

7309

I N S E N A T E

April 13, 2016

Introduced by Sen. AMEDORE -- (at request of the Office of Alcoholism and Substance Abuse Services) -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Drug Abuse

AN ACT to amend the mental hygiene law, in relation to criminal history background checks for custodians in programs licensed, operated, certified or funded by the office of alcoholism and substance abuse services; and repealing certain provisions of such law relating thereto

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

1 Section 1. Subdivision (f) of section 19.20 of the mental hygiene law,
2 as added by section 2 of part F of chapter 501 of the laws of 2012, is
3 amended to read as follows:
4 (f) Where the criminal history information received by the office
5 includes a criminal offense in any state [other than New York], INCLUD-
6 ING NEW YORK, or in a federal jurisdiction, the office shall consider
7 whether to approve or disapprove the prospective employee based on the
8 criminal history information in accordance with the provisions of arti-
9 cle twenty-three-A of the correction law and subdivisions fifteen and
10 sixteen of section two hundred ninety-six of the executive law and noti-
11 fy the provider of its determination, provided, however, that a reason-
12 able time before making a determination pursuant to this subdivision,
13 the office shall provide the prospective employee or volunteer with a
14 copy of the criminal history information and a copy of article twenty-
15 three-A of the correction law, and inform such prospective employee or
16 volunteer of his or her right to seek correction of any incorrect infor-
17 mation contained in such criminal history information pursuant to the
18 regulations and procedures established by the division of criminal
19 justice services.
20 S 2. Subdivision (e) of section 19.20 if the mental hygiene law is
21 REPEALED and a new subdivision (e) is added to read as follows:
22 (E) UPON RECEIPT OF CRIMINAL HISTORY INFORMATION FROM THE DIVISION OF
23 CRIMINAL JUSTICE SERVICES, THE OFFICE MAY REQUEST, AND IS ENTITLED TO

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

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1 RECEIVE, INFORMATION PERTAINING TO ANY CRIME IDENTIFIED IN SUCH CRIMINAL
2 HISTORY INFORMATION FROM ANY STATE OR LOCAL LAW ENFORCEMENT AGENCY,
3 DISTRICT ATTORNEY, PAROLE OFFICER, PROBATION OFFICER OR COURT FOR THE
4 PURPOSES OF DETERMINING WHETHER ANY GROUNDS RELATING TO SUCH CRIME
5 EXISTS FOR DENYING AN APPLICATION, RENEWAL, OR EMPLOYMENT.

6 S 3. Subdivisions (f), (g), (h), (i) and (j) of section 19.20-a of the
7 mental hygiene law, are relettered subdivisions (g), (h), (i), (j) and
8 (k) and a new subdivision (f) is added to read as follows:

9 (F) UPON RECEIPT OF CRIMINAL HISTORY INFORMATION FROM THE DIVISION OF
10 CRIMINAL JUSTICE SERVICES, THE OFFICE MAY REQUEST, AND IS ENTITLED TO
11 RECEIVE, INFORMATION PERTAINING TO ANY CRIME IDENTIFIED ON SUCH CRIMINAL
12 HISTORY INFORMATION FROM ANY STATE OR LOCAL LAW ENFORCEMENT AGENCY,
13 DISTRICT ATTORNEY, PAROLE OFFICER, PROBATION OFFICER OR COURT FOR THE
14 PURPOSES OF DETERMINING WHETHER ANY GROUNDS RELATING TO SUCH CRIME
15 EXISTS FOR DENYING AN APPLICATION, RENEWAL, OR EMPLOYMENT.

16 S 4. This act shall take effect immediately.