

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

February 21, 2024

Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

SB24-113 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

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

1 EDUCATION COURSES THAT MEET THE REQUIREMENTS OF SUBSECTION
2 (1)(a) OF THIS SECTION.

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

6 (d) EACH YOUTH SPORTS ORGANIZATION SHALL MAINTAIN
7 RECORDS OF THE COMPLETION EVIDENCE SUBMITTED PURSUANT TO
8 SUBSECTION (1)(c) OF THIS SECTION.

9 (2) (a) (I) EACH YOUTH SPORTS ORGANIZATION SHALL DEVELOP A
10 PROHIBITED CONDUCT POLICY RELATING TO YOUTH ATHLETIC ACTIVITIES.
11 (II) THE PROHIBITED CONDUCT POLICY MUST INCLUDE:
12 (A) A LIST OF PROHIBITED CONDUCT BY PARENTS, SPECTATORS,
13 COACHES, AND ATHLETES AND A MANDATORY REPORTING POLICY FOR
14 ADULTS WHO HAVE KNOWLEDGE OF AN ACT OF PROHIBITED CONDUCT;
15 (B) A CODE OF CONDUCT FOR PARENTS, SPECTATORS, COACHES,
16 AND ATHLETES TO FOLLOW;
17 (C) A SYSTEM FOR REPORTING VIOLATIONS OF THE PROHIBITED
18 CONDUCT POLICY OR CODE OF CONDUCT TO THE YOUTH SPORTS
19 ORGANIZATION;
20 (D) A PROCESS FOR INVESTIGATIONS, DUE PROCESS
21 REQUIREMENTS, AND SANCTIONS FOR VIOLATIONS OF THE PROHIBITED
22 CONDUCT POLICY OR CODE OF CONDUCT; AND
23 (E) A PROCESS FOR ONLINE PUBLICATION OF THE STATEWIDE LIST
24 OF FOUND VIOLATIONS DEVELOPED PURSUANT TO SUBSECTION (2)(d) OF
25 THIS SECTION.

26 (b) EACH YOUTH SPORTS ORGANIZATION SHALL REQUIRE EACH OF
27 ITS COACHES TO COMPLY WITH THE PROHIBITED CONDUCT POLICY
28 DEVELOPED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION.

29 (c) (I) EACH YOUTH SPORTS ORGANIZATION SHALL CREATE AN
30 ONLINE REPORTING PORTAL FOR VIOLATIONS BY A COACH OF THE
31 PROHIBITED CONDUCT POLICY DEVELOPED PURSUANT TO SUBSECTION
32 (2)(a) OF THIS SECTION. UPON RECEIPT OF A REPORTED VIOLATION, THE
33 YOUTH SPORTS ORGANIZATION SHALL INVESTIGATE THE REPORT.

34 (II) IF, AFTER INVESTIGATION, THE YOUTH SPORTS ORGANIZATION
35 DETERMINES THERE WAS A VIOLATION OF THE PROHIBITED CONDUCT
36 POLICY, THE YOUTH SPORTS ORGANIZATION SHALL BAN THE COACH FROM
37 THE ORGANIZATION AND REPORT THE VIOLATION TO THE ATTORNEY
38 GENERAL'S OFFICE.

39 (III) UPON RECEIPT OF A NOTICE OF A FOUND VIOLATION PURSUANT
40 TO SUBSECTION (2)(c)(II) OF THIS SECTION, THE ATTORNEY GENERAL
41 SHALL REVIEW THE DETERMINATION AND RECORD, AND, IF THE ATTORNEY
42 GENERAL DETERMINES THAT THE VIOLATOR RECEIVED ADEQUATE DUE
43 PROCESS DURING THE INVESTIGATION AND DETERMINATION, THE

1 ATTORNEY GENERAL SHALL INCLUDE THE FOUND VIOLATION ON THE
2 STATEWIDE LIST OF FOUND VIOLATIONS PURSUANT TO SUBSECTION (2)(d)
3 OF THIS SECTION.

