

5129

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

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

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 ASSEMBLY, 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27 deemed repealed therewith.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.

LBD09417-01-1