

STATE OF NEW YORK

5257--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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, including but not
8 limited to:

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

10 (B) martial arts academies;

11 (C) sports training facilities; or

12 (D) tutoring or academic enrichment centers.

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

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

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

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

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1 2. Notwithstanding any other provision of law to the contrary, and
2 subject to rules and regulations of the division of criminal justice
3 services, the following background checks shall be conducted for covered
4 persons at the time and in the manner required by this section:

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

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

11 (c) a search of the United States department of justice national sex
12 offender public website.

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

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

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

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

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

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

27 (c) is registered, or is required to be registered, on a state sex
28 offender registry or repository or the United States department of
29 justice national sex offender registry.

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

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

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

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

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

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

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

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