

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0154.02 Alana Rosen x2606

HOUSE BILL 22-1383

---

HOUSE SPONSORSHIP

**Kipp and Holtorf,**

SENATE SPONSORSHIP

**Lee,**

---

**House Committees**  
Judiciary

**Senate Committees**

---

**A BILL FOR AN ACT**

101 **CONCERNING INCREASING THE WORKFORCE BY REMOVING BARRIERS**  
102 **TO EMPLOYMENT OPPORTUNITIES FOR JUVENILES.**

---

**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 requires the general assembly to make an appropriation from the general fund to the department of human services (department). The department shall use the appropriation to fund career and technical education and vocational training programs in designated youth facilities for juveniles in the custody of the department.

The bill prevents an employer from requiring an applicant for

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

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. As a factor in determining any condition of employment, an employer shall not seek from any source any record 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, except for records that are publicly available and that are specifically related to the tasks or functions of the job. Records that are publicly available include juvenile offenses that constitute unlawful sexual behavior or a crime of violence. The bill does not apply to the screening of applicants who have direct contact with vulnerable persons.

The bill prohibits state or local agencies from denying or taking adverse action against an applicant who has been adjudicated for a delinquent act in a juvenile proceeding, but who is otherwise qualified for a license, certification, permit, or registration.

---

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) The COVID-19 pandemic has led to extensive job loss and  
5 long-term economic impacts statewide;

6 (b) Increasing job skills training immediately will provide a  
7 positive and long-lasting benefit on the state's economy at a critical time  
8 in Colorado's recovery from the COVID-19 pandemic;

9 (c) In addition to providing for the care and supervision of a  
10 juvenile committed by the juvenile court to the custody of the department  
11 of human services, the department of human services also provides career  
12 and technical education and vocational training programs;

13 (d) Custody-based education and vocational training results in  
14 greater employment opportunities, higher wages, and a lower rate of  
15 recidivism;

16 (e) The department of human services' career and technical

1 education and vocational training programs increase workforce readiness  
2 in juveniles so they may transition out of the juvenile justice system into  
3 skilled employment;

4 (f) Expanding job skills and workforce readiness training for  
5 juveniles reduces future expenditures on social services programs and  
6 reincarceration, and will positively impact Colorado's long-term  
7 economic stability;

8 (g) Juvenile adjudications can negatively impact employment  
9 opportunities, and it is an important expansion of state policy that juvenile  
10 records do not impact employment decisions; and

11 (h) In creating employment opportunities for youth with  
12 involvement in the juvenile justice system, this act seeks to minimize  
13 hiring discrimination based on an applicant's past involvement in the  
14 juvenile justice system. Potential employers continue to have access to  
15 nonconfidential information related to juvenile offenses that may be used  
16 in employment decisions. Under current law, juvenile adjudications for  
17 offenses that constitute registered sexual offenses or class 1, 2, 3, or 4  
18 felonies, if committed by an adult, are nonconfidential and available to  
19 the public.

20 (2) Therefore, the general assembly declares that investing state  
21 dollars into career and technical education and vocational training  
22 programs for juveniles will enhance the department of human services'  
23 ability to improve outcomes for juveniles and the state and prohibiting the  
24 use of juvenile adjudication records in employment decisions will  
25 improve employment opportunities for Coloradans.

26 **SECTION 2.** In Colorado Revised Statutes, 19-2.5-1526, **add** (4)  
27 as follows:



1 TO AN ADULT CONVICTION OF A CRIMINAL OFFENSE AND must not impose  
2 any civil disability upon a juvenile or disqualify OR PREJUDICE the  
3 juvenile from holding any position under the state personnel system or  
4 submitting any governmental or military service application or receiving  
5 any governmental or military service appointment or from holding public  
6 office.

7 (2) (a) AN EMPLOYER, WHETHER A PUBLIC ENTITY OR PRIVATE  
8 INDIVIDUAL OR ENTITY, SHALL NOT ASK AN APPLICANT FOR EMPLOYMENT  
9 OF ANY AGE TO DISCLOSE INFORMATION RELATED TO AN ARREST,  
10 DETENTION, PROCESSING, DIVERSION, SUPERVISION, ADJUDICATION, OR  
11 COURT DISPOSITION THAT OCCURRED WHILE THE APPLICANT WAS SUBJECT  
12 TO THE PROCESS AND JURISDICTION OF THE JUVENILE COURT.

