

2281

2011-2012 Regular Sessions

I N S E N A T E

January 18, 2011

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:

- 1 Section 1. Section 19 of the military law is amended by adding a new  
2 subdivision 5 to read as follows:  
3 5. THE ADJUTANT GENERAL IS HEREBY AUTHORIZED TO HAVE INVESTIGATED ANY  
4 APPLICANT FOR A POSITION WITHIN THE DIVISION OF MILITARY AND NAVAL  
5 AFFAIRS' LAW ENFORCEMENT OR YOUTH PROGRAMS. EACH APPLICANT SHALL SUBMIT  
6 SETS OF FINGERPRINTS IN THE FORM AND MANNER PRESCRIBED BY THE DIVISION  
7 OF CRIMINAL JUSTICE SERVICES. THE DIVISION OF MILITARY AND NAVAL AFFAIRS  
8 MAY FORWARD THE FINGERPRINTS, ACCOMPANIED BY THE APPROPRIATE PROCESSING  
9 FEE, TO THE DIVISION OF CRIMINAL JUSTICE SERVICES FOR THE PURPOSE OF  
10 CONDUCTING A CRIMINAL HISTORY SEARCH AND RETURNING A REPORT THEREON.  
11 WHERE ANY SUCH APPLICANTS ARE FOUND TO HAVE A RECORD OF A FELONY OR  
12 MISDEMEANOR CONVICTION IN THIS OR ANY OTHER STATE, IT MAY BE GROUNDS FOR  
13 DISQUALIFICATION FOR ANY SUCH POSITION. ANY APPLICANT WHO REFUSES TO  
14 PERMIT THE DIVISION OF MILITARY AND NAVAL AFFAIRS TO HAVE MATTERS INVE-  
15 TIGATED WHICH ARE NECESSARY FOR THE VERIFICATION OF HIS OR HER QUALI-  
16 FICATIONS OR OTHERWISE HAMPERS, IMPEDES, OR FAILS TO COOPERATE WITH THE  
17 AGENCY IN SUCH INVESTIGATION MAY BE LIKEWISE DISQUALIFIED.  
18 S 2. This act shall take effect immediately.

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

LBD06954-01-1