A BILL FOR AN ACT

CONCERNING INCREASING THE WORKFORCE BY REMOVING BARRIERS TO EMPLOYMENT OPPORTUNITIES FOR JUVENILES.

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 the general assembly to make an appropriation from the general fund to the department of human services (department). The department shall use the appropriation to fund career and technical education and vocational training programs in designated youth facilities for juveniles in the custody of the department.

The bill prevents an employer from requiring an applicant for
employment of any age to disclose information related to an arrest, detention, processing, diversion, supervision, adjudication, or court disposition that occurred while the applicant was subject to the process and jurisdiction of the juvenile court. As a factor in determining any condition of employment, an employer shall not seek from any source any record related to an arrest, detention, processing, diversion, supervision, adjudication, or court disposition that occurred while the applicant was subject to the process and jurisdiction of the juvenile court, except for records that are publicly available and that are specifically related to the tasks or functions of the job. Records that are publicly available include juvenile offenses that constitute unlawful sexual behavior or a crime of violence. The bill does not apply to the screening of applicants who have direct contact with vulnerable persons.

The bill prohibits state or local agencies from denying or taking adverse action against an applicant who has been adjudicated for a delinquent act in a juvenile proceeding, but who is otherwise qualified for a license, certification, permit, or registration.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) The COVID-19 pandemic has led to extensive job loss and long-term economic impacts statewide;

(b) Increasing job skills training immediately will provide a positive and long-lasting benefit on the state's economy at a critical time in Colorado's recovery from the COVID-19 pandemic;

(c) In addition to providing for the care and supervision of a juvenile committed by the juvenile court to the custody of the department of human services, the department of human services also provides career and technical education and vocational training programs;

(d) Custody-based education and vocational training results in greater employment opportunities, higher wages, and a lower rate of recidivism;

(e) The department of human services' career and technical
education and vocational training programs increase workforce readiness in juveniles so they may transition out of the juvenile justice system into skilled employment;

(f) Expanding job skills and workforce readiness training for juveniles reduces future expenditures on social services programs and reincarceration, and will positively impact Colorado's long-term economic stability;

(g) Juvenile adjudications can negatively impact employment opportunities, and it is an important expansion of state policy that juvenile records do not impact employment decisions; and

(h) In creating employment opportunities for youth with involvement in the juvenile justice system, this act seeks to minimize hiring discrimination based on an applicant's past involvement in the juvenile justice system. Potential employers continue to have access to nonconfidential information related to juvenile offenses that may be used in employment decisions. Under current law, juvenile adjudications for offenses that constitute registered sexual offenses or class 1, 2, 3, or 4 felonies, if committed by an adult, are nonconfidential and available to the public.

(2) Therefore, the general assembly declares that investing state dollars into career and technical education and vocational training programs for juveniles will enhance the department of human services' ability to improve outcomes for juveniles and the state and prohibiting the use of juvenile adjudication records in employment decisions will improve employment opportunities for Coloradans.

SECTION 2. In Colorado Revised Statutes, 19-2.5-1526, add (4) as follows:
19-2.5-1526. Facility rules - academic and vocational courses - repeal. (4) (a) (I) For the 2022-23 state fiscal year, the general assembly shall appropriate one million one hundred thousand dollars from the general fund to the department to expand the department’s career and technical education and vocational training programs in designated juvenile facilities as follows:

(A) Purchasing vocational program equipment and outdoor storage structures to advance the skills of juveniles in careers that juveniles can maintain once released from the custody of the department;

(B) Updating existing physical space for learning and replacing outdated vocational and technical equipment;

(C) Contracting with Colorado State University - Pueblo, as established in section 23-31.5-101, and other institutions of higher education, as appropriate, for mobile learning labs; and

(D) Updating technology and computer equipment for education programming expansion.

(II) If any unexpended or unencumbered money appropriated for the 2022-23 state fiscal year remains at the end of the fiscal year, the department may expend money for the same purposes in the next fiscal year without further appropriation.

(b) This subsection (4) is repealed, effective July 1, 2024.

