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I N   A S S E M B L Y

March 1, 2012

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Education

AN ACT to amend the education law and the vehicle and traffic law, in relation to disqualification of persons employed as school bus monitors and bus drivers

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

Section 1. The education law is amended by adding a new section 3635-d to read as follows:

S 3635-D. DISQUALIFICATION OF SCHOOL BUS MONITORS. 1. A PERSON SHALL BE DISQUALIFIED FROM ACTING AS A SCHOOL BUS MONITOR AS FOLLOWS:

(A) PERMANENTLY, IF THAT PERSON HAS BEEN CONVICTED OF AN OFFENSE LISTED IN PARAGRAPH (A) OF SUBDIVISION FOUR OF SECTION FIVE HUNDRED NINE-CC OF THE VEHICLE AND TRAFFIC LAW. HOWEVER, SUCH DISQUALIFICATION MAY BE WAIVED BY THE COMMISSIONER PROVIDED THAT FIVE YEARS HAVE EXPIRED SINCE THE APPLICANT WAS DISCHARGED OR RELEASED FROM A SENTENCE OF IMPRISONMENT IMPOSED PURSUANT TO CONVICTION OF AN OFFENSE THAT REQUIRES DISQUALIFICATION UNDER THIS PARAGRAPH AND THAT THE APPLICANT SHALL HAVE BEEN GRANTED A CERTIFICATE OF RELIEF FROM DISABILITIES OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW. WHEN THE CERTIFICATE IS ISSUED BY A COURT FOR A CONVICTION WHICH OCCURRED IN THIS STATE, IT SHALL ONLY BE ISSUED BY THE COURT HAVING JURISDICTION OVER SUCH CONVICTION. SUCH CERTIFICATE SHALL SPECIFICALLY INDICATE THAT THE AUTHORITY GRANTING SUCH CERTIFICATE HAS CONSIDERED THE BEARING, IF ANY, THE CRIMINAL OFFENSE OR OFFENSES FOR WHICH THE PERSON WAS CONVICTED WILL HAVE ON THE APPLICANT'S FITNESS TO MONITOR AND ENSURE THE SAFETY OF CHILDREN RIDING ON A SCHOOL BUS, PRIOR TO GRANTING SUCH A CERTIFICATE;

(B) PERMANENTLY, IF THAT PERSON HAS BEEN CONVICTED OF AN OFFENSE LISTED IN PARAGRAPH (B) OF SUBDIVISION FOUR OF SECTION FIVE HUNDRED NINE-CC OF THE VEHICLE AND TRAFFIC LAW. HOWEVER, SUCH DISQUALIFICATION SHALL BE WAIVED PROVIDED THAT FIVE YEARS HAVE EXPIRED SINCE THE APPLICANT WAS INCARCERATED PURSUANT TO A SENTENCE OF IMPRISONMENT IMPOSED ON CONVICTION OF AN OFFENSE THAT REQUIRES DISQUALIFICATION UNDER THIS PARAGRAPH AND THAT THE APPLICANT SHALL HAVE BEEN GRANTED A CERTIFICATE OF RELIEF FROM DISABILITIES OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW. WHEN THE CERTIFICATE IS ISSUED BY A COURT FOR A CONVICTION WHICH OCCURRED IN THIS STATE, IT

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

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1 SHALL ONLY BE ISSUED BY THE COURT HAVING JURISDICTION OVER SUCH  
2 CONVICTION. SUCH CERTIFICATE SHALL SPECIFICALLY INDICATE THAT THE  
3 AUTHORITY GRANTING SUCH CERTIFICATE HAS CONSIDERED THE BEARING, IF ANY,  
4 THE CRIMINAL OFFENSE OR OFFENSES FOR WHICH THE PERSON WAS CONVICTED WILL  
5 HAVE ON THE APPLICANT'S FITNESS TO MONITOR AND ENSURE THE SAFETY OF  
6 CHILDREN RIDING ON A SCHOOL BUS, PRIOR TO GRANTING SUCH A CERTIFICATE.  
7 PROVIDED, HOWEVER, THAT AT THE DISCRETION OF THE COMMISSIONER THE  
8 CERTIFICATE OF RELIEF FROM DISABILITIES OR A CERTIFICATE OF GOOD CONDUCT  
9 PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW MAY REMOVE  
10 DISQUALIFICATION AT ANY TIME;

