



STATE OF CONNECTICUT
OFFICE OF EARLY CHILDHOOD



Connecticut Office of
Early Childhood

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Governor
Nancy Wyman
Lt. Governor

Myra Jones-Taylor, Ph.D.
Commissioner

TO: Background Check Applicants
FROM: Office of Early Childhood Legal Division
DATE: March 7, 2016
RE: Ineligibility to Provide Care—List of Crimes

Attached please find the list of crimes that may make a person unsuitable to:

- (1) own, conduct, maintain or operate a child care center, group child care home, family child care home¹;
- (2) be employed by a child care center, group child care home, family child care home; or
- (3) be an assistant or substitute staff member in a family child care home;

Statutory Authority:

C.G.S. § 19a-87a (a): under this law, which applies to child care centers and group child care homes, the Commissioner of Early Childhood has the discretion to base a refusal to license or action against a license on conviction of a felony or on a criminal record.

C.G.S. § 19a-87e (a): under this law, which applies to family child care homes, the Commissioner of Early Childhood has the discretion to base a refusal to license or action against a license on conviction of a felony or on a criminal record.

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

What does it mean if a crime is on the list?

1. The Office of Early Childhood (OEC) will examine whether there is a designated time limit associated with the particular crime, e.g., per the list, certain crimes will be considered only if conviction occurred within the past 5 years.
2. Prior to seeking denial or revocation of any license or taking any other enforcement action, the OEC will review the crime in accordance with C.G.S. §§ 46a-79 to 46a-81, which requires the agency, in determining suitability, to consider: “(1) the nature of the crime and its relationship to the job for which the person has applied; (2) information

¹ In the case of a household member’s background check, the household member’s crime(s) could result in failure to license or action against a license for the provider.

pertaining to the degree of rehabilitation of the convicted person; and (3) the time elapsed since the conviction or release.”

What does it mean if a crime is not on the list?

Generally it means that no action will be taken. However, in certain cases, when the offense is particularly egregious (e.g., five recent convictions for driving under the influence) such a matter will be considered further.

Ineligibility to Provide Care—List of Crimes			
CGS § 19a-87a (centers/group homes) and CGS § 19a-87e (family homes)			Date Added
Commissioner of Early Childhood discretion to refuse to license based on conviction of certain felonies or on certain criminal records. No refusal to license shall be rendered except in accordance with 46a-79 to 46a-81.			
	<u>Statute</u>	<u>Title</u>	
TITLE 53a			
Sex Offenses Involving Minors			
	53a-70	Sexual assault in the first degree (as it pertains to a minor victim)	
	53a-70a	Aggravated sexual assault in the first degree (as it pertains to a minor victim)	
	53a-70b	Sexual assault in spousal or cohabiting relationship (as it pertains to a minor victim)	
	53a-70c	Aggravated sexual assault of a minor	Added 10/29/2013
	53a-71	Sexual assault in the second degree (as it pertains to a minor victim)	
	53a-72a	Sexual assault in the third degree (as it pertains to a minor victim)	
	53a-72b	Sexual assault in the third degree with a firearm (as it pertains to a minor victim)	
	53a-73a	Sexual assault in the fourth degree (as it pertains to a minor victim)	
	53a-90b	Enticing a minor	Added 10/29/2013
	53a-90b	Misrepresentation of age to entice a minor	Added 10/29/2013
Kidnapping and Related Offenses Which May Cause Serious Physical Injury to Minors			
	53a-92	Kidnapping in the first degree (as it pertains to a minor victim)	
	53a-92a	Kidnapping in the first degree with a firearm (as it pertains to a minor victim)	
	53a-94	Kidnapping in the second degree (as it pertains to a minor victim)	
	53a-94a	Kidnapping in the second degree with a firearm (as it pertains to a minor victim)	
	53a-95	Unlawful restraint in the first degree (as it pertains to a minor victim)	
	53a-96	Unlawful restraint in the second degree (as it pertains to a minor victim)	Added 10/29/2013
	53a-97	Custodial interference in the first degree	
	53a-98	Custodial interference in the second degree	Added 10/29/2013
	53a-99	Substitution of children	
Assault and Related Offenses Involving Which May Cause Serious Physical Injury to Minors			
	53a-59	Assault in the first degree (as it pertains to a minor victim)	
	53a-59a	Assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the first degree (as it pertains to a minor victim)	
	53a-59c	Assault of a pregnant woman resulting in termination of pregnancy (as it pertains to a minor victim)	Added 10/29/2013
	53a-60	Assault in the second degree (as it pertains to a minor victim)	
	53a-60a	Assault in the second degree with a firearm (as it pertains to a minor victim)	
	53a-60b	Assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the second degree (as it pertains to a minor victim)	

