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

6326

I N S E N A T E

January 26, 2012

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

AN ACT to amend the mental hygiene law and the executive law, in relation to directing the commissioner of the office for people with developmental disabilities to promulgate regulations authorizing the denial or disapproval of certain employment or volunteer applications following a criminal history report for such applicant

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

Section 1. Section 13.19 of the mental hygiene law is amended by adding a new subdivision (f) to read as follows:

(F) THE COMMISSIONER SHALL PROMULGATE REGULATIONS (I) REQUIRING A CRIMINAL HISTORY REPORT FOR ANY PROSPECTIVE EMPLOYEE OR VOLUNTEER IN THE OFFICE WHO WILL HAVE REGULAR DIRECT PATIENT CONTACT; AND (II) AUTHORIZING THE DENIAL OR DISAPPROVAL OF ANY APPLICATION FOR EMPLOYMENT OR VOLUNTEER SERVICE IN THE OFFICE FOR A POSITION THAT WILL HAVE REGULAR DIRECT PATIENT CONTACT WHERE A CRIMINAL HISTORY REPORT CONCERNING SUCH PROSPECTIVE EMPLOYEE OR VOLUNTEER REVEALS A CONVICTION FOR ANY OFFENSE THE COMMISSIONER DETERMINES WOULD MAKE SUCH PROSPECTIVE EMPLOYEE OR VOLUNTEER UNFIT FOR EMPLOYMENT BY THE OFFICE.

S 2. Subdivision 8-a of section 837 of the executive law, as amended by chapter 561 of the laws of 2006, is amended to read as follows:

8-a. Charge a fee when, pursuant to statute or the regulations of the division, it conducts a search of its criminal history records and returns a report thereon in connection with an application for employment or for a license or permit. The division shall adopt and may, from time to time, amend a schedule of such fees which shall be in amounts determined by the division to be reasonably related to the cost of conducting such searches and returning reports thereon but, in no event, shall any such fee exceed twenty-five dollars and an additional surcharge of fifty dollars. The comptroller is hereby authorized to deposit such fees into the general fund, provided, however, that the monies received by the division of criminal justice services for payment

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

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of the additional surcharge shall be deposited in equal amounts to the general fund and to the fingerprint identification and technology account. Notwithstanding the foregoing, the division shall not request or accept any fee for searching its records and supplying a criminal history report pursuant to section two hundred fifty-one-b of the general business law relating to participating in flight instruction at any aeronautical facility, flight school or institution of higher learning, NOR FOR SEARCHING ITS RECORDS AND SUPPLYING A CRIMINAL HISTORY REPORT PURSUANT TO REGULATIONS ADOPTED UNDER SECTION 13.19 OF THE MENTAL HYGIENE LAW.

S 3. This act shall take effect immediately.