11 (C) FOR A PERIOD OF FIVE YEARS FROM THE DATE OF LAST CONVICTION SPECI-  
12 FIED HEREIN, IF THAT PERSON HAS BEEN CONVICTED WITHIN THE PRECEDING FIVE  
13 YEARS OF AN OFFENSE LISTED IN PARAGRAPH (C) OF SUBDIVISION FOUR OF  
14 SECTION FIVE HUNDRED NINE-CC OF THE VEHICLE AND TRAFFIC LAW. SUCH  
15 DISQUALIFICATION SHALL BE WAIVED PROVIDED THAT THE APPLICANT HAS BEEN  
16 GRANTED A CERTIFICATE OF RELIEF FROM DISABILITIES OR A CERTIFICATE OF  
17 GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW.  
18 WHEN THE CERTIFICATE IS ISSUED BY A COURT FOR A CONVICTION WHICH  
19 OCCURRED IN THIS STATE, IT SHALL ONLY BE ISSUED BY THE COURT HAVING  
20 JURISDICTION OVER SUCH CONVICTION. SUCH CERTIFICATE SHALL SPECIFICALLY  
21 INDICATE THAT THE AUTHORITY GRANTING SUCH CERTIFICATE HAS CONSIDERED THE  
22 BEARING, IF ANY, THE CRIMINAL OFFENSE OR OFFENSES FOR WHICH THE PERSON  
23 WAS CONVICTED WILL HAVE ON THE APPLICANT'S FITNESS TO MONITOR AND ENSURE  
24 THE SAFETY OF CHILDREN RIDING ON A SCHOOL BUS, PRIOR TO GRANTING SUCH A  
25 CERTIFICATE; AND

26 (D) FOR A PERIOD OF FIVE YEARS FROM THE DATE OF LAST CONVICTION SPECI-  
27 FIED HEREIN, IF THAT PERSON HAS BEEN CONVICTED WITHIN THE PRECEDING FIVE  
28 YEARS OF A VIOLATION OF SECTION 120.04, 120.04-A, 125.13, 125.14 OR  
29 235.07 OF THE PENAL LAW.

30 FOR THE PURPOSES OF THIS SUBDIVISION A SCHOOL BUS MONITOR SHALL BE  
31 DEFINED AS ANY ADULT EMPLOYED BY A SCHOOL DISTRICT OR A PRIVATE ENTITY  
32 TO RIDE ON A SCHOOL BUS FOR THE PURPOSE OF ENSURING THE SAFETY OF ITS  
33 PASSENGERS OR FOR MONITORING THE CONDUCT OF THE BUS PASSENGERS.

34 2. AS A PART OF SUCH DETERMINATION CONCERNING WHETHER AN INDIVIDUAL IS  
35 DISQUALIFIED FROM ACTING AS A SCHOOL BUS MONITOR PURSUANT TO THIS  
36 SECTION, THE DEPARTMENT SHALL SUBMIT A PROSPECTIVE MONITOR'S FINGER-  
37 PRINTS TO THE DIVISION OF CRIMINAL JUSTICE SERVICES FOR A STATE CRIMINAL  
38 HISTORY RECORD CHECK, AS DEFINED IN SUBDIVISION ONE OF SECTION THREE  
39 THOUSAND THIRTY-FIVE OF THIS CHAPTER, AND MAY SUBMIT SUCH FINGERPRINTS  
40 TO THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY  
41 RECORD CHECK.

42 S 2. Subdivision 1 of section 509-cc of the vehicle and traffic law is  
43 amended by adding a new paragraph (h) to read as follows:

44 (H) FOR A PERIOD OF FIVE YEARS FROM THE DATE OF LAST CONVICTION FOR  
45 VIOLATING PARAGRAPH (B) OF SUBDIVISION TWO-A OF SECTION ELEVEN HUNDRED  
46 NINETY-TWO OF THIS CHAPTER.

47 S 3. Subdivision 2 of section 509-cc of the vehicle and traffic law is  
48 amended by adding a new paragraph (i) to read as follows:

49 (I) FOR A PERIOD OF FIVE YEARS FROM THE DATE OF LAST CONVICTION FOR  
50 VIOLATING PARAGRAPH (B) OF SUBDIVISION TWO-A OF SECTION ELEVEN HUNDRED  
51 NINETY-TWO OF THIS CHAPTER.

52 S 4. This act shall take effect on the one hundred eightieth day after  
53 it shall have become a law; provided that any rules or regulations  
54 necessary for the timely implementation of the provisions of this act  
55 are authorized to be made on or before such effective date.