



General Assembly

Amendment

January Session, 2021

LCO No. **8825**



Offered by:

REP. LINEHAN, 103rd Dist.
SEN. ANWAR, 3rd Dist.
REP. HOWARD, 43rd Dist.
REP. LANOUE, 45th Dist.
REP. WELANDER, 114th Dist.

To: Subst. House Bill No. **6417**

File No. 157

Cal. No. 146

**"AN ACT REQUIRING BACKGROUND CHECKS FOR CERTAIN
EMPLOYEES OF YOUTH CAMPS."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 19a-421 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2021*):

5 (a) No person shall establish, conduct or maintain a youth camp
6 without a license issued by the office. Applications for such license shall
7 be made in writing at least thirty days prior to the opening of the youth
8 camp on forms provided and in accordance with procedures established
9 by the commissioner and shall be accompanied by a fee of eight
10 hundred fifteen dollars or, if the applicant is a nonprofit, nonstock
11 corporation or association, a fee of three hundred fifteen dollars or, if

12 the applicant is a day camp affiliated with a nonprofit organization, for
13 no more than five days duration and for which labor and materials are
14 donated, no fee. All such licenses shall be valid for a period of one year
15 from the date of issuance unless surrendered for cancellation or
16 suspended or revoked by the commissioner for violation of this chapter
17 or any regulations adopted under section 19a-428 and shall be
18 renewable upon payment of an eight-hundred-fifteen-dollar license fee
19 or, if the licensee is a nonprofit, nonstock corporation or association, a
20 three-hundred-fifteen-dollar license fee or, if the applicant is a day camp
21 affiliated with a nonprofit organization, for no more than five days
22 duration and for which labor and materials are donated, no fee.

23 (b) On and after October 1, 2022, any licensee shall require any
24 prospective employee eighteen years of age or older, who is applying
25 for a position at a youth camp that requires the provision of care to a
26 child or involves unsupervised access to a child, to submit to a
27 comprehensive background check. The background check shall include,
28 but not be limited to, a (1) (A) criminal history records check conducted
29 (i) in accordance with section 29-17a, or (ii) by searching the electronic
30 criminal record system maintained on the Internet web site of the
31 Judicial Department for convictions matching the prospective
32 employee's name and date of birth, (B) state child abuse registry
33 established pursuant to section 17a-101k, (C) registry established and
34 maintained pursuant to section 54-257, and (D) National Sex Offender
35 Registry Public Website maintained by the United States Department of
36 Justice, or (2) check by a third-party provider of national criminal
37 history record checks that is conducted through a centralized database
38 utilizing the prospective employee's fingerprints, provided such
39 provider appears on a list of such providers published on the Internet
40 web site of the Office of Early Childhood. Prior to each check of the state
41 child abuse registry conducted pursuant to this subsection, a licensee
42 shall submit to the office an authorization for the release of personal
43 information signed by the prospective employee, on a form prescribed
44 by the office, and the office shall submit such authorization to the
45 Department of Children and Families. Any prospective employee who

46 holds a J-1 visa, H-1B visa or R-1 visa issued by the United States
47 Department of State shall not be required to submit to a background
48 check under this section.

49 (c) Pending completion of all comprehensive background check
50 components described in subsection (b) of this section, a prospective
51 employee may begin work on a provisional basis, provided such
52 prospective employee is supervised at all times by an employee who
53 was subjected to a comprehensive background check described in
54 subsection (b) of this section within the past five years.

55 (d) Each licensee shall require any employee of a youth camp holding
56 a position that requires the provision of care to a child or involves
57 unsupervised access to a child to submit to a comprehensive
58 background check described in subsection (b) of this section not later
59 than five years after the date such employee was hired, and at least once
60 every five years thereafter. Nothing in this section prohibits a licensee
61 from requiring any such employee to submit to a comprehensive
62 background check more than once during a five-year period.

