STATE OF NEW YORK

9147

2025-2026 Regular Sessions

IN ASSEMBLY

October 17, 2025

Introduced by M. of A. BAILEY -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to background checks for applicants for volunteer or paid firefighters

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subparagraphs (xvi) and (xvii) of paragraph (d) of subdivision 1 of section 160.57 of the criminal procedure law, as added by chapter 631 of the laws of 2023, are amended and a new subparagraph (xviii) is added to read as follows:

(xvi) the state education department for the purposes of investigating professional misconduct as defined in subparagraph (i) of paragraph (a) of subdivision five of section sixty-five hundred nine of the education law, consideration of restoration of a professional license pursuant to section sixty-five hundred eleven of the education law, or determinations for issuing a license to practice a profession or issuing certificates and privileges for which prior licensure is required, for the professions under articles one hundred thirty-one, one hundred [~~thirty-one-b~~] **thirty-one-B**, one hundred thirty-two, one hundred thirty-three, one hundred thirty-four, one hundred thirty-five, one hundred thirty-six, one hundred thirty-seven, one hundred thirty-nine, one hundred forty, one hundred forty-one, one hundred forty-three, one hundred forty-four, one hundred forty-five, one hundred forty-seven, one hundred forty-nine, one hundred fifty-three, one hundred fifty-four, one hundred fifty-five, one hundred fifty-six, one hundred fifty-seven, one hundred fifty-nine, one hundred sixty, one hundred sixty-two, one hundred sixty-three, one hundred sixty-four, and one hundred sixty-seven as such professions are defined in title eight of the education law, provided that the state education department certifies to the division of criminal justice services that it is investigating an individual licensed to practice a profession pursuant to article one hundred thirty

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

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of the education law for professional misconduct as defined in paragraph (a) of subdivision five of section sixty-five hundred nine of the education law, considering restoration of a professional license pursuant to section sixty-five hundred eleven of the education law, or making a determination for issuing a license to practice a profession or issuing certificates and privileges for which prior licensure is required as appropriate. Provided, further, that the board of regents may consider any prior conviction that formed the basis of a determination of the board of regents in a disciplinary proceeding pursuant to section sixty-five hundred ten of the education law and the rules and regulations promulgated pursuant thereto in an application for reconsideration, even if such conviction later becomes sealed pursuant to this section; [~~and~~]

(xvii) the office of mental health and the office for people with developmental disabilities, where such agencies are statutorily authorized to receive such information, provided further, that such information may also be made available for case review under section 10.05 of the mental hygiene law, as well as to providers licensed, funded, designated, certified or otherwise authorized by the office of mental health or the office for people with developmental disabilities, where such information is included in the clinical record of any person under the care of or receiving services from such provider or program[~~.~~]**; and**

(xviii) any prospective employer of a volunteer firefighter or paid firefighter, in relation to an application for employment as a volunteer firefighter or paid firefighter, provided, however, that every person who is an applicant shall be furnished with a copy of all records obtained under this subparagraph and afforded an opportunity to make an explanation thereto.

§ 2. This act shall take effect immediately.