

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 26-0625.01 Michael Dohr x4347

SENATE BILL 26-100

SENATE SPONSORSHIP

Danielson, Coleman

HOUSE SPONSORSHIP

Willford and Stewart K.,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING REQUIREMENTS FOR YOUTH SPORTS PERSONNEL THAT**
102 **IMPROVE THE SAFETY OF THE PARTICIPANTS.**

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://leg.colorado.gov>.)

The bill requires a youth sports organization and local government that provides youth athletic activities (youth sports organization) to have at least one adult who possesses a current first aid, CPR, and AED certification present at each youth athletic activity.

Current law requires all youth sports organization coaches who work directly with youth members to obtain a criminal history record

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

check (background check) prior to employment. The bill requires chaperones who accompany the youth sports organization on a trip that includes one or more overnight stays to pass a background check. The bill requires a coach or chaperone who lived outside the U.S. for more than 180 days since the coach's or chaperone's last background check to also obtain an international background check. The act creates a cause of action for failing to conduct a background check.

Current law prohibits a youth sports organization from hiring a person to be a coach if the person has been convicted of certain crimes. The bill adds crimes of violence and other violent crimes to the list of disqualifying offenses.

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

2 **SECTION 1.** In Colorado Revised Statutes, 26.5-4-401, **add**
3 (1.5), (2.3), and (2.5) as follows:

4 **26.5-4-401. Definitions.**

5 As used in this part 4, unless the context otherwise requires:

6 (1.5) "CHAPERONE" MEANS A PERSON WHO ACCOMPANIES A YOUTH
7 SPORTS ORGANIZATION IN AN OFFICIAL CAPACITY ON A TRIP THAT
8 INCLUDES ONE OR MORE OVERNIGHT STAYS.

9 (2.3) "EMPLOYMENT" MEANS A JOB OR POSITION IN WHICH A
10 PERSON MAY BE ENGAGED IN THE SERVICE OF A COACH OF A YOUTH
11 ATHLETIC ACTIVITY BY A YOUTH SPORTS ORGANIZATION FOR A SALARY OR
12 HOURLY WAGES, WHETHER FULL-TIME OR PART-TIME, AND WHETHER
13 TEMPORARY OR PERMANENT.

14 (2.5) "YOUTH ATHLETIC ACTIVITY" MEANS AN ORGANIZED
15 ATHLETIC ACTIVITY IN WHICH THE MAJORITY OF THE PARTICIPANTS ARE
16 UNDER EIGHTEEN YEARS OF AGE AND ARE ENGAGING IN AN ORGANIZED
17 ATHLETIC GAME, COMPETITION, OR TRAINING PROGRAM. "YOUTH
18 ATHLETIC ACTIVITY" DOES NOT INCLUDE AN ATHLETIC ACTIVITY THAT IS
19 INCIDENTAL TO A NONATHLETIC PROGRAM OR A LESSON.

1 **SECTION 2.** In Colorado Revised Statutes, **add** 26.5-4-401.5 as
2 follows:

3 **26.5-4-401.5. Organized youth athletic activities - CPR and**
4 **first aid requirements.**

5 (1) (a) EACH YOUTH SPORTS ORGANIZATION SHALL ENSURE THAT
6 AT LEAST ONE ADULT WHO POSSESSES A CURRENT FIRST AID, CPR, AND
7 AED CERTIFICATION IS PRESENT AT EACH YOUTH ATHLETIC ACTIVITY.

8 (b) A YOUTH ATHLETIC ACTIVITY THAT IS CONDUCTED ENTIRELY
9 BY VOLUNTEERS FOR TRAINING PURPOSES ONLY IS EXEMPT FROM THIS
10 SECTION, BUT THE VOLUNTEERS ARE STRONGLY ENCOURAGED TO POSSESS
11 A CURRENT FIRST AID, CPR, AND AED CERTIFICATION.

12 (2) (a) THE FIRST AID, CPR, AND AED EDUCATION COURSES
13 REQUIRED BY SUBSECTION (1) OF THIS SECTION MUST INCLUDE:

14 (I) IDENTIFYING SIGNS OF AND TREATING:

15 (A) HEAT- AND COLD-RELATED CONDITIONS;

16 (B) EXTERNAL BLEEDING;

17 (C) MUSCULAR AND SKELETAL INJURIES; AND

18 (D) HEAD, NECK, AND SPINAL INJURIES; AND

19 (II) CPR AND AED TRAINING.

