



Substitute House Bill No. 6417

Public Act No. 21-82

**AN ACT REQUIRING BACKGROUND CHECKS FOR CERTAIN
EMPLOYEES OF YOUTH CAMPS AND YOUTH SPORTS COACHES,
TRAINERS AND INSTRUCTORS.**

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

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 Section 19a-421 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) No person shall establish, conduct or maintain a youth camp without a license issued by the office. Applications for such license shall be made in writing at least thirty days prior to the opening of the youth camp on forms provided and in accordance with procedures established by the commissioner and shall be accompanied by a fee of eight hundred fifteen dollars or, if the applicant is a nonprofit, nonstock corporation or association, a fee of three hundred fifteen dollars or, if the applicant is a day camp affiliated with a nonprofit organization, for no more than five days duration and for which labor and materials are donated, no fee. All such licenses shall be valid for a period of one year from the date of issuance unless surrendered for cancellation or suspended or revoked by the commissioner for violation of this chapter or any regulations adopted under section 19a-428 and shall be renewable upon payment of an eight-hundred-fifteen-dollar license fee or, if the licensee is a nonprofit, nonstock corporation or association, a

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three-hundred-fifteen-dollar license fee or, if the applicant is a day camp affiliated with a nonprofit organization, for no more than five days duration and for which labor and materials are donated, no fee.

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

(c) Pending completion of all comprehensive background check components described in subsection (b) of this section, a prospective

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

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

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

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a youth camp. However, no refusal of a license shall be rendered except in accordance with the provisions of sections 46a-79 to 46a-81, inclusive.

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

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

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

(a) For purposes of this section:

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

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

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

(b) Not later than January 1, 2016, and annually thereafter, each operator of a youth athletic activity shall make available a written or electronic statement regarding concussions to each youth athlete and a parent or legal guardian of each youth athlete participating in the youth athletic activity. Such written or electronic statement shall be made available upon registration of each youth athlete and shall be consistent with the most recent information provided by the National Centers for Disease Control and Prevention regarding concussions. Such written or electronic statement shall include educational content addressing, at a minimum: (1) The recognition of signs or symptoms of a concussion, (2) the means of obtaining proper medical treatment for a person suspected

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of sustaining a concussion, (3) the nature and risks of concussions, including the danger of continuing to engage in youth athletic activity after sustaining a concussion, and (4) the proper procedures for allowing a youth athlete who has sustained a concussion to return to athletic activity.

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

(d) Notwithstanding the provisions of subsection (a) of this section, for purposes of this subsection and subsections (e) and (f) of this section, youth athletic activity also includes an organized athletic activity involving participants less than seven years of age. On and after October 1, 2022, an operator shall require any prospective employee or volunteer, except as provided in subsection (f) of this section, who is eighteen years of age or older and applying for a position as a coach or instructor of a youth athletic activity or as an athletic trainer, licensed under chapter 375a, to submit to a comprehensive background check. The background check shall include, but not be limited to, a (1) (A) criminal history records check conducted (i) in accordance with section 29-17a, or (ii) by searching the electronic criminal record system maintained on the Internet web site of the Judicial Department for convictions matching the prospective employee's name and date of birth, (B) check of the state child abuse registry established pursuant to section 17a-101k, (C) check of the registry established and maintained pursuant to section 54-257, and (D) search of the National Sex Offender Registry Public Website maintained by the United States Department of Justice, or (2) check by a third-party provider of national criminal history record checks that is conducted in accordance with the national industry background check standards established by the United States Olympic and Paralympic Committee. For each check of the state child abuse registry conducted pursuant to this subsection, an operator shall

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submit to the Department of Children and Families an authorization for the release of personal information signed by the prospective employee or volunteer. The provisions of this subsection shall not apply to an athletic coach of intramural or interscholastic athletics who is employed by a local or regional board of education, provided such board satisfies the requirements relating to state and national criminal history records checks applicable to employees of such board pursuant to section 10-221d. Pending completion of all background check components described in this subsection, a prospective employee or volunteer may begin work on a provisional basis, provided such prospective employee or volunteer is supervised at all times by an employee or volunteer who was subjected to a background check described in this subsection within the previous five years.

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

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

(g) If the comprehensive background check conducted pursuant to

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subsection (d) of this section results in a finding that a person who applied for a position as a coach, instructor or athletic trainer for a youth athletic activity has been convicted in this state or any other state of a felony as defined in section 53a-25 involving the use, attempted use or threatened use of physical force against another person, of cruelty to persons under section 53-20, injury or risk of injury to or impairing morals of children under section 53-21, abandonment of children under the age of six years under section 53-23, or any felony where the victim of the felony is a child under eighteen years of age, or of a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, or has a criminal record in this state or any other state that the operator reasonably believes may render the person unsuitable for a position as a coach, instructor or athletic trainer for a youth athletic activity, the operator to whom the person has applied shall not employ the person or accept the person as a volunteer if, after considering (1) the nature of the crime and its relationship to the position for which the person has applied; (2) information pertaining to the degree of rehabilitation of the convicted person; and (3) the time elapsed since the conviction or release, the operator determines that such person is not suitable for the position for which such person has applied.

Approved June 28, 2021