S T A T E O F N E W Y O R K

1765

2009-2010 Regular Sessions

I N S E N A T E

February 6, 2009

Introduced by Sen. FARLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the state finance law, in relation to background checks in connection with certain contracts

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 10 of section 163 of the state finance law, is amended by adding a new paragraph g to read as follows:

G. IN CONTRACTS FOR SERVICES, THE COMMISSIONER OR STATE AGENCY MAY INCLUDE IN THE CONTRACT DOCUMENTS, A REQUIREMENT THAT PERSONS EMPLOYED BY THE CONTRACTOR TO PERFORM WORK PURSUANT TO THE CONTRACT SHALL BE REQUIRED TO UNDERGO A STATE AND NATIONAL CRIMINAL HISTORY RECORD CHECK. WHEN REQUIRED, THE FINGERPRINTS OF SUCH AN EMPLOYEE SHALL BE SUBMITTED TO THE DIVISION OF CRIMINAL JUSTICE SERVICES AND THE DIVISION OF CRIMINAL JUSTICE SERVICES IS AUTHORIZED TO SUBMIT SUCH FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION, IN ACCORDANCE WITH APPLICABLE RULES OR REGULATIONS, IN ORDER TO OBTAIN RELEVANT STATE CRIMINAL HISTORY RECORD INFORMATION, IF ANY, CONCERNING SUCH EMPLOYEE, AND FOR A NATIONAL CRIMINAL HISTORY RECORD CHECK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR INFORMING ITS EMPLOYEES THAT SUCH CRIMINAL HISTORY RECORD CHECKS MAY BE CONDUCTED. IN DETERMINING WHETHER TO INCLUDE SUCH REQUIREMENT IN THE CONTRACT DOCUMENTS, THE COMMISSIONER OR STATE AGENCY SHALL CONSIDER, BUT NOT BE LIMITED TO, WHETHER THE CONTRACTOR'S EMPLOYEES WILL COME INTO CONTACT WITH CONFIDENTIAL INFORMATION IN THE COURSE OF PERFORMING THE CONTRACT, AND WHETHER THE WORK IS OF A TYPE THAT, IF PERFORMED BY EMPLOYEES OF THE STATE, APPLICANTS FOR EMPLOYMENT WOULD BE REQUIRED BY THE STATE TO SUBMIT TO A CRIMINAL HISTORY RECORD CHECK PURSUANT TO SECTION FIFTY OF THE CIVIL SERVICE LAW OR ANY OTHER APPLICABLE LAW.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that the amendments to subdivision 10 of section 163 of the state finance law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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