	53a-60c	Assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the second degree with a firearm (as it pertains to a minor victim)	
	53a-60d	Assault in the second degree with a motor vehicle (as it pertains to a minor victim)	
	53a-61	Assault in the third degree (as it pertains to a minor victim)	Added 5/21/2007
	53a-61a	Assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the third degree (as it pertains to a minor victim)	Added 5/21/2007
	53a-63	Reckless endangerment in the first degree (as it pertains to a minor victim)	
	53a-64aa	Strangulation in the first degree (as it pertains to a minor victim)	Added 5/22/2013
	53a-64bb	Strangulation in the second degree (as it pertains to a minor victim)	Added 5/22/2013
	53a-64cc	Strangulation in the third degree (as it pertains to a minor victim)	Added 10/29/2013
<u>Offenses Against the Person</u>			
	53-20	Cruelty to persons	
	53-21	Injury or risk of injury to, or impairing morals of, children. Sale of Children	
	53-21a	Leaving child unsupervised in place of public accomadation or motor vehicle. Faiure to report disappearance of child	Added 10/29/2013
	53-23	Abandonement of child under the age of six years	
<u>Offenses Against Public Peace and Safety</u>			
	53-202b	Sale or transfer of assault weapon prohibited	
	53-202c	Possession of assault weapon prohibited	
	53-202j	Commission of a class A, B, or C felony with an assault weapon	
	53-202k	Commission of a class A, B, or C felony with a firearm	
	53-202aa	Firearms trafficking	
	53-203	Unlawful discharge of firearms	
	53-204	Hunting or discharging firearm from public highway	
	53-205	Loaded shotguns, rifles and muzzleloaders prohibited in vehicles and snowmobiles	
	53-206	Carrying of dangerous weapons prohibited	
<u>Offenses Against Humanity and Morality</u>			
	53-247	Cruelty to animals	Added 3/5/2008
<u>TITLE 53a</u>			
<u>Homicide</u>			
	53a-54a	Murder	
	53a-54b	Murder with special circumstances	
	53a-54c	Felony Murder	
	53a-54d	Arson Murder	
	53a-55	Manslaughter in the first degree	
	53a-55a	Manslaughter in the first degree with a firearm	

