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

1016

2009-2010 Regular Sessions

I N S E N A T E

January 22, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to the search of criminal history records for persons seeking employment in or to adopt a child from a foreign country

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

Section 1. The executive law is amended by adding a new section 837-s to read as follows:

S 837-S. CRIMINAL HISTORY CHECKS FOR PERSONS SEEKING EMPLOYMENT IN A FOREIGN COUNTRY OR WHO SEEK TO ADOPT A CHILD FROM A FOREIGN COUNTRY. 1. THE DIVISION IS HEREBY AUTHORIZED AND DIRECTED TO CONDUCT A SEARCH OF ITS CRIMINAL HISTORY RECORDS AND MAKE AVAILABLE THE RESULTS OF SUCH SEARCH TO ANY PERSON SEEKING EMPLOYMENT IN A FOREIGN COUNTRY OR TO ANY PERSON WHO SEEKS TO ADOPT A CHILD FROM A FOREIGN COUNTRY WHERE OFFICIAL DOCUMENTATION OF A PERSON'S BACKGROUND AND CHARACTER IS AN ELIGIBILITY REQUIREMENT IMPOSED BY SUCH FOREIGN COUNTRY FOR SUCH EMPLOYMENT OR ADOPTION.

2. UPON APPLICATION OF ANY PERSON SEEKING A CRIMINAL HISTORY SEARCH FOR THE PURPOSES SET FORTH IN SUBDIVISION ONE OF THIS SECTION, THE DIVISION IS AUTHORIZED AND DIRECTED TO OBTAIN THE FINGERPRINTS OF SUCH APPLICANT TO FACILITATE THE DIVISION'S SEARCH.

3. THE DIVISION IS AUTHORIZED TO CHARGE A REASONABLE FEE TO CONDUCT THE SEARCH SET FORTH IN THIS SECTION. ALL SUCH FEES SHALL BE REMITTED TO THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE FOR DEPOSIT IN THE MISSING AND EXPLOITED CHILDREN'S CLEARINGHOUSE FUND ESTABLISHED PURSUANT TO SECTION NINETY-TWO-W OF THE STATE FINANCE LAW.

4. ANY SEARCH MADE PURSUANT TO THIS SECTION SHALL BE MADE SOLELY TO PROVIDE THE APPLICANT WITH THE RESULTS OF SUCH SEARCH IN ORDER TO SATISFY EMPLOYMENT OR ADOPTION REQUIREMENTS OF A FOREIGN COUNTRY. NO SEARCH

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

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MADE PURSUANT TO THIS SECTION SHALL RESULT IN THE CREATION OF A SEARCH AND RETAIN FILE FOR SUCH APPLICANT.

5. THE RESULTS OF ANY SEARCH MADE PURSUANT TO THIS SECTION MAY BE MADE AVAILABLE BY THE DIVISION ONLY TO THE APPLICANT.

6. THE DIVISION IS HEREBY AUTHORIZED TO PROMULGATE ANY RULES AND REGULATIONS NECESSARY FOR THE TIMELY IMPLEMENTATION OF THIS SECTION AND FOR THE MANNER AND FORM OF APPLICATION AND SEARCH PROCEDURES REQUIRED BY THIS SECTION.

7. IT SHALL BE A CLASS A MISDEMEANOR FOR ANY PERSON TO DISCLOSE THE RESULTS OF ANY SEARCH MADE PURSUANT TO THIS SECTION IN ANY TRANSACTION EXCEPT AS NECESSARY TO SATISFY EMPLOYMENT OR ADOPTION REQUIREMENTS OF A FOREIGN COUNTRY.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.