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2013-2014 Regular Sessions

I N A S S E M B L Y

January 25, 2013

Introduced by M. of A. CLARK, TITUS, WEISENBERG, MARKEY -- Multi-Sponsored by -- M. of A. BENEDETTO, BROOK-KRASNY, COLTON, CROUCH, FINCH, GALEF, MAISEL, RAIA, THIELE -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to safe mentoring practices

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

1 Section 1. Subdivisions 2, 3 and 4 of section 390-e of the social
2 services law, as added by chapter 459 of the laws of 2006, are amended
3 to read as follows:
4 2. Mentoring programs [may] SHALL perform a criminal history record
5 check on all prospective employees and mentors.
6 3. Notwithstanding any other provision of law to the contrary, subject
7 to the rules and regulations of the division of criminal justice
8 services, mentoring programs [may] SHALL apply for a criminal history
9 record check with the division of criminal justice services regarding
10 any prospective employee or any prospective mentor who may engage in
11 unsupervised activities with youth or in activities with youth in a
12 setting without constant agency or parental oversight. Each mentoring
13 program [that chooses to complete such criminal background checks on
14 prospective employees or on prospective mentors] shall establish a poli-
15 cy for completing criminal background checks on such prospective employ-
16 ees or mentors. Such policy shall apply one uniform standard for the
17 completion of criminal background checks for all prospective employees
18 and one uniform standard for the completion of criminal background
19 checks for all prospective mentors. Any mentoring program [that chooses
20 to complete criminal background checks on both prospective employees and
21 prospective mentors] may utilize the same uniform process for the
22 completion of the criminal background checks on prospective employees
23 and prospective mentors or they may choose one uniform process for

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

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1 prospective employees and another uniform process for prospective
2 mentors.

3 4. Every mentoring program [that chooses to] SHALL apply for a crimi-
4 nal history background check with the division of criminal justice
5 services AND shall obtain a set of fingerprints from each individual for
6 whom a criminal background check is to be completed and such other
7 information as is required by the office and the division of criminal
8 justice services. For each prospective employee or mentor for whom the
9 mentoring program [completes] MUST COMPLETE a criminal background check,
10 the mentoring program shall provide the applicant with blank fingerprint
11 cards and a description of how the completed fingerprint card will be
12 used upon submission to the mentoring program. The mentoring program
13 shall promptly transmit such fingerprint card and the processing fee to
14 the office. The office shall promptly submit the fingerprint card and
15 the processing fee, imposed pursuant to subdivision eight-a of section
16 eight hundred thirty-seven of the executive law, to the division of
17 criminal justice services for its full search and retain processing.

18 S 2. This act shall take effect on the first of April next succeeding
19 the date on which it shall have become a law, provided that any rules
20 and regulations necessary to implement the provisions of this act on its
21 effective date are authorized and directed to be completed on or before
22 such date.