

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 16-0998.01 Richard Sweetman x4333

HOUSE BILL 16-1443

HOUSE SPONSORSHIP

Singer,

SENATE SPONSORSHIP

Heath,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING REQUIRING YOUTH SPORTS ORGANIZATIONS TO INFORM**
102 **PARENTS WHETHER THE ORGANIZATIONS HAVE CONDUCTED**
103 **CRIMINAL BACKGROUND CHECKS OF PERSONS WHO WORK WITH**
104 **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>.)

On and after September 1, 2016, a youth sports organization shall notify a parent or legal guardian of each child participating in the organization concerning the organization's policies relating to criminal

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
Amended 2nd Reading
April 28, 2016

background checks for adult employees and volunteers of the organization who work directly with children. The organization shall provide the notice not later than 30 days after the child registers in the organization.

A youth sports organization shall supervise all adult employees or volunteers for whom a criminal background check has not been performed during the preceding 12 months at all times when he or she has direct contact with children.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 26-1-140 as
3 follows:

4 **26-1-140. Youth sports organizations - notice of criminal**
5 **background check policy required - definitions.** (1) ON AND AFTER
6 SEPTEMBER 1, 2016, A YOUTH SPORTS ORGANIZATION SHALL PROVIDE A
7 PARENT OR LEGAL GUARDIAN OF EACH CHILD PARTICIPATING IN THE
8 ORGANIZATION WITH THE ORGANIZATION'S POLICY RELATING TO CRIMINAL
9 BACKGROUND CHECKS FOR ADULT EMPLOYEES AND VOLUNTEERS OF THE
10 ORGANIZATION WHO WORK DIRECTLY WITH CHILDREN. THE ORGANIZATION
11 SHALL PROVIDE THE POLICY NOT LATER THAN THIRTY DAYS AFTER THE
12 CHILD REGISTERS IN THE ORGANIZATION. THE POLICY MUST INCLUDE:

13 (a) A STATEMENT INDICATING WHETHER THE YOUTH SPORTS
14 ORGANIZATION HAS CONDUCTED A CRIMINAL BACKGROUND CHECK OF
15 EACH EMPLOYEE AND VOLUNTEER OF THE ORGANIZATION WHO WORKS
16 DIRECTLY WITH CHILDREN;

17 (b) A STATEMENT INDICATING WHETHER THE ORGANIZATION'S
18 CRIMINAL BACKGROUND CHECK, IF ANY, INCLUDES STATE AND FEDERAL
19 CRIMINAL HISTORY RECORD INFORMATION **BASED ON AND VERIFIED BY A**
20 **SEVEN-YEAR ADDRESS HISTORY SEARCH** AND WHETHER THE
21 ORGANIZATION OBTAINS SUBSEQUENT ARREST NOTIFICATION FOR PERSONS

1 WHO ARE SUBJECTED TO A CRIMINAL BACKGROUND CHECK; AND

2 (c) IF THE YOUTH SPORTS ORGANIZATION CONDUCTS CRIMINAL
3 BACKGROUND CHECKS, INFORMATION INDICATING HOW THE PARENT OR
4 LEGAL GUARDIAN OF A CHILD PARTICIPATING IN THE ORGANIZATION CAN
5 OBTAIN MORE INFORMATION ABOUT THE ORGANIZATION'S CRIMINAL
6 BACKGROUND CHECKS, SUCH AS THE NAME OF EACH ENTITY PROVIDING
7 CRIMINAL BACKGROUND CHECKS FOR THE ORGANIZATION OR THE TYPES
8 OF OFFENSES THAT THE ORGANIZATION LOOKS FOR.

9 (2) A YOUTH SPORTS ORGANIZATION SHALL EITHER:

10 (a) SUPERVISE ALL ADULT EMPLOYEES AND VOLUNTEERS WHO
11 WORK DIRECTLY WITH CHILDREN BUT FOR WHOM A CRIMINAL
12 BACKGROUND CHECK HAS NOT BEEN PERFORMED DURING THE PRECEDING
13 TWELVE MONTHS AT ALL TIMES DURING WHICH THE EMPLOYEE OR
14 VOLUNTEER HAS DIRECT CONTACT WITH CHILDREN; OR

15 (b) PROVIDE TO A PARENT OR LEGAL GUARDIAN OF EACH CHILD
16 PARTICIPATING IN THE ORGANIZATION A WRITTEN NOTIFICATION THAT THE
17 ORGANIZATION HAS ELECTED NOT TO SUPERVISE ADULT EMPLOYEES AND
18 VOLUNTEERS AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2).

19 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
20 REQUIRES:

21 (a) "ADULT" MEANS A PERSON WHO IS EIGHTEEN YEARS OF AGE OR
22 OLDER.

23 (b) "CHILD" MEANS A PERSON WHO IS LESS THAN EIGHTEEN YEARS
24 OF AGE.

25 (c) (I) "YOUTH SPORTS ORGANIZATION" OR "ORGANIZATION"
26 MEANS A PRIVATE, FOR-PROFIT OR NOT-FOR-PROFIT CORPORATION THAT,
27 AS PART OF ITS CORE FUNCTION, PROVIDES A CHILD THE OPPORTUNITY TO

1 PARTICIPATE IN SCHEDULED, COMPETITIVE OR RECREATIONAL SPORTING
2 EVENTS, WHETHER INDIVIDUALLY OR AS A TEAM.

3 (II) "YOUTH SPORTS ORGANIZATION" DOES NOT INCLUDE:

4 (A) A NEIGHBORHOOD YOUTH ORGANIZATION DESCRIBED IN
5 SECTION 26-6-103.7;

6 (B) A PUBLIC OR PRIVATE SCHOOL SERVING ANY OF GRADES
7 KINDERGARTEN THROUGH TWELVE;

8 (C) A PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION;

9 (D) AN ORGANIZATION THAT MERELY PROVIDES THE OPPORTUNITY
10 TO PARTICIPATE IN UNSCHEDULED, COMPETITIVE OR RECREATIONAL
11 SPORTING EVENTS ON A WALK-IN BASIS; OR

12 (E) A CLASS OR LESSON THAT IS OFFERED ON A WALK-IN BASIS AND
13 DOES NOT EXCEED TWO DAYS IN DURATION.

14 **SECTION 2. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly (August
17 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
18 referendum petition is filed pursuant to section 1 (3) of article V of the
19 state constitution against this act or an item, section, or part of this act
20 within such period, then the act, item, section, or part will not take effect
21 unless approved by the people at the general election to be held in
22 November 2016 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.