S T A T E O F N E W Y O R K

3744

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. LENTOL -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the not-for-profit corporation law, in relation to fingerprints and criminal history background checks of directors of certain corporations

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

Section 1. Section 402 of the not-for-profit corporation law is amended by adding a new paragraph (d) to read as follows:

(D) IF THE CERTIFICATE IS FOR THE INCORPORATION OF A CORPORATION HAVING A PURPOSE OF WORKING WITH OR FOR THE BENEFIT OF YOUTHS, IT SHALL HAVE ANNEXED THERETO TWO SETS OF FINGERPRINTS FOR EACH DIRECTOR OF SUCH CORPORATION, FOR THE PURPOSES OF DETERMINING THE CRIMINAL HISTORY OF EACH DIRECTOR, IN SUCH FORM AND MANNER AS SHALL BE SPECIFIED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES, BUT IN ANY EVENT, NO LESS THAN TWO DIGIT IMPRINTS. EVERY SET OF FINGERPRINTS ANNEXED TO A CERTIFICATE OF INCORPORATION PURSUANT TO THIS PARAGRAPH SHALL BE PROMPTLY SUBMITTED TO THE DIVISION OF CRIMINAL JUSTICE SERVICES. THE FIRST SET OF FINGERPRINTS RECEIVED BY THE DIVISION SHALL BE USED TO IDENTIFY THE INDIVIDUAL AND TO CONDUCT A CRIMINAL HISTORY RECORDS SEARCH OF THE DIVISION'S NEW YORK STATE FILES TO DETERMINE WHETHER OR NOT SUCH INDIVIDUAL HAS BEEN CONVICTED OF A CRIMINAL OFFENSE IN THIS STATE. THE DIVISION SHALL FORWARD THE SECOND SET OF SUCH INDIVIDUAL'S FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE PURPOSE OF A NATIONWIDE CRIMINAL HISTORY RECORD CHECK TO DETERMINE WHETHER SUCH INDIVIDUAL HAS BEEN CONVICTED OF A CRIMINAL OFFENSE IN ANY STATE OR FEDERAL JURISDICTION. THE DIVISION SHALL PROMPTLY TRANSMIT THE REPORTS OF THESE NEW YORK STATE AND NATIONWIDE CRIMINAL RECORDS SEARCHES TO THE DEPARTMENT OF STATE. EACH DIRECTOR OF SAID CORPORATION SHALL SIGN A RELEASE AUTHORIZING THE DEPARTMENT OF STATE TO SUBMIT SUCH DIRECTOR'S FINGERPRINTS TO THE DIVISION AND TO RECEIVE THE RESULTS OF SUCH CRIMINAL HISTORY RECORD SEARCHES SUPPLIED BY

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

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THE DIVISION AND THE FEDERAL BUREAU OF INVESTIGATION. EACH DIRECTOR SHALL, IN ADVANCE, MAKE PAYMENT TO THE DIVISION OF ANY REASONABLE FEE AUTHORIZED BY LAW WHICH IS REASONABLY RELATED TO THE COST OF CONDUCTING THE SEARCHES REQUIRED BY THIS PARAGRAPH.

S 2. The secretary of state and the commissioner of the division of criminal justice services are authorized and directed to promulgate all rules and regulations necessary or convenient to implement the provisions of this act.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.