

An Act

HOUSE BILL 24-1080

BY REPRESENTATIVE(S) Parenti and Willford, Amabile, Boesenecker, Brown, Clifford, Duran, Epps, Froelich, Garcia, Hamrick, Herod, Jodeh, Kipp, Lindsay, Lindstedt, Marvin, Mauro, Ortiz, Rutinel, Story, Titone, Valdez, Vigil, Weissman, Mabrey, Young;
also SENATOR(S) Danielson and Marchman, Buckner, Cutter, Fields, Ginal, Hansen, Kolker, Michaelson Jenet, Priola, Sullivan, Winter F.

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

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) Local governments and youth sports organizations provide opportunities to children to participate in organized sports;
- (b) Those children are often coached by adults they and their parents or legal guardians do not have a relationship with prior to organized sports;
- (c) Parents and legal guardians expect that their children will be safe

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.

from adult harm when they are competing in organized sports;

(d) Ensuring that adults who coach youth sports have been vetted to gauge whether they would potentially harm a child is an important step in keeping kids safe while engaged in youth sports; and

(e) Therefore, it is a good business practice to require background checks for employees and volunteers who are youth sports coaches.

SECTION 2. In Colorado Revised Statutes, **add** part 4 to article 4 of title 26.5 as follows:

PART 4
YOUTH SPORTS ORGANIZATIONS

26.5-4-401. Definitions. AS USED IN THIS ARTICLE 8, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CHAPERONE" MEANS A PERSON WHO ACCOMPANIES A YOUTH SPORTS ORGANIZATION IN AN OFFICIAL CAPACITY ON ANY TRIP THAT INCLUDES ONE OR MORE OVERNIGHT STAYS.

(2) "COACH" MEANS A PERSON EMPLOYED AS OR VOLUNTEERING AS A COACH, MANAGER, OR SUPERVISOR OF A YOUTH ATHLETIC ACTIVITY BUT DOES NOT INCLUDE OCCASIONAL ASSISTANCE WITH OR SUPPORT OF THE YOUTH ATHLETIC ACTIVITY BY A PERSON, INCLUDING THE ACTION OF OTHER VOLUNTEERS OR EMPLOYEES OF THE YOUTH SPORTS ORGANIZATION IN A PASSING, GENERAL, OR NOMINAL MANNER.

(3) "EMPLOYMENT" MEANS ANY JOB OR POSITION IN WHICH ANY PERSON MAY BE ENGAGED IN THE SERVICE OF A COACH OF A YOUTH ATHLETIC ACTIVITY BY A YOUTH SPORTS ORGANIZATION FOR A SALARY OR HOURLY WAGES, WHETHER FULL-TIME OR PART-TIME, AND WHETHER TEMPORARY OR PERMANENT.

(4) "YOUTH ATHLETIC ACTIVITY" MEANS AN ORGANIZED ATHLETIC ACTIVITY IN WHICH THE MAJORITY OF THE PARTICIPANTS ARE LESS THAN EIGHTEEN YEARS OF AGE AND ARE ENGAGING IN AN ORGANIZED ATHLETIC GAME, COMPETITION, OR TRAINING PROGRAM. "YOUTH ATHLETIC ACTIVITY" DOES NOT INCLUDE AN ATHLETIC ACTIVITY THAT IS INCIDENTAL TO A

NONATHLETIC PROGRAM OR A LESSON.

(5) (a) "YOUTH SPORTS ORGANIZATION" MEANS A PRIVATE FOR-PROFIT OR NOT-FOR-PROFIT ORGANIZATION THAT, AS PART OF ITS CORE FUNCTION, PROVIDES PERSONS WHO ARE LESS THAN EIGHTEEN YEARS OF AGE THE OPPORTUNITY TO PARTICIPATE IN SCHEDULED COMPETITIVE OR RECREATIONAL SPORTING ACTIVITIES, WHETHER INDIVIDUALLY OR AS A TEAM, BUT DOES NOT INCLUDE A SPORTING ACTIVITY THAT IS INCIDENTAL TO A NONATHLETIC PROGRAM OR LESSON.

