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

990

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 Veterans, Homeland Security and Military Affairs

AN ACT to amend the military law, in relation to providing legal authority for obtaining background checks on individuals involved with law enforcement activities or community programs

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

Section 1. Section 19 of the military law is amended by adding a new subdivision 5 to read as follows:

5. THE ADJUTANT GENERAL IS HEREBY AUTHORIZED TO HAVE INVESTIGATED ANY APPLICANT FOR A POSITION WITHIN THE DIVISION OF MILITARY AND NAVAL AFFAIRS' LAW ENFORCEMENT OR YOUTH PROGRAMS. EACH APPLICANT SHALL SUBMIT SETS OF FINGERPRINTS IN THE FORM AND MANNER PRESCRIBED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES. THE DIVISION OF MILITARY AND NAVAL AFFAIRS MAY FORWARD THE FINGERPRINTS, ACCOMPANIED BY THE APPROPRIATE PROCESSING FEE, TO THE DIVISION OF CRIMINAL JUSTICE SERVICES FOR THE PURPOSE OF CONDUCTING A CRIMINAL HISTORY SEARCH AND RETURNING A REPORT THEREON. WHERE ANY SUCH APPLICANTS ARE FOUND TO HAVE A RECORD OF A FELONY OR MISDEMEANOR CONVICTION IN THIS OR ANY OTHER STATE, IT MAY BE GROUNDS FOR DISQUALIFICATION FOR ANY SUCH POSITION. ANY APPLICANT WHO REFUSES TO PERMIT THE DIVISION OF MILITARY AND NAVAL AFFAIRS TO HAVE MATTERS INVESTIGATED WHICH ARE NECESSARY FOR THE VERIFICATION OF HIS OR HER QUALIFICATIONS OR OTHERWISE HAMPERS, IMPEDES, OR FAILS TO COOPERATE WITH THE AGENCY IN SUCH INVESTIGATION MAY BE LIKEWISE DISQUALIFIED.

S 2. This act shall take effect immediately.

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

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