

# STATE OF NEW YORK

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6943

2019-2020 Regular Sessions

## IN ASSEMBLY

March 27, 2019

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Introduced by M. of A. LENTOL -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the not-for-profit corporation law, in relation to fingerprints and criminal history background checks of directors of certain corporations

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

1 Section 1. Section 402 of the not-for-profit corporation law is  
2 amended by adding a new paragraph (d) to read as follows:

3 (d) If the certificate is for the incorporation of a corporation  
4 having a purpose of working with or for the benefit of youths, it shall  
5 have annexed thereto two sets of fingerprints for each director of such  
6 corporation, for the purposes of determining the criminal history of  
7 each director, in such form and manner as shall be specified by the  
8 division of criminal justice services, but in any event, no less than  
9 two digit imprints. Every set of fingerprints annexed to a certificate  
10 of incorporation pursuant to this paragraph shall be promptly submitted  
11 to the division of criminal justice services. The first set of finger-  
12 prints received by the division shall be used to identify the individual  
13 and to conduct a criminal history records search of the division's New  
14 York state files to determine whether or not such individual has been  
15 convicted of a criminal offense in this state. The division shall  
16 forward the second set of such individual's fingerprints to the federal  
17 bureau of investigation for the purpose of a nationwide criminal history  
18 record check to determine whether such individual has been convicted of  
19 a criminal offense in any state or federal jurisdiction. The division  
20 shall promptly transmit the reports of these New York state and nation-  
21 wide criminal records searches to the department of state. Each director  
22 of said corporation shall sign a release authorizing the department of  
23 state to submit such director's fingerprints to the division and to  
24 receive the results of such criminal history record searches supplied by

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

LBD10384-01-9

1 the division and the federal bureau of investigation. Each director  
2 shall, in advance, make payment to the division of any reasonable fee  
3 authorized by law which is reasonably related to the cost of conducting  
4 the searches required by this paragraph.

5 § 2. The secretary of state and the commissioner of the division of  
6 criminal justice services are authorized and directed to promulgate all  
7 rules and regulations necessary or convenient to implement the  
8 provisions of this act.

9 § 3. This act shall take effect on the ninetieth day after it shall  
10 have become a law.