

# STATE OF NEW YORK

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4481--A

2021-2022 Regular Sessions

## IN ASSEMBLY

February 4, 2021

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Introduced by M. of A. RAMOS -- read once and referred to the Committee on Children and Families -- recommitted to the Committee on Children and Families in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law and the executive law, in relation to the provision of criminal history background checks free of charge to mentoring programs operated by not-for-profit corporations

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

1 Section 1. Subdivision 4 of section 390-e of the social services law,  
2 as added by chapter 459 of the laws of 2006, is amended to read as  
3 follows:  
4 4. Every mentoring program that chooses to apply for a criminal histo-  
5 ry background check with the division of criminal justice services shall  
6 obtain a set of fingerprints from each individual for whom a criminal  
7 background check is to be completed and such other information as is  
8 required by the office and the division of criminal justice services.  
9 For each prospective employee or mentor for whom the mentoring program  
10 completes a criminal background check, the mentoring program shall  
11 provide the applicant with blank fingerprint cards and a description of  
12 how the completed fingerprint card will be used upon submission to the  
13 mentoring program. The mentoring program shall promptly transmit such  
14 fingerprint card and the processing fee to the office; provided, howev-  
15 er, there shall be no processing fee for a criminal background check for  
16 mentoring programs described in subparagraphs (i) and (iii) of paragraph  
17 (c) of subdivision one of this section. The office shall promptly  
18 submit the fingerprint card and the processing fee, if imposed pursuant  
19 to subdivision eight-a of section eight hundred thirty-seven of the

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

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1 executive law, to the division of criminal justice services for its full  
2 search and retain processing.

3 § 2. Subdivision 8-a of section 837 of the executive law, as amended  
4 by chapter 561 of the laws of 2006, is amended to read as follows:

5 8-a. Charge a fee when, pursuant to statute or the regulations of the  
6 division, it conducts a search of its criminal history records and  
7 returns a report thereon in connection with an application for employ-  
8 ment or for a license or permit. The division shall adopt and may, from  
9 time to time, amend a schedule of such fees which shall be in amounts  
10 determined by the division to be reasonably related to the cost of  
11 conducting such searches and returning reports thereon but, in no event,  
12 shall any such fee exceed twenty-five dollars and an additional  
13 surcharge of fifty dollars. The comptroller is hereby authorized to  
14 deposit such fees into the general fund, provided, however, that the  
15 monies received by the division of criminal justice services for payment  
16 of the additional surcharge shall be deposited in equal amounts to the  
17 general fund and to the fingerprint identification and technology  
18 account. Notwithstanding the foregoing, the division shall not request  
19 or accept any fee for searching its records and supplying a criminal  
20 history report pursuant to section two hundred fifty-one-b of the gener-  
21 al business law relating to participating in flight instruction at any  
22 aeronautical facility, flight school or institution of higher learning,  
23 or when the division is supplying a criminal history report to a mentor-  
24 ing program described in subparagraphs (i) and (iii) of paragraph (c) of  
25 subdivision one of section three hundred ninety-e of the social services  
26 law.

27 § 3. Paragraph (c) of subdivision 1 of section 390-e of the social  
28 services law, as added by chapter 459 of the laws of 2006, is amended to  
29 read as follows:

30 (c) "Mentoring program" shall mean a formalized program, operated:

31 (i) by a corporation which has been incorporated pursuant to subpara-  
32 graph five of paragraph (a) of section one hundred two of the not-for-  
33 profit corporation law ~~[or]~~;

34 (ii) pursuant to subparagraph four of paragraph (a) of section one  
35 hundred two of the business corporation law~~[, or operated by]~~; or

36 (iii) by an educational institution or school district, ~~[that matches]~~  
37 for the purpose of matching youth with adult volunteers ~~[with the~~  
38 ~~purpose of providing]~~ to provide such youth with positive role models to  
39 enhance their development.

40 § 4. This act shall take effect on the sixtieth day after it shall  
41 have become a law.