

6023

2011-2012 Regular Sessions

I N   A S S E M B L Y

March 3, 2011

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Introduced by M. of A. REILLY, P. RIVERA -- Multi-Sponsored by -- M. of  
A. BOYLAND, BRENNAN -- read once and referred to the Committee on  
Governmental Operations

AN ACT to amend the state finance law, in relation to background checks  
in connection with certain contracts

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

1     Section 1. Subdivision 10 of section 163 of the state finance law, is  
2     amended by adding a new paragraph g to read as follows:  
3     G. IN CONTRACTS FOR SERVICES, THE COMMISSIONER OR STATE AGENCY MAY  
4     INCLUDE IN THE CONTRACT DOCUMENTS, A REQUIREMENT THAT PERSONS EMPLOYED  
5     BY THE CONTRACTOR TO PERFORM WORK PURSUANT TO THE CONTRACT SHALL BE  
6     REQUIRED TO UNDERGO A STATE AND NATIONAL CRIMINAL HISTORY RECORD CHECK.  
7     WHEN REQUIRED, THE FINGERPRINTS OF SUCH AN EMPLOYEE SHALL BE SUBMITTED  
8     TO THE DIVISION OF CRIMINAL JUSTICE SERVICES AND THE DIVISION OF CRIMI-  
9     NAL JUSTICE SERVICES IS AUTHORIZED TO SUBMIT SUCH FINGERPRINTS TO THE  
10    FEDERAL BUREAU OF INVESTIGATION, IN ACCORDANCE WITH APPLICABLE RULES OR  
11    REGULATIONS, IN ORDER TO OBTAIN RELEVANT STATE CRIMINAL HISTORY RECORD  
12    INFORMATION, IF ANY, CONCERNING SUCH EMPLOYEE, AND FOR A NATIONAL CRIMI-  
13    NAL HISTORY RECORD CHECK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR  
14    INFORMING ITS EMPLOYEES THAT SUCH CRIMINAL HISTORY RECORD CHECKS MAY BE  
15    CONDUCTED. IN DETERMINING WHETHER TO INCLUDE SUCH REQUIREMENT IN THE  
16    CONTRACT DOCUMENTS, THE COMMISSIONER OR STATE AGENCY SHALL CONSIDER, BUT  
17    NOT BE LIMITED TO, WHETHER THE CONTRACTOR'S EMPLOYEES WILL COME INTO  
18    CONTACT WITH CONFIDENTIAL INFORMATION IN THE COURSE OF PERFORMING THE  
19    CONTRACT, AND WHETHER THE WORK IS OF A TYPE THAT, IF PERFORMED BY  
20    EMPLOYEES OF THE STATE, APPLICANTS FOR EMPLOYMENT WOULD BE REQUIRED BY  
21    THE STATE TO SUBMIT TO A CRIMINAL HISTORY RECORD CHECK PURSUANT TO  
22    SECTION FIFTY OF THE CIVIL SERVICE LAW OR ANY OTHER APPLICABLE LAW.  
23    S 2. This act shall take effect on the one hundred eightieth day after  
24    it shall have become a law; provided, however, that the amendments to  
25    subdivision 10 of section 163 of the state finance law made by section  
26    one of this act shall not affect the repeal of such section and shall be  
27    deemed repealed therewith.

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

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