

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

3904

2009-2010 Regular Sessions

I N A S S E M B L Y

January 29, 2009

Introduced by M. of A. CLARK, MAYERSOHN, CANESTRARI, TITUS, WEISENBERG, MARKEY, PHEFFER, ALFANO, ERRIGO -- Multi-Sponsored by -- M. of A. BALL, BARRA, BENEDETTO, BROOK-KRASNY, CALHOUN, COLTON, CROUCH, FINCH, GALEF, MAISEL, RAIA, SAYWARD, SCOZZAFAVA, SPANO, THIELE, TOWNS, TOWNSEND, WALKER -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to safe mentoring practices

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

1 Section 1. Subdivisions 2, 3 and 4 of section 390-e of the social
2 services law, as added by chapter 459 of the laws of 2006, are amended
3 to read as follows:
4 2. Mentoring programs [may] SHALL perform a criminal history record
5 check on all prospective employees and mentors.
6 3. Notwithstanding any other provision of law to the contrary, subject
7 to the rules and regulations of the division of criminal justice
8 services, mentoring programs [may] SHALL apply for a criminal history
9 record check with the division of criminal justice services regarding
10 any prospective employee or any prospective mentor who may engage in
11 unsupervised activities with youth or in activities with youth in a
12 setting without constant agency or parental oversight. Each mentoring
13 program [that chooses to complete such criminal background checks on
14 prospective employees or on prospective mentors] shall establish a poli-
15 cy for completing criminal background checks on such prospective employ-
16 ees or mentors. Such policy shall apply one uniform standard for the
17 completion of criminal background checks for all prospective employees
18 and one uniform standard for the completion of criminal background
19 checks for all prospective mentors. Any mentoring program [that chooses
20 to complete criminal background checks on both prospective employees and
21 prospective mentors] may utilize the same uniform process for the

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

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1 completion of the criminal background checks on prospective employees
2 and prospective mentors or they may choose one uniform process for
3 prospective employees and another uniform process for prospective
4 mentors.

5 4. Every mentoring program [that chooses to] SHALL apply for a crimi-
6 nal history background check with the division of criminal justice
7 services AND shall obtain a set of fingerprints from each individual for
8 whom a criminal background check is to be completed and such other
9 information as is required by the office and the division of criminal
10 justice services. For each prospective employee or mentor for whom the
11 mentoring program [completes] MUST COMPLETE a criminal background check,
12 the mentoring program shall provide the applicant with blank fingerprint
13 cards and a description of how the completed fingerprint card will be
14 used upon submission to the mentoring program. The mentoring program
15 shall promptly transmit such fingerprint card and the processing fee to
16 the office. The office shall promptly submit the fingerprint card and
17 the processing fee, imposed pursuant to subdivision eight-a of section
18 eight hundred thirty-seven of the executive law, to the division of
19 criminal justice services for its full search and retain processing.

20 S 2. This act shall take effect on the first of April next succeeding
21 the date on which it shall have become a law, provided that any rules
22 and regulations necessary to implement the provisions of this act on its
23 effective date are authorized and directed to be completed on or before
24 such date.