20 (b) EACH YOUTH SPORTS ORGANIZATION MAY DESIGNATE SPECIFIC
21 EDUCATION COURSES AS SUFFICIENT TO MEET THE REQUIREMENTS OF
22 SUBSECTION (1) OF THIS SECTION.

23 (3) NOTHING IN THIS SECTION ABROGATES OR LIMITS THE
24 PROTECTIONS APPLICABLE TO PUBLIC ENTITIES AND PUBLIC EMPLOYEES
25 PURSUANT TO THE "COLORADO GOVERNMENTAL IMMUNITY ACT",
26 ARTICLE 10 OF TITLE 24; VOLUNTEERS AND BOARD MEMBERS PURSUANT
27 TO SECTIONS 13-21-115.7 AND 13-21-116; OR SKI AREA OPERATORS

1 PURSUANT TO SECTIONS 33-44-112 AND 33-44-113.

2 **SECTION 3.** In Colorado Revised Statutes, 26.5-4-403, **amend**
3 (1); and **add** (1.5) as follows:

4 **26.5-4-403. Background checks required.**

5 (1) (a) (I) A youth sports organization operating in the state of
6 Colorado shall require all coaches AND CHAPERONES WHO WORK
7 DIRECTLY, OR WILL WORK DIRECTLY, WITH YOUTH, to obtain, prior to
8 ~~starting work~~ EMPLOYMENT OR TAKING AN OVERNIGHT TRIP, AND EVERY
9 THREE YEARS THEREAFTER FOR THE DURATION OF EMPLOYMENT OR
10 CHAPERONE INVOLVEMENT, A CRIMINAL HISTORY RECORD CHECK, a
11 SEVEN-YEAR criminal history record check THAT INCLUDES ALIASES OF
12 THE COACH OR CHAPERONE by a private entity regulated as a consumer
13 reporting agency pursuant to 15 U.S.C. sec. 1681, et seq., and that
14 discloses, at a minimum, sexual offenses and felony convictions and
15 includes a social security number trace and a search of the Colorado
16 judicial public records access system. FOR A COACH OR CHAPERONE WHO
17 WAS HIRED OR APPROVED AS A COACH OR CHAPERONE PRIOR TO THE
18 EFFECTIVE DATE OF THIS SECTION, THE YOUTH SPORTS ORGANIZATION
19 SHALL REQUIRE THE COACH OR CHAPERONE TO OBTAIN A CRIMINAL
20 HISTORY RECORD CHECK THAT CONFORMS TO THIS SECTION WITHIN SIX
21 MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION.

22 (II) IF A COACH OR CHAPERONE HAS LIVED OUTSIDE OF THE UNITED
23 STATES FOR MORE THAN ONE HUNDRED EIGHTY DAYS IN THE PAST TEN
24 YEARS OR FOR MORE THAN ONE HUNDRED EIGHTY DAYS AFTER THE
25 COACH'S OR CHAPERONE'S LAST CRIMINAL HISTORY RECORD CHECK, THE
26 COACH OR CHAPERONE SHALL ALSO OBTAIN AN INTERNATIONAL CRIMINAL
27 HISTORY RECORD CHECK THAT INCLUDES ALIASES OF THE COACH OR

1 CHAPERONE, AND THAT, AT A MINIMUM, DISCLOSES SEXUAL OFFENSES AND
2 FELONY CONVICTIONS; EXCEPT THAT, IF THE COACH OR CHAPERONE IS IN
3 THE COUNTRY ON AN INTERNATIONAL WORK VISA, THEN THE COACH OR
4 CHAPERONE IS EXEMPT FROM THIS SUBSECTION (1)(a)(II).

5 (III) The criminal history record check must ascertain, to the
6 GREATEST extent possible, whether the person being investigated has been
7 convicted of felony child abuse as specified in section 18-6-401; a felony
8 offense involving unlawful sexual behavior, as defined in section
9 16-22-102 (9); A CRIME OF VIOLENCE AS DESCRIBED IN SECTION
10 18-1.3-406; A CRIME LISTED IN SECTION 18-1.3-406 (2)(a)(II); or a
11 comparable offense committed in any other state.

