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

5542

2015-2016 Regular Sessions

I N S E N A T E

May 14, 2015

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

AN ACT to amend the public health law, in relation to duties of the commissioner of health; and to amend the executive law, in relation to qualifications to serve as a volunteer emergency medical technician

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

Section 1. Section 3011 of the public health law is amended by adding a new subdivision 12 to read as follows:

12. THE COMMISSIONER SHALL REQUIRE ANY EMERGENCY MEDICAL TECHNICIAN APPLICANT OF A VOLUNTEER AMBULANCE COMPANY TO SUBJECT HIM OR HERSELF TO A BACKGROUND CHECK PURSUANT TO SECTION EIGHT HUNDRED THIRTY-SEVEN-S OF THE EXECUTIVE LAW.

S 2. The executive law is amended by adding a new section 837-s to read as follows:

S 837-S. SEARCH FOR SEX OFFENSE CONVICTION RECORDS OF VOLUNTEER EMERGENCY MEDICAL TECHNICIAN APPLICANTS. 1. ANY PERSON WHO APPLIES FOR MEMBERSHIP IN A VOLUNTEER AMBULANCE COMPANY, AS SUCH TERM IS DEFINED IN SUBDIVISION TWO OF SECTION THREE OF THE VOLUNTEER AMBULANCE WORKERS' BENEFIT LAW, OR WHO SEEKS TO TRANSFER AS A MEMBER TO ANOTHER AMBULANCE COMPANY, SHALL BE REQUIRED TO AUTHORIZE THE SUBMISSION OF HIS OR HER NAME AND OTHER AUTHORIZED IDENTIFYING INFORMATION TO THE DIVISION WHICH SHALL SEARCH ITS FILES FOR RECORDS INDICATING WHETHER THE PERSON STANDS CONVICTED OF A CRIME WHICH REQUIRES A PERSON TO REGISTER AS A SEX OFFENDER UNDER ARTICLE SIX-C OF THE CORRECTION LAW. THE CHIEF OF THE AMBULANCE COMPANY TO WHICH APPLICATION IS MADE SHALL PROVIDE WRITTEN NOTICE TO THE APPLICANT THAT SUCH SEARCH WILL BE CONDUCTED, AND IF THE APPLICANT DESIRES TO PROCEED, HE OR SHE SHALL COMPLETE A SEARCH REQUEST ON THE FORM PROVIDED FOR THIS PURPOSE BY THE DIVISION.

2. WITHIN TEN BUSINESS DAYS OF RECEIPT FROM THE APPLICANT, THE CHIEF OF THE AMBULANCE COMPANY SHALL SEND THE COMPLETED SEARCH REQUEST FORM TO

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

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THE SHERIFF'S DEPARTMENT OF THE COUNTY IN WHICH THE AMBULANCE COMPANY IS LOCATED, AS FOLLOWS: THE SHERIFF'S DEPARTMENT OF THE COUNTY IN WHICH THE AMBULANCE COMPANY IS LOCATED SHALL BE RESPONSIBLE FOR RECEIVING THE SEARCH REQUEST AND PROCESSING THE SEARCH REQUESTS WITH THE DIVISION WITHIN TEN BUSINESS DAYS OF RECEIPT FROM THE CHIEF OF THE AMBULANCE COMPANY.

3. (A) ALL SEARCHES CONCERNING THE APPLICATION FOR MEMBERSHIP IN AN AMBULANCE COMPANY, SHALL BE CONDUCTED ACCORDING TO THE PROVISIONS OF SUBDIVISION SIX OF SECTION EIGHT HUNDRED THIRTY-SEVEN OF THIS ARTICLE WITHOUT THE ASSESSMENT OF ANY FEE TO THE APPLICANT OR THE AMBULANCE COMPANY AND SHALL PERTAIN SOLELY TO ASCERTAINING WHETHER THE APPLICANT STANDS CONVICTED OF A CRIME WHICH REQUIRES THE PERSON TO REGISTER AS A SEX OFFENDER UNDER ARTICLE SIX-C OF THE CORRECTION LAW.

(B) THE RESULTS OF SUCH SEARCH SHALL BE COMMUNICATED IN WRITING, WITHIN TEN BUSINESS DAYS OF RECEIPT FROM THE DIVISION, TO THE CHIEF OF THE AMBULANCE COMPANY FROM WHICH THE SEARCH REQUEST ORIGINATED BY THE SHERIFF'S DEPARTMENT, AND SHALL BE KEPT CONFIDENTIAL BY THE CHIEF, EXCEPT AS PROVIDED IN PARAGRAPH (C) OF THIS SUBDIVISION. THE RESULTS OF THE SEARCH SHALL ONLY STATE EITHER THAT: (I) THE APPLICANT STANDS CONVICTED OF A CRIME WHICH REQUIRES THE PERSON TO REGISTER AS A SEX OFFENDER UNDER ARTICLE SIX-C OF THE CORRECTION LAW, OR (II) THE APPLICANT HAS NO RECORD OF CONVICTION FOR A CRIME THAT REQUIRES THE PERSON TO REGISTER AS A SEX OFFENDER UNDER ARTICLE SIX-C OF THE CORRECTION LAW. THE RESULTS OF THE SEARCH SHALL NOT DIVULGE ANY OTHER INFORMATION RELATING TO THE CRIMINAL HISTORY OF THE APPLICANT.

(C) IF A PERSON IS DENIED ELECTION OR APPOINTMENT AS A VOLUNTEER AMBULANCE WORKER BASED IN WHOLE OR IN PART ON THE FACT THAT HE OR SHE STANDS CONVICTED OF A CRIME WHICH REQUIRES THE PERSON TO REGISTER AS A SEX OFFENDER UNDER ARTICLE SIX-C OF THE CORRECTION LAW, HE OR SHE SHALL BE ADVISED BY THE AMBULANCE COMPANY OF THE RIGHTS TO CHALLENGE AND APPEAL THE INFORMATION CONTAINED IN THE RECORD OF CONVICTION AS PROVIDED IN THE RULES AND REGULATIONS OF THE DIVISION, AND PROVIDED BY THE AMBULANCE COMPANY WITH A COPY OF THE CRIMINAL HISTORY RECORD RECEIVED BY THE AMBULANCE COMPANY, AND WITH A COPY OF SECTIONS SEVEN HUNDRED FIFTY-TWO AND SEVEN HUNDRED FIFTY-THREE OF THE CORRECTION LAW.

S 3. This act shall take effect on the one hundred twentieth day after it shall have become a law.