

Know the Law: New Criminal Background Check Statute

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By [Elizabeth A. Lahey](#)

New Criminal Background Check Statute Imposes Increased Obligations on Private Businesses, Non- Profits, and Landlords Who Provide Programming for Children

Q: I own a private company that offers specialized educational programs for children. Are my employees and volunteers subject to the same criminal background check requirements mandated for teachers, coaches, and volunteers who work at New Hampshire schools?

A: Yes. As of January 1, 2014, RSA 485- A:24-1 mandates that all for- profit and non- profit entities offering “youth skills camps” must conduct background checks on all employees, coaches, and volunteers who participate in such camps and may be left alone with any child or children. The statute closes a loophole in the laws requiring all people who work with children to undergo the checks.

“Youth skills camps” are defined very broadly, and include “nonprofit or for- profit program[s] that lasts 8 hours total or more in a year for the purpose of teaching a skill to minors. Such camps include, but are not limited to, the teaching of sports, the arts, and scientific inquiry.” This definition is important to note because it transcends the colloquial understanding of “camp.” “Youth skills camps” not only include traditional weeklong soccer or basketball camps, but also can include after school or weekend programs in art, science, or technology offered by private businesses or non- profits.

The new law mandates that owners and operators of such camps maintain and provide to the Department of Environmental Services written policies regarding background checks. Owners and operators must also provide certification to the Department demonstrating that no individual working or volunteering at the camp has a criminal conviction for any offense for causing or threatening direct physical injury to any individual or causing or threatening harm of any nature to any child or children.

The new statute also imposes obligations on individuals and entities who own property or buildings that are leased, rented, or otherwise made available to others who operate youth skill camps. These property owners must obtain written certification signed by the youth skill camp operator stating that background checks in accordance with the statute have been completed.

While no specific punishment is outlined for those who fail to comply with the statute, employers and landlords could face per se civil liability if a child is harmed under their watch. Employers and landlords should therefore revisit and revise their policies, procedures, and leases in light of these new statutory obligations.

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