63 (e) The Commissioner of Early Childhood shall have the discretion to
64 refuse to license under sections 19a-420 to 19a-429, inclusive, a person
65 to establish, conduct or maintain a youth camp, as described in section
66 19a-420, or to suspend or revoke the license or take any other action set
67 forth in any regulation adopted pursuant to section 19a-428 if, the
68 person who establishes, conducts or maintains such youth camp or a
69 person employed therein in a position connected with the provision of
70 care to a child or involving unsupervised access to a child, has been
71 convicted in this state or any other state of a felony as defined in section
72 53a-25 involving the use, attempted use or threatened use of physical
73 force against another person, of cruelty to persons under section 53-20,
74 injury or risk of injury to or impairing morals of children under section
75 53-21, abandonment of children under the age of six years under section
76 53-23, or any felony where the victim of the felony is a child under
77 eighteen years of age, or of a violation of section 53a-70b of the general
78 statutes, revision of 1958, revised to January 1, 2019, 53a-70, 53a-70a,

79 53a-71, 53a-72a, 53a-72b or 53a-73a, or has a criminal record in this state
80 or any other state that the commissioner reasonably believes renders the
81 person unsuitable to establish, conduct or maintain or be employed by
82 a youth camp. However, no refusal of a license shall be rendered except
83 in accordance with the provisions of sections 46a-79 to 46a-81, inclusive.

84 (f) Any person who is licensed to establish, operate or maintain a
85 youth camp shall notify the Commissioner of Early Childhood if such
86 licensee or any person employed by such youth camp is convicted of a
87 crime listed in subsection (e) of this section, if such licensee or person
88 employed by such youth camp is employed in a position connected with
89 the provision of care to a child or involving unsupervised access to a
90 child, immediately upon obtaining knowledge of the conviction. Failure
91 to comply with the notification requirement may result in the
92 suspension or revocation of the license or the imposition of any action
93 set forth in regulation, and shall subject the licensee to a civil penalty of
94 not more than one hundred dollars per day for each day after the
95 licensee obtained knowledge of the conviction, provided such civil
96 penalty shall not exceed the aggregate sum of four thousand five
97 hundred dollars.

98 (g) Each licensee shall maintain, and make available for inspection
99 upon request of the Office of Early Childhood, any documentation
100 associated with a comprehensive background check described in
101 subsection (b) of this section, for a period of not less than five years from
102 the date of (1) completion of such background check, if the subject of the
103 comprehensive background check was not hired by the licensee, or (2)
104 separation from employment, if the subject of the comprehensive
105 background check was hired by the licensee.

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

108 (a) For purposes of this section:

109 (1) "Youth athletic activity" means an organized athletic activity
110 involving participants of not less than seven years of age, except as

111 provided in subsections (d) to (f), inclusive, of this section, and not more
112 than nineteen years of age, who (A) (i) engage in an organized athletic
113 game or competition against another team, club or entity or in practice
114 or preparation for an organized game or competition against another
115 team, club or entity, or (ii) attend an organized athletic camp or clinic
116 the purpose of which is to train, instruct or prepare such participants to
117 engage in an organized athletic game or competition, and (B) (i) pay a
118 fee to participate in such organized athletic game or competition or
119 attend such camp or clinic, or (ii) whose cost to participate in such
120 athletic game or competition or attend such camp or clinic is sponsored
121 by a municipality, business or nonprofit organization. "Youth athletic
122 activity" does not include any college or university athletic activity, or
123 an athletic activity that is incidental to a nonathletic program or lesson;
124 and

125 (2) "Operator" means any municipality, business or nonprofit
126 organization that conducts, coordinates, organizes or otherwise
127 oversees any youth athletic activity but shall not include any
128 municipality, business or nonprofit organization solely providing access
129 to, or use of, any field, court or other recreational area, whether for
130 compensation or not.

131 (b) Not later than January 1, 2016, and annually thereafter, each
132 operator of a youth athletic activity shall make available a written or
133 electronic statement regarding concussions to each youth athlete and a
134 parent or legal guardian of each youth athlete participating in the youth
135 athletic activity. Such written or electronic statement shall be made
136 available upon registration of each youth athlete and shall be consistent
137 with the most recent information provided by the National Centers for
138 Disease Control and Prevention regarding concussions. Such written or
139 electronic statement shall include educational content addressing, at a
140 minimum: (1) The recognition of signs or symptoms of a concussion, (2)
141 the means of obtaining proper medical treatment for a person suspected
142 of sustaining a concussion, (3) the nature and risks of concussions,
143 including the danger of continuing to engage in youth athletic activity
144 after sustaining a concussion, and (4) the proper procedures for

145 allowing a youth athlete who has sustained a concussion to return to
146 athletic activity.

