

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0712.01 Michael Dohr x4347

HOUSE BILL 24-1080

HOUSE SPONSORSHIP

Parenti,

SENATE SPONSORSHIP

(None),

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING REQUIREMENTS FOR YOUTH SPORTS PERSONNEL THAT
102 IMPROVE THE SAFETY OF THE PARTICIPANTS.

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 clarifies that a director, coach, assistant coach, or athletic program personnel contracted by a private sports organization or program is a mandatory reporter.

An organization that operates a youth athletic activity (youth sports organization) is required to have each paid coach of the youth athletic activity have a current CPR education certification. A "youth sports

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

organization" means a private for-profit or not-for-profit organization that provides sports activities designed for the participation of youth 18 years of age or younger. "Youth sports organization" does not include K-12 schools or institutions of higher education.

All youth sports organization employees and volunteers who work directly with youth members, and any employee or volunteer who accompanies the youth sports organization on any trip that includes one or more overnight stays, must obtain a criminal history record check. A volunteer who is not acting in the capacity of a coach or manager, who only occasionally assists with the team, and who has an immediate family member participating in the youth sports organization is not required to obtain a criminal history record check. The bill creates a cause of action for failing to conduct a background check.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-3-304, **amend**
3 (2)(ii) as follows:

4 **19-3-304. Persons required to report child abuse or neglect -**
5 **definition.** (2) Persons required to report such abuse or neglect or
6 circumstances or conditions include any:

7 (ii) Director, coach, assistant coach, or athletic program personnel
8 employed by a private sports organization or program. For purposes of
9 this ~~paragraph (ii)~~ SUBSECTION (2)(ii), "employed" means that an
10 individual is compensated beyond reimbursement for ~~his or her~~ THE
11 INDIVIDUAL'S expenses related to the private sports organization or
12 program AND INCLUDES A PERSON WHO CONTRACTS WITH A PRIVATE
13 SPORTS ORGANIZATION OR PROGRAM TO ACT AS A DIRECTOR, COACH,
14 ASSISTANT COACH, OR ATHLETIC PROGRAM PERSONNEL.

15 **SECTION 2.** In Colorado Revised Statutes, **add** article 59 to title
16 25 as follows:

17 **ARTICLE 59**
18 **Required CPR and First Aid Guidelines**

1 **25-59-101. Definitions.** AS USED IN THIS ARTICLE 59, UNLESS THE
2 CONTEXT OTHERWISE REQUIRES:

3 (1) "PUBLIC RECREATION FACILITY" MEANS A RECREATION
4 FACILITY OWNED OR LEASED BY THE STATE OF COLORADO OR A POLITICAL
5 SUBDIVISION THEREOF.

6 (2) "YOUTH ATHLETIC ACTIVITY" MEANS AN ORGANIZED ATHLETIC
7 ACTIVITY IN WHICH THE MAJORITY OF THE PARTICIPANTS ARE EIGHTEEN
8 YEARS OF AGE OR YOUNGER AND ARE ENGAGING IN AN ORGANIZED
9 ATHLETIC GAME OR COMPETITION AGAINST ANOTHER TEAM, CLUB, OR
10 ENTITY OR ARE PRACTICING OR PREPARING FOR AN ORGANIZED ATHLETIC
11 GAME OR COMPETITION AGAINST ANOTHER TEAM, CLUB, OR ENTITY.
12 "YOUTH ATHLETIC ACTIVITY" DOES NOT INCLUDE MIDDLE SCHOOL, HIGH
13 SCHOOL, OR COLLEGE OR UNIVERSITY ACTIVITIES. "YOUTH ATHLETIC
14 ACTIVITY" DOES NOT INCLUDE AN ACTIVITY THAT IS ENTERED INTO FOR
15 INSTRUCTIONAL PURPOSES ONLY OR AN ATHLETIC ACTIVITY THAT IS
16 INCIDENTAL TO A NONATHLETIC PROGRAM OR A LESSON.

17 **25-59-102. Organized youth athletic activities - CPR and first**
18 **aid guidelines required.** (1) EACH YOUTH ATHLETIC ACTIVITY AND
19 ATHLETIC LEAGUE THAT IS SPONSORED THROUGH A PRIVATE CLUB OR
20 PUBLIC RECREATION FACILITY SHALL REQUIRE EACH COACH WITH WHOM
21 THE CLUB, FACILITY, OR LEAGUE DIRECTLY CONTRACTS, FORMALLY
22 ENGAGES, OR EMPLOYS FOR COMPENSATION TO COACH A YOUTH ATHLETIC
23 ACTIVITY TO HAVE AN CURRENT CPR AND FIRST AID EDUCATION
24 CERTIFICATION.

