S T A T E O F N E W Y O R K

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I N S E N A T E

February 12, 2014

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

AN ACT to amend the executive law, the village law, the town law and the not-for-profit corporation law, in relation to authorizing searches of the criminal history information of volunteer firefighters

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

Section 1. The executive law is amended by adding a new section 837-s to read as follows:

S 837-S. CRIMINAL HISTORY INFORMATION OF VOLUNTEER FIREFIGHTERS. 1. FOR THE PURPOSES OF THIS SECTION, "CRIMINAL HISTORY INFORMATION" SHALL MEAN A RECORD OF ALL CONVICTIONS OF CRIMES AND ANY PENDING CRIMINAL CHARGES MAINTAINED ON AN INDIVIDUAL BY THE DIVISION.

2. ANY PERSON WHO APPLIES FOR MEMBERSHIP IN A FIRE COMPANY, AS SUCH TERM IS DEFINED IN SECTION THREE OF THE VOLUNTEER FIREFIGHTERS' BENEFIT LAW, OR WHO SEEKS TO TRANSFER AS A MEMBER OF ANOTHER FIRE COMPANY, MAY BE REQUESTED BY THE FIRE COMPANY HE OR SHE SEEKS TO JOIN TO PROVIDE TWO SETS OF FINGERPRINTS IF SUCH FIRE COMPANY, IN ITS DISCRETION, ELECTS TO OBTAIN THE CRIMINAL HISTORY INFORMATION OF THE APPLICANT. THE CHIEF OF THE FIRE COMPANY TO WHICH THE APPLICATION IS MADE SHALL PROVIDE WRITTEN NOTICE TO THE APPLICANT THAT SUCH INFORMATION MAY BE SOUGHT FROM THE DIVISION, AND THAT THE APPLICANT MAY DECLINE TO PROVIDE HIS OR HER FINGERPRINTS.

3. UPON RECEIPT OF AN APPLICANT'S FINGERPRINTS TAKEN PURSUANT TO SUBDIVISION ONE OF THIS SECTION, THE FIRE COMPANY SHALL PROMPTLY SUBMIT SUCH FINGERPRINTS AND THE PRESCRIBED PROCESSING FEE, AS SET FORTH IN SUBDIVISION EIGHT-A OF SECTION EIGHT HUNDRED THIRTY-SEVEN OF THIS ARTICLE, TO THE DIVISION. THE DIVISION SHALL COMPARE SUCH FINGERPRINTS AGAINST ITS RECORDS AND UPON REQUEST OF THE FIRE COMPANY SHALL FORWARD A SET OF SUCH FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION WITH A REQUEST THAT SUCH BUREAU'S FILES BE SEARCHED AND NOTIFICATION OF THE RESULTS OF SUCH SEARCH AND REPORT THEREON SHALL BE MADE. THE DIVISION SHALL FORWARD SUCH CRIMINAL HISTORY INFORMATION REPORT TO THE FIRE COMPANY IN A TIMELY MANNER. ALL SUCH REPORTS PROCESSED AND SENT TO A

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

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FIRE COMPANY PURSUANT TO THIS SECTION SHALL NOT BE PUBLISHED OR IN ANY WAY DISCLOSED OR REDISCLOSED TO PERSONS OTHER THAN THE CHIEF OF THE FIRE COMPANY OR THE APPLICANT. ANY PERSON WHO DISCLOSES OR REDISCLOSES SUCH REPORTS IN VIOLATION OF THIS SUBDIVISION IS GUILTY OF A CLASS A MISDEMEANOR.

4. THE COMMISSIONER SHALL PROMULGATE ALL RULES AND REGULATIONS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

S 2. Section 10-1006 of the village law is amended by adding a new subdivision 20 to read as follows:

20. UPON APPLICATION BY ANY PERSON FOR MEMBERSHIP IN A FIRE COMPANY OPERATING PURSUANT TO THIS SECTION, THE FIRE CHIEF MAY ELECT TO CAUSE THE APPLICANT'S CRIMINAL HISTORY INFORMATION TO BE CHECKED PURSUANT TO SECTION EIGHT HUNDRED THIRTY-SEVEN-S OF THE EXECUTIVE LAW.

S 3. Section 176-b of the town law is amended by adding a new subdivision 18 to read as follows:

18. UPON APPLICATION BY ANY PERSON FOR MEMBERSHIP IN A FIRE COMPANY OPERATING PURSUANT TO THIS SECTION, THE FIRE CHIEF MAY ELECT TO CAUSE THE APPLICANT'S CRIMINAL HISTORY INFORMATION TO BE CHECKED PURSUANT TO SECTION EIGHT HUNDRED THIRTY-SEVEN-S OF THE EXECUTIVE LAW.

S 4. Paragraph (c) of section 1402 of the not-for-profit corporation law is amended by adding a new subparagraph 6 to read as follows:

(6) UPON APPLICATION BY ANY PERSON FOR MEMBERSHIP IN A FIRE CORPORATION OPERATING PURSUANT TO THIS SECTION, THE FIRE CHIEF MAY ELECT TO CAUSE THE APPLICANT'S CRIMINAL HISTORY INFORMATION TO BE CHECKED PURSUANT TO SECTION EIGHT HUNDRED THIRTY-SEVEN-S OF THE EXECUTIVE LAW.

S 5. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall apply to convictions entered into on or after such effective date; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed by the division of criminal justice services and the department of state on or before such effective date.