12 (b) A youth sports organization shall not hire a coach OR APPROVE
13 A PERSON AS A CHAPERONE if a criminal history record check of the
14 person performed pursuant to subsection (1)(a) of this section shows that
15 the person has been convicted of, pled nolo contendere to, or has received
16 a deferred sentence or deferred prosecution for felony child abuse, as
17 specified in section 18-6-401; a felony offense involving unlawful sexual
18 behavior, as defined in section 16-22-102 (9); A CRIME OF VIOLENCE AS
19 DESCRIBED IN SECTION 18-1.3-406; A CRIME LISTED IN SECTION 18-1.3-406
20 (2)(a)(II); or any comparable offense committed in any other state.

21 (1.5) (a) A PERSON, INCLUDING AN EMPLOYEE OR VOLUNTEER WHO
22 TAKES PART IN THE ACTIVITIES OF A YOUTH SPORTS ORGANIZATION BUT
23 WHO IS NOT REQUIRED TO OBTAIN A CRIMINAL HISTORY RECORD CHECK
24 PURSUANT TO THIS SECTION, OR IS UNABLE TO OBTAIN A CRIMINAL
25 HISTORY RECORD CHECK, MUST AT ALL TIMES BE SUPERVISED BY A PERSON
26 WHO HAS BEEN HIRED OR APPROVED AFTER OBTAINING A CRIMINAL
27 HISTORY RECORD CHECK PURSUANT TO SUBSECTION (1) OF THIS SECTION.

1 (b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION, A YOUTH
2 SPORTS ORGANIZATION IS NOT REQUIRED TO PERFORM A CRIMINAL
3 HISTORY RECORD CHECK ON A VOLUNTEER WHO IS NOT ACTING IN THE
4 CAPACITY OF A COACH OR MANAGER AND ONLY OCCASIONALLY ASSISTS
5 IN A PASSING, GENERAL, OR NOMINAL MANNER. A VOLUNTEER DESCRIBED
6 BY THIS SUBSECTION (1.5)(b) MUST BE SUPERVISED AT ALL TIMES BY A
7 PERSON WHO HAS BEEN HIRED OR APPROVED AFTER OBTAINING A
8 CRIMINAL HISTORY RECORD CHECK PURSUANT TO SUBSECTION (1) OF THIS
9 SECTION.

10 **SECTION 4.** In Colorado Revised Statutes, **add** 13-80-103.4 as
11 follows:

12 **13-80-103.4. Limitation of actions - failure to perform a**
13 **background check by a youth sports organization - injury to a child**
14 **- definitions.**

15 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
16 REQUIRES:

17 (a) "CHILD" MEANS A PERSON WHO IS UNDER EIGHTEEN YEARS OF
18 AGE.

19 (b) "LOCAL GOVERNMENT" HAS THE SAME MEANING AS SET FORTH
20 IN SECTION 29-1-102.

21 (c) "SEXUAL OFFENSE AGAINST A CHILD" INCLUDES ALL OFFENSES
22 LISTED IN SECTION 18-3-411 (1).

23 (d) "YOUTH SPORTS ORGANIZATION" HAS THE SAME MEANING AS
24 SET FORTH IN SECTION 26.5-4-401.

25 (e) "YOUTH SPORTS REQUIRED BACKGROUND CHECK" MEANS A
26 BACKGROUND CHECK THAT COMPLIES WITH SECTION 26.5-4-403,
27 29-7.1-102, OR 29-7.1-103.

1 (2) IN BRINGING A CIVIL ACTION FOR FAILURE TO PERFORM A
2 YOUTH SPORTS REQUIRED BACKGROUND CHECK PURSUANT TO THIS
3 SECTION, A PLAINTIFF SHALL MAKE A PRIMA FACIE SHOWING OF THE
4 FOLLOWING FACTS AND CIRCUMSTANCES:

