

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Education.

SB24-113 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **add** article 8 to title
4 19 as follows:

5 **ARTICLE 8**

6 **Organized Youth Athletic Activities**

7 **19-8-101. Organized youth athletic activities - abuse**
8 **prevention training - definitions.** (1) (a) (I) EACH YOUTH SPORTS
9 ORGANIZATION SHALL REQUIRE EACH COACH TO ANNUALLY COMPLETE AN
10 ABUSE PREVENTION TRAINING PROGRAM AS DESCRIBED IN SUBSECTION
11 (1)(a)(II) OF THIS SUBSECTION.

12 (II) THE ABUSE PREVENTION TRAINING PROGRAM REQUIRED BY
13 SUBSECTION (1)(a)(I) OF THIS SECTION MUST INCLUDE INFORMATION AND
14 TRAINING ON THE FOLLOWING:

15 (A) PROHIBITED CONDUCT BY COACHES;

16 (B) APPROPRIATE ONE-ON-ONE INTERACTIONS BETWEEN PLAYERS
17 AND COACHES;

18 (C) MANDATORY REPORTING REQUIREMENTS;

19 (D) HOW TO RECOGNIZE AND APPROPRIATELY RESPOND TO AND
20 PREVENT BEHAVIORS THAT VIOLATE THE PROHIBITED CONDUCT POLICY
21 DEVELOPED PURSUANT TO SUBSECTION (2) OF THIS SECTION; AND

22 (E) HOW TO RESPOND TO DISCLOSURES OF SEXUAL ABUSE, CHILD
23 ABUSE, OR REPORTS OF BEHAVIORS VIOLATING THE PROHIBITED CONDUCT
24 POLICY DEVELOPED PURSUANT TO SUBSECTION (2) OF THIS SECTION IN A
25 SUPPORTIVE AND APPROPRIATE MANNER THAT MEETS THE MANDATED
26 REPORTING REQUIREMENTS PURSUANT TO COLORADO STATUTES.

27 (b) A YOUTH SPORTS ORGANIZATION MAY DESIGNATE SPECIFIC
28 EDUCATION COURSES THAT MEET THE REQUIREMENTS OF SUBSECTION
29 (1)(a) OF THIS SECTION.

30 (c) UPON SUCCESSFUL COMPLETION OF THE ABUSE PREVENTION
31 TRAINING PROGRAM COURSE, A COACH SHALL SUBMIT EVIDENCE OF
32 COMPLETION TO THE COACH'S YOUTH SPORTS ORGANIZATION.

33 (d) EACH YOUTH SPORTS ORGANIZATION SHALL MAINTAIN
34 RECORDS OF THE COMPLETION EVIDENCE SUBMITTED PURSUANT TO
35 SUBSECTION (1)(c) OF THIS SECTION.

36 (2) (a) (I) EACH YOUTH SPORTS ORGANIZATION SHALL DEVELOP A
37 PROHIBITED CONDUCT POLICY RELATING TO YOUTH ATHLETIC ACTIVITIES.

38 (II) THE PROHIBITED CONDUCT POLICY MUST INCLUDE:

39 (A) A LIST OF PROHIBITED CONDUCT BY PARENTS, SPECTATORS,
40 COACHES, AND ATHLETES AND A MANDATORY REPORTING POLICY FOR