4 (d) THE ATTORNEY GENERAL SHALL POST IN A CONSPICUOUS PLACE
5 ON THE ATTORNEY GENERAL'S OFFICE'S WEBSITE A LINK TO A STATEWIDE
6 LIST OF FOUND VIOLATIONS VERIFIED BY THE ATTORNEY GENERAL'S OFFICE
7 PURSUANT TO SUBSECTION (2)(c)(III) OF THIS SECTION. THE LIST MUST BE
8 SEARCHABLE BY NAME OF VIOLATOR, DATE OF VIOLATION, AND YOUTH
9 SPORTS ORGANIZATION.

10 (3) AS USED IN THIS ARTICLE 8, UNLESS THE CONTEXT OTHERWISE
11 REQUIRES:

12 (a) "ABUSE" MEANS PHYSICAL OR MENTAL INJURY, SEXUAL ABUSE
13 OR EXPLOITATION, OR NEGLIGENT TREATMENT OF A CHILD.

14 (b) (I) "YOUTH SPORTS ORGANIZATION" MEANS A PRIVATE
15 FOR-PROFIT OR NOT-FOR-PROFIT ORGANIZATION THAT, AS PART OF ITS
16 CORE FUNCTION, PROVIDES PERSONS WHO ARE EIGHTEEN YEARS OF AGE OR
17 YOUNGER THE OPPORTUNITY TO PARTICIPATE IN SCHEDULED COMPETITIVE
18 OR RECREATIONAL SPORTING EVENTS, WHETHER INDIVIDUALLY OR AS A
19 TEAM.

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

21 (A) A NEIGHBORHOOD YOUTH ORGANIZATION AS DEFINED IN
22 SECTION 26.5-5-303;

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

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

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

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

31 **26.5-5-304.5. Application of part - youth sports organizations**
32 **- background checks required - definitions.** (1) NOTWITHSTANDING
33 ANY PROVISION OF THIS PART 3 TO THE CONTRARY, A YOUTH SPORTS
34 ORGANIZATION THAT IS NOT LICENSED PURSUANT TO THIS PART 3 ON THE
35 EFFECTIVE DATE OF THIS SECTION IS SUBJECT ONLY TO THE REQUIREMENTS
36 OF THIS SECTION AND IS OTHERWISE EXEMPT FROM THE REQUIREMENTS OF
37 THIS PART 3.

38 (2) (a) A YOUTH SPORTS ORGANIZATION OPERATING IN THE STATE
39 OF COLORADO SHALL REQUIRE ALL EMPLOYEES AND VOLUNTEERS WHO
40 WORK DIRECTLY, OR WILL WORK DIRECTLY, WITH YOUTH MEMBERS, AND
41 ANY EMPLOYEE OR VOLUNTEER WHO ACCOMPANIES THE YOUTH SPORTS
42 ORGANIZATION ON ANY TRIP THAT INCLUDES ONE OR MORE OVERNIGHT
43 STAYS, TO OBTAIN, PRIOR TO STARTING THE WORK OR TAKING THE TRIP,

1 AND EVERY THREE YEARS THEREAFTER, A CRIMINAL HISTORY RECORD
2 CHECK BY A PRIVATE ENTITY REGULATED AS A CONSUMER REPORTING
3 AGENCY PURSUANT TO 15 U.S.C. SEC. 1681, ET SEQ., THAT DISCLOSES, AT
4 A MINIMUM, SEXUAL OFFENDERS AND FELONY CONVICTIONS AND
5 INCLUDES A SOCIAL SECURITY NUMBER TRACE AND A SEARCH OF THE
6 COLORADO JUDICIAL PUBLIC RECORDS ACCESS SYSTEM. THE CRIMINAL
7 HISTORY RECORD CHECK MUST ASCERTAIN WHETHER THE PERSON BEING
8 INVESTIGATED HAS BEEN CONVICTED OF FELONY CHILD ABUSE AS
9 SPECIFIED IN SECTION 18-6-401, A FELONY OFFENSE INVOLVING UNLAWFUL
10 SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), OR A
11 COMPARABLE OFFENSE COMMITTED IN ANY OTHER STATE.

