



House of Representatives

General Assembly

File No. 166

January Session, 2021

Substitute House Bill No. 6511

House of Representatives, March 29, 2021

The Committee on Children reported through REP. LINEHAN of the 103rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT REQUIRING BACKGROUND CHECKS FOR YOUTH SPORTS COACHES, TRAINERS AND INSTRUCTORS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-432 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 (a) For purposes of this section:

4 (1) "Youth athletic activity" means an organized athletic activity
5 involving participants of not less than seven years of age, except as
6 provided in subsections (d) to (f), inclusive, of this section and not more
7 than nineteen years of age, who (A) (i) engage in an organized athletic
8 game or competition against another team, club or entity or in practice
9 or preparation for an organized game or competition against another
10 team, club or entity, or (ii) attend an organized athletic camp or clinic
11 the purpose of which is to train, instruct or prepare such participants to
12 engage in an organized athletic game or competition, and (B) (i) pay a
13 fee to participate in such organized athletic game or competition or

14 attend such camp or clinic, or (ii) whose cost to participate in such
15 athletic game or competition or attend such camp or clinic is sponsored
16 by a municipality, business or nonprofit organization. "Youth athletic
17 activity" does not include any college or university athletic activity, or
18 an athletic activity that is incidental to a nonathletic program or lesson;
19 and

20 (2) "Operator" means any municipality, business or nonprofit
21 organization that conducts, coordinates, organizes or otherwise
22 oversees any youth athletic activity but shall not include any
23 municipality, business or nonprofit organization solely providing access
24 to, or use of, any field, court or other recreational area, whether for
25 compensation or not.

26 (b) Not later than January 1, 2016, and annually thereafter, each
27 operator of a youth athletic activity shall make available a written or
28 electronic statement regarding concussions to each youth athlete and a
29 parent or legal guardian of each youth athlete participating in the youth
30 athletic activity. Such written or electronic statement shall be made
31 available upon registration of each youth athlete and shall be consistent
32 with the most recent information provided by the National Centers for
33 Disease Control and Prevention regarding concussions. Such written or
34 electronic statement shall include educational content addressing, at a
35 minimum: (1) The recognition of signs or symptoms of a concussion, (2)
36 the means of obtaining proper medical treatment for a person suspected
37 of sustaining a concussion, (3) the nature and risks of concussions,
38 including the danger of continuing to engage in youth athletic activity
39 after sustaining a concussion, and (4) the proper procedures for
40 allowing a youth athlete who has sustained a concussion to return to
41 athletic activity.

42 (c) No operator, or designee of such operator, shall be subject to civil
43 liability for failing to make available the written or electronic statement
44 regarding concussions pursuant to subsection (b) of this section.

45 (d) Notwithstanding the provisions of subsection (a) of this section,
46 for purposes of this subsection and subsections (e) and (f) of this section,

47 youth athletic activity also includes an organized athletic activity
48 involving participants less than seven years of age. On and after October
49 1, 2022, an operator shall require any prospective employee, except as
50 provided in subsection (f) of this section, who is eighteen years of age or
51 older and applying for a position as a coach or instructor of a youth
52 athletic activity or as an athletic trainer, licensed under chapter 375a, to
53 submit to a comprehensive background check, including state and
54 national criminal history records checks and a check of the state child
55 abuse registry established pursuant to section 17a-101k. The criminal
56 history records check required pursuant to this subsection shall be
57 conducted (1) in accordance with section 29-17a, or (2) by a third party
58 provider of criminal history record checks, including, but not limited to,
59 criminal history record checks conducted through a centralized
60 disciplinary database established by an independent national safe sport
61 organization. The provisions of this subsection shall not apply to an
62 athletic coach of intramural or interscholastic athletics who is employed
63 by a local or regional board of education, provided such board satisfies
64 the requirements relating to state and national criminal history records
65 checks applicable to employees of such board pursuant to section 10-
66 221d. Any criminal history background check conducted pursuant to
67 this subsection shall be completed not later than five business days after
68 receipt of the request for such background check. Pending completion
69 of all background check components described in this subsection, a
70 prospective employee may begin work on a provisional basis, provided
71 such prospective employee is supervised at all times by an employee
72 who was subjected to a background check described in this subsection
73 within the previous five years.

74 (e) The comprehensive background checks required pursuant to
75 subsection (d) of this section shall be conducted at least once every five
76 years for each coach, instructor or athletic trainer employed by an
77 operator.

78 (f) A person who is eighteen years of age or older and applies for a
79 position as a coach, instructor or athletic trainer for a youth athletic
80 activity in the state shall not be required to submit to such

81 comprehensive background checks if such person (1) is an employee of
 82 an operator of a youth athletic activity in the state, or has not been
 83 separated from employment as a coach, instructor or athletic trainer for
 84 a youth athletic activity in the state for a period of more than one
 85 hundred eighty days, and (2) has successfully completed such
 86 comprehensive background checks in the previous five years. Nothing
 87 in this section prohibits an operator from requiring that a person
 88 applying for a position as a coach, instructor or athletic trainer submit
 89 to comprehensive background checks more than once during a five-year
 90 period.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2021	21a-432

KID *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$
Emergency Services and Public Protection, Dept.	Applicant Fingerprint Card Submission Account - Potential Revenue Gain	None	See Below
Resources of the General Fund	GF - Potential Revenue Gain	None	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 22 \$	FY 23 \$
Various Municipalities	STATE MANDATE ¹ - Potential Cost	None	See Below

Explanation

The bill requires certain municipalities and other youth athletic activity operators to conduct comprehensive background checks on certain prospective employees resulting in a potential revenue gain to the state and a potential cost to municipalities.

