

# STATE OF NEW YORK

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4490

2023-2024 Regular Sessions

## IN ASSEMBLY

February 16, 2023

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

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

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

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

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

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

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

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

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

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

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