25 (2) (a) THE CPR AND FIRST AID EDUCATION COURSE REQUIRED BY
26 SUBSECTION (1) OF THIS SECTION MUST INCLUDE THE FOLLOWING:

27 (I) IDENTIFYING SIGNS OF AND TREATING:

- 1 (A) HEAT- AND COLD-RELATED CONDITIONS;
- 2 (B) EXTERNAL BLEEDING;
- 3 (C) MUSCULAR AND SKELETAL INJURIES; AND
- 4 (D) HEAD, NECK, AND SPINAL INJURIES; AND
- 5 (II) CARDIOPULMONARY RESUSCITATION.

6 (b) EACH PRIVATE CLUB OR PUBLIC RECREATION FACILITY AND
7 EACH ATHLETIC LEAGUE MAY DESIGNATE SPECIFIC EDUCATION COURSES
8 AS SUFFICIENT TO MEET THE REQUIREMENTS OF SUBSECTION (1) OF THIS
9 SECTION.

10 (3) NOTHING IN THIS ARTICLE 59 ABROGATES OR LIMITS THE
11 PROTECTIONS APPLICABLE TO PUBLIC ENTITIES AND PUBLIC EMPLOYEES
12 PURSUANT TO THE "COLORADO GOVERNMENTAL IMMUNITY ACT",
13 ARTICLE 10 OF TITLE 24; VOLUNTEERS AND BOARD MEMBERS PURSUANT
14 TO SECTIONS 13-21-115.7 AND 13-21-116; OR SKI AREA OPERATORS
15 PURSUANT TO SECTIONS 33-44-112 AND 33-44-113.

16 **SECTION 3.** In Colorado Revised Statutes, **add 26.5-5-304.5** as
17 follows:

18 **26.5-5-304.5. Application of part - youth sports organizations**
19 **- background checks required - definitions.** (1) NOTWITHSTANDING
20 ANY PROVISION OF THIS PART 3 TO THE CONTRARY, A YOUTH SPORTS
21 ORGANIZATION THAT IS NOT LICENSED PURSUANT TO THIS PART 3 ON THE
22 EFFECTIVE DATE OF THIS SECTION IS SUBJECT ONLY TO THE REQUIREMENTS
23 OF THIS SECTION AND IS OTHERWISE EXEMPT FROM THE REQUIREMENTS OF
24 THIS PART 3.

25 (2) (a) A YOUTH SPORTS ORGANIZATION OPERATING IN THE STATE
26 OF COLORADO SHALL REQUIRE ALL EMPLOYEES AND VOLUNTEERS WHO
27 WORK DIRECTLY, OR WILL WORK DIRECTLY, WITH YOUTH MEMBERS, AND

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

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

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

1 APPROVED AFTER OBTAINING A CRIMINAL HISTORY RECORD CHECK
2 PURSUANT TO SUBSECTION (2) OF THIS SECTION.

3 (b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION, A YOUTH
4 SPORTS ORGANIZATION IS NOT REQUIRED TO PERFORM A CRIMINAL
5 HISTORY RECORD CHECK ON A VOLUNTEER WHO IS NOT ACTING IN THE
6 CAPACITY OF A COACH OR MANAGER, ONLY OCCASIONALLY ASSISTS WITH
7 THE TEAM, AND WHO HAS AN IMMEDIATE FAMILY MEMBER PARTICIPATING
8 IN THE YOUTH SPORTS ORGANIZATION. A VOLUNTEER DESCRIBED BY THIS
9 SUBSECTION (3)(b) MUST BE SUPERVISED AT ALL TIMES BY AN EMPLOYEE
10 OR VOLUNTEER WHO HAS BEEN HIRED OR APPROVED AFTER OBTAINING A
11 CRIMINAL HISTORY RECORD CHECK PURSUANT TO SUBSECTION (2) OF THIS
12 SECTION.

13 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
14 REQUIRES:

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

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

19 (c) (I) "YOUTH SPORTS ORGANIZATION" MEANS A PRIVATE
20 FOR-PROFIT OR NOT-FOR-PROFIT ORGANIZATION THAT, AS PART OF ITS
21 CORE FUNCTION, PROVIDES PERSONS WHO ARE EIGHTEEN YEARS OF AGE OR
22 YOUNGER THE OPPORTUNITY TO PARTICIPATE IN SCHEDULED COMPETITIVE
23 OR RECREATIONAL SPORTING EVENTS, WHETHER INDIVIDUALLY OR AS A
24 TEAM.