The Department of Emergency Services and Public Protection

¹ State mandate is defined in Sec. 2-32b(2) of the Connecticut General Statutes, "state mandate" means any state initiated constitutional, statutory or executive action that requires a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

(DESPP) conducts state background checks for \$75 per person and to the extent additional background checks are requested there is a potential revenue gain to the state. The bill also requires a federal background check which DESPP conducts for a fee of \$13.25 but remits the fee to the federal government resulting in no fiscal impact to the state. Both state and federal background checks require fingerprinting, which DESPP conducts for \$15 per person resulting in a potential revenue gain to the Applicant Fingerprint Card Submission Account².

There is a cost to municipalities that will vary based on 1) the number of background checks they conduct, and 2) the vendor they use to conduct them. A town that conducts these background checks via DESPP would incur costs of \$75 per person for the state criminal background check, \$13.25 per person for the Federal criminal background check, and \$15 per person for fingerprinting. A town that conducts background checks via a third-party vendor could incur costs of \$18 to \$20 per person for both.

A municipality could at least partially offset this cost if it chose to increase any fees it charges for participation in youth athletic activities.

The Department of Children and Families (DCF) is in the process of implementing an automated Child Abuse and Neglect Registry system, which will be in place before the bill becomes effective, therefore, no fiscal impact to the agency is anticipated from the bill. DCF does not charge a fee for a check of the Registry.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of background checks and inflation.

² Funds in the Applicant Fingerprint Card Submission Account are used for IT support and maintenance for the fingerprinting systems.

OLR Bill Analysis

sHB 6511

AN ACT REQUIRING BACKGROUND CHECKS FOR YOUTH SPORTS COACHES, TRAINERS AND INSTRUCTORS.

SUMMARY

This bill requires certain municipalities, businesses, and nonprofit organizations operating youth athletic activities (“operators”), starting October 1, 2022, to require prospective employees who are age 18 or older and applying for a position as coach, instructor, or athletic trainer to submit to a comprehensive background check, including state and national criminal history records checks and a check of the state child abuse registry. It also requires employees in these positions to submit to the same background checks at least once every five years.

The bill applies this requirement to youth athletic activities organized for certain participants age 19 and under.

It exempts from the comprehensive background check requirement applicants for coach, instructor, or athletic trainer positions who are operators’ employees, certain former employees, or certain local or regional board of education athletic coaches.

Under the bill, the required criminal history records check must be conducted by (1) the State Police Bureau of Identification in accordance with existing law (see BACKGROUND) or (2) a third-party provider of criminal history records checks, including checks through a centralized disciplinary database established by an independent national safe sport organization.

The bill (1) requires the criminal history background checks to be completed within five business days after the request is received by the party conducting them and (2) generally allows prospective employees

to begin working on a provisional basis while the request is pending. This work must always be supervised by an employee who was subjected to the comprehensive background check within the previous five years.

It also specifies that it does not prohibit an operator from requiring an applicant for a position as a coach, instructor, or athletic trainer to submit to comprehensive background checks more often than once every five years.

EFFECTIVE DATE: October 1, 2021

EXEMPTIONS

The bill does not apply to applicants for a position as a coach, instructor, or athletic trainer for a youth athletic activity who:

1. are employees of an operator of a youth athletic activity in the state or have not been separated from employment as a coach, instructor, or athletic trainer for more than 180 days and have successfully completed the comprehensive background check in the previous five years; or
2. are athletic coaches of intramural or interscholastic athletics who are employed by a local or regional board of education, provided the board satisfies the state and national criminal history records checks requirements for board employees under existing law.

DEFINITIONS

Operator

By law, an “operator” is any municipality, business, or nonprofit organization that conducts, coordinates, organizes, or otherwise oversees any youth athletic activity. It does not include any of these entities, whether or not compensated, that solely provide access to, or use of, a field, court, or other recreational area.

Youth Athletic Activity

Under existing law, a youth athletic activity is an organized athletic

activity involving participants who:

1. (a) engage in, or practice or prepare for, an organized athletic game or competition against another team, club, or entity or (b) attend an organized athletic camp or clinic that trains, instructs, or prepares these participants and
2. pay a fee to participate in such an organized athletic game or competition or attend such a camp or clinic, or whose fee is sponsored by a municipality, business, or nonprofit organization.

It does not include any college or university athletic activity, or one that is incidental to a nonathletic program or lesson.

Under current law, youth athletic activities participants are ages seven through 19. The bill additionally applies its background check provisions to youth athletic activities in which participants are under age seven.

BACKGROUND

Criminal History Records Checks

By law, if a criminal history records check is required by state law, it must be requested from the State Police Bureau of Identification and must apply to the individual identified in the request. The requesting party must arrange for the fingerprinting of the individual or for conducting any other method of positive identification required by the State Police Bureau of Identification and, if a national criminal history records check is requested, by the Federal Bureau of Investigation (CGS § 29-17a).

Related Bill

sHB 6417 (LCO 5023), favorably reported by the Children's Committee, requires licensed youth camp prospective employees who are age 18 or older applying for positions that require the provision of care to a child or involve unsupervised access to any child to submit to comprehensive background checks, starting October 1, 2022.

COMMITTEE ACTION

Committee on Children

Joint Favorable Substitute

Yea 13 Nay 0 (03/11/2021)