(b) "YOUTH SPORTS ORGANIZATION" DOES NOT INCLUDE:

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

(II) A PUBLIC OR PRIVATE SCHOOL SERVING ANY OF GRADES KINDERGARTEN THROUGH TWELVE;

(III) A LICENSED CHILD-CARE FACILITY;

(IV) A PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION; OR

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

26.5-4-402. Organized youth athletic activities - CPR and first aid requirements. (1) (a) EACH YOUTH SPORTS ORGANIZATION SHALL ENSURE THAT AT LEAST ONE ADULT WHO POSSESSES A CURRENT FIRST AID, CPR, AND AED CERTIFICATION IS PRESENT AT EACH YOUTH ATHLETIC ACTIVITY.

(b) A YOUTH ATHLETIC ACTIVITY THAT IS CONDUCTED ENTIRELY BY VOLUNTEERS FOR TRAINING PURPOSES ONLY IS EXEMPT FROM THIS SECTION, BUT THE VOLUNTEERS ARE STRONGLY ENCOURAGED TO POSSESS A CURRENT FIRST AID, CPR, AND AED CERTIFICATION.

(2) (a) THE FIRST AID, CPR, AND AED EDUCATION COURSES REQUIRED BY SUBSECTION (1) OF THIS SECTION MUST INCLUDE:

(I) IDENTIFYING SIGNS OF AND TREATING:

(A) HEAT- AND COLD-RELATED CONDITIONS;

(B) EXTERNAL BLEEDING;

(C) MUSCULAR AND SKELETAL INJURIES; AND

(D) HEAD, NECK, AND SPINAL INJURIES; AND

(II) CARDIOPULMONARY RESUSCITATION AND AUTOMATIC EXTERNAL DEFIBRILLATOR TRAINING.

(b) EACH YOUTH SPORTS ORGANIZATION MAY DESIGNATE SPECIFIC EDUCATION COURSES AS SUFFICIENT TO MEET THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION.

(3) NOTHING IN THIS ARTICLE 8 ABROGATES OR LIMITS THE PROTECTIONS APPLICABLE TO PUBLIC ENTITIES AND PUBLIC EMPLOYEES PURSUANT TO THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24; VOLUNTEERS AND BOARD MEMBERS PURSUANT TO SECTIONS 13-21-115.7 AND 13-21-116; OR SKI AREA OPERATORS PURSUANT TO SECTIONS 33-44-112 AND 33-44-113.

26.5-4-403. Background checks required. (1) (a) (I) A YOUTH SPORTS ORGANIZATION OPERATING IN THE STATE OF COLORADO SHALL REQUIRE ALL COACHES AND CHAPERONES WHO WORK DIRECTLY, OR WILL WORK DIRECTLY, WITH YOUTH, TO OBTAIN, PRIOR TO STARTING THE WORK OR TAKING THE TRIP, AND EVERY THREE YEARS THEREAFTER, A SEVEN-YEAR CRIMINAL HISTORY RECORD CHECK THAT INCLUDES ALIASES OF THE COACH OR CHAPERONE, BY A PRIVATE ENTITY REGULATED AS A CONSUMER REPORTING AGENCY PURSUANT TO 15 U.S.C. SEC. 1681, ET SEQ., AND THAT DISCLOSES, AT A MINIMUM, SEXUAL OFFENSES AND FELONY CONVICTIONS AND INCLUDES A SOCIAL SECURITY NUMBER TRACE AND A SEARCH OF THE COLORADO JUDICIAL PUBLIC RECORDS ACCESS SYSTEM. FOR A COACH OR CHAPERONE WHO WAS HIRED OR APPROVED AS A COACH OR CHAPERONE PRIOR TO THE EFFECTIVE DATE OF THIS SECTION, THE YOUTH SPORTS ORGANIZATION SHALL REQUIRE THE COACH OR CHAPERONE TO OBTAIN A CRIMINAL HISTORY RECORD CHECK THAT CONFORMS TO THIS SECTION WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION.