5 (a) (I) THE YOUTH SPORTS ORGANIZATION OR LOCAL
6 GOVERNMENT, IN HIRING AN INDIVIDUAL TO WORK WITH CHILDREN OR IN
7 A SETTING WITH CHILDREN, DID NOT PERFORM A YOUTH SPORTS REQUIRED
8 BACKGROUND CHECK ON THE INDIVIDUAL, AND THE FAILURE TO CONDUCT
9 THE REQUIRED BACKGROUND CHECK WAS THE RESULT OF THE YOUTH
10 SPORTS ORGANIZATION'S OR LOCAL GOVERNMENT'S DELIBERATE
11 INDIFFERENCE OR RECKLESS DISREGARD OF ITS OBLIGATION TO CONDUCT
12 THE BACKGROUND CHECK AS PROVIDED BY LAW. ORDINARY NEGLIGENCE
13 OR UNINTENTIONAL OVERSIGHT IS NOT SUFFICIENT TO BRING AN ACTION.

14 (II) THE YOUTH SPORTS ORGANIZATION OR LOCAL GOVERNMENT,
15 IN HIRING AN INDIVIDUAL TO WORK WITH CHILDREN OR IN A SETTING WITH
16 CHILDREN, PERFORMED A YOUTH SPORTS REQUIRED BACKGROUND CHECK
17 OF THE INDIVIDUAL AND THE REQUIRED BACKGROUND CHECK SHOWED
18 THAT THE INDIVIDUAL WAS INELIGIBLE TO BE HIRED OR APPROVED
19 PURSUANT TO SECTION 26.5-4-403 (1)(b), 29-7.1-102, OR 29-7.1-103; OR

20 (III) THE INDIVIDUAL WAS NOT REQUIRED TO OBTAIN A CRIMINAL
21 HISTORY RECORD CHECK OR WAS UNABLE TO OBTAIN A CRIMINAL HISTORY
22 RECORD CHECK AND THE YOUTH SPORTS ORGANIZATION OR LOCAL
23 GOVERNMENT FAILED TO HAVE THE INDIVIDUAL SUPERVISED BY AN
24 EMPLOYEE OR VOLUNTEER WHO WAS HIRED OR APPROVED AFTER
25 OBTAINING A CRIMINAL HISTORY RECORD CHECK;

26 (b) THE INDIVIDUAL, AT THE TIME OF HIRING, WAS NOT ELIGIBLE
27 TO BE HIRED PURSUANT TO SECTION 26.5-4-403 (1)(b), 29-7.1-102, OR

1 29-7.1-103; AND

2 (c) THE INDIVIDUAL COMMITTED ONE OF THE FOLLOWING
3 OFFENSES AGAINST A CHILD WITH WHOM THE INDIVIDUAL CAME IN
4 CONTACT IN THE COURSE OF THE INDIVIDUAL'S EMPLOYMENT WITH THE
5 YOUTH SPORTS ORGANIZATION OR LOCAL GOVERNMENT:

6 (I) SEXUAL ASSAULT AS DESCRIBED IN SECTION 18-3-402;

7 (II) SEXUAL OFFENSE AGAINST A CHILD;

8 (III) CHILD ABUSE AS DESCRIBED IN SECTION 18-6-401;

9 (IV) A CRIME OF VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406;

10 OR

11 (V) A CRIME LISTED IN SECTION 18-1.3-406 (2)(a)(II).

12 **SECTION 5.** In Colorado Revised Statutes, **amend** 29-7.1-101
13 as follows:

14 **29-7.1-101. Definitions.**

15 As used in this article 7.1, unless the context otherwise requires:

16 (1) ~~"Coach" means a person employed or volunteering as a coach,~~
17 ~~manager, or supervisor of a youth athletic activity but does not include~~
18 ~~occasional assistance with or support of the youth athletic activity by a~~
19 ~~person, including the action of other volunteers or employees of the local~~
20 ~~government in a passing, general, or nominal manner. "CHAPERONE"~~
21 MEANS A PERSON WHO ACCOMPANIES A YOUTH ATHLETIC ACTIVITY IN AN
22 OFFICIAL CAPACITY ON A TRIP THAT INCLUDES ONE OR MORE OVERNIGHT
23 STAYS.

