*** § 837-m. Criminal history records search for certain employment, appointments, licenses or permits in the city of New York.** 1. As used in this section:

(a) "Department" shall mean the New York city department of investigation.

(b) "Applicant" shall mean a person applying for:

(1) employment with the city of New York in a position providing child day care services, as such term is defined in subdivision one of section three hundred ninety of the social services law, or providing such services through an entity pursuant to a contract between such entity and the city of New York to provide such services or providing such child day care services through an entity required to have a permit for such services issued by the health department of the city of New York; or

(2) employment with the department, or appointment to a senior position in an office of an elected official or agency of the city of New York or of a public authority, board, committee, commission, or public benefit corporation, where such person is to be the subject of a background investigation pursuant to subdivisions (a) and (b) of section seven of executive order number sixteen of the mayor of the city of New York dated July twenty-sixth, nineteen hundred seventy-eight, as amended by section one of executive order seventy-two of the mayor of the city of New York dated April twenty-third, nineteen hundred eighty-four; or

(3) mayoral appointment as a judge of the New York city criminal court or the New York city civil court or the family court of the state of New York within the city of New York; or

(4) a license, certificate of approval, class A photo identification card or employment, pursuant to the following provisions of the administrative code of the city of New York which require the submission of fingerprints:

A. Title 16-A: New York City Trade Waste Commission Section 16-508(b);

B. Title 22: Fulton Fish Market Distribution Area and Other Seafood Distribution Areas, Section 22-216(a)(1); and

C. Title 20: Regulation of Shipboard Gambling, Section 20-954(b)(1),

as added to the administrative code of the city of New York by a nineteen ninety-seven local law of the city of New York.

2. As a condition of eligibility for such licenses, certificate of approval, class A photo identification card, contract to provide services, or employment, the department, appointing or issuing agency shall obtain the applicant's fingerprints and submit such fingerprints to the division for purposes of determining the criminal history of the applicant. The department may submit two sets of fingerprints to the division.

3. The first set of fingerprints received by the division shall be used to identify the individual and to conduct a criminal history records search of the division's New York state files to determine whether such individual has been convicted of a criminal offense in this state. The division shall forward the second set of such individual's fingerprints to the federal bureau of investigation for the purpose of a nationwide criminal history record check to determine whether such applicant has been convicted of a criminal offense in any state or federal jurisdiction.

4. The division shall promptly transmit the reports of these New York state and nationwide criminal records searches to the requesting department, appointing or issuing agency. Such reports, when received by the requesting department, appointing or issuing agency, shall be marked confidential and securely stored, and shall not be disclosed to any person other than the applicant, although the contents of the report may be disclosed to the agency or agencies whose consideration of such applicant prompted the ordering of such reports.

5. (a) Each applicant shall sign a release authorizing the department, appointing or issuing agency to submit such applicant's fingerprints to the division and to receive the results of such criminal history record searches supplied by the division and the federal bureau of investigation. Such release, a copy of which shall be supplied to the applicant, shall also advise the applicant that a criminal history record search will be conducted concerning the applicant and that he or

she may obtain a copy of his or her criminal history record and seek correction of any information contained in such record pursuant to regulations promulgated by the division.

(b) Each such applicant shall, in advance, make payment to the division of any reasonable fee required by law which is reasonably related to the cost of conducting the searches authorized by this section. All fingerprints supplied by the applicant shall be returned to the applicant upon termination or denial of the license, certificate of approval, class A photo identification card, contract to provide services, or employment in connection with which such fingerprints were obtained.

* NB There are 2 § 837-m's