(II) IF A COACH OR CHAPERONE HAS LIVED OUTSIDE OF THE UNITED STATES FOR MORE THAN ONE HUNDRED EIGHTY DAYS IN THE PAST TEN YEARS OR FOR MORE THAN ONE HUNDRED EIGHTY DAYS AFTER THE COACH'S OR CHAPERONE'S LAST CRIMINAL HISTORY RECORD CHECK, THE COACH OR CHAPERONE SHALL ALSO OBTAIN AN INTERNATIONAL CRIMINAL HISTORY RECORD CHECK THAT INCLUDES ALIASES OF THE COACH OR CHAPERONE, AND THAT, AT A MINIMUM, DISCLOSES SEXUAL OFFENSES AND FELONY CONVICTIONS; EXCEPT THAT, IF THE COACH OR CHAPERONE IS IN THE COUNTRY ON AN INTERNATIONAL WORK VISA, THEN THE COACH OR CHAPERONE IS EXEMPT FROM THIS SUBSECTION (1)(a)(II).

(III) THE CRIMINAL HISTORY RECORD CHECK MUST ASCERTAIN WHETHER THE PERSON BEING INVESTIGATED HAS BEEN CONVICTED OF FELONY CHILD ABUSE AS SPECIFIED IN SECTION 18-6-401, A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), A CRIME OF VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406, A CRIME LISTED IN SECTION 18-1.3-406 (2)(a)(II), OR A COMPARABLE OFFENSE COMMITTED IN ANY OTHER STATE.

(b) A YOUTH SPORTS ORGANIZATION SHALL NOT HIRE A PERSON AS A COACH OR APPROVE A PERSON AS A CHAPERONE AND SHALL TERMINATE A COACH OR REVOKE THE APPROVAL FOR A CHAPERONE IF A CRIMINAL HISTORY RECORD CHECK OF THE PERSON PERFORMED PURSUANT TO SUBSECTION (1)(A) OF THIS SECTION SHOWS THAT THE PERSON HAS BEEN CONVICTED OF FELONY CHILD ABUSE AS SPECIFIED IN SECTION 18-6-401, A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), A CRIME OF VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406, A CRIME LISTED IN SECTION 18-1.3-406 (2)(a)(II), OR ANY COMPARABLE OFFENSE COMMITTED IN ANOTHER STATE.

(2) (a) A PERSON, INCLUDING AN EMPLOYEE OR VOLUNTEER WHO TAKES PART IN THE ACTIVITIES OF A YOUTH SPORTS ORGANIZATION BUT WHO IS NOT REQUIRED TO OBTAIN A CRIMINAL HISTORY RECORD CHECK PURSUANT TO THIS SECTION OR IS UNABLE TO OBTAIN A CRIMINAL HISTORY RECORD CHECK MUST AT ALL TIMES BE SUPERVISED BY A PERSON WHO HAS BEEN HIRED OR APPROVED AFTER OBTAINING A CRIMINAL HISTORY RECORD CHECK PURSUANT TO SUBSECTION (1) OF THIS SECTION.

(b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION, A YOUTH SPORTS ORGANIZATION IS NOT REQUIRED TO PERFORM A CRIMINAL HISTORY

RECORD CHECK ON A VOLUNTEER WHO IS NOT ACTING IN THE CAPACITY OF A COACH OR MANAGER AND ONLY OCCASIONALLY ASSISTS IN A PASSING, GENERAL, OR NOMINAL MANNER. A VOLUNTEER DESCRIBED BY THIS SUBSECTION (2)(b) MUST BE SUPERVISED AT ALL TIMES BY A PERSON WHO HAS BEEN HIRED OR APPROVED AFTER OBTAINING A CRIMINAL HISTORY RECORD CHECK PURSUANT TO SUBSECTION (1) OF THIS SECTION.

(3) A YOUTH SPORTS ORGANIZATION MAY RELY ON THE RESULTS OF A CRIMINAL HISTORY RECORD CHECK WHEN MAKING HIRING AND EMPLOYMENT DECISIONS AND WHEN MAKING THE DECISION TO ALLOW A PERSON TO ACT AS A CHAPERONE.

SECTION 3. In Colorado Revised Statutes, add 13-80-103.4 as follows:

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

(a) "CHILD" MEANS A PERSON WHO IS LESS THAN EIGHTEEN YEARS OF AGE.

(b) "LOCAL GOVERNMENT" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-7.1-101.

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

(d) "YOUTH SPORTS ORGANIZATION" HAS THE SAME MEANING AS SET FORTH IN SECTION 26.5-4-401.

(e) "YOUTH SPORTS REQUIRED BACKGROUND CHECK" MEANS A BACKGROUND CHECK THAT COMPLIES WITH SECTION 26.5-4-403 OR 29-7.1-102 OR 29-7.1-103.