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

150 (d) Notwithstanding the provisions of subsection (a) of this section,
151 for purposes of this subsection and subsections (e) and (f) of this section,
152 youth athletic activity also includes an organized athletic activity
153 involving participants less than seven years of age. On and after October
154 1, 2022, an operator shall require any prospective employee or
155 volunteer, except as provided in subsection (f) of this section, who is
156 eighteen years of age or older and applying for a position as a coach or
157 instructor of a youth athletic activity or as an athletic trainer, licensed
158 under chapter 375a, to submit to a comprehensive background check.
159 The background check shall include, but not be limited to, a (1) (A)
160 criminal history records check conducted (i) in accordance with section
161 29-17a, or (ii) by searching the electronic criminal record system
162 maintained on the Internet web site of the Judicial Department for
163 convictions matching the prospective employee's name and date of
164 birth, (B) check of the state child abuse registry established pursuant to
165 section 17a-101k, (C) check of the registry established and maintained
166 pursuant to section 54-257, and (D) search of the National Sex Offender
167 Registry Public Website maintained by the United States Department of
168 Justice, or (2) check by a third-party provider of national criminal
169 history record checks that is conducted in accordance with the national
170 industry background check standards established by the United States
171 Olympic and Paralympic Committee. For each check of the state child
172 abuse registry conducted pursuant to this subsection, an operator shall
173 submit to the Department of Children and Families an authorization for
174 the release of personal information signed by the prospective employee
175 or volunteer. The provisions of this subsection shall not apply to an
176 athletic coach of intramural or interscholastic athletics who is employed
177 by a local or regional board of education, provided such board satisfies
178 the requirements relating to state and national criminal history records

179 checks applicable to employees of such board pursuant to section 10-
180 221d. Pending completion of all background check components
181 described in this subsection, a prospective employee or volunteer may
182 begin work on a provisional basis, provided such prospective employee
183 or volunteer is supervised at all times by an employee or volunteer who
184 was subjected to a background check described in this subsection within
185 the previous five years.

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

190 (f) A person who is eighteen years of age or older and applies for a
191 position as a coach, instructor or athletic trainer for a youth athletic
192 activity in the state shall not be required to submit to such
193 comprehensive background checks if such person (1) is an employee or
194 volunteer of an operator of a youth athletic activity in the state, or has
195 not been separated from employment or volunteer position as a coach,
196 instructor or athletic trainer for a youth athletic activity in the state for a
197 period of more than one hundred eighty days, and (2) has successfully
198 completed such comprehensive background checks in the previous five
199 years. Nothing in this section prohibits an operator from requiring that
200 a person applying for a position as a coach, instructor or athletic trainer
201 submit to comprehensive background checks more than once during a
202 five-year period.

203 (g) If the comprehensive background check conducted pursuant to
204 subsection (d) of this section results in a finding that a person who
205 applied for a position as a coach, instructor or athletic trainer for a youth
206 athletic activity has been convicted in this state or any other state of a
207 felony as defined in section 53a-25 involving the use, attempted use or
208 threatened use of physical force against another person, of cruelty to
209 persons under section 53-20, injury or risk of injury to or impairing
210 morals of children under section 53-21, abandonment of children under
211 the age of six years under section 53-23, or any felony where the victim

212 of the felony is a child under eighteen years of age, or of a violation of
 213 section 53a-70b of the general statutes, revision of 1958, revised to
 214 January 1, 2019, or section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or
 215 53a-73a, or has a criminal record in this state or any other state that the
 216 operator reasonably believes may render the person unsuitable for a
 217 position as a coach, instructor or athletic trainer for a youth athletic
 218 activity, the operator to whom the person has applied shall not employ
 219 the person or accept the person as a volunteer if, after considering (1)
 220 the nature of the crime and its relationship to the position for which the
 221 person has applied; (2) information pertaining to the degree of
 222 rehabilitation of the convicted person; and (3) the time elapsed since the
 223 conviction or release, the operator determines that such person is not
 224 suitable for the position for which such person has applied."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2021	19a-421
Sec. 2	October 1, 2021	21a-432