	53a-56	Manslaughter in the second degree		
	53a-56a	Manslaughter in the second degree with a firearm		
	53a-56b	Manslaughter in the second degree with a vehicle		
	53a-57	Misconduct with a motor vehicle		Added 5/21/2007
	53a-58	Criminally negligent homicide		Added 10/29/2013
Assault and Related Offenses				
	53a-59	Assault in the first degree		
	53a-59a	Assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the first degree		
	53a-59b	Assault of an employee of the Department of Correction in the first degree		Added 5/21/2007
	53a-59c	Assault of a pregnant woman resulting in termination of pregnancy		Added 10/29/2013
	53a-60	Assault in the second degree		
	53a-60a	Assault in the second degree with a firearm		
	53a-60b	Assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the second degree		
	53a-60c	Assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the second degree with a firearm		
	53a-60d	Assault in the second degree with a motor vehicle		
	53a-61	Assault in the third degree		Added 5/21/2007
	53a-61a	Assault of an elderly, blind, disabled or pregnant person or a person with intellectual disability in the third degree		Added 5/21/2007
	53a-61aa	Threatening in the first degree		Added 10/29/2013
	53a-63	Reckless endangerment in the first degree		Added 10/29/2013
	53a-64aa	Strangulation in the first degree		Added 5/22/2013
	53a-64bb	Strangulation in the second degree		Added 5/22/2013
	53a-64cc	Strangulation in the third degree		Added 10/29/2013
Sex Offenses				
	53a-70	Sexual assault in the first degree		
	53a-70a	Aggravated sexual assault in the first degree		
	53a-70b	Sexual assault in spousal or cohabiting relationship		
	53a-70c	Aggravated sexual assault of a minor		Added 10/29/2013
	53a-71	Sexual assault in the second degree		
	53a-72a	Sexual assault in the third degree		
	53a-72b	Sexual assault in the third degree with a firearm		
	53a-73a	Sexual assault in the fourth degree		
	53a-90b	Enticing a minor		Added 10/29/2013
	53a-90b	Misrepresentation of age to entice a minor		Added 10/29/2013
	53a-82	Prostitution	Misdemeanor/Conviction Within the Past 5 Years	Revised 5/22/2013
	53a-83	Patronizing a prostitute	Misdemeanor/Conviction Within the Past 5 Years	Revised 5/22/2013
	53a-83a	Patronizing a prostitute from a motor vehicle	Misdemeanor/Conviction Within the Past 5 Years	Added 10/29/2013
	53a-86	Promoting prostitution	Misdemeanor/Conviction Within the Past 5 Years	Revised 5/22/2013
	53a-87	Promoting prostitution in the second degree	Misdemeanor/Conviction Within the Past 5 Years	Added 10/29/2013
	53a-88	Promoting prostitution in the third degree	Misdemeanor/Conviction Within the Past 5 Years	Added 10/29/2013

<u>Kidnapping and Related Offenses</u>			
	53a-92	Kidnapping in the first degree	
	53a-92a	Kidnapping in the first degree with a firearm	
	53a-94	Kidnapping in the second degree	
	53a-94a	Kidnapping in the second degree with a firearm	
	53a-95	Unlawful restraint in the first degree	
	53a-96	Unlawful restraint in the second degree	Added 10/29/2013
	53a-97	Custodial interference in the first degree	
	53a-98	Custodial interference in the second degree	Added 10/29/2013
	53a-99	Substitution of children	
<u>Burglary, Criminal Trespass, Arson, Criminal Mischief and Related Offenses</u>			
	53a-100aa	Home invasion	Added 3/5/2008
	53a-101	Burglary in the first degree	
	53a-102	Burglary in the second degree	Added 3/5/2008
	53a-102a	Burglary in the second degree with a firearm	
	53a-103	Burglary in the third degree	Added 10/29/2013
	53a-103a	Burglary in the third degree with a firearm	
	53a-111	Arson in the first degree	
	53a-112	Arson in the second degree	Added 10/29/2013
	53a-113	Arson in the third degree	
	53a-134	Robbery in the first degree	
	53a-135	Robbery in the second degree	
	53a-136	Robbery in the third degree	
	53a-136a	Robbery involving occupied motor vehicle	
<u>Bribery, Offenses Against the Administration of Justice and Other Related Offenses</u>			
	53a-167c	Assault of public safety, emergency medical, public transit or health care personnel	
	53a-167d	Assault of a prosecutor	Added 10/29/2013
<u>Breach of the Peace, Harassment and Related Offenses</u>			
	53a-181c	Stalking in the first degree	
	53a-181d	Stalking in the second degree	
	53a-181e	Stalking in the third degree	
	53a-181j	Intimidation based on bigotry or bias in the first degree	Added 10/29/2013
	53a-181k	Intimidation based on bigotry or bias in the second degree	Added 10/29/2013
	53a-182b	Harassment in the first degree	
<u>Public Indecency</u>			
	53a-186	Public indecency	
<u>Tampering with Private Communications, Eavesdropping and Voyeurism</u>			

