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# STATE OF CONNECTICUT

## OFFICE OF EARLY CHILDHOOD



Connecticut Office of  
 Early Childhood

David Wilkinson  
*Commissioner*

**TO:** Background Check Applicants  
**FROM:** Office of Early Childhood Legal Division  
**DATE:** September 25, 2017  
**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 home<sup>1</sup>;
- (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

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<sup>1</sup> 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

<b>Ineligible to Provide Care—List of Crimes</b>			
<b>CGS § 19a-87a (centers/group homes); CGS § 19a-87e (family homes) and CGS 17b-749k (unlicensed providers)</b>			<b>Date Added</b>
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>	
<b>TITLE 53</b>			
<b>Offenses Against the Person</b>			
	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	Abandonment of child under the age of six years	
<b>Offenses Against Public Peace and Safety</b>			
	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	
<b>Offenses Against Humanity and Morality</b>			
	53-247	Cruelty to animals	Added 3/5/2008
<b>TITLE 53a</b>			
<b>Homicide</b>			
	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 motor vehicle	

	53a-57	Misconduct with a motor vehicle		Added 5/21/2007
	53a-58	Criminally negligent homicide		Added 10/29/2013
<b>Assault and Related Offenses</b>				
	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
<b>Sex Offenses</b>				
	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-90a	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 in the first degree	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
<b>Kidnapping and Related Offenses</b>				
	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		
<b>Burglary, Criminal Trespass, Arson, Criminal Mischief and Related Offenses</b>				
	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	Consider only last 10 years	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		
<b>Larceny, Robbery and Related Offenses</b>				
	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		
<b>Bribery, Offenses Against the Administration of Justice and Other Related Offenses</b>				
	53a-167c	Assault of public safety, emergency medical, public transit or health care personnel		
	53a-167d	Assault of a prosecutor		Added 10/29/2013
<b>Breach of the Peace, Harassment and Related Offenses</b>				
	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		
<b>Loitering in or About School Grounds. Public Indecency</b>				
	53a-186	Public indecency		
<b>Tampering with Private Communications, Eavesdropping, Voyeurism and Unlawful Dissemination of Intimate Images</b>				

<b>TITLE 21a</b>			
<b>Uniform Food, Drug and Cosmetic Act</b>			
	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
<b>Dependency-Producing Drugs</b>			
	21a-267(c)	Penalty for use, possession or delivery of drug paraphernalia (near school)	Conviction Within the Past 5 Years
	21a-277	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
<b>TITLE 29</b>			
<b>Division of State Police</b>			
	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	
<b>Fire Hazards and Safety Code</b>			
	29-348	Illegal possession (of explosives)	
	29-349	Storage, transportation and use of explosives and blasting agents	
<b>TITLE 30</b>			
<b>Prohibited Acts, Penalties and Procedure</b>			
	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
<b>TITLE 31</b>			
<b>Protection of Employees</b>			
	31-23	Employment of minors prohibited in certain occupations	
	31-24	Hazardous employment of children forbidden	