13 (b) AS A FACTOR IN DETERMINING ANY CONDITION OF  
14 EMPLOYMENT AND IN ACCORDANCE WITH SECTION 19-1-304 (5), AN  
15 EMPLOYER SHALL NOT SEEK FROM ANY SOURCE ANY RECORD RELATED TO  
16 AN ARREST, DETENTION, PROCESSING, DIVERSION, SUPERVISION,  
17 ADJUDICATION, OR COURT DISPOSITION THAT OCCURRED WHILE THE  
18 APPLICANT WAS SUBJECT TO THE PROCESS AND JURISDICTION OF THE  
19 JUVENILE COURT.

20 (c) AN EMPLOYER SHALL NOT CONSIDER ANY RECORD RELATED TO  
21 AN ARREST, DETENTION, PROCESSING, DIVERSION, SUPERVISION,  
22 ADJUDICATION, OR COURT DISPOSITION THAT OCCURRED WHILE THE  
23 APPLICANT WAS SUBJECT TO THE PROCESS AND JURISDICTION OF THE  
24 JUVENILE COURT AS A FACTOR IN DETERMINING ANY CONDITION OF  
25 EMPLOYMENT, EXCEPT FOR RECORDS THAT ARE PUBLICLY AVAILABLE  
26 PURSUANT TO SECTION 19-1-304 (5) AND ARE SPECIFICALLY RELATED TO  
27 THE TASKS OR FUNCTIONS OF THE JOB. NOTWITHSTANDING SUBSECTION

1 (2)(b) OF THIS SECTION, AN EMPLOYER MAY CONDUCT A CRIMINAL  
2 BACKGROUND CHECK OF THE APPLICANT FOR RECORDS THAT ARE  
3 PUBLICLY AVAILABLE PURSUANT TO SECTION 19-1-304 (5). RECORDS  
4 PUBLICLY AVAILABLE PURSUANT TO SECTION 19-1-304 (5) INCLUDE  
5 JUVENILE OFFENSES THAT CONSTITUTE UNLAWFUL SEXUAL BEHAVIOR, AS  
6 DEFINED IN SECTION 16-22-102 (9), OR A CRIME OF VIOLENCE, AS DEFINED  
7 IN SECTION 18-1.3-406.

8 (d) THE PROVISIONS OF THIS SUBSECTION (2) DO NOT APPLY TO THE  
9 SCREENING OF APPLICANTS WHO HAVE DIRECT CONTACT WITH  
10 VULNERABLE PERSONS PURSUANT TO SECTION 27-90-111.

11 (e) AS USED IN THIS SUBSECTION (2), A "CONDITION OF  
12 EMPLOYMENT" MEANS HIRING, PROMOTION, TERMINATION, PARTICIPATING  
13 IN AN APPRENTICESHIP TRAINING PROGRAM, OR A TRAINING PROGRAM  
14 THAT LEADS TO EMPLOYMENT.

15 **SECTION 4.** In Colorado Revised Statutes, 24-5-101, **amend**  
16 (2)(b)(III) and (2)(b)(IV); and **add** (2)(b)(V) as follows:

17 **24-5-101. Effect of criminal conviction on employment rights.**

18 (2) (b) In evaluating an applicant, an agency shall comply with  
19 subsection (4) of this section and shall not use the determination of the  
20 following information as a basis for denial or taking adverse action  
21 against any applicant otherwise qualified:

22 (III) The applicant has been convicted of a criminal offense but  
23 records of the conviction have been sealed or expunged; ~~or~~

24 (IV) A court has issued an order of collateral relief specific to the  
25 credential sought by the applicant; OR

26 (V) THE APPLICANT HAS BEEN ADJUDICATED FOR COMMITTING A  
27 DELINQUENT ACT IN A JUVENILE PROCEEDING.

1           **SECTION 5. Act subject to petition - effective date.** This act  
2 takes effect at 12:01 a.m. on the day following the expiration of the  
3 ninety-day period after final adjournment of the general assembly; except  
4 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
5 of the state constitution against this act or an item, section, or part of this  
6 act within such period, then the act, item, section, or part will not take  
7 effect unless approved by the people at the general election to be held in  
8 November 2022 and, in such case, will take effect on the date of the  
9 official declaration of the vote thereon by the governor.