	53a-189a	Voyeurism		Added 10/29/2013
	53a-189b	Disseminating voyeuristic material		Added 10/29/2013
Bigamy and Incest				
	53a-191	Incest		
Coercion				
	53a-192	Coercion		
	53a-192a	Trafficking in persons		
Obscenity and Related Offenses				
	53a-196	Obscenity as to minors		
	53a-196a	Employing a minor in an obscene performance		
	53a-196b	Promoting a minor in an obscene performance		Added 5/21/2007
	53a-196c	Importing child pornography		
	53a-196d	Possessing child pornography in the first degree		
	53a-196e	Possessing child pornography in the second degree		Added 10/29/2013
	53a-196f	Possessing child pornography in the third degree		Added 10/29/2013
	53a-196i	Commercial sexual exploitation of a minor		Added 10/29/2013
Miscellaneous Offenses				
	53a-216	Criminal use of firearm or electronic defense weapon		
	53a-217	Criminal possession of a firearm or electronic defense weapon		
	53a-217a	Criminally negligent storage of a firearm		
	53a-217b	Possession of a weapon on school grounds		Added 10/29/2013
	53a-217c	Criminal possession of a pistol or revolver		Added 10/29/2013
	53a-223	Criminal violation of a protective order	Consider only last 10 years	Added 3/5/2008
	53a-223a	Criminal violation of a standing criminal protective order	Consider only last 10 years	Added 3/5/2008
	53a-223b	Criminal violation of a restraining order	Consider only last 10 years	Added 3/5/2008
Terrorism				
	53a-300	Act of terrorism		Added 10/29/2013
	53a-301	Computer crime in furtherance of terrorist purposes		Added 10/29/2013
	53a-302	Criminal misrepresentation		Added 10/29/2013
	53a-303	Contaminating a public water supply or food supply for terrorist purposes		Added 10/29/2013
	53a-304	Damage to public transportation property for terrorist purposes		Added 10/29/2013
Abuse of Elderly, Blind or Disabled Persons or Persons With Intellectual Disability				
	53a-321	Abuse in the first degree		Added 10/29/2013
	53a-322	Abuse in the second degree		Added 10/29/2013
	53a-323	Abuse in the third degree		Added 10/29/2013
TITLE 21a				
Dependency-Producing Drugs				

	21a-108	Illegally obtaining or supplying of drugs	Conviction Within the Past 5 Years	
	21a-110	New drugs (no person shall sell, deliver, offer for sale, hold for sale, or give away)	Conviction Within the Past 5 Years	
	21a-267(c)	Penalty for use, possession or delivery of drug paraphernalia (near school)	Conviction Within the Past 5 Years	
	21a-277a	Penalty for illegal manufacture, distribution, sale, prescription, dispensing	Conviction Within the Past 5 Years	
	21a-278	Penalty for illegal manufacture, distribution, sale, prescription or administration by non-drug-dependant person	Conviction Within the Past 5 Years	
	21a-278a	Penalty fo illegal manufacture, distribution, sale, prescription or administration	Conviction Within the Past 5 Years	
	21a-279	Penalty for illegal possession	Conviction Within the Past 5 Years	
	21a-245	Manufacture, sale, administering of restricted substances regulated	Conviction Within the Past 5 Years	
	21a-266	Prohibited acts	Conviction Within the Past 5 Years	
	21a-277	Penalty for illegal manufacture, distribution, sale, prescription, dispensing	Conviction Within the Past 5 Years	
TITLE 29				
Division of State Police				
	29-34(b)	Sale or transfer (of pistol or revolver) to person under twenty-one years of age prohibited.		
	29-35	Carrying a pistol or revolver without permit prohibited		
	29-38	Weapons in vehicles. Penalty		
Fire Hazards and Safety Code				
	29-348	Illegal possession (of explosives)		
	29-349	Storage, transportation and use of explosives and blasting agents		
TITLE 30				
Prohibited Acts, Penalties and Procedure				
	30-86	Sale or delivery (of alcoholic liquor) to minors	Conviction Within the Past 5 Years	
	30-87	Inducing minors to procure liquor	Conviction Within the Past 5 Years	
TITLE 31				
Protection of Employees				
	31-23	Employment of minors prohibited in certain occupations		
	31-24	Hazardous employment of children forbidden		