGER AND WHO HAS AN IMMEDIATE
23 FAMILY MEMBER PARTICIPATING IN THE ORGANIZATION.

24 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
25 REQUIRES:

26 (a) "EMPLOYEE" MEANS A PAID EMPLOYEE OF A YOUTH SPORTS
27 ORGANIZATION WHO IS EIGHTEEN YEARS OF AGE OR OLDER.

1 (b) "VOLUNTEER" MEANS A PERSON WHO VOLUNTEERS HIS OR HER
2 ASSISTANCE TO A YOUTH SPORTS ORGANIZATION AND WHO IS EIGHTEEN
3 YEARS OF AGE OR OLDER.

4 **SECTION 2.** In Colorado Revised Statutes, 26-6-102, **add** (14)
5 as follows:

6 **26-6-102. Definitions.** As used in this article, unless the context
7 otherwise requires:

8 (14) (a) "YOUTH SPORTS ORGANIZATION" MEANS A PRIVATE,
9 FOR-PROFIT OR NOT-FOR-PROFIT CORPORATION THAT, AS PART OF ITS CORE
10 FUNCTION, PROVIDES PERSONS WHO ARE EIGHTEEN YEARS OF AGE OR
11 YOUNGER THE OPPORTUNITY TO PARTICIPATE IN SCHEDULED, COMPETITIVE
12 OR RECREATIONAL SPORTING EVENTS, WHETHER INDIVIDUALLY OR AS A
13 TEAM.

14 (b) "YOUTH SPORTS ORGANIZATION" DOES NOT INCLUDE:

15 (I) A NEIGHBORHOOD YOUTH ORGANIZATION DESCRIBED IN
16 SECTION 26-6-103.7;

17 (II) A PUBLIC OR PRIVATE SCHOOL SERVING ANY OF GRADES
18 KINDERGARTEN THROUGH TWELVE;

19 (III) A PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION;

20 (IV) AN ORGANIZATION THAT MERELY PROVIDES THE
21 OPPORTUNITY TO PARTICIPATE IN UNSCHEDULED, COMPETITIVE OR
22 RECREATIONAL SPORTING EVENTS ON A WALK-IN BASIS; OR

23 (V) A SPECIAL SCHOOL OR CLASS OPERATED PRIMARILY FOR A
24 SINGLE SKILL-BUILDING PURPOSE.

25 **SECTION 3. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly (August

1 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2016 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.