



The Colorado Chance to Compete Act C.R.S. § 8-2-130 Frequently Asked Questions

Overview: The Colorado Chance to Compete Act [C.R.S. § 8-2-130](#) protects job applicants with a criminal record. The law prohibits employers from the following:

- Stating in an advertisement or on an application for a position of employment that a person with a criminal history may not apply for the position,
- Inquiring into an applicant's criminal history on an initial application for a position of employment, or
- Requiring the disclosure of an applicant's criminal history on an initial application for a position of employment.

Which employers are subject to the Act?

On and after September 1, 2019, employers with 11 or more employees are subject to the Act. On and after September 1, 2021, all employers are subject to the Act.

The Act defines employer as, "a person that regularly engages the services of individuals to perform services of any nature," and includes an agent, representative, or designee of an employer, and employment agencies, but does not include government agencies.

Are there exceptions?

Yes. The Act does not apply to a position being offered or advertised if any of the following is true:

- Federal, state, or local laws or regulations exist that prohibit employing a person with a specific criminal history to that position,
- The position is designated by the employer to participate in a federal, state, or local government program to encourage the employment of people with criminal histories, or
- The employer is required by federal, state, or local law or regulation to conduct a criminal history record check for that position.

Does this law restrict employers from conducting a background check on applicants?

No. An employer may obtain the publicly available criminal background report of an applicant at any time.

Do employers have to hire candidates with criminal records?

No, this law does not require employers to hire candidates with criminal records.

I think an employer has violated this law. What can I do?

You can file a complaint about a potential violation of the Colorado Chance to Compete Act with the Division of Labor Standards and Statistics by completing this [Chance to Compete Complaint Form](#) and sending it by email, fax, or mail. Anyone who has witnessed, suffered from, or been injured by a perceived violation of this law may file a complaint, not only job applicants.

This information is provided as a resource for general education and should not be construed or relied upon as legal advice.



What are the consequences for an employer who violated this law?

For the first violation, the Division issues a warning and order requiring the employer to comply with the Act within 30 days.

For the second violation, the Division issues an order requiring the employer to comply with the Act within 30 days, and pay a fine of up to \$1,000.00.

For the third or subsequent violation, the Division issues an order requiring the employer to comply with the Act within 30 days, and pay a fine of up to \$2,500.00.

I've received a Notice of Complaint. What does this mean?

The Act requires the Division of Labor Standards and Statistics to enforce this law by investigating complaints of violations. If you have received a Notice of Complaint, review it carefully, and respond with the requested documentation.

Be aware that the [Colorado Chance to Compete Act Rules](#) require employers to maintain copies of any and all written applications, electronic applications, or advertisements for an employment position that include any question, inquiry, or request as to any aspect of a “criminal history” as defined by C.R.S. § 8-2-130 for a period of eighteen months after such application or advertisement was made available, or throughout an investigation under these rules, whichever is longer.

If you have questions about a Notice of Complaint you have received from the Division of Labor Standards and Statistics, you may call the Compliance Investigator whose signature and contact information appears at the end of the letter, or call the Division call center at 303-318-8441. Have your claim number ready.