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MEMORANDUM

January 27, 2015

TO: Members of the Senate Judiciary Committee
FROM: Bill Zepernick, Senior Fiscal Analyst (303-866-4777)
SUBJECT: Fiscal Assessment of Proposed Amendment **SB048_L.005**.

This memorandum is an assessment of the fiscal impact of the attached proposed amendment to **SB15-048**. This fiscal assessment is for the impact of the bill with inclusion of this amendment only. Any other added amendment could influence the fiscal impact.

Summary of Proposed Amendment

Amendment L.005 removes the option for youth sports organizations to conduct criminal history records checks on employees and volunteers through the Colorado Bureau of Investigation. Instead, these organizations are required to use a private background check entity. The amendment also clarifies the definition of "youth sports organization."

Fiscal Impact of Amendment

Amendment L.005 eliminates the expenditures for FY 2015-16 and FY 2016-17 identified in the original fiscal note. These cash fund expenditures would have been incurred in the Department of Public Safety and would have totaled \$476,681 and 2.2 FTE in FY 2015-16 and \$23,244 and 0.1 FTE in FY 2016-17.

Bill's Revised Fiscal Impact with Amendment

With Amendment L.005, the bill assessed as having no or minimal fiscal impact. It requires certain for-profit and non-for-profit organizations to have background checks conducted by a private entity. No state agency is identified as having responsibility for enforcing the background check requirement on youth sports organizations. Failure to comply with the requirements could result in liability for a youth sports organization if an ineligible employee or volunteer were found to be involved with the organization, but such actions in the courts are not expected to have a significant impact on trial court workload and could potentially occur in some situations under current law.

SB048 L.005

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB15-048 be amended as follows:

1 Amend printed bill, page 2, strike lines 18 through 24 and substitute
2 "YEARS THEREAFTER, AS MAY BE NECESSARY, A BACKGROUND CHECK BY
3 A PRIVATE ENTITY".

4 Page 3, strike lines 1 through 4.

5 Page 3, strike line 18 and substitute "PARAGRAPH (a) OF THIS SUBSECTION
6 (2)".

7 Page 3, line 25, strike "SUBSECTION (1)" and substitute "SUBSECTION (2)".

8 Page 4, line 1, strike "SUBSECTION (1)" and substitute "SUBSECTION (2)".

9 Page 4, strike lines 14 through 19 and substitute "FOR-PROFIT OR
10 NOT-FOR-PROFIT ORGANIZATION THAT PROVIDES PERSONS WHO ARE
11 EIGHTEEN YEARS OF AGE OR YOUNGER THE OPPORTUNITY TO PARTICIPATE
12 IN SCHEDULED, COMPETITIVE OR RECREATIONAL SPORTING EVENTS,
13 WHETHER INDIVIDUALLY OR AS A TEAM.

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

15 (I) A NEIGHBORHOOD YOUTH ORGANIZATION DESCRIBED IN
16 SECTION 26-6-103.7;

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

19 (III) A PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION; OR

20 (III) AN ORGANIZATION THAT MERELY PROVIDES THE
21 OPPORTUNITY TO PARTICIPATE IN UNSCHEDULED, COMPETITIVE OR
22 RECREATIONAL SPORTING EVENTS ON A WALK-IN BASIS."

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