24 (2) "COACH" MEANS A PERSON EMPLOYED OR VOLUNTEERING AS
25 A COACH, MANAGER, OR SUPERVISOR OF A YOUTH ATHLETIC ACTIVITY BUT
26 DOES NOT INCLUDE OCCASIONAL ASSISTANCE WITH OR SUPPORT OF THE
27 YOUTH ATHLETIC ACTIVITY BY A PERSON, INCLUDING THE ACTION OF

1 OTHER VOLUNTEERS OR EMPLOYEES OF THE LOCAL GOVERNMENT IN A
2 PASSING, GENERAL, OR NOMINAL MANNER.

3 (3) "EMPLOYMENT" MEANS A JOB OR POSITION IN WHICH A PERSON
4 MAY BE ENGAGED IN THE SERVICE OF A COACH OF A YOUTH ATHLETIC
5 ACTIVITY BY A LOCAL GOVERNMENT FOR SALARY OR HOURLY WAGES,
6 WHETHER FULL TIME OR PART TIME, AND WHETHER TEMPORARY OR
7 PERMANENT.

8 ~~(2)~~ (4) "Local government" has the same meaning as set forth in
9 section 29-1-102.

10 ~~(3)~~ (5) "Youth athletic activity" means an organized athletic
11 activity in which the majority of the participants are less than eighteen
12 years of age and are engaging in an organized athletic game, competition,
13 or training program. "Youth athletic activity" does not include travel or
14 trips not organized or supervised by the local government OR AN
15 ATHLETIC ACTIVITY THAT IS INCIDENTAL TO A NONATHLETIC PROGRAM OR
16 A LESSON.

17 **SECTION 6.** In Colorado Revised Statutes, **amend** 29-7.1-103
18 as follows:

19 **29-7.1-103. Criminal history record check for paid coaches.**

20 (1) (a) (I) Prior to the employment of ~~any~~ A person as a coach of
21 OR APPROVAL AS A CHAPERONE OF a youth athletic activity by a local
22 government, the local government shall require a SEVEN-YEAR criminal
23 history record check of the person by a private entity regulated as a
24 consumer reporting agency pursuant to 15 U.S.C. sec. 1681, et seq., that
25 discloses, at a minimum, sexual offenses and felony convictions and
26 includes a social security number trace and a search of the Colorado
27 judicial public records access system.

1 (II) IF A COACH OR CHAPERONE HAS LIVED OUTSIDE OF THE UNITED
2 STATES FOR MORE THAN ONE HUNDRED EIGHTY DAYS IN THE PAST TEN
3 YEARS OR FOR MORE THAN ONE HUNDRED EIGHTY DAYS AFTER THE
4 COACH'S OR CHAPERONE'S LAST CRIMINAL HISTORY RECORD CHECK WAS
5 CONDUCTED, THE COACH OR CHAPERONE SHALL ALSO OBTAIN AN
6 INTERNATIONAL CRIMINAL HISTORY RECORD CHECK, WHICH INCLUDES
7 ALIASES OF THE COACH OR CHAPERONE, THAT, AT A MINIMUM, DISCLOSES
8 SEXUAL OFFENSES AND FELONY CONVICTIONS; EXCEPT THAT, IF THE
9 COACH OR CHAPERONE IS IN THE COUNTRY ON AN INTERNATIONAL WORK
10 VISA, THEN THE COACH OR CHAPERONE IS EXEMPT FROM THIS SUBSECTION
11 (1)(a)(II).

12 (a.5) EACH JULY 1, THE LOCAL GOVERNMENT SHALL REQUIRE A
13 CRIMINAL HISTORY RECORD CHECK IN CONFORMITY WITH THE PROVISIONS
14 OF THIS SECTION OF EACH PERSON EMPLOYED AS A COACH OR APPROVED
15 AS A CHAPERONE OF A YOUTH ATHLETIC ACTIVITY WHO HAS NOT HAD A
16 CRIMINAL HISTORY RECORD CHECK IN THE LAST THREE YEARS.

17 (b) The criminal history record check must ascertain whether the
18 person being investigated has been convicted of, pled nolo contendere to,
19 or has received a deferred sentence or deferred prosecution for felony
20 child abuse as specified in section 18-6-401; a felony offense involving
21 unlawful sexual behavior, as defined in section 16-22-102 (9); A CRIME
22 OF VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406; A CRIME LISTED IN
23 SECTION 18-1.3-406 (2)(a)(II); or a comparable offense committed in any
24 other state.

