

STATE OF NEW YORK

6568

2025-2026 Regular Sessions

IN ASSEMBLY

March 6, 2025

Introduced by M. of A. BARRETT -- read once and referred to the Committee on Economic Development

AN ACT to amend the general business law, in relation to requiring mandatory background checks for persons employed by certain businesses serving minors and prohibiting certain persons from owning such businesses

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

Section 1. The general business law is amended by adding a new section 398-g to read as follows:

§ 398-g. Background check requirements for youth service providers. 1. As used in this section:

(a) (i) "Youth service provider" means any of the following businesses, organizations, or entities that regularly provide instructional, recreational or extracurricular services to minors, including but not limited to:

(A) dance, gymnastics, music, or performing arts studios or schools;

(B) martial arts academies;

(C) sports training facilities; or

(D) tutoring or academic enrichment centers.

(ii) "Youth service provider facility" shall not include any public or private school subject to the provisions of the education law or any day care center subject to the provisions of article six of the social services law.

(b) "Covered person" means an operator, employee, volunteer, or independent contractor who has direct and substantial contact with minors through a youth service provider facility.

(c) "Minor child" or "minor" means a child under the age of eighteen years.

2. Notwithstanding any other provision of law to the contrary, and subject to rules and regulations of the division of criminal justice

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

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1 services, the following background checks shall be conducted for covered
2 persons at the time and in the manner required by this section:

3 (a) a search of the New York state sex offender registry;

4 (b) a search of any state sex offender registry or repository in each
5 state other than New York where such person resides or resided during
6 the preceding five years, if applicable unless such state's sex offender
7 registry information will be provided as part of the clearance conducted
8 pursuant to paragraph (c) of this subdivision; and

9 (c) a search of the United States department of justice national sex
10 offender public website.

11 3. A covered person must undergo a background check as described in
12 subdivision two of this section:

13 (a) before being employed at, volunteering at, or operating a youth
14 service provider; and

15 (b) at least once every three years during employment at the youth
16 service provider facility.

17 4. Notwithstanding any other provision of law to the contrary, a
18 covered person shall be deemed disqualified from employment at a youth
19 service provider facility if such person, either before or during
20 employment:

21 (a) refuses to consent to the background check described in subdivi-
22 sion two of this section;

23 (b) knowingly makes a materially false statement in connection with
24 such background check; or

25 (c) is registered, or is required to be registered, on a state sex
26 offender registry or repository or the United States department of
27 justice national sex offender registry.

28 5. No person who is registered, or is required to be registered, on a
29 sex offender registry pursuant to paragraph (c) of subdivision four of
30 this section shall own or operate a youth service provider facility. For
31 purposes of this subdivision, ownership shall mean having a controlling
32 interest in the youth service provider facility.

33 6. The provisions of this section shall not apply to any person
34 rendering emergency services at the youth service provider facility.

35 7. (a) A violation of the provisions of this section shall be punisha-
36 ble by a civil penalty of not more than twenty-five thousand dollars per
37 violation recoverable in an action by the attorney general in the name
38 of the people of the state or by the corporation counsel for any city or
39 by the appropriate attorney of any other political subdivision as shall
40 be designated by the governing body of such political subdivision. Any
41 civil penalty recovered shall accrue to the state of New York.

42 (b) A youth service provider or owner that fails to comply with the
43 background check requirements of this section or knowingly employing an
44 individual disqualified under subdivision four of this section shall be
45 suspension or revocation of any license or permit to operate the youth
46 service provider facility where the violation occurred.

47 (c) The attorney general or the district attorney of any county may
48 bring an action in the name of the people of the state to restrain or
49 prevent any violation of this article or any continuance of any such
50 violation.

51 § 2. The division of criminal justice services shall promulgate and
52 enforce any rules and regulations necessary for the implementation of
53 this act.

54 § 3. Severability. If any clause, sentence, paragraph, subdivision,
55 section or part of this act shall be adjudged by any court of competent
56 jurisdiction to be invalid, such judgment shall not affect, impair, or

1 invalidate the remainder thereof, but shall be confined in its operation
2 to the clause, sentence, paragraph, subdivision, section or part thereof
3 directly involved in the controversy in which such judgment shall have
4 been rendered. It is hereby declared to be the intent of the legislature
5 that this act would have been enacted even if such invalid provisions
6 had not been included herein.

7 § 4. This act shall take effect on the one hundred eightieth day after
8 it shall have become a law. Effective immediately, the addition, amend-
9 ment and/or repeal of any rule or regulation necessary for the implemen-
10 tation of this act on its effective date are authorized to be made and
11 completed on or before such effective date.