

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0372.01 Richard Sweetman x4333

SENATE BILL 15-048

SENATE SPONSORSHIP

Heath,

HOUSE SPONSORSHIP

Singer,

Senate Committees
Judiciary

House Committees

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.

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 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, ONE OF THE FOLLOWING:

19 (I) A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL
20 HISTORY RECORD CHECK UTILIZING THE RECORDS OF THE COLORADO
21 BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION,
22 WHICH CRIMINAL HISTORY RECORD CHECK ASCERTAINS WHETHER THE
23 PERSON BEING INVESTIGATED HAS BEEN CONVICTED OF FELONY CHILD
24 ABUSE AS SPECIFIED IN SECTION 18-6-401, C.R.S.; A FELONY OFFENSE

1 INVOLVING UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION
2 16-22-102 (9), C.R.S.; OR A COMPARABLE OFFENSE COMMITTED IN ANY
3 OTHER STATE; OR

4 (II) A SEPARATE BACKGROUND CHECK BY A PRIVATE ENTITY
5 REGULATED AS A CONSUMER REPORTING AGENCY PURSUANT TO 15 U.S.C.
6 SEC. 1681 ET SEQ. THAT DISCLOSES, AT A MINIMUM, SEXUAL OFFENDERS
7 AND FELONY CONVICTIONS AND INCLUDES A SOCIAL SECURITY NUMBER
8 TRACE, A NATIONAL CRIMINAL FILE CHECK, AND A STATE OR COUNTY
9 CRIMINAL FILE SEARCH. THE SEPARATE BACKGROUND CHECK MUST
10 ASCERTAIN WHETHER THE PERSON BEING INVESTIGATED HAS BEEN
11 CONVICTED OF FELONY CHILD ABUSE AS SPECIFIED IN SECTION 18-6-401,
12 C.R.S.; A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR AS
13 DEFINED IN SECTION 16-22-102 (9), C.R.S.; OR A COMPARABLE OFFENSE
14 COMMITTED IN ANY OTHER STATE.

15 (b) A YOUTH SPORTS ORGANIZATION SHALL NOT HIRE A PERSON AS
16 AN EMPLOYEE OR APPROVE A PERSON AS A VOLUNTEER IF A CRIMINAL
17 HISTORY RECORD CHECK OF THE PERSON PERFORMED PURSUANT TO
18 SUBPARAGRAPH (I) OR (II) OF PARAGRAPH (a) OF THIS SUBSECTION (1)
19 SHOWS THAT THE PERSON HAS BEEN CONVICTED OF FELONY CHILD ABUSE
20 AS SPECIFIED IN SECTION 18-6-401, C.R.S.; A FELONY OFFENSE INVOLVING
21 UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9),
22 C.R.S.; OR ANY COMPARABLE OFFENSE COMMITTED IN ANOTHER STATE.

23 (3) A PERSON WHO TAKES PART IN THE ACTIVITIES OF A YOUTH
24 SPORTS ORGANIZATION BUT WHO IS NOT REQUIRED TO OBTAIN A CRIMINAL
25 HISTORY RECORD CHECK PURSUANT TO SUBSECTION (1) OF THIS SECTION
26 MUST AT ALL TIMES BE SUPERVISED BY AN EMPLOYEE OR VOLUNTEER WHO
27 HAS BEEN HIRED OR APPROVED AFTER OBTAINING A CRIMINAL HISTORY

1 RECORD CHECK PURSUANT TO SUBSECTION (1) OF THIS SECTION.

2 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
3 REQUIRES:

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

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

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

11 **26-6-102. Definitions.** As used in this article, unless the context
12 otherwise requires:

13 (14) (a) "YOUTH SPORTS ORGANIZATION" MEANS A PRIVATE,
14 FOR-PROFIT, OR NOT-FOR-PROFIT ORGANIZATION THAT PROVIDES SPORTS
15 ACTIVITIES DESIGNED FOR THE PARTICIPATION OF YOUTH EIGHTEEN YEARS
16 OF AGE OR YOUNGER.

17 (b) FOR THE PURPOSES OF SECTION 26-6-103 (1) (a), A "YOUTH
18 SPORTS ORGANIZATION" IS NOT A SPECIAL SCHOOL OR CLASS OPERATED
19 PRIMARILY FOR A SINGLE SKILL-BUILDING PURPOSE.

20 **SECTION 3. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27 unless approved by the people at the general election to be held in

- 1 November 2016 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.