STATE OF NEW YORK

7378

2023-2024 Regular Sessions

IN ASSEMBLY

May 18, 2023

Introduced by M. of A. PHEFFER AMATO -- (at request of the Department of Civil Service) -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to background checks for police transfer candidates

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

Section 1. The closing paragraph of subdivision 4 of section 50 of the civil service law, as added by chapter 164 of the laws of 2003, is amended to read as follows:

In connection with their lawful responsibilities or functions under paragraph (d) of this subdivision, the department and appropriate municipal commissions may require applicants to undergo a state and a national criminal history record check. When required, the fingerprints of such an applicant shall be submitted to the division of criminal justice services and the division of criminal justice services is authorized to submit such fingerprints to the federal bureau of investigation, in accordance with applicable rules or regulations promulgated by such entities, in order to obtain relevant state criminal history record information, if any, concerning such applicant and for a national criminal history record check. The department and municipal commissions shall ensure that adequate notice be provided to applicants regarding the fact that state and national criminal history record checks may be conducted, and the procedures therefor. Provided[~~, however,~~] that**,** **other than for the position of police officer as defined in subdivision thirty-four of section 1.20 of the criminal procedure law,** the provisions of this section shall not apply to (1) any current employee; or (2) a person who is considered an applicant by reason of (a) a transfer pursuant to section seventy of this chapter; or (b) a person who is on a preferred list subject to section eighty-one of this chapter; or (c) a person whose name is on an eligible list as defined in section fifty-six of this [~~article~~] **title** and who has successfully completed a promotion exam subject to section fifty-two of this [~~article~~] **title**.

§ 2. This act shall take effect immediately.

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

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