A BILL FOR AN ACT

Concerning requiring youth sports organizations to inform parents whether the organizations have conducted criminal background checks of persons who work 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.)

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
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.

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

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

26-1-140. Youth sports organizations - notice of criminal background check policy required - definitions. (1) On and after September 1, 2016, a youth sports organization shall provide a parent or legal guardian of each child participating in the organization with the organization's policy relating to criminal background checks for adult employees and volunteers of the organization who work directly with children. The organization shall provide the policy not later than thirty days after the child registers in the organization. The policy must include:

(a) A statement indicating whether the youth sports organization has conducted a criminal background check of each employee and volunteer of the organization who works directly with children;

(b) A statement indicating whether the organization's criminal background check, if any, includes state and federal criminal history record information based on and verified by a seven-year address history search and whether the organization obtains subsequent arrest notification for persons
WHO ARE SUBJECTED TO A CRIMINAL BACKGROUND CHECK; AND

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

(2) A YOUTH SPORTS ORGANIZATION SHALL SUPERVISE ALL ADULT
EMPLOYEES AND VOLUNTEERS WHO WORK DIRECTLY WITH CHILDREN BUT
FOR WHOM A CRIMINAL BACKGROUND CHECK HAS NOT BEEN PERFORMED
DURING THE PRECEDING TWELVE MONTHS AT ALL TIMES DURING WHICH
THE EMPLOYEE OR VOLUNTEER HAS DIRECT CONTACT WITH CHILDREN.

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

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

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

(c) (I) "YOUTH SPORTS ORGANIZATION" OR "ORGANIZATION"
MEANS A PRIVATE, FOR-PROFIT OR NOT-FOR-PROFIT CORPORATION THAT,
AS PART OF ITS CORE FUNCTION, PROVIDES A CHILD THE OPPORTUNITY TO
PARTicipate in scheduled, competitive or recreational sporting
EVENTS, WHETHER INDIVIDUALLY OR AS A TEAM.

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

(A) A NEIGHBORHOOD YOUTH ORGANIZATION DESCRIBED IN
SECTION 26-6-103.7;
(B) A PUBLIC OR PRIVATE SCHOOL SERVING ANY OF GRADES KINDERGARTEN THROUGH TWELVE;

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

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

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

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