12 (b) A YOUTH SPORTS ORGANIZATION SHALL NOT HIRE A PERSON AS
13 AN EMPLOYEE OR APPROVE A PERSON AS A VOLUNTEER IF A CRIMINAL
14 HISTORY RECORD CHECK OF THE PERSON PERFORMED PURSUANT TO
15 SUBSECTION (2)(a) OF THIS SECTION SHOWS THAT THE PERSON HAS BEEN
16 CONVICTED OF FELONY CHILD ABUSE AS SPECIFIED IN SECTION 18-6-401,
17 A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR AS DEFINED
18 IN SECTION 16-22-102 (9), OR A COMPARABLE OFFENSE COMMITTED IN ANY
19 OTHER STATE.

20 (3) (a) A PERSON, INCLUDING AN EMPLOYEE OR VOLUNTEER, WHO
21 TAKES PART IN THE ACTIVITIES OF A YOUTH SPORTS ORGANIZATION BUT
22 WHO IS NOT REQUIRED TO OBTAIN A CRIMINAL HISTORY RECORD CHECK
23 PURSUANT TO SUBSECTION (2) OF THIS SECTION MUST, AT ALL TIMES, BE
24 SUPERVISED BY AN EMPLOYEE OR VOLUNTEER WHO HAS BEEN HIRED OR
25 APPROVED AFTER OBTAINING A CRIMINAL HISTORY RECORD CHECK
26 PURSUANT TO SUBSECTION (2) OF THIS SECTION.

27 (b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION, A YOUTH
28 SPORTS ORGANIZATION IS NOT REQUIRED TO PERFORM A CRIMINAL
29 HISTORY RECORD CHECK ON A VOLUNTEER WHO IS NOT ACTING IN THE
30 CAPACITY OF A COACH OR MANAGER, ONLY OCCASIONALLY ASSISTS WITH
31 THE TEAM, AND WHO HAS AN IMMEDIATE FAMILY MEMBER PARTICIPATING
32 IN THE YOUTH SPORTS ORGANIZATION. A VOLUNTEER DESCRIBED BY THIS
33 SUBSECTION (3)(b) MUST BE SUPERVISED AT ALL TIMES BY AN EMPLOYEE
34 OR VOLUNTEER WHO HAS BEEN HIRED OR APPROVED AFTER OBTAINING A
35 CRIMINAL HISTORY RECORD CHECK PURSUANT TO SUBSECTION (2) OF THIS
36 SECTION.

37 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
38 REQUIRES:

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

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

43 (c) (I) "YOUTH SPORTS ORGANIZATION" MEANS A PRIVATE

1 FOR-PROFIT OR NOT-FOR-PROFIT ORGANIZATION THAT, AS PART OF ITS
2 CORE FUNCTION, PROVIDES PERSONS WHO ARE EIGHTEEN YEARS OF AGE OR
3 YOUNGER THE OPPORTUNITY TO PARTICIPATE IN SCHEDULED COMPETITIVE
4 OR RECREATIONAL SPORTING EVENTS, WHETHER INDIVIDUALLY OR AS A
5 TEAM.

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

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

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

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

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

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

17 **6-1-735. Organized youth athletic activities - unfair trade**
18 **practice.** A YOUTH SPORTS ORGANIZATION AS DEFINED IN SECTION
19 19-8-101 (3) ENGAGES IN AN UNFAIR TRADE PRACTICE WHEN THE YOUTH
20 SPORTS ORGANIZATION FAILS TO COMPLY WITH SECTION 19-8-101.

21 **SECTION 4. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly; except
24 that, if a referendum petition is filed pursuant to section 1 (3) of article V
25 of the state constitution against this act or an item, section, or part of this
26 act within such period, then the act, item, section, or part will not take
27 effect unless approved by the people at the general election to be held in
28 November 2024 and, in such case, will take effect on the date of the
29 official declaration of the vote thereon by the governor."

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