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:

Section 1. Subdivision 4 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:

4. Every mentoring program that chooses to apply for a criminal history background check with the division of criminal justice services shall obtain a set of fingerprints from each individual for whom a criminal background check is to be completed and such other information as is required by the office and the division of criminal justice services. For each prospective employee or mentor for whom the mentoring program completes a criminal background check, the mentoring program shall provide the applicant with blank fingerprint cards and a description of how the completed fingerprint card will be used upon submission to the mentoring program. The mentoring program shall promptly transmit such fingerprint card and the processing fee to the office**; provided, however, if the mentoring program is operated by a not-for-profit corporation, no processing fee shall be imposed for a criminal background check**. The office shall promptly submit the fingerprint card and the processing fee, **if** imposed pursuant to subdivision eight-a of section eight hundred thirty-seven of the executive law, to the division of criminal justice services for its full search and retain processing.

§ 2. Subdivision 8-a of section 837 of the executive law, as amended 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 pursuant to section three hundred ninety-e of the social services law when the division is supplying a criminal history report to a mentoring program operated by a not-for-profit corporation**.

§ 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 by**:**

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

(ii) an educational institution or school district, that matches youth with adult volunteers with the purpose of providing such youth with positive role models to enhance their development**; or**

(iii) a youth sports program.

§ 4. This act shall take effect immediately.