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

(a) THE YOUTH SPORTS ORGANIZATION OR LOCAL GOVERNMENT, IN HIRING AN INDIVIDUAL TO WORK WITH CHILDREN OR IN A SETTING WITH CHILDREN, DID NOT PERFORM A YOUTH SPORTS REQUIRED BACKGROUND CHECK ON THE INDIVIDUAL, AND THE FAILURE TO CONDUCT THE REQUIRED BACKGROUND CHECK WAS THE RESULT OF THE YOUTH SPORTS ORGANIZATION'S OR LOCAL GOVERNMENT'S DELIBERATE INDIFFERENCE OR RECKLESS DISREGARD OF ITS OBLIGATION TO CONDUCT THE BACKGROUND CHECK AS PROVIDED BY LAW. ORDINARY NEGLIGENCE OR UNINTENTIONAL OVERSIGHT IS NOT SUFFICIENT.

(b) THE YOUTH SPORTS ORGANIZATION OR LOCAL GOVERNMENT, IN HIRING AN INDIVIDUAL TO WORK WITH CHILDREN OR IN A SETTING WITH CHILDREN, PERFORMED A YOUTH SPORTS REQUIRED BACKGROUND CHECK OF THE INDIVIDUAL, AND THE REQUIRED BACKGROUND CHECK SHOWED THAT THE INDIVIDUAL WAS INELIGIBLE TO BE HIRED OR APPROVED PURSUANT TO SECTION 26.5-4-403 (1)(b), 29-7.1-102, OR 29-7.1-103;

(c) THE INDIVIDUAL WAS NOT REQUIRED TO OBTAIN A CRIMINAL HISTORY RECORD CHECK OR WAS UNABLE TO OBTAIN A CRIMINAL HISTORY RECORD CHECK AND THE YOUTH SPORTS ORGANIZATION OR LOCAL GOVERNMENT FAILED TO HAVE THE INDIVIDUAL SUPERVISED BY AN EMPLOYEE OR VOLUNTEER WHO WAS HIRED OR APPROVED AFTER OBTAINING A CRIMINAL HISTORY RECORD CHECK;

(d) THE INDIVIDUAL, AT THE TIME OF HIRING, WAS NOT ELIGIBLE TO BE HIRED PURSUANT TO SECTION 26.5-4-403 (1)(b), 29-7.1-102, OR 29-7.1-103; AND

(e) THE INDIVIDUAL COMMITTED ONE OF THE FOLLOWING OFFENSES AGAINST A CHILD WITH WHOM THE INDIVIDUAL CAME IN CONTACT IN THE COURSE OF THE INDIVIDUAL'S EMPLOYMENT WITH THE YOUTH SPORTS ORGANIZATION OR LOCAL GOVERNMENT:

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

(II) SEXUAL OFFENSE AGAINST A CHILD;

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

(IV) A CRIME OF VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406; OR

(V) A CRIME LISTED IN SECTION 18-1.3-406 (2)(a)(II).

SECTION 4. In Colorado Revised Statutes, **add** article 7.1 to title 29 as follows:

ARTICLE 7.1
Local Government-sponsored Youth Athletic
Activity Requirements

29-7.1-101. Definitions. AS USED IN THIS ARTICLE 7.1, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CHAPERONE" MEANS A PERSON WHO ACCOMPANIES A YOUTH ATHLETIC ACTIVITY IN AN OFFICIAL CAPACITY ON ANY TRIP THAT INCLUDES ONE OR MORE OVERNIGHT STAYS.

(2) "COACH" MEANS A PERSON EMPLOYED AS OR VOLUNTEERING AS A COACH, MANAGER, OR SUPERVISOR OF A YOUTH ATHLETIC ACTIVITY BUT DOES NOT INCLUDE OCCASIONAL ASSISTANCE WITH OR SUPPORT OF THE YOUTH ATHLETIC ACTIVITY BY A PERSON, INCLUDING THE ACTION OF OTHER VOLUNTEERS OR EMPLOYEES OF THE LOCAL GOVERNMENT IN A PASSING, GENERAL, OR NOMINAL MANNER.

