

2546--B

2015-2016 Regular Sessions

I N A S S E M B L Y

January 16, 2015

Introduced by M. of A. GRAF, GIGLIO, LALOR, HAWLEY, TEDISCO -- Multi-Sponsored by -- M. of A. BARCLAY, CERETTO, CROUCH, CURRAN, LAWRENCE -- read once and referred to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law and the executive law, in relation to the provision of criminal history background checks free of charge to mentoring programs operated by not-for-profit corporations

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

1 Section 1. Subdivision 4 of section 390-e of the social services law,
2 as added by chapter 459 of the laws of 2006, is amended to read as
3 follows:
4 4. Every mentoring program that chooses to apply for a criminal histo-
5 ry background check with the division of criminal justice services shall
6 obtain a set of fingerprints from each individual for whom a criminal
7 background check is to be completed and such other information as is
8 required by the office and the division of criminal justice services.
9 For each prospective employee or mentor for whom the mentoring program
10 completes a criminal background check, the mentoring program shall
11 provide the applicant with blank fingerprint cards and a description of
12 how the completed fingerprint card will be used upon submission to the
13 mentoring program. The mentoring program shall promptly transmit such
14 fingerprint card and the processing fee to the office; PROVIDED, HOWEV-
15 ER, IF THE MENTORING PROGRAM IS OPERATED BY A NOT-FOR-PROFIT CORPO-
16 RATION, NO PROCESSING FEE SHALL BE IMPOSED FOR A CRIMINAL BACKGROUND
17 CHECK. The office shall promptly submit the fingerprint card and the
18 processing fee, IF imposed pursuant to subdivision eight-a of section

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

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1 eight hundred thirty-seven of the executive law, to the division of
2 criminal justice services for its full search and retain processing.

3 S 2. Subdivision 8-a of section 837 of the executive law, as amended
4 by chapter 561 of the laws of 2006, is amended to read as follows:

5 8-a. Charge a fee when, pursuant to statute or the regulations of the
6 division, it conducts a search of its criminal history records and
7 returns a report thereon in connection with an application for employ-
8 ment or for a license or permit. The division shall adopt and may, from
9 time to time, amend a schedule of such fees which shall be in amounts
10 determined by the division to be reasonably related to the cost of
11 conducting such searches and returning reports thereon but, in no event,
12 shall any such fee exceed twenty-five dollars and an additional
13 surcharge of fifty dollars. The comptroller is hereby authorized to
14 deposit such fees into the general fund, provided, however, that the
15 monies received by the division of criminal justice services for payment
16 of the additional surcharge shall be deposited in equal amounts to the
17 general fund and to the fingerprint identification and technology
18 account. Notwithstanding the foregoing, the division shall not request
19 or accept any fee for searching its records and supplying a criminal
20 history report pursuant to section two hundred fifty-one-b of the gener-
21 al business law relating to participating in flight instruction at any
22 aeronautical facility, flight school or institution of higher learning,
23 OR PURSUANT TO SECTION THREE HUNDRED NINETY-E OF THE SOCIAL SERVICES LAW
24 WHEN THE DIVISION IS SUPPLYING A CRIMINAL HISTORY REPORT TO A MENTORING
25 PROGRAM OPERATED BY A NOT-FOR-PROFIT CORPORATION.

26 S 3. Paragraph (c) of subdivision 1 of section 390-e of the social
27 services law, as added by chapter 459 of the laws of 2006, is amended to
28 read as follows:

29 (c) "Mentoring program" shall mean a formalized program, operated by:

30 (I) a corporation which has been incorporated pursuant to subparagraph
31 five of paragraph (a) of section one hundred two of the not-for-profit
32 corporation law or pursuant to subparagraph four of paragraph (a) of
33 section one hundred two of the business corporation law[, or operated
34 by];

35 (II) an educational institution or school district, that matches youth
36 with adult volunteers with the purpose of providing such youth with
37 positive role models to enhance their development; OR

38 (III) A YOUTH SPORTS PROGRAM.

39 S 4. This act shall take effect immediately.