

CHAPTER 365

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 22-1383

BY REPRESENTATIVE(S) Kipp and Holtorf, Amabile, Bacon, Benavidez, Bennett, Bird, Boesenecker, Cutter, Exum, Herod, Hooton, Lindsay, Lontine, McCormick, McLachlan, Michaelson Jenet, Mullica, Ortiz, Ricks, Titone, Valdez A., Weissman, Woodrow, Young;
also SENATOR(S) Lee, Kolker, Moreno, Story, Winter, Zenzinger, Fenberg.

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

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;

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(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. The act does not limit the current application of section 19-1-304 (1)(b.5) or (5), Colorado Revised Statutes, as those provisions relate to specific information for certain offenses, including unlawful sexual behavior, crimes of violence, possession of a handgun, class 1, 2, 3, or 4 felonies, and crimes involving the use or possession of a weapon.

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

(I) 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;

(II) UPDATING EXISTING PHYSICAL SPACE FOR LEARNING AND REPLACING OUTDATED VOCATIONAL AND TECHNICAL EQUIPMENT;

(III) 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

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

(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 AND AN APPLICANT OF ANY AGE IS NOT REQUIRED TO DISCLOSE SUCH INFORMATION IN RESPONSE TO ANY EMPLOYER INQUIRY.

(b) NOTHING IN THIS SECTION LIMITS PUBLIC ACCESS TO INFORMATION AS SET FORTH IN SECTION 19-1-304 (1)(b.5) OR (5).

(c) 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 OR THE SCREENING OF APPLICANTS REQUIRED BY LICENSED CHILD CARE CENTERS PURSUANT TO SECTION 26-6-905 OR 26.5-5-309.

(d) THE PROVISIONS OF THIS SUBSECTION (2) DO NOT APPLY TO ANY LAW ENFORCEMENT AGENCY OF THE STATE OR TO ANY POLITICAL SUBDIVISION.

(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.

Approved: June 3, 2022