

CHAPTER 130

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 12-1228

BY REPRESENTATIVE(S) DelGrosso, McCann, Conti, Court, Fields, Hamner, Kerr A., Kerr J., Labuda, Massey, Nikkel, Schafer S., Scott, Stephens, Todd, Wilson, Young;
also SENATOR(S) Steadman, Newell, White, Williams S.

AN ACT

**CONCERNING CRIMINAL BACKGROUND CHECKS FOR NEIGHBORHOOD YOUTH ORGANIZATIONS
SEEKING TO OBTAIN A LICENSE.**

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

SECTION 1. In Colorado Revised Statutes, 26-6-103.7, **amend** (4) as follows:

26-6-103.7. Application of part - neighborhood youth organizations - licensing - duties and responsibilities - definitions. (4) A licensed neighborhood youth organization shall require all employees and volunteers who work directly with or will work directly with youth members five or more days in a calendar month to obtain, prior to employment, ~~a fingerprint-based criminal history records check utilizing the Colorado bureau of investigation and, as of August 10, 2011, for any new applicant or newly hired employee, the federal bureau of investigation and request the state department to ascertain whether the person being investigated has been convicted of felony child abuse as specified in section 18-6-401, C.R.S., or a felony offense involving unlawful sexual behavior as defined in section 16-22-102 (9), C.R.S. The neighborhood youth organization shall not hire a person as an employee or approve a person as a volunteer after confirmation of such a criminal history.~~ AND EVERY TWO YEARS THEREAFTER, ONE OF THE FOLLOWING:

(a) A FINGERPRINT-BASED CRIMINAL HISTORY RECORDS CHECK UTILIZING THE COLORADO BUREAU OF INVESTIGATION AND REQUEST THE STATE DEPARTMENT TO ASCERTAIN WHETHER THE PERSON BEING INVESTIGATED HAS BEEN CONVICTED OF FELONY CHILD ABUSE AS SPECIFIED IN SECTION 18-6-401, C.R.S., OR A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), C.R.S. THE NEIGHBORHOOD YOUTH ORGANIZATION SHALL NOT HIRE A PERSON AS AN EMPLOYEE OR APPROVE A PERSON AS A VOLUNTEER AFTER CONFIRMATION OF SUCH A CRIMINAL HISTORY.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(b) A FEDERAL BUREAU OF INVESTIGATION FINGERPRINT-BASED CRIMINAL HISTORY RECORDS CHECK UTILIZING THE COLORADO BUREAU OF INVESTIGATION IF THE EMPLOYEE, VOLUNTEER, OR APPLICANT HAS RESIDED IN THE STATE OF COLORADO LESS THAN TWO YEARS. THE NEIGHBORHOOD YOUTH ORGANIZATION SHALL REQUEST THE STATE DEPARTMENT TO ASCERTAIN WHETHER THE PERSON BEING INVESTIGATED HAS BEEN CONVICTED OF FELONY CHILD ABUSE AS SPECIFIED IN SECTION 18-6-401, C.R.S., OR A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), C.R.S. THE NEIGHBORHOOD YOUTH ORGANIZATION SHALL NOT HIRE A PERSON AS AN EMPLOYEE OR APPROVE A PERSON AS A VOLUNTEER AFTER CONFIRMATION OF SUCH A CRIMINAL HISTORY.

(c) A COMPARISON SEARCH BY THE STATE DEPARTMENT ON THE ICON SYSTEM OF THE STATE JUDICIAL DEPARTMENT OR A COMPARISON SEARCH ON ANY OTHER DATABASE THAT IS RECOGNIZED ON A STATEWIDE BASIS BY USING THE NAME, DATE OF BIRTH, AND SOCIAL SECURITY NUMBER INFORMATION THAT THE STATE DEPARTMENT DETERMINES IS APPROPRIATE TO DETERMINE WHETHER THE PERSON BEING INVESTIGATED HAS BEEN CONVICTED OF FELONY CHILD ABUSE AS SPECIFIED IN SECTION 18-6-401, C.R.S., OR A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), C.R.S. THE NEIGHBORHOOD YOUTH ORGANIZATION SHALL NOT HIRE A PERSON AS AN EMPLOYEE OR APPROVE A PERSON AS A VOLUNTEER AFTER CONFIRMATION OF SUCH A CRIMINAL HISTORY.

(d) A SEPARATE BACKGROUND CHECK BY A PRIVATE ENTITY REGULATED AS A CONSUMER REPORTING AGENCY PURSUANT TO 15 U.S.C. SEC. 1681 ET SEQ. THAT SHALL DISCLOSE, AT A MINIMUM, SEXUAL OFFENDERS AND FELONY CONVICTIONS AND INCLUDE A SOCIAL SECURITY NUMBER TRACE, A NATIONAL CRIMINAL FILE CHECK, AND A STATE OR COUNTY CRIMINAL FILE SEARCH. THE SEPARATE BACKGROUND CHECK SHALL ASCERTAIN WHETHER THE PERSON BEING INVESTIGATED HAS BEEN CONVICTED OF FELONY CHILD ABUSE AS SPECIFIED IN SECTION 18-6-401, C.R.S., OR A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), C.R.S. THE NEIGHBORHOOD YOUTH ORGANIZATION SHALL NOT HIRE A PERSON AS AN EMPLOYEE OR APPROVE A PERSON AS A VOLUNTEER AFTER CONFIRMATION OF SUCH A CRIMINAL HISTORY.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 23, 2012