(3) "EMPLOYMENT" MEANS ANY JOB OR POSITION IN WHICH ANY PERSON MAY BE ENGAGED IN THE SERVICE OF A COACH OF A YOUTH ATHLETIC ACTIVITY BY A LOCAL GOVERNMENT FOR SALARY OR HOURLY WAGES, WHETHER FULL TIME OR PART TIME, AND WHETHER TEMPORARY OR PERMANENT.

(4) "LOCAL GOVERNMENT" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-1-102.

(5) "YOUTH ATHLETIC ACTIVITY" MEANS AN ORGANIZED ATHLETIC ACTIVITY IN WHICH THE MAJORITY OF THE PARTICIPANTS ARE LESS THAN EIGHTEEN YEARS OF AGE AND ARE ENGAGING IN AN ORGANIZED ATHLETIC GAME, COMPETITION, OR TRAINING PROGRAM. "YOUTH ATHLETIC ACTIVITY" DOES NOT INCLUDE AN ATHLETIC ACTIVITY THAT IS INCIDENTAL TO A NONATHLETIC PROGRAM OR A LESSON.

29-7.1-102. Criminal history record check for paid coaches -

CPR and first aid training. (1) (a) (I) PRIOR TO THE EMPLOYMENT OF ANY PERSON AS A COACH OF OR APPROVAL AS A CHAPERONE FOR A YOUTH ATHLETIC ACTIVITY BY A LOCAL GOVERNMENT, THE LOCAL GOVERNMENT SHALL REQUIRE A SEVEN-YEAR CRIMINAL HISTORY RECORD CHECK OF THE PERSON BY A PRIVATE ENTITY REGULATED AS A CONSUMER REPORTING AGENCY PURSUANT TO 15 U.S.C. SEC. 1681, ET SEQ., THAT DISCLOSES, AT A MINIMUM, SEXUAL OFFENSES AND FELONY CONVICTIONS AND INCLUDES A SOCIAL SECURITY NUMBER TRACE AND A SEARCH OF THE COLORADO JUDICIAL PUBLIC RECORDS ACCESS SYSTEM.

(II) IF A COACH OR CHAPERONE HAS LIVED OUTSIDE OF THE UNITED STATES FOR MORE THAN ONE HUNDRED EIGHTY DAYS IN THE PAST TEN YEARS OR FOR MORE THAN ONE HUNDRED EIGHTY DAYS AFTER THE COACH'S OR CHAPERONE'S LAST CRIMINAL HISTORY RECORD CHECK WAS CONDUCTED, THE COACH OR CHAPERONE SHALL ALSO OBTAIN AN INTERNATIONAL CRIMINAL HISTORY RECORD CHECK, INCLUDING ALIASES OF THE COACH OR CHAPERONE, THAT, AT A MINIMUM, DISCLOSES SEXUAL OFFENSES AND FELONY CONVICTIONS; EXCEPT THAT, IF THE COACH OR CHAPERONE IS IN THE COUNTRY ON AN INTERNATIONAL WORK VISA, THEN THE COACH OR CHAPERONE IS EXEMPT FROM THIS SUBSECTION (1)(a)(II).

(b) EACH JULY 1, THE LOCAL GOVERNMENT SHALL REQUIRE A CRIMINAL HISTORY RECORD CHECK IN CONFORMITY WITH THE PROVISIONS OF THIS SECTION OF EACH PERSON EMPLOYED AS A COACH OF A YOUTH ATHLETIC ACTIVITY WHO HAS NOT HAD A CRIMINAL HISTORY RECORD CHECK IN THE LAST THREE YEARS.

(c) THE CRIMINAL HISTORY RECORD CHECK MUST ASCERTAIN WHETHER THE PERSON BEING INVESTIGATED HAS BEEN CONVICTED OF FELONY CHILD ABUSE AS SPECIFIED IN SECTION 18-6-401, A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), A CRIME OF VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406, A CRIME LISTED IN SECTION 18-1.3-406 (2)(a)(II), OR A COMPARABLE OFFENSE COMMITTED IN ANY OTHER STATE.

(2) A PERSON CONVICTED OF FELONY CHILD ABUSE AS SPECIFIED IN SECTION 18-6-401, A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102, A CRIME OF VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406, A CRIME LISTED IN SECTION 18-1.3-406 (2)(a)(II), OR A COMPARABLE CHILD ABUSE OR UNLAWFUL SEXUAL

BEHAVIOR OFFENSE COMMITTED IN ANY OTHER STATE IS DISQUALIFIED FROM EMPLOYMENT AS A COACH OF A YOUTH ATHLETIC ACTIVITY.

