

STATE OF NEW YORK

5601

2023-2024 Regular Sessions

IN ASSEMBLY

March 16, 2023

Introduced by M. of A. SMITH -- 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, if the mentoring program is operated by a not-for-profit corpo-
16 ration, no processing fee shall be imposed for a criminal background
17 check. The office shall promptly submit the fingerprint card and the
18 processing fee, if imposed pursuant to subdivision eight-a of section
19 eight hundred thirty-seven of the executive law, to the division of
20 criminal justice services for its full search and retain processing.
21 § 2. Subdivision 8-a of section 837 of the executive law, as amended
22 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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1 8-a. Charge a fee when, pursuant to statute or the regulations of the
2 division, it conducts a search of its criminal history records and
3 returns a report thereon in connection with an application for employ-
4 ment or for a license or permit. The division shall adopt and may, from
5 time to time, amend a schedule of such fees which shall be in amounts
6 determined by the division to be reasonably related to the cost of
7 conducting such searches and returning reports thereon but, in no event,
8 shall any such fee exceed twenty-five dollars and an additional
9 surcharge of fifty dollars. The comptroller is hereby authorized to
10 deposit such fees into the general fund, provided, however, that the
11 monies received by the division of criminal justice services for payment
12 of the additional surcharge shall be deposited in equal amounts to the
13 general fund and to the fingerprint identification and technology
14 account. Notwithstanding the foregoing, the division shall not request
15 or accept any fee for searching its records and supplying a criminal
16 history report pursuant to section two hundred fifty-one-b of the gener-
17 al business law relating to participating in flight instruction at any
18 aeronautical facility, flight school or institution of higher learning,
19 or pursuant to section three hundred ninety-e of the social services law
20 when the division is supplying a criminal history report to a mentoring
21 program operated by a not-for-profit corporation.

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

25 (c) "Mentoring program" shall mean a formalized program, operated by:
26 (i) a corporation which has been incorporated pursuant to subparagraph
27 five of paragraph (a) of section one hundred two of the not-for-profit
28 corporation law or pursuant to subparagraph four of paragraph (a) of
29 section one hundred two of the business corporation law~~, or operated~~
30 ~~by~~;
31 (ii) an educational institution or school district, that matches youth
32 with adult volunteers with the purpose of providing such youth with
33 positive role models to enhance their development; or
34 (iii) a youth sports program.

35 § 4. This act shall take effect immediately.