1 ADULTS WHO HAVE KNOWLEDGE OF AN ACT OF PROHIBITED CONDUCT;
2 (B) A CODE OF CONDUCT FOR PARENTS, SPECTATORS, COACHES,
3 AND ATHLETES TO FOLLOW;
4 (C) A SYSTEM FOR REPORTING VIOLATIONS OF THE PROHIBITED
5 CONDUCT POLICY OR CODE OF CONDUCT TO THE YOUTH SPORTS
6 ORGANIZATION;
7 (D) A PROCESS FOR INVESTIGATIONS, DUE PROCESS
8 REQUIREMENTS, AND SANCTIONS FOR VIOLATIONS OF THE PROHIBITED
9 CONDUCT POLICY OR CODE OF CONDUCT; AND
10 (E) A PROCESS FOR ONLINE PUBLICATION OF THE STATEWIDE LIST
11 OF FOUND VIOLATIONS DEVELOPED PURSUANT TO SUBSECTION (2)(d) OF
12 THIS SECTION.
13 (b) EACH YOUTH SPORTS ORGANIZATION SHALL REQUIRE EACH OF
14 ITS COACHES TO COMPLY WITH THE PROHIBITED CONDUCT POLICY
15 DEVELOPED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION.
16 (c) (I) EACH YOUTH SPORTS ORGANIZATION SHALL CREATE AN
17 ONLINE REPORTING PORTAL FOR VIOLATIONS BY A COACH OF THE
18 PROHIBITED CONDUCT POLICY DEVELOPED PURSUANT TO SUBSECTION
19 (2)(a) OF THIS SECTION. UPON RECEIPT OF A REPORTED VIOLATION, THE
20 YOUTH SPORTS ORGANIZATION SHALL INVESTIGATE THE REPORT.
21 (II) IF, AFTER INVESTIGATION, THE YOUTH SPORTS ORGANIZATION
22 DETERMINES THERE WAS A VIOLATION OF THE PROHIBITED CONDUCT
23 POLICY, THE YOUTH SPORTS ORGANIZATION SHALL BAN THE COACH FROM
24 THE ORGANIZATION AND REPORT THE VIOLATION TO THE ATTORNEY
25 GENERAL'S OFFICE.
26 (III) UPON RECEIPT OF A NOTICE OF A FOUND VIOLATION PURSUANT
27 TO SUBSECTION (2)(c)(II) OF THIS SECTION, THE ATTORNEY GENERAL
28 SHALL REVIEW THE DETERMINATION AND RECORD, AND, IF THE ATTORNEY
29 GENERAL DETERMINES THAT THE VIOLATOR RECEIVED ADEQUATE DUE
30 PROCESS DURING THE INVESTIGATION AND DETERMINATION, THE
31 ATTORNEY GENERAL SHALL INCLUDE THE FOUND VIOLATION ON THE
32 STATEWIDE LIST OF FOUND VIOLATIONS PURSUANT TO SUBSECTION (2)(d)
33 OF THIS SECTION.
34 (d) THE ATTORNEY GENERAL SHALL POST IN A CONSPICUOUS PLACE
35 ON THE ATTORNEY GENERAL'S OFFICE'S WEBSITE A LINK TO A STATEWIDE
36 LIST OF FOUND VIOLATIONS VERIFIED BY THE ATTORNEY GENERAL'S OFFICE
37 PURSUANT TO SUBSECTION (2)(c)(III) OF THIS SECTION. THE LIST MUST BE
38 SEARCHABLE BY NAME OF VIOLATOR, DATE OF VIOLATION, AND YOUTH
39 SPORTS ORGANIZATION.
40 (3) AS USED IN THIS ARTICLE 8, UNLESS THE CONTEXT OTHERWISE
41 REQUIRES:
42 (a) "ABUSE" MEANS PHYSICAL OR MENTAL INJURY, SEXUAL ABUSE
43 OR EXPLOITATION, OR NEGLIGENT TREATMENT OF A CHILD.
44 (b) (I) "YOUTH SPORTS ORGANIZATION" MEANS A PRIVATE
45 FOR-PROFIT OR NOT-FOR-PROFIT ORGANIZATION THAT, AS PART OF ITS

1 CORE FUNCTION, PROVIDES PERSONS WHO ARE EIGHTEEN YEARS OF AGE OR
2 YOUNGER THE OPPORTUNITY TO PARTICIPATE IN SCHEDULED COMPETITIVE
3 OR RECREATIONAL SPORTING EVENTS, WHETHER INDIVIDUALLY OR AS A
4 TEAM.

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

6 (A) A NEIGHBORHOOD YOUTH ORGANIZATION AS DEFINED IN
7 SECTION 26.5-5-303;

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

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

11 (D) AN ORGANIZATION THAT MERELY PROVIDES THE OPPORTUNITY
12 TO PARTICIPATE IN AN UNSUPERVISED, UNSCHEDULED COMPETITIVE OR
13 RECREATIONAL SPORTING EVENT ON A WALK-IN BASIS.

14 **SECTION 2.** In Colorado Revised Statutes, **add** 26.5-5-304.5 as
15 follows:

16 **26.5-5-304.5. Application of part - youth sports organizations**
17 **- background checks required - definitions.** (1) NOTWITHSTANDING
18 ANY PROVISION OF THIS PART 3 TO THE CONTRARY, A YOUTH SPORTS
19 ORGANIZATION THAT IS NOT LICENSED PURSUANT TO THIS PART 3 ON THE
20 EFFECTIVE DATE OF THIS SECTION IS SUBJECT ONLY TO THE REQUIREMENTS
21 OF THIS SECTION AND IS OTHERWISE EXEMPT FROM THE REQUIREMENTS OF
22 THIS PART 3.

23 (2) (a) A YOUTH SPORTS ORGANIZATION OPERATING IN THE STATE
24 OF COLORADO SHALL REQUIRE ALL EMPLOYEES AND VOLUNTEERS WHO
25 WORK DIRECTLY, OR WILL WORK DIRECTLY, WITH YOUTH MEMBERS, AND
26 ANY EMPLOYEE OR VOLUNTEER WHO ACCOMPANIES THE YOUTH SPORTS
27 ORGANIZATION ON ANY TRIP THAT INCLUDES ONE OR MORE OVERNIGHT
28 STAYS, TO OBTAIN, PRIOR TO STARTING THE WORK OR TAKING THE TRIP,
29 AND EVERY THREE YEARS THEREAFTER, A CRIMINAL HISTORY RECORD
30 CHECK BY A PRIVATE ENTITY REGULATED AS A CONSUMER REPORTING
31 AGENCY PURSUANT TO 15 U.S.C. SEC. 1681, ET SEQ., THAT DISCLOSES, AT
32 A MINIMUM, SEXUAL OFFENDERS AND FELONY CONVICTIONS AND
33 INCLUDES A SOCIAL SECURITY NUMBER TRACE AND A SEARCH OF THE
34 COLORADO JUDICIAL PUBLIC RECORDS ACCESS SYSTEM. THE CRIMINAL
35 HISTORY RECORD CHECK MUST ASCERTAIN WHETHER THE PERSON BEING
36 INVESTIGATED HAS BEEN CONVICTED OF FELONY CHILD ABUSE AS
37 SPECIFIED IN SECTION 18-6-401, A FELONY OFFENSE INVOLVING UNLAWFUL
38 SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), OR A
39 COMPARABLE OFFENSE COMMITTED IN ANY OTHER STATE.

