

883

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sen. BONACIC -- read twice and ordered printed, and when printed to be committed 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:

1     Section 1. The education law is amended by adding a new section 3635-d  
2     to read as follows:  
3     S 3635-D. DISQUALIFICATION OF SCHOOL BUS MONITORS. 1. A PERSON SHALL  
4     BE DISQUALIFIED FROM ACTING AS A SCHOOL BUS MONITOR AS FOLLOWS:  
5     (A) PERMANENTLY, IF THAT PERSON HAS BEEN CONVICTED OF AN OFFENSE LIST-  
6     ED IN PARAGRAPH (A) OF SUBDIVISION FOUR OF SECTION FIVE HUNDRED NINE-CC  
7     OF THE VEHICLE AND TRAFFIC LAW. HOWEVER, SUCH DISQUALIFICATION MAY BE  
8     WAIVED BY THE COMMISSIONER PROVIDED THAT FIVE YEARS HAVE EXPIRED SINCE  
9     THE APPLICANT WAS DISCHARGED OR RELEASED FROM A SENTENCE OF IMPRISONMENT  
10    IMPOSED PURSUANT TO CONVICTION OF AN OFFENSE THAT REQUIRES DISQUALIFICA-  
11    TION UNDER THIS PARAGRAPH AND THAT THE APPLICANT SHALL HAVE BEEN GRANTED  
12    A CERTIFICATE OF RELIEF FROM DISABILITIES OR A CERTIFICATE OF GOOD  
13    CONDUCT PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW. WHEN THE  
14    CERTIFICATE IS ISSUED BY A COURT FOR A CONVICTION WHICH OCCURRED IN THIS  
15    STATE, IT SHALL ONLY BE ISSUED BY THE COURT HAVING JURISDICTION OVER  
16    SUCH CONVICTION. SUCH CERTIFICATE SHALL SPECIFICALLY INDICATE THAT THE  
17    AUTHORITY GRANTING SUCH CERTIFICATE HAS CONSIDERED THE BEARING, IF ANY,  
18    THE CRIMINAL OFFENSE OR OFFENSES FOR WHICH THE PERSON WAS CONVICTED WILL  
19    HAVE ON THE APPLICANT'S FITNESS TO MONITOR AND ENSURE THE SAFETY OF  
20    CHILDREN RIDING ON A SCHOOL BUS, PRIOR TO GRANTING SUCH A CERTIFICATE;  
21    (B) PERMANENTLY, IF THAT PERSON HAS BEEN CONVICTED OF AN OFFENSE LIST-  
22    ED IN PARAGRAPH (B) OF SUBDIVISION FOUR OF SECTION FIVE HUNDRED NINE-CC  
23    OF THE VEHICLE AND TRAFFIC LAW. HOWEVER, SUCH DISQUALIFICATION SHALL BE

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

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1 WAIVED PROVIDED THAT FIVE YEARS HAVE EXPIRED SINCE THE APPLICANT WAS  
2 INCARCERATED PURSUANT TO A SENTENCE OF IMPRISONMENT IMPOSED ON  
3 CONVICTION OF AN OFFENSE THAT REQUIRES DISQUALIFICATION UNDER THIS PARA-  
4 GRAPH AND THAT THE APPLICANT SHALL HAVE BEEN GRANTED A CERTIFICATE OF  
5 RELIEF FROM DISABILITIES OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO  
6 ARTICLE TWENTY-THREE OF THE CORRECTION LAW. WHEN THE CERTIFICATE IS  
7 ISSUED BY A COURT FOR A CONVICTION WHICH OCCURRED IN THIS STATE, IT  
8 SHALL ONLY BE ISSUED BY THE COURT HAVING JURISDICTION OVER SUCH  
9 CONVICTION. SUCH CERTIFICATE SHALL SPECIFICALLY INDICATE THAT THE  
10 AUTHORITY GRANTING SUCH CERTIFICATE HAS CONSIDERED THE BEARING, IF ANY,  
11 THE CRIMINAL OFFENSE OR OFFENSES FOR WHICH THE PERSON WAS CONVICTED WILL  
12 HAVE ON THE APPLICANT'S FITNESS TO MONITOR AND ENSURE THE SAFETY OF  
13 CHILDREN RIDING ON A SCHOOL BUS, PRIOR TO GRANTING SUCH A CERTIFICATE.  
14 PROVIDED, HOWEVER, THAT AT THE DISCRETION OF THE COMMISSIONER THE  
15 CERTIFICATE OF RELIEF FROM DISABILITIES OR A CERTIFICATE OF GOOD CONDUCT  
16 PURSUANT TO ARTICLE TWENTY-THREE OF THE CORRECTION LAW MAY REMOVE  
17 DISQUALIFICATION AT ANY TIME;

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

33 (D) FOR A PERIOD OF FIVE YEARS FROM THE DATE OF LAST CONVICTION SPECI-  
34 FIED HEREIN, IF THAT PERSON HAS BEEN CONVICTED WITHIN THE PRECEDING FIVE  
35 YEARS OF A VIOLATION OF SECTION 120.04, 120.04-A, 125.13, 125.14 OR  
36 235.07 OF THE PENAL LAW.

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

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

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

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

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

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

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