



183722

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2009	.	
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The Committee on Criminal Justice (Deutch) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 60 - 102  
and insert:

(2) For purposes of this section, the "sanctioning authority of an independent youth athletic team" includes the independent organization with authority to sanction an independent youth athletic team, any local office of that organization, and any office or entity that is authorized by that organization to perform any of its functions or represent its interests.



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12           (3) (a) Prior to a person in this state being hired as a  
13 sports coach of an independent youth athletic team, the  
14 sanctioning authority of the independent youth athletic team  
15 must screen the person through the public website on sexual  
16 offenders and sexual predators maintained by the Department of  
17 Law Enforcement and the Dru Sjodin National Sex Offender Public  
18 Website maintained by the United States Department of Justice.

19           (b) The sanctioning authority shall disqualify an applicant  
20 for sports coach from being a sports coach if the applicant  
21 appears on either registry.

22           (c) The sanctioning authority must notify in writing each  
23 applicant for sports coach of his or her right to obtain a copy  
24 of the screening report. An applicant disqualified to be a  
25 sports coach based on the screening may appeal to the  
26 sanctioning authority the accuracy and completeness of any  
27 information contained in the screening report. Unless otherwise  
28 prohibited by state or federal law, an applicant appealing his  
29 or her disqualification as a sports coach may be placed on  
30 probationary status pending resolution of the appeal.

31           (4) Each sanctioning authority must sign an affidavit  
32 annually, under penalty of perjury, stating that all persons who  
33 have applied for a position as a sports coach of an independent  
34 youth athletic team under its jurisdiction have been screened in  
35 compliance with subsection (3).

36           (5) In any civil action brought against a sanctioning  
37 authority in which it is alleged that the sanctioning authority  
38 was negligent in the hiring of a sports coach because of sexual  
39 misconduct committed by the sports coach, a rebuttable  
40 presumption is created that the sanctioning authority was:



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41 (a) Not negligent in the hiring of the sports coach if the  
42 sanctioning authority conducted a screening of the sports coach  
43 in compliance with subsection (3).

44 (b) Negligent in hiring of the sports coach if the  
45 sanctioning authority did not conduct a screening of the sports  
46 coach in compliance with subsection (3).

47  
48  
49 ===== T I T L E A M E N D M E N T =====

50 And the title is amended as follows:

51 Delete lines 3 - 30

52 and insert:

53 defining the terms "independent youth athletic team," "minor,"  
54 and "sports coach"; specifying what is included as a  
55 "sanctioning authority of an independent youth athletic team";  
56 requiring the sanctioning authority of an independent youth  
57 athletic team to an applicant for sports coach through  
58 designated public websites maintained by the Department of Law  
59 Enforcement and the United States Department of Justice;  
60 requiring the sanctioning authority to disqualify any applicant  
61 from being a sports coach if that applicant appears on either  
62 registry; requiring the sanctioning authority to notify the  
63 applicant of his or her right to obtain a copy of the screening  
64 report; providing that an applicant disqualified from being a  
65 sports coach based on the screening may appeal to the  
66 sanctioning authority the accuracy and completeness of the  
67 screening report; providing that the sanctioning authority may  
68 place an applicant appealing his or her disqualification as a  
69 sports coach on probationary status pending resolution of the



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70 appeal; requiring each sanctioning authority to sign an  
71 affidavit annually, under penalty of perjury, stating that all  
72 persons who have applied for a position as a sports coach of an  
73 independent youth athletic team under its jurisdiction have been  
74 screened; creating rebuttable presumptions in a civil action  
75 brought against a sanctioning authority in which it is alleged  
76 that the sanctioning authority was negligent in the hiring of a  
77 sports coach because of sexual misconduct committed by the  
78 sports coach; providing legislative intent encouraging