25 (2) A person who has been convicted of, pled nolo contendere to,
26 or received a deferred sentence or deferred prosecution for felony child
27 abuse as specified in section 18-6-401; a felony offense involving

1 unlawful sexual behavior, as defined in section 16-22-102; A CRIME OF
2 VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406; A CRIME LISTED IN
3 SECTION 18-1.3-406 (2)(a)(II); A COMPARABLE CHILD ABUSE OR
4 UNLAWFUL SEXUAL BEHAVIOR OFFENSE COMMITTED IN ANY OTHER STATE;
5 or ~~a~~ AN offense committed in any other state is disqualified from
6 employment as a coach of a youth athletic activity.

7 (3) A LOCAL GOVERNMENT SHALL REQUIRE THAT A PERSON,
8 INCLUDING A COACH WHO TAKES PART IN THE ACTIVITIES OF A YOUTH
9 SPORTS ACTIVITY BUT WHO IS NOT REQUIRED TO OBTAIN A CRIMINAL
10 HISTORY RECORD CHECK PURSUANT TO THIS SECTION OR IS UNABLE TO
11 OBTAIN A CRIMINAL HISTORY RECORD CHECK, BE SUPERVISED AT ALL
12 TIMES BY A COACH WHO HAS BEEN HIRED OR APPROVED AFTER OBTAINING
13 A CRIMINAL HISTORY RECORD CHECK PURSUANT TO SUBSECTION (1) OF
14 THIS SECTION.

15 (4) A PERSON WHO ACTS AS AN EMPLOYED COACH OF A YOUTH
16 ATHLETIC ACTIVITY SHALL POSSESS A CURRENT FIRST AID, CPR, AND AED
17 CERTIFICATION AS DESCRIBED IN SECTION 26.5-4-402 (2).

18 **SECTION 7.** In Colorado Revised Statutes, **add** 29-7.1-103.5 as
19 follows:

20 **29-7.1-103.5. Criminal history record check for volunteer**
21 **coaches - CPR and first aid training.**

22 (1) (a) (I) PRIOR TO THE START OF A PERSON AS A VOLUNTEER
23 COACH OF A YOUTH ATHLETIC ACTIVITY BY A LOCAL GOVERNMENT, THE
24 LOCAL GOVERNMENT SHALL REQUIRE A SEVEN-YEAR CRIMINAL HISTORY
25 RECORD CHECK OF THE PERSON BY A PRIVATE ENTITY REGULATED AS A
26 CONSUMER REPORTING AGENCY PURSUANT TO 15 U.S.C. SEC. 1681, ET
27 SEQ., THAT DISCLOSES, AT A MINIMUM, SEXUAL OFFENSES AND FELONY

1 CONVICTIONS AND INCLUDES A SOCIAL SECURITY NUMBER TRACE AND A
2 SEARCH OF THE COLORADO JUDICIAL PUBLIC RECORDS ACCESS SYSTEM.

3 (II) IF A VOLUNTEER COACH HAS LIVED OUTSIDE OF THE UNITED
4 STATES FOR MORE THAN ONE HUNDRED EIGHTY DAYS IN THE PAST TEN
5 YEARS OR FOR MORE THAN ONE HUNDRED EIGHTY DAYS AFTER THE
6 VOLUNTEER COACH'S LAST CRIMINAL HISTORY RECORD CHECK WAS
7 CONDUCTED, THE VOLUNTEER COACH SHALL ALSO OBTAIN AN
8 INTERNATIONAL CRIMINAL HISTORY RECORD CHECK, INCLUDING ALIASES
9 OF THE VOLUNTEER COACH, THAT, AT A MINIMUM, DISCLOSES SEXUAL
10 OFFENSES AND FELONY CONVICTIONS; EXCEPT THAT, IF THE VOLUNTEER
11 COACH IS IN THE COUNTRY ON AN INTERNATIONAL WORK VISA, THEN THE
12 VOLUNTEER COACH IS EXEMPT FROM THIS SUBSECTION (1)(a)(II).

13 (b) THE CRIMINAL HISTORY RECORD CHECK MUST ASCERTAIN
14 WHETHER THE PERSON BEING INVESTIGATED HAS BEEN CONVICTED OF
15 FELONY CHILD ABUSE AS SPECIFIED IN SECTION 18-6-401, A FELONY
16 OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN
17 SECTION 16-22-102 (9), A CRIME OF VIOLENCE AS DESCRIBED IN SECTION
18 18-1.3-406, A CRIME LISTED IN SECTION 18-1.3-406 (2)(a)(II), OR A
19 COMPARABLE OFFENSE COMMITTED IN ANY OTHER STATE.

