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

4856

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. LEIBELL -- 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 mandatory filing of a verified notification form and certificate of security information by colleges, universities, and schools of higher education

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 418 to read as follows:

S 418. MANDATORY FILING OF CERTIFICATE OF SECURITY INFORMATION. 1. FILING OF VERIFIED NOTIFICATION FORM WITH THE OFFICE OF THE ATTORNEY GENERAL. PRIOR TO RECEIPT OF ANY FINANCIAL ASSISTANCE FROM THE STATE OF NEW YORK OR ANY OF ITS POLITICAL SUBDIVISIONS, ANY COLLEGE, UNIVERSITY OR OTHER INSTITUTE OR SCHOOL OF HIGHER EDUCATION OR VOCATIONAL LEARNING SHALL FILE WITH THE OFFICE OF THE ATTORNEY GENERAL, A NOTIFICATION FORM, VERIFIED BY THE PRESIDENT OR HIGHEST DESIGNATED OFFICIAL OF SUCH COLLEGE, UNIVERSITY, OR OTHER INSTITUTE OR SCHOOL OF HIGHER OR VOCATIONAL LEARNING, AFFIRMING THAT SUCH COLLEGE, UNIVERSITY OR OTHER INSTITUTE OR SCHOOL OF HIGHER EDUCATION OR VOCATIONAL LEARNING HAS FILED A CERTIFICATE OF SECURITY INFORMATION WITH THE FEDERAL BUREAU OF INVESTIGATION, THE FEDERAL IMMIGRATION AND NATURALIZATION SERVICES AND THE DIVISION OF THE NEW YORK STATE POLICE. THE FILING OF SUCH VERIFIED NOTIFICATION FORM SHALL INCLUDE A COPY OF THE CERTIFICATE OF SECURITY INFORMATION SO FILED.

2. CERTIFICATE OF SECURITY INFORMATION. PRIOR TO RECEIPT OF ANY FINANCIAL ASSISTANCE FROM THE STATE OF NEW YORK OR ANY OF ITS POLITICAL SUBDIVISIONS, ANY COLLEGE, UNIVERSITY OR OTHER INSTITUTE OR SCHOOL OF HIGHER EDUCATION OR VOCATIONAL LEARNING SHALL FILE WITH THE FEDERAL BUREAU OF INVESTIGATION, THE FEDERAL IMMIGRATION AND NATURALIZATION SERVICES, AND THE DIVISION OF THE NEW YORK STATE POLICE, A CERTIFICATE OF SECURITY INFORMATION, VERIFIED BY THE PRESIDENT OR HIGHEST DESIGNATED

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

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OFFICIAL OF SUCH COLLEGE, UNIVERSITY, OR OTHER INSTITUTE OR SCHOOL OF HIGHER OR VOCATIONAL LEARNING, WHICH PROVIDES THE NAME; CURRENT STREET ADDRESS; CURRENT EMAIL ADDRESS; CURRENT TELEPHONE NUMBER; NATION OF ORIGIN; ALL COURSES ENROLLED IN AND/OR REGISTERED FOR; AND THE SOCIAL SECURITY NUMBER OR TAXPAYER ID NUMBER OR INS DOCUMENTATION INFORMATION, FOR EVERY STUDENT REGISTERED, ATTENDING OR AUDITING SUCH COLLEGE, UNIVERSITY, OR OTHER INSTITUTE OR SCHOOL OF HIGHER OR VOCATIONAL LEARNING WHO IS NOT A CITIZEN OF THE UNITED STATES. SUCH CERTIFICATE SHALL BE FILED WITH THE FEDERAL BUREAU OF INVESTIGATION, THE FEDERAL IMMIGRATION AND NATURALIZATION SERVICES, AND THE DIVISION OF THE NEW YORK STATE POLICE PRIOR TO THE COMMENCEMENT OF EACH ACADEMIC SEMESTER, OR PROVISION OF EDUCATIONAL SERVICES.

3. ANY COLLEGE, UNIVERSITY OR OTHER INSTITUTE OR SCHOOL OF HIGHER OR VOCATIONAL LEARNING THAT FAILS TO FILE THE NOTIFICATION OF FILING AND CERTIFICATE OF SECURITY INFORMATION PRIOR TO THE COMMENCEMENT OF THE ACADEMIC SEMESTER OR PROVISION OF EDUCATIONAL SERVICES, AS PROVIDED BY SUBDIVISIONS ONE AND TWO OF THIS SECTION, AND THAT HAS RECEIVED ANY FINANCIAL ASSISTANCE FROM THE STATE OF NEW YORK OR ANY OF ITS POLITICAL SUBDIVISIONS, SHALL BE LIABLE FOR A CIVIL PENALTY OF UP TO THREE TIMES THE AMOUNT OF THE FINANCIAL ASSISTANCE SO RECEIVED.

4. FOR THE PURPOSE OF THIS SECTION, THE TERM "COLLEGE, UNIVERSITY, OR OTHER INSTITUTE OR SCHOOL OF HIGHER OR VOCATIONAL LEARNING" SHALL INCLUDE:

A. ANY PUBLIC OR PRIVATE COLLEGE OR UNIVERSITY;

B. ANY PROFESSIONAL, TECHNICAL, OR VOCATIONAL SCHOOL, ACADEMY OR INSTITUTE; OR

C. ANY OTHER SCHOOL, ACADEMY, INSTITUTE, OR PROGRAM, UPON THE CONCLUSION OF WHICH THE STUDENT SHALL BE AWARDED A DIPLOMA, CERTIFICATE, LICENSE, PERMIT, OR REGISTRATION.

S 2. This act shall take effect immediately.