OLR RESEARCH REPORT

August 7, 2012 2012-R-0359

CRIMINAL BACKGROUND CHECKS FOR NON-SCHOOL-SPONSORED SPORTS COACHES

By: Katherine Dwyer, Legislative Analyst II

You asked (1) if Connecticut law requires background checks for nonschool-sponsored sports program coaches and volunteers, (2) whether any other states or any national youth sports leagues require such checks, and (3) for information on any recent Connecticut proposals to require non-school-sponsored youth sports coaches and volunteers to undergo background checks. This report is an update of OLR Report 2004-R-0615.

SUMMARY

Connecticut law does not require criminal records background checks of school volunteers or nonschool-sponsored sports coaches.

We found three states with laws on criminal background checks for non-school youth sports organization personnel. Two of the states, New Jersey and Oregon, expressly encourage or allow the checks. Florida's background checks are mandatory.

Several youth sports leagues, including Little League Baseball and Pop Warner Leagues, require annual background checks for all league employees and volunteers. The national leagues require local leagues to check the names of their volunteers against their state sex offender registry.

Sandra Norman-Eady, Director
Phone (860) 240-8400
FAX (860) 240-8881
http://www.cga.ct.gov/olr

Connecticut General Assembly
Office of Legislative Research

Room 5300
Legislative Office Building
Hartford, CT 06106-1591
Olr@cga.ct.gov

Since 2004, three bills were introduced to extend the law on sports-related criminal background checks to nonschool employees and volunteers. None became law.

BACKGROUND CHECKS IN CONNECTICUT

Non-School-Sponsored Youth Sports

Connecticut law does not require background checks for coaches or other personnel overseeing or volunteering for youth sports organizations that are not sponsored by schools. Whether to require checks for coaches for these activities is up to the sponsoring organization or entity.

Although Connecticut does not require background checks for youth sports coaches who are not school employees, it is a crime in this state for an athletic coach or a person, like a piano teacher, who provides intensive, ongoing instruction to have sexual intercourse or sexual contact with (1) a student receiving coaching or instruction in a high school or (2) anyone under age 18 receiving such coaching or instruction. Sexual intercourse under these circumstances is 2nd degree assault, which is punishable by one to 10 years in prison (with a nine-month mandatory minimum sentence), a fine of up to $10,000, or both. Sexual contact under these circumstances is 4th degree sexual assault, punishable by up to a year in prison, a fine of up to $2,000, or both.

In 2004, the General Assembly extended these crimes to cover any adult aged 20 or more who has sexual intercourse or contact with anyone under age 18 who participates in a program or activity when the adult's professional, legal, occupational, or volunteer status gives him power, authority, or supervision over the younger person (CGS § 53a-71).

OTHER STATES

A Westlaw search of state laws yielded three states, Florida, New Jersey, and Oregon, with laws on criminal background checks for employees or volunteers in non-school sponsored youth organizations.

Florida. The law requires independent sanctioning authorities to conduct background screenings on all current and prospective athletic coaches. The background screening consists of a search of the athletic coach's name or other identifying information against the Florida Department of Law Enforcement's and U.S. Attorney General's sexual predator and sexual offender registries. Anyone identified on either

registry is disqualified from acting as an athletic coach. An independent sanctioning authority is a private, nongovernmental entity that (1) organizes, operates, and coordinates youth athletic teams and (2) is not private school-affiliated (Fla. Stat. Ann. § 943.0438).

New Jersey. The law allows any nonprofit youth organization to ask the state police to conduct a criminal background check of each of its current and prospective employees or volunteers. It covers all nonprofit groups, excluding public and private schools, that provide recreational, cultural, social, or other activities or services for children under age 18.

The law requires the state police to examine their own files and arrange for a federal check. The organization or the employee or volunteer must pay for the background check, and the state police may not charge more than its actual cost, as determined by the attorney general.

The law allows someone to be disqualified from serving in a youth organization if the background check shows he or she was convicted of specified New Jersey crimes involving (1) danger to a person; (2) acts committed against the family, children, or incompetents; (3) theft; or (4) illegal drugs. A person can also be disqualified if he or she has been convicted of similar crimes in any other jurisdiction.

