

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0055.03 Owen Hatch x2698

HOUSE BILL 26-1143

HOUSE SPONSORSHIP

Ricks and Joseph,

SENATE SPONSORSHIP

Weissman,

House Committees
State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING INFORMATION COLLECTED FOR A BACKGROUND CHECK**
102 **BY ENTITIES THAT PROVIDE NON-EMPLOYMENT-BASED**
103 **EDUCATIONAL OPPORTUNITIES.**

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 prohibits an entity from requiring an individual to provide a social security number for a background check for a non-employment-based educational opportunity unless the entity also accepts an individual taxpayer identification number in lieu of a social security number, including in clinical educational experiences for

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.

health-related academic programs, subject to certain exceptions.

The attorney general is authorized to bring a civil action to enforce the provisions of the bill.

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) Colorado's prosperity depends on policies that ensure
5 individuals can participate fully in education, training, volunteer service,
6 and civic life while maintaining strong protections for vulnerable
7 populations;

8 (b) State and federal agencies, including the Colorado bureau of
9 investigation and the federal bureau of investigation, conduct name-based
10 and fingerprint-based background checks that do not require a social
11 security number and are sufficient to identify criminal history and protect
12 public safety;

13 (c) Despite this, some public and private entities require a social
14 security number for non-employment-based background checks,
15 preventing otherwise qualified individuals from accessing
16 non-employment-based educational opportunities, such as required
17 clinical placements, internships, apprenticeships, volunteer opportunities,
18 and other educational or training experiences;

19 (d) These barriers disproportionately affect individuals who
20 lawfully lack a social security number, delaying or preventing completion
21 of educational programs and entry into high-demand professions without
22 advancing public safety;

23 (e) Allowing the use of an individual taxpayer identification
24 number as an alternative identifier preserves the integrity of background

1 screening processes while expanding access to opportunity; and
2 (f) Lifting these barriers still maintains existing criminal
3 background screening standards and does not alter employment-related
4 background check requirements.

5 (2) Therefore, the general assembly declares that:
6 (a) It is the public policy of the state that safety and not
7 immigration status should determine access to educational and training
8 opportunities; and
9 (b) Removing unnecessary barriers to non-employment-based
10 educational and training experiences strengthens Colorado's workforce,
11 protects vulnerable populations, and advances the state's commitment to
12 opportunity, dignity, and shared prosperity.

13 **SECTION 2.** In Colorado Revised Statutes, **add 8-2-128.5 as**
14 follows:

15 **8-2-128.5. Prohibitions of non-employer - requiring social**
16 **security number - exceptions - definitions.**

17 (1) (a) AN ENTITY THAT REQUIRES AN APPLICANT TO PROVIDE A
18 SOCIAL SECURITY NUMBER FOR A BACKGROUND CHECK AS A CONDITION TO
19 PARTICIPATE IN OR OTHERWISE AVAIL THEMSELF OF A
20 NON-EMPLOYMENT-BASED EDUCATIONAL OPPORTUNITY SHALL ALSO
21 ACCEPT AN INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER IN LIEU OF A
22 SOCIAL SECURITY NUMBER.

23 (b) NON-EMPLOYMENT-BASED EDUCATIONAL OPPORTUNITIES
24 COVERED BY THIS SECTION INCLUDE, BUT ARE NOT LIMITED TO, AN UNPAID
25 VOLUNTEER ROLE; UNPAID INTERNSHIP; UNPAID PRE-APPRENTICESHIP; AND
26 UNPAID CLINICAL EXPERIENCE IN A HOSPITAL OR CLINIC, INCLUDING
27 NON-EMPLOYMENT-BASED EDUCATIONAL OPPORTUNITIES REQUIRED FOR

1 GRADUATION OR LICENSURE IN A HEALTH-RELATED ACADEMIC PROGRAM.

2 (c) THIS SECTION DOES NOT APPLY TO POSITIONS THAT CONSTITUTE
3 EMPLOYMENT AS DESCRIBED IN SECTION 8-70-115.

4 (2) NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION, AN
5 APPLICANT MAY BE REQUIRED TO DISCLOSE THEIR SOCIAL SECURITY
6 NUMBER:

7 (a) TO AN ENTITY REQUIRED TO COLLECT THE SOCIAL SECURITY
8 NUMBER:

9 (I) BY STATE OR FEDERAL LAW OR RULE;
10 (II) BY A GOVERNMENTAL OR ACCREDITATION ORGANIZATION'S
11 MANDATORY PROGRAM OF LEGAL COMPLIANCE TO CHECK ANY
12 GOVERNMENTAL BACKGROUND CHECK DATABASE;

