

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0154.02 Alana Rosen x2606

HOUSE BILL 22-1383

HOUSE SPONSORSHIP

Kipp and Holtorf,

SENATE SPONSORSHIP

Lee,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING INCREASING THE WORKFORCE BY REMOVING BARRIERS**
102 **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

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

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.

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

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

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

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

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

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

16 (e) The department of human services' career and technical

1 education and vocational training programs increase workforce readiness
2 in juveniles so they may transition out of the juvenile justice system into
3 skilled employment;

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

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

11 (h) In creating employment opportunities for youth with
12 involvement in the juvenile justice system, this act seeks to minimize
13 hiring discrimination based on an applicant's past involvement in the
14 juvenile justice system. The act does not limit the current application of
15 section 19-1-304 (1)(b.5) or (5), Colorado Revised Statutes, as those
16 provisions relate to specific information for certain offenses, including
17 unlawful sexual behavior, crimes of violence, possession of a handgun,
18 class 1, 2, 3, or 4 felonies, and crimes involving the use or possession of
19 a weapon.

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

26 **SECTION 2.** In Colorado Revised Statutes, 19-2.5-1526, **add** (4)
27 as follows:

1 **19-2.5-1526. Facility rules - academic and vocational courses**

2 **- repeal.** (4) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE DEPARTMENT
3 MAY SPEND MONEY APPROPRIATED TO THE DEPARTMENT BY THE GENERAL
4 ASSEMBLY FROM THE GENERAL FUND IN HOUSE BILL 22-1329 TO EXPAND
5 THE DEPARTMENT'S CAREER AND TECHNICAL EDUCATION AND
6 VOCATIONAL TRAINING PROGRAMS IN DESIGNATED JUVENILE FACILITIES
7 AS FOLLOWS:

8 (I) PURCHASING VOCATIONAL PROGRAM EQUIPMENT AND
9 OUTDOOR STORAGE STRUCTURES TO ADVANCE THE SKILLS OF JUVENILES
10 IN CAREERS THAT JUVENILES CAN MAINTAIN ONCE RELEASED FROM THE
11 CUSTODY OF THE DEPARTMENT;

12 (II) UPDATING EXISTING PHYSICAL SPACE FOR LEARNING AND
13 REPLACING OUTDATED VOCATIONAL AND TECHNICAL EQUIPMENT;

14 (III) CONTRACTING WITH COLORADO STATE UNIVERSITY - PUEBLO,
15 AS ESTABLISHED IN SECTION 23-31.5-101, AND OTHER INSTITUTIONS OF
16 HIGHER EDUCATION, AS APPROPRIATE, FOR MOBILE LEARNING LABS; AND

17 (IV) UPDATING TECHNOLOGY AND COMPUTER EQUIPMENT FOR
18 EDUCATION PROGRAMMING EXPANSION.

19 ■
20 (b) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2024.

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

23 **19-2.5-108. Effect of proceedings - definition.** (1) An
24 adjudication or proceeding pursuant to this article 2.5 IS NOT EQUIVALENT
25 TO AN ADULT CONVICTION OF A CRIMINAL OFFENSE AND must not impose
26 any civil disability upon a juvenile or disqualify OR PREJUDICE the
27 juvenile from holding any position under the state personnel system or

1 submitting any governmental or military service application or receiving
2 any governmental or military service appointment or from holding public
3 office.

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

10 (b) AS A FACTOR IN DETERMINING ANY CONDITION OF
11 EMPLOYMENT, AN EMPLOYER SHALL NOT SEEK FROM ANY SOURCE ANY
12 RECORD RELATED TO AN ARREST, DETENTION, PROCESSING, DIVERSION,
13 SUPERVISION, ADJUDICATION, OR COURT DISPOSITION THAT OCCURRED
14 WHILE THE APPLICANT WAS SUBJECT TO THE PROCESS AND JURISDICTION
15 OF THE JUVENILE COURT.

16 (c) NOTWITHSTANDING SUBSECTION (2)(b) OF THIS SECTION,
17 NOTHING IN THIS SECTION LIMITS PUBLIC ACCESS TO INFORMATION AS SET
18 FORTH IN SECTION 19-1-304 (1)(b.5) OR (5).

19 (d) THE PROVISIONS OF THIS SUBSECTION (2) DO NOT APPLY TO THE
20 SCREENING OF APPLICANTS WHO HAVE DIRECT CONTACT WITH
21 VULNERABLE PERSONS PURSUANT TO SECTION 27-90-111 OR THE
22 SCREENING OF APPLICANTS REQUIRED BY LICENSED CHILD CARE CENTERS
23 PURSUANT TO SECTION 26-6-905 OR 26.5-5-309.

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

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

3 **24-5-101. Effect of criminal conviction on employment rights.**

4 (2) (b) In evaluating an applicant, an agency shall comply with
5 subsection (4) of this section and shall not use the determination of the
6 following information as a basis for denial or taking adverse action
7 against any applicant otherwise qualified:

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

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

12 (V) THE APPLICANT HAS BEEN ADJUDICATED FOR COMMITTING A
13 DELINQUENT ACT IN A JUVENILE PROCEEDING.

14 **SECTION 5. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly; except
17 that, if a referendum petition is filed pursuant to section 1 (3) of article V
18 of the state constitution against this act or an item, section, or part of this
19 act within such period, then the act, item, section, or part will not take
20 effect unless approved by the people at the general election to be held in
21 November 2022 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.