



House of Representatives

General Assembly

File No. 157

January Session, 2021

Substitute House Bill No. 6417

House of Representatives, March 29, 2021

The Committee on Children reported through REP. LINEHAN of the 103rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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

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

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 Section 19a-421 of the general statutes is repealed and the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

3 (a) No person shall establish, conduct or maintain a youth camp
4 without a license issued by the office. Applications for such license shall
5 be made in writing at least thirty days prior to the opening of the youth
6 camp on forms provided and in accordance with procedures established
7 by the commissioner and shall be accompanied by a fee of eight
8 hundred fifteen dollars or, if the applicant is a nonprofit, nonstock
9 corporation or association, a fee of three hundred fifteen dollars or, if
10 the applicant is a day camp affiliated with a nonprofit organization, for
11 no more than five days duration and for which labor and materials are
12 donated, no fee. All such licenses shall be valid for a period of one year
13 from the date of issuance unless surrendered for cancellation or
14 suspended or revoked by the commissioner for violation of this chapter

15 or any regulations adopted under section 19a-428 and shall be
16 renewable upon payment of an eight-hundred-fifteen-dollar license fee
17 or, if the licensee is a nonprofit, nonstock corporation or association, a
18 three-hundred-fifteen-dollar license fee or, if the applicant is a day camp
19 affiliated with a nonprofit organization, for no more than five days
20 duration and for which labor and materials are donated, no fee.

21 (b) On and after October 1, 2022, any licensee shall require any
22 prospective employee eighteen years of age or older, who is applying
23 for a position at a youth camp that requires the provision of care to a
24 child or involves unsupervised access to a child, to submit to a
25 comprehensive background check. The background check shall include,
26 but not be limited to, a (1) (A) national criminal history record check, (B)
27 check of the state child abuse registry established pursuant to section
28 17a-101k, (C) check of the registry established and maintained pursuant
29 to section 54-257, and (D) search of the National Sex Offender Registry
30 Public Website maintained by the United States Department of Justice,
31 or (2) check by a third-party provider of criminal history record checks
32 conducted through a centralized database established by an
33 independent national organization. Prior to each check of the state child
34 abuse registry conducted pursuant to this subsection, (i) a licensee shall
35 submit to the office an authorization for the release of personal
36 information signed by the prospective employee, on a form prescribed
37 by the office, and (ii) the office shall submit such authorization to the
38 Department of Children and Families.

39 (c) Pending completion of all background check components
40 described in subsection (b) of this section, a prospective employee may
41 begin work on a provisional basis, provided such prospective employee
42 is supervised at all times by an employee who was subjected to a
43 background check described in subsection (b) of this section within the
44 past five years.

45 (d) Each licensee shall maintain, and make available for inspection
46 upon request of the office, any documentation associated with a
47 comprehensive background check described in subsection (b) of this

48 section, for a period of not less than five years from the date of (1)
49 completion of such background check, if the subject of the
50 comprehensive background check was not hired by the licensee, or (2)
51 separation from employment, if the subject of the comprehensive
52 background check was hired by the licensee.

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

KID *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$
Emergency Services and Public Protection, Dept.	Applicant Fingerprint Card Submission Account - Potential Revenue Gain	None	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 22 \$	FY 23 \$
Various Municipalities	STATE MANDATE ¹ - Potential Cost	None	See Below

Explanation

The bill requires background checks for certain employees of youth camps resulting in a potential revenue gain to the Applicant Fingerprint Card Submission Account and a potential cost to municipalities.

The Department of Emergency Services and Public Protection (DESPP) conducts federal background checks for a fee of \$13.25 but remits the fee to the federal government resulting in no fiscal impact to the state. The federal background checks require fingerprinting, which DESPP conducts for \$15 per person resulting in a potential revenue gain

¹ State mandate is defined in Sec. 2-32b(2) of the Connecticut General Statutes, "state mandate" means any state initiated constitutional, statutory or executive action that requires a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

to the Applicant Fingerprint Card Submission Account².

The bill results in costs to municipalities that operate youth camps that will vary based on 1) the number of background checks they conduct, and 2) the vendor they use to conduct them. A town that conducts these background checks via the Department of Emergency Services and Public Protection would incur a cost of \$13.25 per person for the Federal criminal background check and \$15 per person for fingerprinting. A town that conducts background checks via a third-party vendor could incur costs of \$18 to \$20 per person.

A municipality could at least partially offset this cost if it chose to increase any fees it charges for participation in youth camps.

The Department of Children and Families (DCF) is in the process of implementing an automated Child Abuse and Neglect Registry system, which will be in place before the bill becomes effective, therefore, no fiscal impact to the agency is anticipated from the bill. DCF does not charge a fee for a check of the Registry.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of background checks and inflation.

² Funds in the Applicant Fingerprint Card Submission Account are used for IT support and maintenance for the fingerprinting systems.

OLR Bill Analysis**sHB 6417*****AN ACT REQUIRING BACKGROUND CHECKS FOR CERTAIN EMPLOYEES OF YOUTH CAMPS.*****SUMMARY**

This bill requires youth camps licensed by the Office of Early Childhood (OEC), starting October 1, 2022, to require prospective employees age 18 or older to submit to comprehensive background checks if they are applying for positions that provide care or involve unsupervised access to any child in the youth camp. The bill establishes specifications for these background checks.

Under the bill, prospective employees may begin working on a provisional basis while the background check is pending. Their work must always be supervised by an employee who was subjected to the comprehensive background check within the previous five years.

It also requires licensees to maintain, and make available upon OEC's request, any documentation associated with a comprehensive background check for at least five years from the date the (1) background check was completed, if the subject of the comprehensive background check was not hired, or (2) employment ended, if the licensee had hired the subject of the comprehensive background check.

EFFECTIVE DATE: October 1, 2021

COMPREHENSIVE BACKGROUND CHECKS

The bill provides two options to meet the bill's background check requirement. Under the first option, the background check must include a (1) national criminal history record check, (2) state child abuse registry check, (3) state sex offender registry check, and (4) search of the National Sex Offender Registry Public Website maintained by the United States

Department of Justice.

Alternatively, a background check may be done by a third-party provider of criminal history record checks conducted through a centralized database established by an independent national organization.

Under the bill, prior to conducting a child abuse registry check, (1) the youth camps must submit to OEC a form signed by the prospective employee authorizing the release of personal information and (2) OEC must submit this signed form to the Department of Children and Families. The bill requires OEC to prescribe the form.

BACKGROUND

Related Bill

sHB 6511, favorably reported by the Committee on Children, requires certain municipalities, businesses, and nonprofit organizations operating youth athletic activities to require prospective employees who are age 18 or older and applying for a position as coach, instructor, or athletic trainer to submit to a comprehensive background check at least once every five years, starting October 1, 2022.

COMMITTEE ACTION

Committee on Children

Joint Favorable Substitute

Yea 12 Nay 1 (03/11/2021)