

2522

2011-2012 Regular Sessions

I N S E N A T E

January 24, 2011

Introduced by Sens. JOHNSON, DeFRANCISCO, GOLDEN, LARKIN -- read twice
and ordered printed, and when printed to be committed to the Committee
on Children and Families

AN ACT to amend the social services law and the executive law, in
relation to the provision of criminal history background checks free
of charge to mentoring programs operated by not-for-profit corpo-
rations

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

1 Section 1. Subdivision 4 of section 390-e of the social services law,
2 as added by chapter 459 of the laws of 2006, is amended to read as
3 follows:
4 4. Every mentoring program that chooses to apply for a criminal histo-
5 ry background check with the division of criminal justice services shall
6 obtain a set of fingerprints from each individual for whom a criminal
7 background check is to be completed and such other information as is
8 required by the office and the division of criminal justice services.
9 For each prospective employee or mentor for whom the mentoring program
10 completes a criminal background check, the mentoring program shall
11 provide the applicant with blank fingerprint cards and a description of
12 how the completed fingerprint card will be used upon submission to the
13 mentoring program. The mentoring program shall promptly transmit such
14 fingerprint card and the processing fee to the office; PROVIDED, HOWEV-
15 ER, IF THE MENTORING PROGRAM IS OPERATED BY A NOT-FOR-PROFIT CORPO-
16 RATION, NO PROCESSING FEE SHALL BE IMPOSED FOR A CRIMINAL BACKGROUND
17 CHECK. The office shall promptly submit the fingerprint card and the
18 processing fee, IF imposed pursuant to subdivision eight-a of section
19 eight hundred thirty-seven of the executive law, to the division of
20 criminal justice services for its full search and retain processing.
21 S 2. Subdivision 8-a of section 837 of the executive law, as amended
22 by chapter 561 of the laws of 2006, is amended to read as follows:

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

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1 8-a. Charge a fee when, pursuant to statute or the regulations of the
2 division, it conducts a search of its criminal history records and
3 returns a report thereon in connection with an application for employ-
4 ment or for a license or permit. The division shall adopt and may, from
5 time to time, amend a schedule of such fees which shall be in amounts
6 determined by the division to be reasonably related to the cost of
7 conducting such searches and returning reports thereon but, in no event,
8 shall any such fee exceed twenty-five dollars and an additional
9 surcharge of fifty dollars. The comptroller is hereby authorized to
10 deposit such fees into the general fund, provided, however, that the
11 monies received by the division of criminal justice services for payment
12 of the additional surcharge shall be deposited in equal amounts to the
13 general fund and to the fingerprint identification and technology
14 account. Notwithstanding the foregoing, the division shall not request
15 or accept any fee for searching its records and supplying a criminal
16 history report pursuant to section two hundred fifty-one-b of the gener-
17 al business law relating to participating in flight instruction at any
18 aeronautical facility, flight school or institution of higher learning,
19 OR PURSUANT TO SECTION THREE HUNDRED NINETY-E OF THE SOCIAL SERVICES LAW
20 WHEN THE DIVISION IS SUPPLYING A CRIMINAL HISTORY REPORT TO A MENTORING
21 PROGRAM OPERATED BY A NOT-FOR-PROFIT CORPORATION.
22 S 3. This act shall take effect immediately.