40 (b) A YOUTH SPORTS ORGANIZATION SHALL NOT HIRE A PERSON AS
41 AN EMPLOYEE OR APPROVE A PERSON AS A VOLUNTEER IF A CRIMINAL
42 HISTORY RECORD CHECK OF THE PERSON PERFORMED PURSUANT TO
43 SUBSECTION (2)(a) OF THIS SECTION SHOWS THAT THE PERSON HAS BEEN
44 CONVICTED OF FELONY CHILD ABUSE AS SPECIFIED IN SECTION 18-6-401,
45 A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR AS DEFINED

1 IN SECTION 16-22-102 (9), OR A COMPARABLE OFFENSE COMMITTED IN ANY
2 OTHER STATE.

3 (3) (a) A PERSON, INCLUDING AN EMPLOYEE OR VOLUNTEER, WHO
4 TAKES PART IN THE ACTIVITIES OF A YOUTH SPORTS ORGANIZATION BUT
5 WHO IS NOT REQUIRED TO OBTAIN A CRIMINAL HISTORY RECORD CHECK
6 PURSUANT TO SUBSECTION (2) OF THIS SECTION MUST, AT ALL TIMES, BE
7 SUPERVISED BY AN EMPLOYEE OR VOLUNTEER WHO HAS BEEN HIRED OR
8 APPROVED AFTER OBTAINING A CRIMINAL HISTORY RECORD CHECK
9 PURSUANT TO SUBSECTION (2) OF THIS SECTION.

10 (b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION, A YOUTH
11 SPORTS ORGANIZATION IS NOT REQUIRED TO PERFORM A CRIMINAL
12 HISTORY RECORD CHECK ON A VOLUNTEER WHO IS NOT ACTING IN THE
13 CAPACITY OF A COACH OR MANAGER, ONLY OCCASIONALLY ASSISTS WITH
14 THE TEAM, AND WHO HAS AN IMMEDIATE FAMILY MEMBER PARTICIPATING
15 IN THE YOUTH SPORTS ORGANIZATION. A VOLUNTEER DESCRIBED BY THIS
16 SUBSECTION (3)(b) MUST BE SUPERVISED AT ALL TIMES BY AN EMPLOYEE
17 OR VOLUNTEER WHO HAS BEEN HIRED OR APPROVED AFTER OBTAINING A
18 CRIMINAL HISTORY RECORD CHECK PURSUANT TO SUBSECTION (2) OF THIS
19 SECTION.

20 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
21 REQUIRES:

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

24 (b) "VOLUNTEER" MEANS A PERSON WHO VOLUNTEERS TO ASSIST
25 A YOUTH SPORTS ORGANIZATION.

26 (c) (I) "YOUTH SPORTS ORGANIZATION" MEANS A PRIVATE
27 FOR-PROFIT OR NOT-FOR-PROFIT ORGANIZATION THAT, AS PART OF ITS
28 CORE FUNCTION, PROVIDES PERSONS WHO ARE EIGHTEEN YEARS OF AGE OR
29 YOUNGER THE OPPORTUNITY TO PARTICIPATE IN SCHEDULED COMPETITIVE
30 OR RECREATIONAL SPORTING EVENTS, WHETHER INDIVIDUALLY OR AS A
31 TEAM.

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

33 (A) A NEIGHBORHOOD YOUTH ORGANIZATION AS DEFINED IN
34 SECTION 26.5-5-303;

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

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

38 (D) AN ORGANIZATION THAT MERELY PROVIDES THE OPPORTUNITY
39 TO PARTICIPATE IN AN UNSUPERVISED, UNSCHEDULED COMPETITIVE OR
40 RECREATIONAL SPORTING EVENT ON A WALK-IN BASIS.

41 **SECTION 3.** In Colorado Revised Statutes, **add** 6-1-735 as
42 follows:

43 **6-1-735. Organized youth athletic activities - unfair trade**
44 **practice.** A YOUTH SPORTS ORGANIZATION AS DEFINED IN SECTION
45 19-8-101 (3) ENGAGES IN AN UNFAIR TRADE PRACTICE WHEN THE YOUTH

1 SPORTS ORGANIZATION FAILS TO COMPLY WITH SECTION 19-8-101.
2 **SECTION 4. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly; except
5 that, if a referendum petition is filed pursuant to section 1 (3) of article V
6 of the state constitution against this act or an item, section, or part of this
7 act within such period, then the act, item, section, or part will not take
8 effect unless approved by the people at the general election to be held in
9 November 2024 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor."

** ** ** ** **