The law allows the state police to perform a background check only if it receives written consent from the current or prospective employee or volunteer. But it also requires those people to submit their names, addresses, fingerprints, and written consent to the check (N.J.S.A. §§ 15A: 3A-1-5).

Oregon. Providers of youth sports activities, other than public school districts or charter schools, that operate in Oregon and are directly involved with children participating in organized sports activity are encouraged to:

1. create and adopt a list of crimes for which conviction in Oregon or any other jurisdiction disqualifies a person from coaching or supervising youth sports activities,

2. complete a criminal history on those who coach or supervise youth sports activities, and

3. require all coaches and supervisors to complete a sports education program.

The law allows youth sports providers to ask the state police (or a local police agency in accordance with state police procedures) for information in their possession from the state's central bureau of criminal identification and allows the state police to provide any such information to the youth sports provider. It also allows the state police to conduct a national criminal records check through the FBI, if it receives the person's fingerprints. After the check, the fingerprint card must be destroyed.

The law specifies that it does not impose any additional duty or liability on a youth sports provider because it does not perform the criminal background check (O.R.S. §§ 418.691-418.701).

NATIONAL YOUTH SPORTS LEAGUES

Several national youth sports leagues have instituted policies requiring local affiliates to perform criminal background checks on their volunteers, including coaches.

Little League Baseball requires all volunteers to be checked annually against state sex offender registries. Each local league must, at minimum, check the United States Department of Justice National Sex Offender Registry. Little League also strongly encourages all leagues to use LexisNexis national records search, which is accessible through the Little League Baseball website. Each local league is able to perform 125 free criminal background checks per year through the LexisNexis site.

Pop Warner Football and Cheerleading requires background checks for "all board members, managers, coaches and other volunteers or hired workers who provide regular service to the league or/and have repetitive access to or contact with players or teams." Local Pop Warner leagues must check their volunteers against the sexual offender registry of the state where the applicant lives. If the registry is not available, leagues must do a criminal history records check. These checks must be conducted annually. The league bars anyone who has been convicted of, or pled guilty to, charges involving a minor, regardless of where the offense occurred, from working with children.

USA Diving also requires background checks for coaches, team managers, trainers, medical staff, and adult athletes participating on teams with minor athletes. The following offenses are considered grounds for failing the criminal background check:

1. sexual offenses, such as rape, child molestation, or exploitation;

2. domestic crimes such as spousal or child abuse;
3. crimes of violence, such as homicide or assault;
4. crimes of moral turpitude, such as fraud or embezzlement;
5. drug or alcohol-related offenses; or
6. crimes against property, such as burglary, theft, or destruction.

Since 2007, USA Track & Field (USATF) has required background screening for all youth club coaches and volunteers. The coaches and volunteers must pay $8 each to have a criminal background check performed by an independent third-party company. The names of coaches and volunteers who pass the background screening are posted on the USATF website as being in "good standing."

Additionally, the Amateur Athletic Union recently announced that all adult applicants for AAU staff or volunteer positions must undergo background checks, including criminal history and sex offender registry screenings, by September 1, 2012. No AAU staff member may be grandfathered into the policy, and no exceptions to the requirement are allowed.

Among the national youth sports umbrella organizations offering or recommending background checks for youth organization volunteers are: the National Alliance for Youth Sports, Kids Sports Network, and the National Council of Youth Sports. The International Alliance for Youth Sports also recommends such background checks.

We asked the State Police to provide the names of youth sports organizations in the state that require or request state criminal records checks. We will forward any additional information we receive.

RECENT CONNECTICUT PROPOSALS

A search of bills proposed in the Connecticut General Assembly since 2004 shows one in 2005 (HB 5122) that sought to require non school sponsored youth sports organizations to perform criminal background checks of employees and volunteers. The bill was not acted on by the Children's Committee.

Additionally, two bills, one in 2009 and one in 2012 sought to require background checks for all youth camp employees and volunteers. The 2009 bill (SB 1116) received a favorable report from the Judiciary

Committee but died in the Planning and Development Committee after referral from the Senate. The 2012 bill (SB 193) received a favorable report from the Children's Committee but was not acted on by the Human Services Committee.

KD:ts