SECTION 3. In Colorado Revised Statutes, amend 19-2.5-108 as follows:

19-2.5-108. Effect of proceedings - definition. (1) An adjudication or proceeding pursuant to this article 2.5 is not equivalent
TO AN ADULT CONVICTION OF A CRIMINAL OFFENSE AND must not impose any civil disability upon a juvenile or disqualify OR PREJUDICE the juvenile from holding any position under the state personnel system or submitting any governmental or military service application or receiving any governmental or military service appointment or from holding public office.

(2) (a) AN EMPLOYER, WHETHER A PUBLIC ENTITY OR PRIVATE INDIVIDUAL OR ENTITY, SHALL NOT ASK AN APPLICANT FOR EMPLOYMENT OF ANY AGE TO DISCLOSE INFORMATION RELATED TO AN ARREST, DETENTION, PROCESSING, DIVERSION, SUPERVISION, ADJUDICATION, OR COURT DISPOSITION THAT OCCURRED WHILE THE APPLICANT WAS SUBJECT TO THE PROCESS AND JURISDICTION OF THE JUVENILE COURT.

(b) AS A FACTOR IN DETERMINING ANY CONDITION OF EMPLOYMENT AND IN ACCORDANCE WITH SECTION 19-1-304 (5), AN EMPLOYER SHALL NOT SEEK FROM ANY SOURCE ANY RECORD RELATED TO AN ARREST, DETENTION, PROCESSING, DIVERSION, SUPERVISION, ADJUDICATION, OR COURT DISPOSITION THAT OCCURRED WHILE THE APPLICANT WAS SUBJECT TO THE PROCESS AND JURISDICTION OF THE JUVENILE COURT.

(c) AN EMPLOYER SHALL NOT CONSIDER ANY RECORD RELATED TO AN ARREST, DETENTION, PROCESSING, DIVERSION, SUPERVISION, ADJUDICATION, OR COURT DISPOSITION THAT OCCURRED WHILE THE APPLICANT WAS SUBJECT TO THE PROCESS AND JURISDICTION OF THE JUVENILE COURT AS A FACTOR IN DETERMINING ANY CONDITION OF EMPLOYMENT, EXCEPT FOR RECORDS THAT ARE PUBLICLY AVAILABLE PURSUANT TO SECTION 19-1-304 (5) AND ARE SPECIFICALLY RELATED TO THE TASKS OR FUNCTIONS OF THE JOB. NOTWITHSTANDING SUBSECTION
(2)(b) OF THIS SECTION, AN EMPLOYER MAY CONDUCT A CRIMINAL BACKGROUND CHECK OF THE APPLICANT FOR RECORDS THAT ARE PUBLICLY AVAILABLE PURSUANT TO SECTION 19-1-304 (5). RECORDS PUBLICLY AVAILABLE PURSUANT TO SECTION 19-1-304 (5) INCLUDE JUVENILE OFFENSES THAT CONSTITUTE UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 16-22-102 (9), OR A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406.

(d) THE PROVISIONS OF THIS SUBSECTION (2) DO NOT APPLY TO THE SCREENING OF APPLICANTS WHO HAVE DIRECT CONTACT WITH VULNERABLE PERSONS PURSUANT TO SECTION 27-90-111.

(e) AS USED IN THIS SUBSECTION (2), A "CONDITION OF EMPLOYMENT" MEANS HIRING, PROMOTION, TERMINATION, PARTICIPATING IN AN APPRENTICESHIP TRAINING PROGRAM, OR A TRAINING PROGRAM THAT LEADS TO EMPLOYMENT.

SECTION 4. In Colorado Revised Statutes, 24-5-101, amend (2)(b)(III) and (2)(b)(IV); and add (2)(b)(V) as follows:

24-5-101. Effect of criminal conviction on employment rights.
(2) (b) In evaluating an applicant, an agency shall comply with subsection (4) of this section and shall not use the determination of the following information as a basis for denial or taking adverse action against any applicant otherwise qualified:

(III) The applicant has been convicted of a criminal offense but records of the conviction have been sealed or expunged; or

(IV) A court has issued an order of collateral relief specific to the credential sought by the applicant; OR

(V) THE APPLICANT HAS BEEN ADJUDICATED FOR COMMITTING A DELINQUENT ACT IN A JUVENILE PROCEEDING.
SECTION 5. 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; 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 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.