

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 12-0624.01 Jane Ritter x4342

HOUSE BILL 12-1228

HOUSE SPONSORSHIP

DelGrosso, McCann

SENATE SPONSORSHIP

Steadman,

House Committees

Economic and Business Development

Senate Committees

Business, Labor and Technology

A BILL FOR AN ACT

101 CONCERNING CRIMINAL BACKGROUND CHECKS FOR NEIGHBORHOOD
102 YOUTH ORGANIZATIONS SEEKING TO OBTAIN A LICENSE.

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>.)

The bill expands the list of methods by which a neighborhood youth organization that is seeking to obtain a license can satisfy the requirements of criminal history background checks for its employees and volunteers. Each acceptable method must be able to determine whether the person being investigated has been convicted of felony child abuse or

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.*

SENATE
2nd Reading Unamended
April 2, 2012

HOUSE
3rd Reading Unamended
March 5, 2012

HOUSE
Amended 2nd Reading
March 2, 2012

a felony offense involving unlawful sexual behavior. The neighborhood youth organization shall not hire a person as an employee or approve a person as a volunteer after confirmation of such a criminal history.

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

2 **SECTION 1.** In Colorado Revised Statutes, 26-6-103.7, **amend**
3 (4) as follows:

4 **26-6-103.7. Application of part - neighborhood youth**
5 **organizations - licensing - duties and responsibilities - definitions.**

6 (4) A licensed neighborhood youth organization shall require all
7 employees and volunteers who work directly with or will work directly
8 with youth members five or more days in a calendar month to obtain,
9 prior to **employment**, ~~a fingerprint-based criminal history records check~~
10 ~~utilizing the Colorado bureau of investigation and, as of August 10, 2011,~~
11 ~~for any new applicant or newly hired employee, the federal bureau of~~
12 ~~investigation and request the state department to ascertain whether the~~
13 ~~person being investigated has been convicted of felony child abuse as~~
14 ~~specified in section 18-6-401, C.R.S., or a felony offense involving~~
15 ~~unlawful sexual behavior as defined in section 16-22-102 (9), C.R.S. The~~
16 ~~neighborhood youth organization shall not hire a person as an employee~~
17 ~~or approve a person as a volunteer after confirmation of such a criminal~~
18 ~~history.~~ **AND EVERY TWO YEARS THEREAFTER, ONE OF THE FOLLOWING:**

19 (a) A FINGERPRINT-BASED CRIMINAL HISTORY RECORDS CHECK
20 UTILIZING THE COLORADO BUREAU OF INVESTIGATION AND REQUEST THE
21 STATE DEPARTMENT TO ASCERTAIN WHETHER THE PERSON BEING
22 INVESTIGATED HAS BEEN CONVICTED OF FELONY CHILD ABUSE AS
23 SPECIFIED IN SECTION 18-6-401, C.R.S., OR A FELONY OFFENSE INVOLVING
24 UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9),

1 C.R.S. THE NEIGHBORHOOD YOUTH ORGANIZATION SHALL NOT HIRE A
2 PERSON AS AN EMPLOYEE OR APPROVE A PERSON AS A VOLUNTEER AFTER
3 CONFIRMATION OF SUCH A CRIMINAL HISTORY.

4 (b) A FEDERAL BUREAU OF INVESTIGATION FINGERPRINT-BASED
5 CRIMINAL HISTORY RECORDS CHECK UTILIZING THE COLORADO BUREAU
6 OF INVESTIGATION IF THE EMPLOYEE, VOLUNTEER, OR APPLICANT HAS
7 RESIDED IN THE STATE OF COLORADO LESS THAN TWO YEARS. THE
8 NEIGHBORHOOD YOUTH ORGANIZATION SHALL REQUEST THE STATE
9 DEPARTMENT TO ASCERTAIN WHETHER THE PERSON BEING INVESTIGATED
10 HAS BEEN CONVICTED OF FELONY CHILD ABUSE AS SPECIFIED IN SECTION
11 18-6-401, C.R.S., OR A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL
12 BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), C.R.S. THE
13 NEIGHBORHOOD YOUTH ORGANIZATION SHALL NOT HIRE A PERSON AS AN
14 EMPLOYEE OR APPROVE A PERSON AS A VOLUNTEER AFTER CONFIRMATION
15 OF SUCH A CRIMINAL HISTORY.

16 (c) A COMPARISON SEARCH BY THE STATE DEPARTMENT ON THE
17 ICON SYSTEM OF THE STATE JUDICIAL DEPARTMENT OR A COMPARISON
18 SEARCH ON ANY OTHER DATABASE THAT IS RECOGNIZED ON A STATEWIDE
19 BASIS BY USING THE NAME, DATE OF BIRTH, AND SOCIAL SECURITY
20 NUMBER INFORMATION THAT THE STATE DEPARTMENT DETERMINES IS
21 APPROPRIATE TO DETERMINE WHETHER THE PERSON BEING INVESTIGATED
22 HAS BEEN CONVICTED OF FELONY CHILD ABUSE AS SPECIFIED IN SECTION
23 18-6-401, C.R.S., OR A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL
24 BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), C.R.S. THE
25 NEIGHBORHOOD YOUTH ORGANIZATION SHALL NOT HIRE A PERSON AS AN
26 EMPLOYEE OR APPROVE A PERSON AS A VOLUNTEER AFTER CONFIRMATION
27 OF SUCH A CRIMINAL HISTORY.

1 (d) A SEPARATE BACKGROUND CHECK BY A PRIVATE ENTITY
2 REGULATED AS A CONSUMER REPORTING AGENCY PURSUANT TO 15 U.S.C.
3 SEC. 1681 ET SEQ. THAT SHALL DISCLOSE, AT A MINIMUM, SEXUAL
4 OFFENDERS AND FELONY CONVICTIONS AND INCLUDE A SOCIAL SECURITY
5 NUMBER TRACE, A NATIONAL CRIMINAL FILE CHECK, AND A STATE OR
6 COUNTY CRIMINAL FILE SEARCH. THE SEPARATE BACKGROUND CHECK
7 SHALL ASCERTAIN WHETHER THE PERSON BEING INVESTIGATED HAS BEEN
8 CONVICTED OF FELONY CHILD ABUSE AS SPECIFIED IN SECTION 18-6-401,
9 C.R.S., OR A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR
10 AS DEFINED IN SECTION 16-22-102 (9), C.R.S. THE NEIGHBORHOOD YOUTH
11 ORGANIZATION SHALL NOT HIRE A PERSON AS AN EMPLOYEE OR APPROVE
12 A PERSON AS A VOLUNTEER AFTER CONFIRMATION OF SUCH A CRIMINAL
13 HISTORY.

14 **SECTION 2. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety.