

Committee on Children JOINT FAVORABLE REPORT

Bill No.: HB-6511

AN ACT REQUIRING BACKGROUND CHECKS FOR YOUTH SPORTS

Title: COACHES, TRAINERS AND INSTRUCTORS.

Vote Date: 3/11/2021

Vote Action: Joint Favorable Substitute

PH Date: 3/2/2021

File No.:

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SPONSORS OF BILL:

Committee on Children

Rep. Lucy Dathan, 142nd Dist.

Rep. Mary Welander, 114th Dist.

Rep. Edwin Vargas, 6th Dist.

Rep. Robin E. Comey, 102nd Dist.

Rep. Gary A. Turco, 27th Dist.

Rep. Josh Elliott, 88th Dist.

Rep. Robert Sanchez, 25th Dist.

Rep. Jaime S. Foster, 57th Dist.

Rep. Greg S. Howard, 43rd Dist.

Sen. Saud Anwar, 3rd Dist.

REASONS FOR BILL:

In order to better prevent any incidents from happening involving the youth of Connecticut, this bill would require prospective instructors (who are eighteen and older) of youth athletics in any capacity, to submit to a comprehensive background check.

On line 5 language is added for structural reasons of the document, referencing two other additions later in the document.

On line 45 subsection (d) is added in order to determine that youth athletic activity also includes an organized athletic activity involving participants less than seven years of age. It also determines that any person applying for an instructor position of a youth athletic activity must submit a background check, to be completed not later than five business days after receipt of the request for such background check.

On line 71 subsection (e) is added in order to better explain the requirements of a background check, previously mentioned in subsection (d).

On line 76 subsection (f) is added in order to explain that any person who is eighteen years of age or older and applies for a position as a coach, instructor or athletic trainer for a youth athletic activity in the state shall not be required to submit to such background checks if such person meet certain requirement set in this subsection.

RESPONSE FROM ADMINISTRATION/AGENCY:

No response from administration/agency for this bill

NATURE AND SOURCES OF SUPPORT:

Wayne B. Moss Executive Director of the National Council of Youth Sports: Wayne Moss testified in support of this bill though requests some changes to it. He requests that:

- The background check requirements “allow for background checks that are deemed an acceptable alternative to fingerprinting and align with the important national youth protection standards, established by NCYS.”
- That “proposed HB 6511 legislation be amended to allow for background checks that are deemed an acceptable alternative to fingerprinting, and that ideally include (at a minimum) the following search components:
 1. Social Security Number validation;
 2. Name and address history records;
 3. Multi-Jurisdictional Criminal Database searches covering 50 states plus DC, Guam, and Puerto Rico;
 4. County Criminal Records for each name used and county where the individual currently lives or has lived during at least the past five years, going back the length of time records are available and reportable for each county searched;
 5. National Sex Offender Registry database search of all available states, plus DC, Guam, and Puerto Rico;
 6. Multiple National Watch Lists

His reason for requesting such a change was that he believes it is best if Connecticut’s state requirements were to be aligned with the high national safety standards.

Connecticut Conference of Municipalities (CCM): The conference testified in support of this bill, but it has some concerns:

- With the proposed language, especially “the provisions that restrict a municipalities ability to send out an RFP to contract out for the fingerprinting initiative outlined in the

bill and forces municipalities to use the state as the sole provider of fingerprinting services.”

- With the fact that the language of the bill will “create staffing problems because of the delays associated in the turnaround of results processed by the state”.

The conference requests:

- The “committee to give the municipality the flexibility to purchase these on the open market” due to the increased costs alongside the pandemic economic effect could affect the business as well as communities who are not able to afford much.

John Cattelan, Connecticut Alliance of YMCAs: John Cattelan testified in favor of this bill though he requested that the fingerprinting requirement be removed because of the time it would take - The season at the YMCAs is already over in eight weeks, when the background check is completed.

NATURE AND SOURCES OF OPPOSITION:

Kelly McConney Moore, Interim Senior Policy Council for the American Civil Liberties Union of Connecticut: Kelly Moore testified in opposition of this bill. She states that:

- This bill will have an unintended side effect of targeting black and latinx community members who have been incarcerated in the past. By requiring instructors to have a complex background check done, employers could potentially use their incarceration period as an excuse to discriminate against them.
- She proposes that “operators of youth camps utilize a balancing test like the one in Section 46a-80 of the general statutes”. In addition, she also encourages the Committee “to also oppose House Bill 6511 unless it is amended to include consideration of these factors”.

Valerie Stolfi Collins, Executive Director of the Connecticut Recreation Parks Association: Valerie Collins testified in opposition of this bill. Her reasoning for her positioning was because:

- Such a bill “limits a municipality’s ability to conduct an RFP process to contract out with a third-party entity and receive competitive pricing, it pigeonholes municipalities into a fixed, statutorily set cost of \$88.00 which can increase at any time”.
- Due to COVID there was a shortage of income and an increase of investment, therefore “municipalities do not have the resources to comply with this new unfunded mandate at this time.”
- This bill will “likely increase the per-person program registration fee and decrease the availability of access to affordable recreational opportunities” furthering “the income divide with regard to access to sports.”

- Most of CRPA's coaches work as a secondary job during nights and weekends and are not able to get the fingerprinting done.
- The time frame given in section f subsection (1) does not give sufficient time for a returning coach to complete another background check. Value gives an example saying that if "a basketball coach may only be employed for 3 months and then has 9 months of separation. Therefore, the number of days should be no less than 280 days."
- The turnaround time on the results of the state police fingerprinting is over 8 weeks and the turnaround time for the DCF is 4 weeks, and "recreation departments do not have enough paid coaches on staff to ensure that everyone whose results are pending are supervised by someone whose results are returned as cleared." She further states that if this bill passes, there will be an increased demand and therefore an increase in timeframe as well.

Reported by: Gabriela Dos Santos

Date: March 20th 2021