STATE OF NEW YORK

6424

2019-2020 Regular Sessions

IN ASSEMBLY

March 7, 2019

Introduced by M. of A. CRESPO -- read once and referred to the Committee on Correction

AN ACT to amend part J of chapter 62 of the laws of 2003, amending the county law and other laws relating to assigned counsel, in relation to providing for the reimbursement of not-for-profit corporations for fees collected for criminal history searches by the office of court administration

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

Section 1. Section 14 of part J of chapter 62 of the laws of 2003 amending the county law and other laws relating to assigned counsel, as amended by section 7 of part K of chapter 56 of the laws of 2010, is amended to read as follows:

§ 14. Notwithstanding the provisions of any other law: (a) the fee collected by the office of court administration for the provision of criminal history searches and other searches for data kept electronically by the unified court system shall be sixty-five dollars; (b) thirty-five dollars of each such fee collected shall be deposited in the indigent legal services fund established by section 98-b of the state finance law, as added by section twelve of this act, (c) nine dollars of each such fee collected shall be deposited in the legal services assistance fund established by section 98-c of the state finance law, as added by section nineteen of this act, (d) sixteen dollars of each such fee collected shall be deposited to the judiciary data processing offset fund established by section 94-b of the state finance law, and (e) the remainder shall be deposited in the general fund[.]**; (f) provided, however, if a criminal history search or other searches for data kept electronically by the unified court system is being requested by or on the behalf of a not-for-profit corporation, to perform a criminal history search on an individual that would be working with children under the age of eighteen, the office of court administration shall, subject to**

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

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the approval of the director of the budget, establish protocols to reimburse the not-for-profit corporation for searches conducted, such reimbursement shall come from the general fund. The division of budget shall also promulgate regulations to prevent not-for-profit corporations from over utilizing this reimbursement mechanism and to assure that all reimbursed search fees are used for criminal history searches of positions that would have direct interaction with children.

§ 2. This act shall take effect immediately.