

6612

I N S E N A T E

February 12, 2014

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

AN ACT to amend the executive law, the village law, the town law and the not-for-profit corporation law, in relation to authorizing searches of the criminal history information of volunteer firefighters

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

1 Section 1. The executive law is amended by adding a new section 837-s
2 to read as follows:
3 S 837-S. CRIMINAL HISTORY INFORMATION OF VOLUNTEER FIREFIGHTERS. 1.
4 FOR THE PURPOSES OF THIS SECTION, "CRIMINAL HISTORY INFORMATION" SHALL
5 MEAN A RECORD OF ALL CONVICTIONS OF CRIMES AND ANY PENDING CRIMINAL
6 CHARGES MAINTAINED ON AN INDIVIDUAL BY THE DIVISION.
7 2. ANY PERSON WHO APPLIES FOR MEMBERSHIP IN A FIRE COMPANY, AS SUCH
8 TERM IS DEFINED IN SECTION THREE OF THE VOLUNTEER FIREFIGHTERS' BENEFIT
9 LAW, OR WHO SEEKS TO TRANSFER AS A MEMBER OF ANOTHER FIRE COMPANY, MAY
10 BE REQUESTED BY THE FIRE COMPANY HE OR SHE SEEKS TO JOIN TO PROVIDE TWO
11 SETS OF FINGERPRINTS IF SUCH FIRE COMPANY, IN ITS DISCRETION, ELECTS TO
12 OBTAIN THE CRIMINAL HISTORY INFORMATION OF THE APPLICANT. THE CHIEF OF
13 THE FIRE COMPANY TO WHICH THE APPLICATION IS MADE SHALL PROVIDE WRITTEN
14 NOTICE TO THE APPLICANT THAT SUCH INFORMATION MAY BE SOUGHT FROM THE
15 DIVISION, AND THAT THE APPLICANT MAY DECLINE TO PROVIDE HIS OR HER FING-
16 ERPRINTS.
17 3. UPON RECEIPT OF AN APPLICANT'S FINGERPRINTS TAKEN PURSUANT TO
18 SUBDIVISION ONE OF THIS SECTION, THE FIRE COMPANY SHALL PROMPTLY SUBMIT
19 SUCH FINGERPRINTS AND THE PRESCRIBED PROCESSING FEE, AS SET FORTH IN
20 SUBDIVISION EIGHT-A OF SECTION EIGHT HUNDRED THIRTY-SEVEN OF THIS ARTI-
21 CLE, TO THE DIVISION. THE DIVISION SHALL COMPARE SUCH FINGERPRINTS
22 AGAINST ITS RECORDS AND UPON REQUEST OF THE FIRE COMPANY SHALL FORWARD A
23 SET OF SUCH FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION WITH A
24 REQUEST THAT SUCH BUREAU'S FILES BE SEARCHED AND NOTIFICATION OF THE
25 RESULTS OF SUCH SEARCH AND REPORT THEREON SHALL BE MADE. THE DIVISION
26 SHALL FORWARD SUCH CRIMINAL HISTORY INFORMATION REPORT TO THE FIRE
27 COMPANY IN A TIMELY MANNER. ALL SUCH REPORTS PROCESSED AND SENT TO A

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

LBD13936-01-4

1 FIRE COMPANY PURSUANT TO THIS SECTION SHALL NOT BE PUBLISHED OR IN ANY
2 WAY DISCLOSED OR REDISCLOSED TO PERSONS OTHER THAN THE CHIEF OF THE FIRE
3 COMPANY OR THE APPLICANT. ANY PERSON WHO DISCLOSES OR REDISCLOSES SUCH
4 REPORTS IN VIOLATION OF THIS SUBDIVISION IS GUILTY OF A CLASS A MISDE-
5 MEANOR.

6 4. THE COMMISSIONER SHALL PROMULGATE ALL RULES AND REGULATIONS NECES-
7 SARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

8 S 2. Section 10-1006 of the village law is amended by adding a new
9 subdivision 20 to read as follows:

10 20. UPON APPLICATION BY ANY PERSON FOR MEMBERSHIP IN A FIRE COMPANY
11 OPERATING PURSUANT TO THIS SECTION, THE FIRE CHIEF MAY ELECT TO CAUSE
12 THE APPLICANT'S CRIMINAL HISTORY INFORMATION TO BE CHECKED PURSUANT TO
13 SECTION EIGHT HUNDRED THIRTY-SEVEN-S OF THE EXECUTIVE LAW.

14 S 3. Section 176-b of the town law is amended by adding a new subdivi-
15 sion 18 to read as follows:

16 18. UPON APPLICATION BY ANY PERSON FOR MEMBERSHIP IN A FIRE COMPANY
17 OPERATING PURSUANT TO THIS SECTION, THE FIRE CHIEF MAY ELECT TO CAUSE
18 THE APPLICANT'S CRIMINAL HISTORY INFORMATION TO BE CHECKED PURSUANT TO
19 SECTION EIGHT HUNDRED THIRTY-SEVEN-S OF THE EXECUTIVE LAW.

20 S 4. Paragraph (c) of section 1402 of the not-for-profit corporation
21 law is amended by adding a new subparagraph 6 to read as follows:

22 (6) UPON APPLICATION BY ANY PERSON FOR MEMBERSHIP IN A FIRE CORPO-
23 RATION OPERATING PURSUANT TO THIS SECTION, THE FIRE CHIEF MAY ELECT TO
24 CAUSE THE APPLICANT'S CRIMINAL HISTORY INFORMATION TO BE CHECKED PURSU-
25 ANT TO SECTION EIGHT HUNDRED THIRTY-SEVEN-S OF THE EXECUTIVE LAW.

26 S 5. This act shall take effect on the one hundred eightieth day after
27 it shall have become a law and shall apply to convictions entered into
28 on or after such effective date; provided, however, that effective imme-
29 diately, the addition, amendment and/or repeal of any rule or regulation
30 necessary for the implementation of this act on its effective date are
31 authorized and directed to be made and completed by the division of
32 criminal justice services and the department of state on or before such
33 effective date.