20 (2) A LOCAL GOVERNMENT SHALL NOT APPROVE A PERSON
21 CONVICTED OF FELONY CHILD ABUSE AS SPECIFIED IN SECTION 18-6-401,
22 A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR AS DEFINED
23 IN SECTION 16-22-102, A CRIME OF VIOLENCE AS DESCRIBED IN SECTION
24 18-1.3-406, A CRIME LISTED IN SECTION 18-1.3-406 (2)(a)(II), OR A
25 COMPARABLE OFFENSE COMMITTED IN ANY OTHER STATE AS AN
26 UNSUPERVISED VOLUNTEER COACH OF A YOUTH ATHLETIC ACTIVITY.

27 (3)(a) A PERSON, INCLUDING A COACH OR VOLUNTEER WHO TAKES

1 PART IN THE ACTIVITIES OF A YOUTH SPORTS ORGANIZATION BUT WHO IS
2 NOT REQUIRED TO OBTAIN A CRIMINAL HISTORY RECORD CHECK PURSUANT
3 TO THIS SECTION OR IS UNABLE TO OBTAIN A CRIMINAL HISTORY RECORD
4 CHECK, MUST AT ALL TIMES BE SUPERVISED BY A COACH OR VOLUNTEER
5 WHO HAS BEEN HIRED OR APPROVED AFTER OBTAINING A CRIMINAL
6 HISTORY RECORD CHECK PURSUANT TO SUBSECTION (1) OF THIS SECTION.

7 (b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION, A LOCAL
8 GOVERNMENT IS NOT REQUIRED TO PERFORM A CRIMINAL HISTORY RECORD
9 CHECK ON A VOLUNTEER WHO IS NOT ACTING IN THE CAPACITY OF A
10 COACH AND ONLY OCCASIONALLY ASSISTS IN A PASSING, GENERAL, OR
11 NOMINAL MANNER. A VOLUNTEER DESCRIBED BY THIS SUBSECTION (3)(b)
12 SHALL BE SUPERVISED AT ALL TIMES BY A COACH OR VOLUNTEER WHO HAS
13 BEEN HIRED OR APPROVED AFTER OBTAINING A CRIMINAL HISTORY RECORD
14 CHECK PURSUANT TO SUBSECTION (1) OF THIS SECTION.

15 (4) A PERSON WHO ACTS AS A VOLUNTEER COACH OF A YOUTH
16 ATHLETIC ACTIVITY SHALL POSSESS A CURRENT FIRST AID, CPR, AND AED
17 CERTIFICATION AS DESCRIBED IN SECTION 26.5-4-402 (2).

18 **SECTION 8.** In Colorado Revised Statutes, 29-7.1-104, **amend**
19 (2), (3), and (4) as follows:

20 **29-7.1-104. Criminal history record checks - fees - reliance -**
21 **not an open record.**

22 (2) This article 7.1 does not require a second or subsequent
23 criminal history record check for a coach OR VOLUNTEER COACH who has
24 had a criminal history record check prior to August 7, 2024.

25 (3) A local government may rely on the results of the criminal
26 history record check when making hiring and employment decisions AND
27 WHEN MAKING THE DECISION TO ALLOW A PERSON TO ACT AS A

1 CHAPERONE OR VOLUNTEER COACH and is immune from civil liability
2 unless the local government knows the information is false or acts with
3 reckless disregard concerning the veracity of such information.

4 (4) Any information received by a local government on the
5 criminal history record check for a coach, CHAPERONE, OR VOLUNTEER
6 COACH as required by this article 7.1 is not subject to the provisions of
7 part 2 of article 72 of title 24.

8 **SECTION 9. Act subject to petition - effective date.** This act
9 takes effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly (August
11 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
12 referendum petition is filed pursuant to section 1 (3) of article V of the
13 state constitution against this act or an item, section, or part of this act
14 within such period, then the act, item, section, or part will not take effect
15 unless approved by the people at the general election to be held in
16 November 2026 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.