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

3373

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:

Section 1. Subdivisions 2, 3 and 4 of section 390-e of the social services law, as added by chapter 459 of the laws of 2006, are amended to read as follows:

2. Mentoring programs [may] SHALL perform a criminal history record check on all prospective employees and mentors.

3. Notwithstanding any other provision of law to the contrary, subject to the rules and regulations of the division of criminal justice services, mentoring programs [may] SHALL apply for a criminal history record check with the division of criminal justice services regarding any prospective employee or any prospective mentor who may engage in unsupervised activities with youth or in activities with youth in a setting without constant agency or parental oversight. Each mentoring program [that chooses to complete such criminal background checks on prospective employees or on prospective mentors] shall establish a policy for completing criminal background checks on such prospective employees or mentors. Such policy shall apply one uniform standard for the completion of criminal background checks for all prospective employees and one uniform standard for the completion of criminal background checks for all prospective mentors. Any mentoring program [that chooses to complete criminal background checks on both prospective employees and prospective mentors] may utilize the same uniform process for the completion of the criminal background checks on prospective employees 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.

LBD06685-01-3

prospective employees and another uniform process for prospective mentors.

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

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