

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:

1 Section 1. Subparagraphs (xvi) and (xvii) of paragraph (d) of subdivi-
2 sion 1 of section 160.57 of the criminal procedure law, as added by
3 chapter 631 of the laws of 2023, are amended and a new subparagraph
4 (xviii) is added to read as follows:
5 (xvi) the state education department for the purposes of investigating
6 professional misconduct as defined in subparagraph (i) of paragraph (a)
7 of subdivision five of section sixty-five hundred nine of the education
8 law, consideration of restoration of a professional license pursuant to
9 section sixty-five hundred eleven of the education law, or determi-
10 nations for issuing a license to practice a profession or issuing
11 certificates and privileges for which prior licensure is required, for
12 the professions under articles one hundred thirty-one, one hundred
13 [~~thirty-one-b~~ thirty-one-B, one hundred thirty-two, one hundred thir-
14 ty-three, one hundred thirty-four, one hundred thirty-five, one hundred
15 thirty-six, one hundred thirty-seven, one hundred thirty-nine, one
16 hundred forty, one hundred forty-one, one hundred forty-three, one
17 hundred forty-four, one hundred forty-five, one hundred forty-seven, one
18 hundred forty-nine, one hundred fifty-three, one hundred fifty-four, one
19 hundred fifty-five, one hundred fifty-six, one hundred fifty-seven, one
20 hundred fifty-nine, one hundred sixty, one hundred sixty-two, one
21 hundred sixty-three, one hundred sixty-four, and one hundred sixty-seven
22 as such professions are defined in title eight of the education law,
23 provided that the state education department certifies to the division
24 of criminal justice services that it is investigating an individual
25 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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1 of the education law for professional misconduct as defined in paragraph
2 (a) of subdivision five of section sixty-five hundred nine of the educa-
3 tion law, considering restoration of a professional license pursuant to
4 section sixty-five hundred eleven of the education law, or making a
5 determination for issuing a license to practice a profession or issuing
6 certificates and privileges for which prior licensure is required as
7 appropriate. Provided, further, that the board of regents may consider
8 any prior conviction that formed the basis of a determination of the
9 board of regents in a disciplinary proceeding pursuant to section
10 sixty-five hundred ten of the education law and the rules and regu-
11 lations promulgated pursuant thereto in an application for reconsider-
12 ation, even if such conviction later becomes sealed pursuant to this
13 section; ~~and~~

14 (xvii) the office of mental health and the office for people with
15 developmental disabilities, where such agencies are statutorily author-
16 ized to receive such information, provided further, that such informa-
17 tion may also be made available for case review under section 10.05 of
18 the mental hygiene law, as well as to providers licensed, funded, desig-
19 nated, certified or otherwise authorized by the office of mental health
20 or the office for people with developmental disabilities, where such
21 information is included in the clinical record of any person under the
22 care of or receiving services from such provider or program~~[-]~~; and

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

29 § 2. This act shall take effect immediately.