

# STATE OF NEW YORK

436

2017-2018 Regular Sessions

## IN ASSEMBLY

January 9, 2017

Introduced by M. of A. GUNTHER, FAHY -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to the fingerprinting of prospective employees of child day care centers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (b) of subdivision 2 of section 390-b of the  
2 social services law, as added by chapter 416 of the laws of 2000, is  
3 amended to read as follows:

4 (b) [~~Every~~] Except when the department of education has forwarded such  
5 fingerprints of the prospective employee or volunteer to the commission-  
6 er of the office of children and family services in accordance with  
7 paragraph (c) of subdivision one of this section, every child day care  
8 center or school age child care provider shall obtain a set of finger-  
9 prints for each prospective employee or volunteer and such other infor-  
10 mation as is required by the office of children and family services and  
11 the division of criminal justice services. The child day care center or  
12 school age child care program shall furnish to the applicant blank fing-  
13 erprint cards and a description of how the completed fingerprint cards  
14 will be used. The child day care center or school age child care program  
15 shall promptly transmit such fingerprint cards to the office of children  
16 and family services.

17 § 2. Subdivision 1 of section 390-b of the social services law is  
18 amended by adding a new paragraph (c) to read as follows:

19 (c) Upon request from a prospective employee or volunteer who has been  
20 cleared by the commissioner of education pursuant to section three thou-  
21 sand thirty-five of the education law, the department of education shall  
22 be authorized to forward a copy of such individual's criminal history  
23 record and such individual's fingerprints to the commissioner of the  
24 office of children and family services for purposes of conducting a  
25 criminal history record check pursuant to this section. Furthermore,

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

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1 upon notification that such prospective employee has been cleared for  
2 employment by the commissioner of the office of children and family  
3 services pursuant to this section, the division of criminal justice  
4 services shall have the authority to provide subsequent criminal history  
5 notifications directly to such commissioner.

6 § 3. This act shall take effect immediately.