

STATE OF NEW YORK

5257

2025-2026 Regular Sessions

IN SENATE

February 20, 2025

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to requiring mandatory background checks for persons employed by certain businesses serving minors and prohibiting certain persons from owning such businesses

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

1 Section 1. The general business law is amended by adding a new section
2 398-g to read as follows:

3 § 398-g. Background check requirements for youth service providers. 1.
4 As used in this section:

5 (a) (i) "Youth service provider" means any of the following busi-
6 nesses, organizations, or entities that regularly provide instructional,
7 recreational or extracurricular services to minors:

8 (A) dance, music, or performing arts studios or schools;

9 (B) martial arts academies;

10 (C) sports training facilities; or

11 (D) tutoring or academic enrichment centers.

12 (ii) "Youth service provider facility" shall not include any public or
13 private school subject to the provisions of the education law or any day
14 care center subject to the provisions of article six of the social
15 services law.

16 (b) "Covered person" means an operator, employee, volunteer, or inde-
17 pendent contractor who has direct and substantial contact with minors
18 through a youth service provider facility.

19 (c) "Minor child" or "minor" means a child under the age of sixteen
20 years.

21 2. Notwithstanding any other provision of law to the contrary, and
22 subject to rules and regulations of the division of criminal justice

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

LBD09912-02-5

1 services, the following background checks shall be conducted for covered
2 persons at the time and in the manner required by this section:

3 (a) a search of the New York state sex offender registry;

4 (b) a search of any state sex offender registry or repository in each
5 state other than New York where such person resides or resided during
6 the preceding five years, if applicable unless such state's sex offender
7 registry information will be provided as part of the clearance conducted
8 pursuant to paragraph (c) of this subdivision; and

9 (c) a search of the national sex offender registry using the Dru
10 Sjodin National Sex Offender Public Website or any successor website.

11 3. A covered person must undergo a background check as described in
12 subdivision two of this section:

13 (a) before being employed at, volunteering at, or operating a youth
14 service provider; and

15 (b) at least once every three years during employment at the youth
16 service provider facility.

17 4. Notwithstanding any other provision of law to the contrary, a
18 covered person shall be deemed disqualified from employment at a youth
19 service provider facility if such person, either before or during
20 employment:

21 (a) refuses to consent to the background check described in subdivi-
22 sion two of this section;

23 (b) knowingly makes a materially false statement in connection with
24 such background check; or

25 (c) is registered, or is required to be registered, on a state sex
26 offender registry or repository or the national sex offender registry
27 established under the Adam Walsh child protection and safety act of 2006
28 (42 U.S.C. 16901 et seq.).

29 5. No person who is registered, or is required to be registered, on a
30 sex offender registry pursuant to paragraph (c) of subdivision four of
31 this section shall own or operate a youth service provider facility. For
32 purposes of this subdivision, ownership shall mean having a controlling
33 interest in the youth service provider facility.

34 6. The provisions of this section shall not apply to any person
35 rendering emergency services at the youth service provider facility.

36 7. (a) A violation of the provisions of this section shall be punisha-
37 ble by a civil penalty of not more than twenty-five thousand dollars per
38 violation recoverable in an action by the attorney general in the name
39 of the people of the state or by the corporation counsel for any city or
40 by the appropriate attorney of any other political subdivision as shall
41 be designated by the governing body of such political subdivision. Any
42 civil penalty recovered shall accrue to the state of New York.

43 (b) A youth service provider or owner that fails to comply with the
44 background check requirements of this section or knowingly employing an
45 individual disqualified under subdivision four of this section shall be
46 suspension or revocation of any license or permit to operate the youth
47 service provider facility where the violation occurred.

48 (c) The attorney general or the district attorney of any county may
49 bring an action in the name of the people of the state to restrain or
50 prevent any violation of this article or any continuance of any such
51 violation.

52 § 2. The division of criminal justice services shall promulgate and
53 enforce any rules and regulations necessary for the implementation of
54 this act.

55 § 3. Severability. If any clause, sentence, paragraph, subdivision,
56 section or part of this act shall be adjudged by any court of competent

1 jurisdiction to be invalid, such judgment shall not affect, impair, or
2 invalidate the remainder thereof, but shall be confined in its operation
3 to the clause, sentence, paragraph, subdivision, section or part thereof
4 directly involved in the controversy in which such judgment shall have
5 been rendered. It is hereby declared to be the intent of the legislature
6 that this act would have been enacted even if such invalid provisions
7 had not been included herein.

8 § 4. This act shall take effect on the one hundred eightieth day after
9 it shall have become a law. Effective immediately, the addition, amend-
10 ment and/or repeal of any rule or regulation necessary for the implemen-
11 tation of this act on its effective date are authorized to be made and
12 completed on or before such effective date.