



General Assembly

Amendment

January Session, 2021

LCO No. 8548



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 Section 19a-421 of the general statutes is repealed and the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 of any
86 criminal conviction of such licensee or any person employed by such
87 youth camp in a position connected with the provision of care to a child
88 or involving unsupervised access to a child, immediately upon
89 obtaining knowledge of the conviction. Failure to comply with the
90 notification requirement may result in the suspension or revocation of
91 the license or the imposition of any action set forth in regulation, and
92 shall subject the licensee to a civil penalty of not more than one hundred
93 dollars per day for each day after the licensee obtained knowledge of
94 the conviction.

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

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 Section 21a-432 of the general statutes is repealed and the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

105 (a) For purposes of this section:

106 (1) "Youth athletic activity" means an organized athletic activity
107 involving participants of not less than seven years of age, except as
108 provided in subsections (d) to (f), inclusive, of this section, and not more
109 than nineteen years of age, who (A) (i) engage in an organized athletic
110 game or competition against another team, club or entity or in practice

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

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

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

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

147 (d) Notwithstanding the provisions of subsection (a) of this section,
148 for purposes of this subsection and subsections (e) and (f) of this section,
149 youth athletic activity also includes an organized athletic activity
150 involving participants less than seven years of age. On and after October
151 1, 2022, an operator shall require any prospective employee or
152 volunteer, except as provided in subsection (f) of this section, who is
153 eighteen years of age or older and applying for a position as a coach or
154 instructor of a youth athletic activity or as an athletic trainer, licensed
155 under chapter 375a, to submit to a comprehensive background check.
156 The background check shall include, but not be limited to, a (1) (A)
157 criminal history records check conducted (i) in accordance with section
158 29-17a, or (ii) by searching the electronic criminal record system
159 maintained on the Internet web site of the Judicial Department for
160 convictions matching the prospective employee's name and date of
161 birth, (B) check of the state child abuse registry established pursuant to
162 section 17a-101k, (C) check of the registry established and maintained
163 pursuant to section 54-257, and (D) search of the National Sex Offender
164 Registry Public Website maintained by the United States Department of
165 Justice, or (2) check by a third-party provider of national criminal
166 history record checks that is conducted in accordance with the national
167 industry background check standards established by the United States
168 Olympic and Paralympic Committee. For each check of the state child
169 abuse registry conducted pursuant to this subsection, an operator shall
170 submit to the Department of Children and Families an authorization for
171 the release of personal information signed by the prospective employee
172 or volunteer. The provisions of this subsection shall not apply to an
173 athletic coach of intramural or interscholastic athletics who is employed
174 by a local or regional board of education, provided such board satisfies
175 the requirements relating to state and national criminal history records
176 checks applicable to employees of such board pursuant to section 10-
177 221d. Pending completion of all background check components

178 described in this subsection, a prospective employee or volunteer may
179 begin work on a provisional basis, provided such prospective employee
180 or volunteer is supervised at all times by an employee or volunteer who
181 was subjected to a background check described in this subsection within
182 the previous five years.

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

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

200 (g) If the comprehensive background check conducted pursuant to
201 subsection (d) of this section results in a finding that a person who
202 applied for a position as a coach, instructor or athletic trainer for a youth
203 athletic activity has been convicted in this state or any other state of a
204 felony as defined in section 53a-25 involving the use, attempted use or
205 threatened use of physical force against another person, of cruelty to
206 persons under section 53-20, injury or risk of injury to or impairing
207 morals of children under section 53-21, abandonment of children under
208 the age of six years under section 53-23, or any felony where the victim
209 of the felony is a child under eighteen years of age, or of a violation of
210 section 53a-70b of the general statutes, revision of 1958, revised to

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