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

26 (A) A NEIGHBORHOOD YOUTH ORGANIZATION AS DEFINED IN
27 SECTION 26.5-5-303;

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

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

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

7 **SECTION 4.** In Colorado Revised Statutes, **add** 13-80-103.4 as
8 follows:

9 **13-80-103.4. Limitation of actions - failure to perform a**
10 **background check by a youth sports organization - injury to a child**
11 **- definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
12 OTHERWISE REQUIRES:

13 (a) "CHILD" MEANS A PERSON UNDER EIGHTEEN YEARS OF AGE.

14 (b) "SEXUAL OFFENSE AGAINST A CHILD" INCLUDES ALL OFFENSES
15 LISTED IN SECTION 18-3-411 (1).

16 (c) "YOUTH SPORTS REQUIRED BACKGROUND CHECK" MEANS
17 COMPLYING WITH SECTION 26.5-5-304.5.

18 (2) NOTWITHSTANDING ANY OTHER STATUTE OF LIMITATIONS
19 SPECIFIED IN THIS ARTICLE 80 OR ANY OTHER PROVISION OF LAW, A CIVIL
20 ACTION, AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, AGAINST A
21 YOUTH SPORTS ORGANIZATION FOR FAILURE TO PERFORM A YOUTH SPORTS
22 REQUIRED BACKGROUND CHECK MAY BE BROUGHT AT ANY TIME WITHIN
23 TWO YEARS AFTER THE AGE OF MAJORITY OF THE PLAINTIFF.

24 (3) IN BRINGING A CIVIL ACTION FOR FAILURE TO PERFORM A
25 YOUTH SPORTS REQUIRED BACKGROUND CHECK PURSUANT TO THIS
26 SECTION, A PLAINTIFF SHALL MAKE A PRIMA FACIE SHOWING OF THE
27 FOLLOWING FACTS AND CIRCUMSTANCES:

1 (a) THE YOUTH SPORTS ORGANIZATION, IN HIRING AN INDIVIDUAL
2 TO WORK WITH CHILDREN OR IN A SETTING WITH CHILDREN, DID NOT
3 PERFORM AN YOUTH SPORTS REQUIRED BACKGROUND CHECK OF THE
4 INDIVIDUAL, AND THE FAILURE TO CONDUCT THE REQUIRED BACKGROUND
5 CHECK WAS THE RESULT OF THE YOUTH SPORTS ORGANIZATION'S
6 DELIBERATE INDIFFERENCE OR RECKLESS DISREGARD OF ITS OBLIGATION
7 TO CONDUCT THE BACKGROUND CHECK AS PROVIDED BY LAW; ORDINARY
8 NEGLIGENCE OR UNINTENTIONAL OVERSIGHT IS NOT SUFFICIENT;

9 (b) THE INDIVIDUAL, AT THE TIME OF HIRING, HAD A CRIMINAL
10 RECORD THAT INCLUDED ONE OR MORE CONVICTIONS FOR THE OFFENSE OF
11 SEXUAL ASSAULT AS DESCRIBED IN SECTION 18-3-402, FOR A SEXUAL
12 OFFENSE AGAINST A CHILD, OR FOR CHILD ABUSE AS DESCRIBED IN SECTION
13 18-6-401; AND

14 (c) THE INDIVIDUAL COMMITTED ONE OF THE FOLLOWING
15 OFFENSES AGAINST A CHILD WITH WHOM THE INDIVIDUAL CAME IN
16 CONTACT IN THE COURSE OF THE INDIVIDUAL'S EMPLOYMENT WITH THE
17 YOUTH SPORTS ORGANIZATION:

18 (I) SEXUAL ASSAULT AS DESCRIBED IN SECTION 18-3-402;

19 (II) SEXUAL OFFENSE AGAINST A CHILD; OR

20 (III) CHILD ABUSE AS DESCRIBED IN SECTION 18-6-401.

21 (4) AN ACTION MAY NOT BE BROUGHT PURSUANT TO SUBSECTION
22 (3) OF THIS SECTION IF THE DEFENDANT IS DECEASED OR IS INCAPACITATED
23 TO THE EXTENT THAT THE YOUTH SPORTS ORGANIZATION IS INCAPABLE OF
24 RENDERING A DEFENSE TO THE ACTION.

25 **SECTION 5. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly; except

1 that, if a referendum petition is filed pursuant to section 1 (3) of article V
2 of the state constitution against this act or an item, section, or part of this
3 act within such period, then the act, item, section, or part will not take
4 effect unless approved by the people at the general election to be held in
5 November 2024 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.