(3) A PERSON, INCLUDING A COACH WHO TAKES PART IN THE ACTIVITIES OF A YOUTH SPORTS ACTIVITY BUT WHO IS NOT REQUIRED TO OBTAIN A CRIMINAL HISTORY RECORD CHECK PURSUANT TO THIS SECTION OR IS UNABLE TO OBTAIN A CRIMINAL HISTORY RECORD CHECK SHALL AT ALL TIMES BE SUPERVISED BY A COACH WHO HAS BEEN HIRED OR APPROVED AFTER OBTAINING A CRIMINAL HISTORY RECORD CHECK PURSUANT TO SUBSECTION (1) OF THIS SECTION.

(4) A PERSON WHO ACTS AS AN EMPLOYED COACH OF A YOUTH ATHLETIC ACTIVITY SHALL POSSESS A CURRENT FIRST AID, CPR, AND AED CERTIFICATION AS DESCRIBED IN SECTION 26.5-4-402 (2).

29-7.1-103. Criminal history record check for volunteer coaches - CPR and first aid training. (1) (a) (I) PRIOR TO THE START OF ANY PERSON AS A VOLUNTEER COACH OF A YOUTH ATHLETIC ACTIVITY BY A LOCAL GOVERNMENT, THE LOCAL GOVERNMENT SHALL REQUIRE A SEVEN-YEAR CRIMINAL HISTORY RECORD CHECK OF THE PERSON BY A PRIVATE ENTITY REGULATED AS A CONSUMER REPORTING AGENCY PURSUANT TO 15 U.S.C. SEC. 1681, ET SEQ., THAT DISCLOSES, AT A MINIMUM, SEXUAL OFFENSES AND FELONY CONVICTIONS AND INCLUDES A SOCIAL SECURITY NUMBER TRACE AND A SEARCH OF THE COLORADO JUDICIAL PUBLIC RECORDS ACCESS SYSTEM.

(II) IF A VOLUNTEER COACH HAS LIVED OUTSIDE OF THE UNITED STATES FOR MORE THAN ONE HUNDRED EIGHTY DAYS IN THE PAST TEN YEARS OR FOR MORE THAN ONE HUNDRED EIGHTY DAYS AFTER THE VOLUNTEER COACH'S LAST CRIMINAL HISTORY RECORD CHECK WAS CONDUCTED, THE VOLUNTEER COACH SHALL ALSO OBTAIN AN INTERNATIONAL CRIMINAL HISTORY RECORD CHECK, INCLUDING ALIASES OF THE VOLUNTEER COACH, THAT, AT A MINIMUM, DISCLOSES SEXUAL OFFENSES AND FELONY CONVICTIONS; EXCEPT THAT, IF THE VOLUNTEER COACH IS IN THE COUNTRY ON AN INTERNATIONAL WORK VISA, THEN THE VOLUNTEER COACH IS EXEMPT FROM THIS SUBSECTION (1)(a)(II).

(b) THE CRIMINAL HISTORY RECORD CHECK MUST ASCERTAIN WHETHER THE PERSON BEING INVESTIGATED HAS BEEN CONVICTED OF FELONY CHILD ABUSE AS SPECIFIED IN SECTION 18-6-401, A FELONY OFFENSE

INVOLVING UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102 (9), A CRIME OF VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406, A CRIME LISTED IN SECTION 18-1.3-406 (2)(a)(II), OR A COMPARABLE OFFENSE COMMITTED IN ANY OTHER STATE.

(2) A PERSON CONVICTED OF FELONY CHILD ABUSE AS SPECIFIED IN SECTION 18-6-401, A FELONY OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR AS DEFINED IN SECTION 16-22-102, A CRIME OF VIOLENCE AS DESCRIBED IN SECTION 18-1.3-406, A CRIME LISTED IN SECTION 18-1.3-406 (2)(a)(II), OR A COMPARABLE CHILD ABUSE OR UNLAWFUL SEXUAL BEHAVIOR OFFENSE COMMITTED IN ANY OTHER STATE IS DISQUALIFIED FROM ACTING AS AN UNSUPERVISED VOLUNTEER COACH OF A YOUTH ATHLETIC ACTIVITY.