13 (III) TO COMPLY WITH REQUIREMENTS FOR A FEDERAL OR STATE
14 GRANT; OR

15 (IV) TO REIMBURSE AN APPLICANT FOR EXPENSES INCURRED IN
16 THE ACTUAL PERFORMANCE OF THEIR DUTIES ONLY IF THE
17 REIMBURSEMENT CANNOT BE PROCESSED WITH AN INDIVIDUAL TAXPAYER
18 IDENTIFICATION NUMBER OR EMPLOYER IDENTIFICATION NUMBER IN
19 ACCORDANCE WITH APPLICABLE FEDERAL OR STATE TAX LAW THAT
20 REQUIRES USING THE SOCIAL SECURITY NUMBER; OR

21 (b) IF THE APPLICANT IS APPLYING FOR A
22 NON-EMPLOYMENT-BASED EDUCATIONAL OPPORTUNITY THAT REQUIRES
23 A PERSON TO SIGN CHECKS OR ENGAGE IN OTHER TRANSACTIONS
24 INVOLVING THE ENTITY'S ASSETS OR ACCOUNTS AND THE FINANCIAL
25 INSTITUTION HOLDING THOSE ASSETS OR ACCOUNTS DOES NOT ACCEPT AN
26 INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER OR EMPLOYER
27 IDENTIFICATION NUMBER IN PLACE OF A SOCIAL SECURITY NUMBER TO

1 VERIFY THE IDENTITY OF AUTHORIZED PERSONS.

2 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
3 REQUIRES, "ENTITY" MEANS:

4 (a) A STATE INSTITUTION OF HIGHER EDUCATION AS DEFINED IN
5 SECTION 23-18-102 OR A LOCAL DISTRICT COLLEGE AUTHORIZED
6 PURSUANT TO ARTICLE 71 OF TITLE 23; A NONPROFIT ORGANIZATION THAT
7 IS EXEMPT FROM TAXATION UNDER SECTION 501 (c)(3) OF THE FEDERAL
8 "INTERNAL REVENUE CODE OF 1986"; A VOLUNTEER ORGANIZATION; OR
9 THE FOLLOWING ENTITIES AS LICENSED OR CERTIFIED AS DESCRIBED IN
10 SECTION 25-1.5-103: A HOSPITAL, CLINIC, CLINICAL PARTNERSHIP, URGENT
11 CARE CENTER, RETAIL HEALTH CLINIC, TELEMEDICINE SERVICE, OR
12 CONCIERGE MEDICAL PROVIDER; AND

13 (b) A SCHOOL THAT SERVES STUDENTS IN ANY OF GRADES
14 KINDERGARTEN THROUGH TWELVE AND ENROLLS STUDENTS WHO SEEK A
15 NON-EMPLOYMENT-BASED OPPORTUNITY AT THE SCHOOL.

16 (4) THIS SECTION DOES NOT PROHIBIT AN ENTITY FROM COMPLYING
17 WITH 8 U.S.C. SEC. 1621.

18 (5) (a) AN ENTITY THAT DOES NOT ACCEPT AN INDIVIDUAL
19 TAXPAYER IDENTIFICATION NUMBER IN VIOLATION OF THIS SECTION IS
20 SUBJECT TO A CIVIL PENALTY OF TWO THOUSAND DOLLARS FOR THE FIRST
21 VIOLATION AND FIVE THOUSAND DOLLARS FOR EACH SUBSEQUENT
22 VIOLATION.

23 (b) THE ATTORNEY GENERAL IS AUTHORIZED TO ENFORCE THIS
24 SECTION.

25 (c) A CIVIL PENALTY COLLECTED PURSUANT TO THIS SUBSECTION
26 (5) MUST BE TRANSFERRED TO THE STATE TREASURER, WHO SHALL CREDIT
27 IT TO THE IMMIGRATION LEGAL DEFENSE FUND ESTABLISHED PURSUANT TO

1 SECTION 8-3.8-101.

2 (6) AN ENTITY THAT CONDUCTS A FINGERPRINT-BASED
3 BACKGROUND CHECK OF AN APPLICANT FOR A NON-EMPLOYMENT-BASED
4 EDUCATIONAL OPPORTUNITY SHALL COMPLY WITH THE REQUIREMENTS
5 FOR EMPLOYERS DESCRIBED IN SECTION 6-1-1314.

6 **SECTION 3.** In Colorado Revised Statutes, 24-31-101, **amend**
7 (1)(v) and (1)(w); and **add** (1)(x) as follows:

8 **24-31-101. Powers and duties of attorney general.**

9 (1) The attorney general:

10 (v) May expend money, manage staff, and perform other
11 administrative functions essential for the operation of a district attorney's
12 office when appointed by executive order of the governor; **and**

13 (w) May conduct jail assessments in collaboration with the jail
14 standards advisory committee, created pursuant to section 30-10-530,
15 pursuant to section 24-31-118; **AND**

16 (x) **MAY BRING A CIVIL ACTION TO ENFORCE SECTION 8-2-128.5.**

17 **SECTION 4. Applicability.** This act applies to contracts entered
18 into and background checks requested on or after the effective date of this
19 act.

20 **SECTION 5. Safety clause.** The general assembly finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, or safety or for appropriations for
23 the support and maintenance of the departments of the state and state
24 institutions.