(3) (a) A PERSON, INCLUDING A COACH OR VOLUNTEER WHO TAKES PART IN THE ACTIVITIES OF A YOUTH SPORTS ORGANIZATION BUT WHO IS NOT REQUIRED TO OBTAIN A CRIMINAL HISTORY RECORD CHECK PURSUANT TO THIS SECTION OR IS UNABLE TO OBTAIN A CRIMINAL HISTORY RECORD CHECK MUST AT ALL TIMES BE SUPERVISED BY A COACH OR VOLUNTEER WHO HAS BEEN HIRED OR APPROVED AFTER OBTAINING A CRIMINAL HISTORY RECORD CHECK PURSUANT TO SUBSECTION (1) OF THIS SECTION.

(b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION, A LOCAL GOVERNMENT IS NOT REQUIRED TO PERFORM A CRIMINAL HISTORY RECORD CHECK ON A VOLUNTEER WHO IS NOT ACTING IN THE CAPACITY OF A COACH OR MANAGER AND ONLY OCCASIONALLY ASSISTS IN A PASSING, GENERAL, OR NOMINAL MANNER. A VOLUNTEER DESCRIBED BY THIS SUBSECTION (3)(b) SHALL BE SUPERVISED AT ALL TIMES BY A VOLUNTEER COACH WHO HAS BEEN HIRED OR APPROVED AFTER OBTAINING A CRIMINAL HISTORY RECORD CHECK PURSUANT TO SUBSECTION (1) OF THIS SECTION.

(4) A PERSON WHO ACTS AS A VOLUNTEER COACH OF A YOUTH ATHLETIC ACTIVITY SHALL POSSESS A CURRENT FIRST AID, CPR, AND AED CERTIFICATION AS DESCRIBED IN SECTION 26.5-4-402 (2).

29-7.1-104. Criminal history record checks - fees - reliance - not an open record. (1) A LOCAL GOVERNMENT MAY CHARGE A PERSON ANY FEES FOR THE CRIMINAL HISTORY RECORD CHECK REQUIRED BY THIS ARTICLE 7.1.


(2) THIS ARTICLE 7.1 DOES NOT REQUIRE A SECOND OR SUBSEQUENT CRIMINAL HISTORY RECORD CHECK FOR A COACH OR VOLUNTEER COACH PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE 7.1.


(3) A LOCAL GOVERNMENT MAY RELY ON THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK WHEN MAKING HIRING AND EMPLOYMENT DECISIONS AND WHEN MAKING THE DECISION TO ALLOW A PERSON TO ACT AS A VOLUNTEER COACH.

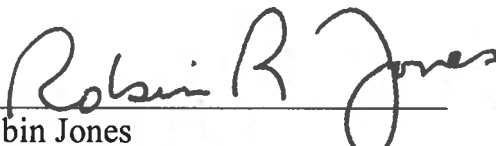
(4) ANY INFORMATION RECEIVED BY A LOCAL GOVERNMENT ON THE CRIMINAL HISTORY RECORD CHECK FOR A COACH OR VOLUNTEER COACH AS REQUIRED BY THIS ARTICLE 7.1 IS NOT SUBJECT TO THE PROVISIONS OF PART 2 OF ARTICLE 72 OF TITLE 24.


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 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.


Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

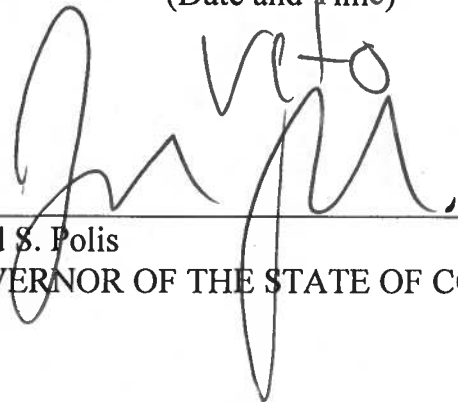

Steve Fenberg
PRESIDENT OF
THE SENATE


Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES


Cindi L. Markwell
SECRETARY OF
THE SENATE

VETO

DIS APPROVED AND VETOED on Friday May 17th 2024 at 4:27 PM
(Date and Time)


Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO