

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

RWH/JA

P.L.2017, CHAPTER 179, *approved July 21, 2017*

Assembly Committee Substitute for

Assembly, No. 4994

1 **AN ACT** requiring certain State and local government agency
2 employees with access to federal tax information to undergo
3 criminal history background checks, supplementing Title 40A of
4 the New Jersey Statutes and Title 52 of the Revised Statutes.

5
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

8
9 1. a. A local government agency may authorize an individual
10 employed by that agency or employed or utilized by a contractor of
11 that agency to have access to federal tax information if it has been
12 determined, consistent with the requirements and standards of this
13 section, that criminal history record information does not exist on
14 file in the Federal Bureau of Investigation, Identification Division,
15 or in the State Bureau of Identification in the Division of State
16 Police, which would disqualify the individual from having access to
17 federal tax information in accordance with standards established by
18 subsection e. of this section. Additionally, a local government
19 agency may otherwise authorize an individual employed by that
20 agency or employed or utilized by a contractor of that agency to
21 have access to federal tax information to the extent permitted by
22 federal Internal Revenue Service standards governing access to
23 federal tax information.

24 b. A local government agency that obtains federal tax
25 information shall have criminal history record background checks
26 conducted in accordance with subsection c. of this section for an
27 individual employed by that agency or employed or utilized by a
28 contractor of that agency who has been identified by the agency
29 head or the agency head's designee as being authorized to have
30 access to federal tax information. Additionally, a follow-up
31 criminal history record background check shall be conducted at
32 least once every ten years for an individual employed by that
33 agency or employed or utilized by a contractor of that agency as a
34 condition of having continued access to federal tax information.
35 The provisions of this subsection shall apply to a current or
36 prospective employee of a local government agency as to whom the
37 head of the agency or the agency head's designee determines that
38 federal Internal Revenue Service standards governing access to
39 federal tax information requires a criminal history record
40 background check. The provisions of this subsection also shall
41 apply to an individual who is employed or utilized by a contractor

1 who provides goods or services to a local government agency if in
2 the performance of the contract the individual has or will have
3 access to federal tax information and as to whom the agency head of
4 the contracting agency or the agency head's designee determines
5 that federal Internal Revenue Service standards governing access to
6 federal tax information require a criminal history record
7 background check.

8 c. (1) On behalf of a local government agency, the
9 jurisdictional State agency head is authorized to exchange
10 fingerprint data with and receive criminal history record
11 information from the Federal Bureau of Investigation and the
12 Division of State Police for use in making determinations required
13 by this act. The Division of State Police also shall promptly notify
14 the jurisdictional State agency if an individual who was the subject
15 of a criminal history record background check conducted pursuant
16 to this section is convicted of a crime or offense in this State after
17 the date that the criminal history record background check was
18 performed. Upon receipt of such notification, the jurisdictional
19 State agency head shall make a determination regarding the
20 individual's qualification to access federal tax information. A
21 criminal history record background check shall not be performed
22 pursuant to this act unless the employee or individual shall have
23 furnished written consent to the check.

24 (2) An individual determined to require a criminal history record
25 background check in accordance with subsection b. of this section
26 shall submit to the jurisdictional State agency head that individual's
27 name, address, and fingerprints taken by a State or municipal law
28 enforcement agency or by a private entity under contract with the
29 State.

30 (3) The fingerprints of each individual subject to a criminal
31 history record background check in accordance with subsection b.
32 of this section and the written consent of that individual shall be
33 submitted to the Superintendent of State Police for a criminal
34 history record background check to be performed. The
35 superintendent shall compare these fingerprints with fingerprints on
36 file with the Bureau of Identification in the Division of State Police,
37 Department of Law and Public Safety, and the Federal Bureau of
38 Investigation, consistent with State and federal laws, rules, and
39 regulations.

40 (4) The cost of a criminal history record background check,
41 including all costs for administering and processing the check, may
42 be borne by the local government agency or by the current or
43 prospective employee in the case of a current or prospective
44 employee of a local government agency. Nothing in this act shall
45 require a local government agency to bear the cost of a criminal
46 history record background check in the case of an individual
47 employed or utilized by a contractor.

1 (5) (a) If a prospective employee or individual employed or
2 utilized by a contractor refuses to consent to, or cooperate in, the
3 securing of a criminal history record background check required by
4 subsection b. of this section, the local government agency shall not
5 employ or utilize that person in a position for which access to
6 federal tax information is required.

7 (b) If a current employee of a local government agency refuses
8 to consent to, or cooperate in, the securing of a criminal history
9 record background check required by subsection b. of this section,
10 the employing agency shall terminate that employee's access to
11 federal tax information and may remove that employee from any
12 position requiring such access, but shall make a reasonable effort to
13 retain that individual as an employee in another position within the
14 agency that does not require access to federal tax information and
15 for which the current employee is qualified.

16 (6) Criminal history record information subject to federal
17 confidentiality requirements may only be used for the purposes of
18 making, supporting, or defending decisions regarding the
19 appointment, hiring, or retention of employees or for complying
20 with any requirements of the federal Internal Revenue Service
21 regarding access to federal tax information.

22 d. A local government agency whose employees' job duties
23 require access to federal tax information shall establish a policy for
24 background investigations applicable to current and prospective
25 employees and individuals employed or utilized by contractors
26 subject to subsection b. of this section.

27 e. An individual shall be disqualified from having access to
28 federal tax information if that individual's criminal history
29 background check reveals a record of conviction of any of the
30 following crimes or offenses:

31 (1) in New Jersey, any crime or disorderly persons offense:

32 (a) involving theft as set forth in chapter 20 of Title 2C of the
33 New Jersey Statutes; or

34 (b) involving forgery or fraudulent practices as set forth in
35 chapter 21 of Title 2C of the New Jersey Statutes; or

36 (2) in any other state or jurisdiction, of conduct which, if
37 committed in New Jersey, would constitute any of the crimes or
38 disorderly persons offenses described in paragraph (1) of this
39 subsection.

40 f. (1) Notwithstanding the provisions of subsection e. of this
41 section, an individual shall not be disqualified from having access
42 to federal tax information on the basis of a conviction disclosed by
43 a criminal history background check performed pursuant to
44 subsection b. of this section if the individual has affirmatively
45 demonstrated to the jurisdictional State agency head clear and
46 convincing evidence of the individual's rehabilitation. In

1 determining whether an individual has affirmatively demonstrated
2 rehabilitation, the following factors shall be considered:

3 (a) the nature and responsibility of the position involved in
4 which access to federal tax information is authorized or required;

5 (b) the nature and seriousness of the offense;

6 (c) the circumstances under which the offense occurred;

7 (d) the date of the offense;

8 (e) the age of the individual when the offense was committed;

9 (f) whether the offense was an isolated or repeated incident;

10 (g) any social conditions which may have contributed to the
11 offense; and

12 (h) any evidence of rehabilitation, including good conduct in
13 prison or in the community, counseling or psychiatric treatment
14 received, acquisition of additional academic or vocational
15 schooling, successful participation in correctional work-release
16 programs, or the recommendation of those who have had the
17 individual under their supervision.

18 (2) The jurisdictional State agency head shall make the final
19 determination regarding the disqualification from access to federal
20 tax information by an individual with a criminal conviction
21 specified under this section.

22 g. For purposes of this section:

23 “Contractor” means a contractor or subcontractor that provides
24 goods or services to a local government agency.

25 “Federal tax information” means federal tax returns and return
26 information, and information derived therefrom, in the possession
27 or control of a local government agency which is covered by the
28 confidentiality protections of the federal Internal Revenue Code and
29 subject to the safeguarding requirements of paragraph (4) of
30 subsection (p) of section 6103 of the federal Internal Revenue Code
31 (26 U.S.C. s.6103), including federal Internal Revenue Service
32 oversight.

33 “Jurisdictional State agency” means a State department with
34 jurisdiction over a local government agency or the function
35 performed by a local government agency for which the local
36 government agency requires access to federal tax information to
37 perform its official duties. Examples of a jurisdictional State
38 agency include the Department of Human Services for county
39 welfare agencies or the Department of the Treasury for local
40 taxation boards.

41 “Jurisdictional State agency head” means the commissioner of a
42 department in the Executive branch of State government or an
43 individual in that department designated by the commissioner,
44 which department serves as the jurisdictional State agency with
45 respect to a local government agency.

1 “Local government agency” means a county or municipality of
2 the State or a division, office, agency, bureau, or instrumentality
3 thereof.

4
5 2. a. A State agency may authorize an individual employed by
6 that agency or employed or utilized by a contractor of that agency
7 to have access to federal tax information if it has been determined,
8 consistent with the requirements and standards of this section, that
9 criminal history record information does not exist on file in the
10 Federal Bureau of Investigation, Identification Division, or in the
11 State Bureau of Identification in the Division of State Police, which
12 would disqualify the individual from having access to federal tax
13 information in accordance with standards established by subsection
14 e. of this section. Additionally, a State agency may otherwise
15 authorize an individual employed by that agency or employed or
16 utilized by a contractor of that agency to have access to federal tax
17 information to the extent permitted by federal Internal Revenue
18 Service standards governing access to federal tax information.

19 b. A State agency that obtains federal tax information shall
20 have criminal history record background checks conducted in
21 accordance with subsection c. of this section for an individual
22 employed by that agency or employed or utilized by a contractor of
23 that agency who has been identified by the agency head as being
24 authorized to have access to federal tax information. Additionally,
25 a follow-up criminal history record background check shall be
26 conducted at least once every ten years for an individual employed
27 by that agency or employed or utilized by a contractor of that
28 agency as a condition of having continued access to federal tax
29 information. The provisions of this subsection shall apply to a
30 current or prospective employee of a State agency as to whom the
31 head of the agency determines that federal Internal Revenue Service
32 standards governing access to federal tax information requires a
33 criminal history record background check. The provisions of this
34 subsection also shall apply to an individual who is employed or
35 utilized by a contractor who provides goods or services to a State
36 agency if in the performance of the contract the individual has or
37 will have access to federal tax information and as to whom the
38 agency head of the contracting agency determines that federal
39 Internal Revenue Service standards governing access to federal tax
40 information require a criminal history record background check.

41 c. (1) The agency head of a State agency is authorized to
42 exchange fingerprint data with and receive criminal history record
43 information from the Federal Bureau of Investigation and the
44 Division of State Police for use in making determinations required
45 by this act. The Division of State Police also shall promptly notify
46 the State agency if an individual who was the subject of a criminal
47 history record background check conducted pursuant to this section

1 is convicted of a crime or offense in this State after the date that the
2 criminal history record background check was performed. Upon
3 receipt of such notification, the agency head shall make a
4 determination regarding the individual's qualification to access
5 federal tax information. A criminal history record background
6 check shall not be performed pursuant to this act unless the
7 employee or individual shall have furnished written consent to the
8 check.

9 (2) An individual determined to require a criminal history record
10 background check in accordance with subsection b. of this section
11 shall submit to the agency head that individual's name, address, and
12 fingerprints taken by a State or municipal law enforcement agency
13 or by a private entity under contract with the State.

14 (3) The fingerprints of each individual subject to a criminal
15 history record background check in accordance with subsection b.
16 of this section and the written consent of that individual shall be
17 submitted to the Superintendent of State Police for a criminal
18 history record background check to be performed. The
19 superintendent shall compare these fingerprints with fingerprints on
20 file with the Bureau of Identification in the Division of State Police,
21 Department of Law and Public Safety, and the Federal Bureau of
22 Investigation, consistent with State and federal laws, rules, and
23 regulations.

24 (4) The cost of a criminal history record background check,
25 including all costs for administering and processing the check, shall
26 be borne by the State agency in the case of a current or prospective
27 employee of the State agency. Nothing in this act shall require the
28 State agency to bear the cost of a criminal history record
29 background check in the case of an individual employed or utilized
30 by a contractor.

31 (5) (a) If a prospective employee or individual employed or
32 utilized by a contractor refuses to consent to, or cooperate in, the
33 securing of a criminal history record background check required by
34 subsection b. of this section, the State agency shall not employ or
35 utilize that person in a position for which access to federal tax
36 information is required.

37 (b) If a current employee of a State agency refuses to consent to,
38 or cooperate in, the securing of a criminal history record
39 background check required by subsection b. of this section, the
40 employing agency shall terminate that employee's access to federal
41 tax information and may remove that employee from any position
42 requiring such access, but shall make a reasonable effort to retain
43 that individual as an employee in another position within the agency
44 that does not require access to federal tax information and for which
45 the current employee is qualified.

46 (6) Criminal history record information subject to federal
47 confidentiality requirements may only be used for the purposes of

1 making, supporting, or defending decisions regarding the
2 appointment, hiring, or retention of employees or for complying
3 with any requirements of the federal Internal Revenue Service
4 regarding access to federal tax information.

5 d. A State agency whose employees' job duties require access
6 to federal tax information shall establish a policy for background
7 investigations applicable to current and prospective employees and
8 individuals employed or utilized by contractors subject to
9 subsection b. of this section.

10 e. An individual shall be disqualified from having access to
11 federal tax information if that individual's criminal history
12 background check reveals a record of conviction of any of the
13 following crimes or offenses:

14 (1) in New Jersey, any crime or disorderly persons offense:

15 (a) involving theft as set forth in chapter 20 of Title 2C of the
16 New Jersey Statutes; or

17 (b) involving forgery or fraudulent practices as set forth in
18 chapter 21 of Title 2C of the New Jersey Statutes; or

19 (2) in any other state or jurisdiction, of conduct which, if
20 committed in New Jersey, would constitute any of the crimes or
21 disorderly persons offenses described in paragraph (1) of this
22 subsection.

23 f. (1) Notwithstanding the provisions of subsection e. of this
24 section, an individual shall not be disqualified from having access
25 to federal tax information on the basis of any conviction disclosed
26 by a criminal history background check performed pursuant to
27 subsection b. of this section if the individual has affirmatively
28 demonstrated to the agency head clear and convincing evidence of
29 the individual's rehabilitation. In determining whether an
30 individual has affirmatively demonstrated rehabilitation, the
31 following factors shall be considered:

32 (a) the nature and responsibility of the position involved in
33 which access to federal tax information is authorized or required;

34 (b) the nature and seriousness of the offense;

35 (c) the circumstances under which the offense occurred;

36 (d) the date of the offense;

37 (e) the age of the individual when the offense was committed;

38 (f) whether the offense was an isolated or repeated incident;

39 (g) any social conditions which may have contributed to the
40 offense; and

41 (h) any evidence of rehabilitation, including good conduct in
42 prison or in the community, counseling or psychiatric treatment
43 received, acquisition of additional academic or vocational
44 schooling, successful participation in correctional work-release
45 programs, or the recommendation of those who have had the
46 individual under their supervision.

1 (2) The agency head shall make the final determination
2 regarding the disqualification from access to federal tax information
3 by an individual with a criminal conviction specified under this
4 section.

5 g. For purposes of this section:

6 “Agency head” means, with respect to a department in the
7 Executive branch of State government or any division, office,
8 board, commission, council, or bureau allocated to that department,
9 the commissioner of the department or an individual in that
10 department designated by the commissioner and, with respect to the
11 Judicial branch of State government, the Director of the
12 Administrative Office of the Courts or an individual designated by
13 the director.

14 “Contractor” means a contractor or subcontractor that provides
15 goods or services to a State agency.

16 “Federal tax information” means federal tax returns and return
17 information, and information derived therefrom, in the possession
18 or control of a State agency which is covered by the confidentiality
19 protections of the federal Internal Revenue Code and subject to the
20 safeguarding requirements of paragraph (4) of subsection (p) of
21 section 6103 of the federal Internal Revenue Code (26 U.S.C.
22 s.6103), including federal Internal Revenue Service oversight.

23 “State agency” means a department, division, office, board,
24 commission, council, or bureau in the Executive branch of State
25 government, including the Department of the Treasury, the
26 Department of Human Services, the Department of Labor and
27 Workforce Development, and any other State agency that submits to
28 the federal Internal Revenue Service a request for access to federal
29 tax information to perform its official duties, and the Judicial
30 branch of State government.

31

32 3. This act shall take effect immediately.

33

34

35

36

37 _____
38 Requires certain State and local government agency employees
39 with access to federal tax information to undergo criminal history
background checks.

ASSEMBLY, No. 4994

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED JUNE 12, 2017

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblyman JOHN J. BURZICHELLI

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Requires certain State and local government agency employees with access to federal tax information to undergo criminal history background checks.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT requiring certain State and local government agency
2 employees with access to federal tax information to undergo
3 criminal history background checks, supplementing Title 40A of
4 the New Jersey Statutes and Title 52 of the Revised Statutes.

5
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

8
9 1. a. A local government agency may authorize an individual
10 employed by that agency or employed or utilized by a contractor of
11 that agency to have access to federal tax information if the agency
12 head or the agency head's designee has determined, consistent with
13 the requirements and standards of this section, that criminal history
14 record information does not exist on file in the Federal Bureau of
15 Investigation, Identification Division, or in the State Bureau of
16 Identification in the Division of State Police, which would
17 disqualify the individual from having access to federal tax
18 information in accordance with standards established by subsection
19 e. of this section. Additionally, a local government agency may
20 otherwise authorize an individual employed by that agency or
21 employed or utilized by a contractor of that agency to have access
22 to federal tax information to the extent permitted by federal Internal
23 Revenue Service standards governing access to federal tax
24 information.

25 b. A local government agency that obtains federal tax
26 information shall have criminal history record background checks
27 conducted in accordance with subsection c. of this section for an
28 individual employed by that agency or employed or utilized by a
29 contractor of that agency who has been identified by the agency
30 head or the agency head's designee as being authorized to have
31 access to federal tax information. Additionally, a follow-up
32 criminal history record background check shall be conducted at
33 least once every ten years for an individual employed by that
34 agency or employed or utilized by a contractor of that agency as a
35 condition of having continued access to federal tax information.
36 The provisions of this subsection shall apply to a current or
37 prospective employee of a local government agency as to whom the
38 head of the agency or the agency head's designee determines that
39 federal Internal Revenue Service standards governing access to
40 federal tax information requires a criminal history record
41 background check. The provisions of this subsection also shall
42 apply to an individual who is employed or utilized by a contractor
43 who provides goods or services to a local government agency if in
44 the performance of the contract the individual has or will have
45 access to federal tax information and as to whom the agency head of
46 the contracting agency or the agency head's designee determines
47 that federal Internal Revenue Service standards governing access to

1 federal tax information require a criminal history record
2 background check.

3 c. (1) An individual determined to require a criminal history
4 record background check in accordance with subsection b. of this
5 section shall submit to the agency head or the agency head's
6 designee that individual's name, address, and fingerprints taken by
7 a State or municipal law enforcement agency or by a private entity
8 under contract with the State. The agency head or the agency head's
9 designee shall be authorized to exchange fingerprint data with and
10 receive criminal history record information from the Federal Bureau
11 of Investigation and the Division of State Police for use in
12 performing criminal history record investigations authorized under
13 this section.

14 (2) The fingerprints of each individual subject to a criminal
15 history record background check in accordance with subsection b.
16 of this section and the written consent of that individual shall be
17 submitted to the Superintendent of State Police for a criminal
18 history record background check to be performed. The
19 superintendent shall compare these fingerprints with fingerprints on
20 file with the Bureau of Identification in the Division of State Police,
21 Department of Law and Public Safety, and the Federal Bureau of
22 Investigation, consistent with State and federal laws, rules, and
23 regulations.

24 (3) The cost of a criminal history record background check,
25 including all costs for administering and processing the check, may
26 be borne by the local government agency or by the current or
27 prospective employee in the case of a current or prospective
28 employee of a local government agency. The cost of a criminal
29 history record background check, including all costs for
30 administering and processing the check, shall not be borne by the
31 local government agency in the case of an individual employed or
32 utilized by a contractor.

33 (4) (a) If a prospective employee or individual employed or
34 utilized by a contractor refuses to consent to, or cooperate in, the
35 securing of a criminal history record background check required by
36 subsection b. of this section, the agency shall not employ or utilize
37 that person in a position for which access to federal tax information
38 is required.

39 (b) If a current employee of a local government agency refuses
40 to consent to, or cooperate in, the securing of a criminal history
41 record background check required by subsection b. of this section,
42 the employing agency shall terminate that employee's access to
43 federal tax information and may remove that employee from any
44 position requiring such access, but shall make a reasonable effort to
45 retain that individual as an employee in another position within the
46 agency that does not require access to federal tax information and
47 for which the current employee is qualified.

1 (5) Criminal history record information subject to federal
2 confidentiality requirements may only be used for the purposes of
3 making, supporting, or defending decisions regarding the
4 appointment, hiring, or retention of employees or for complying
5 with any requirements of the federal Internal Revenue Service
6 regarding access to federal tax information.

7 d. A local government agency whose employees' job duties
8 require access to federal tax information shall establish a policy for
9 background investigations applicable to current and prospective
10 employees and individuals employed or utilized by contractors
11 subject to subsection b. of this section.

12 e. An individual shall be disqualified from having access to
13 federal tax information if that individual's criminal history
14 background check reveals a record of conviction of any of the
15 following crimes or offenses:

16 (1) in New Jersey, any crime or disorderly persons offense:

17 (a) involving theft as set forth in chapter 20 of Title 2C of the
18 New Jersey Statutes; or

19 (b) involving forgery or fraudulent practices as set forth in
20 chapter 21 of Title 2C of the New Jersey Statutes; or

21 (2) in any other state or jurisdiction, of conduct which, if
22 committed in New Jersey, would constitute any of the crimes or
23 disorderly persons offenses described in paragraph (1) of this
24 subsection.

25 f. (1) Notwithstanding the provisions of subsection e. of this
26 section, an individual shall not be disqualified from having access
27 to federal tax information on the basis of a conviction disclosed by
28 a criminal history background check performed pursuant to
29 subsection b. of this section if the individual has affirmatively
30 demonstrated to the agency head or the agency head's designee
31 clear and convincing evidence of the individual's rehabilitation. In
32 determining whether an individual has affirmatively demonstrated
33 rehabilitation, the following factors shall be considered:

34 (a) the nature and responsibility of the position involved in
35 which access to federal tax information is authorized or required;

36 (b) the nature and seriousness of the offense;

37 (c) the circumstances under which the offense occurred;

38 (d) the date of the offense;

39 (e) the age of the individual when the offense was committed;

40 (f) whether the offense was an isolated or repeated incident;

41 (g) any social conditions which may have contributed to the
42 offense; and

43 (h) any evidence of rehabilitation, including good conduct in
44 prison or in the community, counseling or psychiatric treatment
45 received, acquisition of additional academic or vocational
46 schooling, successful participation in correctional work-release
47 programs, or the recommendation of those who have had the
48 individual under their supervision.

1 (2) The agency head or the agency head's designee shall make
2 the final determination regarding the disqualification from access to
3 federal tax information by an individual with a criminal conviction
4 specified under this section.

5 g. For purposes of this section:

6 "Contractor" means a contractor or subcontractor that provides
7 goods or services to a local government agency.

8 "Federal tax information" means federal tax returns and return
9 information, and information derived therefrom, in the possession
10 or control of an agency which is covered by the confidentiality
11 protections of the federal Internal Revenue Code and subject to the
12 safeguarding requirements of paragraph (4) of subsection (p) of
13 section 6103 of the federal Internal Revenue Code (26 U.S.C.
14 s.6103), including federal Internal Revenue Service oversight.

15 "Local government agency" means a county or municipality of
16 the State or a division, office, agency, bureau, or instrumentality
17 thereof.

18

19 2. a. A State agency may authorize an individual employed by
20 that agency or employed or utilized by a contractor of that agency
21 to have access to federal tax information if the agency head or the
22 agency head's designee has determined, consistent with the
23 requirements and standards of this section, that criminal history
24 record information does not exist on file in the Federal Bureau of
25 Investigation, Identification Division, or in the State Bureau of
26 Identification in the Division of State Police, which would
27 disqualify the individual from having access to federal tax
28 information in accordance with standards established by subsection
29 e. of this section. Additionally, a State agency may otherwise
30 authorize an individual employed by that agency or employed or
31 utilized by a contractor of that agency to have access to federal tax
32 information to the extent permitted by federal Internal Revenue
33 Service standards governing access to federal tax information.

34 b. A State agency that obtains federal tax information shall
35 have criminal history record background checks conducted in
36 accordance with subsection c. of this section for an individual
37 employed by that agency or employed or utilized by a contractor of
38 that agency who has been identified by the agency head or the
39 agency head's designee as being authorized to have access to
40 federal tax information. Additionally, a follow-up criminal history
41 record background check shall be conducted at least once every ten
42 years for an individual employed by that agency or employed or
43 utilized by a contractor of that agency as a condition of having
44 continued access to federal tax information. The provisions of this
45 subsection shall apply to a current or prospective employee of a
46 State agency as to whom the head of the agency or the agency
47 head's designee determines that federal Internal Revenue Service
48 standards governing access to federal tax information requires a

1 criminal history record background check. The provisions of this
2 subsection also shall apply to an individual who is employed or
3 utilized by a contractor who provides goods or services to a State
4 agency if in the performance of the contract the individual has or
5 will have access to federal tax information and as to whom the
6 agency head of the contracting agency or the agency head's
7 designee determines that federal Internal Revenue Service standards
8 governing access to federal tax information require a criminal
9 history record background check.

10 c. (1) An individual determined to require a criminal history
11 record background check in accordance with subsection b. of this
12 section shall submit to the agency head or the agency head's
13 designee that individual's name, address, and fingerprints taken by
14 a State or municipal law enforcement agency or by a private entity
15 under contract with the State. The agency head or the agency head's
16 designee shall be authorized to exchange fingerprint data with and
17 receive criminal history record information from the Federal Bureau
18 of Investigation and the Division of State Police for use in
19 performing criminal history record investigations authorized under
20 this section.

21 (2) The fingerprints of each individual subject to a criminal
22 history record background check in accordance with subsection b.
23 of this section and the written consent of that individual shall be
24 submitted to the Superintendent of State Police for a criminal
25 history record background check to be performed. The
26 superintendent shall compare these fingerprints with fingerprints on
27 file with the Bureau of Identification in the Division of State Police,
28 Department of Law and Public Safety, and the Federal Bureau of
29 Investigation, consistent with State and federal laws, rules, and
30 regulations.

31 (3) The cost of a criminal history record background check,
32 including all costs for administering and processing the check, shall
33 be borne by the State agency in the case of a current or prospective
34 employee of the State agency. The cost of a criminal history record
35 background check, including all costs for administering and
36 processing the check, shall not be borne by the State agency in the
37 case of an individual employed or utilized by a contractor.

38 (4) (a) If a prospective employee or individual employed or
39 utilized by a contractor refuses to consent to, or cooperate in, the
40 securing of a criminal history record background check required by
41 subsection b. of this section, the agency shall not employ or utilize
42 that person in a position for which access to federal tax information
43 is required.

44 (b) If a current employee of a State agency refuses to consent to,
45 or cooperate in, the securing of a criminal history record
46 background check required by subsection b. of this section, the
47 employing agency shall terminate that employee's access to federal
48 tax information and may remove that employee from any position

1 requiring such access, but shall make a reasonable effort to retain
2 that individual as an employee in another position within the agency
3 that does not require access to federal tax information and for which
4 the current employee is qualified.

5 (5) Criminal history record information subject to federal
6 confidentiality requirements may only be used for the purposes of
7 making, supporting, or defending decisions regarding the
8 appointment, hiring, or retention of employees or for complying
9 with any requirements of the federal Internal Revenue Service
10 regarding access to federal tax information.

11 d. A State agency whose employees' job duties require access
12 to federal tax information shall establish a policy for background
13 investigations applicable to current and prospective employees and
14 individuals employed or utilized by contractors subject to
15 subsection b. of this section.

16 e. An individual shall be disqualified from having access to
17 federal tax information if that individual's criminal history
18 background check reveals a record of conviction of any of the
19 following crimes or offenses:

20 (1) in New Jersey, any crime or disorderly persons offense:

21 (a) involving theft as set forth in chapter 20 of Title 2C of the
22 New Jersey Statutes; or

23 (b) involving forgery or fraudulent practices as set forth in
24 chapter 21 of Title 2C of the New Jersey Statutes; or

25 (2) in any other state or jurisdiction, of conduct which, if
26 committed in New Jersey, would constitute any of the crimes or
27 disorderly persons offenses described in paragraph (1) of this
28 subsection.

29 f. (1) Notwithstanding the provisions of subsection e. of this
30 section, an individual shall not be disqualified from having access
31 to federal tax information on the basis of any conviction disclosed
32 by a criminal history background check performed pursuant to
33 subsection b. of this section if the individual has affirmatively
34 demonstrated to the agency head or the agency head's designee
35 clear and convincing evidence of the individual's rehabilitation. In
36 determining whether an individual has affirmatively demonstrated
37 rehabilitation, the following factors shall be considered:

38 (a) the nature and responsibility of the position involved in
39 which access to federal tax information is authorized or required;

40 (b) the nature and seriousness of the offense;

41 (c) the circumstances under which the offense occurred;

42 (d) the date of the offense;

43 (e) the age of the individual when the offense was committed;

44 (f) whether the offense was an isolated or repeated incident;

45 (g) any social conditions which may have contributed to the
46 offense; and

47 (h) any evidence of rehabilitation, including good conduct in
48 prison or in the community, counseling or psychiatric treatment

1 received, acquisition of additional academic or vocational
2 schooling, successful participation in correctional work-release
3 programs, or the recommendation of those who have had the
4 individual under their supervision.

5 (2) The agency head or the agency head's designee shall make
6 the final determination regarding the disqualification from access to
7 federal tax information by an individual with a criminal conviction
8 specified under this section.

9 g. For purposes of this section:

10 "Contractor" means a contractor or subcontractor that provides
11 goods or services to a State agency.

12 "Federal tax information" means federal tax returns and return
13 information, and information derived therefrom, in the possession
14 or control of an agency which is covered by the confidentiality
15 protections of the federal Internal Revenue Code and subject to the
16 safeguarding requirements paragraph (4) of subsection (p) of
17 section 6103 of the federal Internal Revenue Code (26 U.S.C.
18 s.6103), including federal Internal Revenue Service oversight.

19 "State agency" means a department, division, office, board,
20 commission, council, or bureau in the Executive branch of State
21 government.

22

23 3. This act shall take effect immediately.

24

25

26

STATEMENT

27

28 This bill requires certain State and local government agency
29 employees with access to federal tax information to undergo
30 criminal history background checks in order to comply with recent
31 updates to tax information security guidelines for federal, state, and
32 local agencies that have been adopted by the federal Internal
33 Revenue Service under its Safeguards Program.

34 Under the bill, a State or local government agency that obtains
35 federal tax information is required to have criminal history record
36 background checks conducted for any individual employed by that
37 agency or employed or utilized by a contractor of that agency who
38 has been identified by the agency as being authorized to have access
39 to federal tax information. The bill requires a follow-up criminal
40 history record background check to similarly be conducted at least
41 once every ten years for those individuals who are employed by a
42 State or local government agency or employed or utilized by a
43 contractor of that agency as a condition of having continued access
44 to federal tax information.

45 The bill requires each individual that has been determined by a
46 State or local government agency to require a criminal history
47 record background check to submit to the agency that individual's
48 name, address, and fingerprints taken by a State or municipal law

1 enforcement agency or by a private entity under contract with the
2 State. The bill requires these fingerprints to be submitted to the
3 Superintendent of State Police for a criminal history record
4 background check to be performed, and directs the superintendent
5 to compare the fingerprints with fingerprints on file with the Bureau
6 of Identification in the Division of State Police and the Federal
7 Bureau of Investigation.

8 The bill permits a State or local government agency to authorize
9 an individual employed by that agency or employed or utilized by a
10 contractor of that agency to have access to federal tax information if
11 the individual's criminal history record background check does not
12 reveal a record of conviction of any of the following crimes or
13 offenses: (1) in New Jersey, any crime or disorderly persons
14 offense: (a) involving theft as set forth in chapter 20 of Title 2C of
15 the New Jersey Statutes; or (b) involving forgery or fraudulent
16 practices as set forth in chapter 21 of Title 2C of the New Jersey
17 Statutes; or (2) in any other state or jurisdiction, of conduct which,
18 if committed in New Jersey, would constitute any of the crimes or
19 disorderly persons offenses described above. The bill requires an
20 individual to be disqualified from having access to federal tax
21 information if that individual's criminal history background check
22 reveals a record of conviction of any of those previously specified
23 crimes or offenses, unless the individual has affirmatively
24 demonstrated to the agency clear and convincing evidence of the
25 individual's rehabilitation.

26 The bill provides that if a prospective employee or individual
27 employed or utilized by a contractor refuses to consent to the
28 securing of a criminal history record background check, the State or
29 local government agency is prohibited from employing or utilizing
30 that person in a position for which access to federal tax information
31 is required. If a current employee of a State or local government
32 agency refuses to consent to the check, the employing agency shall
33 terminate that employee's access to federal tax information and may
34 remove that employee from any position requiring such access, but
35 shall make a reasonable effort to retain that individual as an
36 employee in another position within the agency that does not
37 require access to federal tax information and for which the current
38 employee is qualified.

39 The bill provides that the cost of a criminal history record
40 background check is to be borne by the State agency in the case of a
41 current or prospective employee of the State agency, and may be
42 borne by the local government agency or by the current or
43 prospective employee in the case of a current or prospective
44 employee of a local government agency. The bill specifies that the
45 cost of a check is not to be borne by the State or local government
46 agency in the case of an individual employed or utilized by a
47 contractor.

A4994 MCKEON, BURZICHELLI

10

1 The bill requires a State or local government agency whose
2 employees' job duties require access to federal tax information to
3 establish a policy for background investigations applicable to
4 current and prospective employees and individuals employed or
5 utilized by contractors.

6 The bill is scheduled to take effect immediately upon enactment.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 4994

STATE OF NEW JERSEY

DATED: JUNE 19, 2017

The Assembly Appropriations Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 4994.

This Assembly Committee Substitute requires certain State and local government agency employees with access to federal tax information to undergo criminal history background checks for purposes of complying with recent changes to tax information security guidelines that have been adopted by the federal Internal Revenue Service in connection with its Safeguards Program.

Under the substitute bill, a State or local government agency that obtains federal tax information is required to have criminal history record background checks conducted for any individual employed by that agency or employed or utilized by a contractor of that agency who has been identified by the agency head as being authorized to have access to federal tax information. The substitute requires a follow-up criminal history record background check to similarly be conducted at least once every ten years for those same individuals as a condition of having continued access to federal tax information.

The substitute requires each individual that has been determined to require a criminal history record background check to submit to the agency head or the jurisdictional State agency head (in the case of a local government agency) that individual's name, address, and fingerprints taken by a State or municipal law enforcement agency or by a private entity under contract with the State. The substitute requires these fingerprints, and the written consent to the check, to be submitted to the Superintendent of State Police for a criminal history record background check, and directs the superintendent to compare the fingerprints with fingerprints on file with the Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation.

The substitute permits a State or local government agency to authorize an individual employed by that agency or employed or utilized by a contractor of that agency to have access to federal tax information if it has been determined that the individual's criminal history record background check does not reveal a record of conviction of any of the following crimes or offenses: (1) in New

Jersey, any crime or disorderly persons offense: (a) involving theft as set forth in chapter 20 of Title 2C of the New Jersey Statutes; or (b) involving forgery or fraudulent practices as set forth in chapter 21 of Title 2C of the New Jersey Statutes; or (2) in any other state or jurisdiction, of conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described above. The substitute requires an individual to be disqualified from having access to federal tax information if that individual's criminal history background check reveals a record of conviction of any of those crimes or offenses, unless the individual has affirmatively demonstrated to the agency clear and convincing evidence of the individual's rehabilitation.

The substitute provides that if a prospective employee or individual employed or utilized by a contractor refuses to consent to the securing of a criminal history record background check, the State or local government agency is prohibited from employing or utilizing that person in a position for which access to federal tax information is required. If a current employee of a State or local government agency refuses to consent to the check, the employing agency shall terminate that employee's access to federal tax information and may remove that employee from any position requiring such access, but shall make a reasonable effort to retain that individual as an employee in another position that does not require access to federal tax information and for which the employee is qualified.

The substitute directs the Division of State Police to notify the State agency or the jurisdictional State agency (in the case of a local government agency) if an individual who was the subject of a criminal history record background check is convicted of a crime or offense in this State after the date that the check was performed. Upon receipt of such notification, the agency head or the jurisdictional State agency head is required to make a determination regarding the individual's qualification to access federal tax information.

The substitute provides that the cost of a criminal history record background check is to be borne by the State agency in the case of a current or prospective employee of the State agency, and may be borne by the local government agency or by the current or prospective employee in the case of a current or prospective employee of a local government agency. The substitute specifies that nothing in the substitute requires the State or local government agency to bear the cost of a check for an individual employed or utilized by a contractor.

The substitute requires a State or local government agency whose employees' job duties require access to federal tax information to establish a policy for background investigations

applicable to current and prospective employees and individuals employed or utilized by contractors.

The substitute is scheduled to take effect immediately upon enactment.

FISCAL IMPACT:

The Office of Legislative Services (OLS) believes this substitute bill will have an indeterminate, but minimal cost for the State and local government agencies. The number of potential employees required to have the criminal history background check performed initially, and subsequently every ten years pursuant to the substitute, is unknown. The OLS notes that, to the extent that each background check costs an anticipated \$62, for each 1,000 employees participating annually the cost would equal an estimated \$62,000 per year. Such costs are to be borne by the State for State employees, and may be borne by local governments for local employees, according to the substitute. The substitute does not require the State or local government agency to bear the cost of a check in the case of an individual employed or utilized by a contractor.

SENATE, No. 3314

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED JUNE 15, 2017

Sponsored by:

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

SYNOPSIS

Requires certain State and local government agency employees with access to federal tax information to undergo criminal history background checks.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/20/2017)

1 AN ACT requiring certain State and local government agency
2 employees with access to federal tax information to undergo
3 criminal history background checks, supplementing Title 40A of
4 the New Jersey Statutes and Title 52 of the Revised Statutes.

5
6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8
9 1. a. A local government agency may authorize an individual
10 employed by that agency or employed or utilized by a contractor of
11 that agency to have access to federal tax information if it has been
12 determined, consistent with the requirements and standards of this
13 section, that criminal history record information does not exist on
14 file in the Federal Bureau of Investigation, Identification Division,
15 or in the State Bureau of Identification in the Division of State
16 Police, which would disqualify the individual from having access to
17 federal tax information in accordance with standards established by
18 subsection e. of this section. Additionally, a local government
19 agency may otherwise authorize an individual employed by that
20 agency or employed or utilized by a contractor of that agency to
21 have access to federal tax information to the extent permitted by
22 federal Internal Revenue Service standards governing access to
23 federal tax information.

24 b. A local government agency that obtains federal tax
25 information shall have criminal history record background checks
26 conducted in accordance with subsection c. of this section for an
27 individual employed by that agency or employed or utilized by a
28 contractor of that agency who has been identified by the agency
29 head or the agency head's designee as being authorized to have
30 access to federal tax information. Additionally, a follow-up
31 criminal history record background check shall be conducted at
32 least once every ten years for an individual employed by that
33 agency or employed or utilized by a contractor of that agency as a
34 condition of having continued access to federal tax information.
35 The provisions of this subsection shall apply to a current or
36 prospective employee of a local government agency as to whom the
37 head of the agency or the agency head's designee determines that
38 federal Internal Revenue Service standards governing access to
39 federal tax information requires a criminal history record
40 background check. The provisions of this subsection also shall
41 apply to an individual who is employed or utilized by a contractor
42 who provides goods or services to a local government agency if in
43 the performance of the contract the individual has or will have
44 access to federal tax information and as to whom the agency head of
45 the contracting agency or the agency head's designee determines
46 that federal Internal Revenue Service standards governing access to
47 federal tax information require a criminal history record
48 background check.

1 c. (1) On behalf of a local government agency, the
2 jurisdictional State agency head is authorized to exchange
3 fingerprint data with and receive criminal history record
4 information from the Federal Bureau of Investigation and the
5 Division of State Police for use in making determinations required
6 by this act. The Division of State Police also shall promptly notify
7 the jurisdictional State agency if an individual who was the subject
8 of a criminal history record background check conducted pursuant
9 to this section is convicted of a crime or offense in this State after
10 the date that the criminal history record background check was
11 performed. Upon receipt of such notification, the jurisdictional
12 State agency head shall make a determination regarding the
13 individual's qualification to access federal tax information. A
14 criminal history record background check shall not be performed
15 pursuant to this act unless the employee or individual shall have
16 furnished written consent to the check.

17 (2) An individual determined to require a criminal history record
18 background check in accordance with subsection b. of this section
19 shall submit to the jurisdictional State agency head that individual's
20 name, address, and fingerprints taken by a State or municipal law
21 enforcement agency or by a private entity under contract with the
22 State.

23 (3) The fingerprints of each individual subject to a criminal
24 history record background check in accordance with subsection b.
25 of this section and the written consent of that individual shall be
26 submitted to the Superintendent of State Police for a criminal
27 history record background check to be performed. The
28 superintendent shall compare these fingerprints with fingerprints on
29 file with the Bureau of Identification in the Division of State Police,
30 Department of Law and Public Safety, and the Federal Bureau of
31 Investigation, consistent with State and federal laws, rules, and
32 regulations.

33 (4) The cost of a criminal history record background check,
34 including all costs for administering and processing the check, may
35 be borne by the local government agency or by the current or
36 prospective employee in the case of a current or prospective
37 employee of a local government agency. Nothing in this act shall
38 require a local government agency to bear the cost of a criminal
39 history record background check in the case of an individual
40 employed or utilized by a contractor.

41 (5) (a) If a prospective employee or individual employed or
42 utilized by a contractor refuses to consent to, or cooperate in, the
43 securing of a criminal history record background check required by
44 subsection b. of this section, the local government agency shall not
45 employ or utilize that person in a position for which access to
46 federal tax information is required.

47 (b) If a current employee of a local government agency refuses
48 to consent to, or cooperate in, the securing of a criminal history

1 record background check required by subsection b. of this section,
2 the employing agency shall terminate that employee's access to
3 federal tax information and may remove that employee from any
4 position requiring such access, but shall make a reasonable effort to
5 retain that individual as an employee in another position within the
6 agency that does not require access to federal tax information and
7 for which the current employee is qualified.

8 (6) Criminal history record information subject to federal
9 confidentiality requirements may only be used for the purposes of
10 making, supporting, or defending decisions regarding the
11 appointment, hiring, or retention of employees or for complying
12 with any requirements of the federal Internal Revenue Service
13 regarding access to federal tax information.

14 d. A local government agency whose employees' job duties
15 require access to federal tax information shall establish a policy for
16 background investigations applicable to current and prospective
17 employees and individuals employed or utilized by contractors
18 subject to subsection b. of this section.

19 e. An individual shall be disqualified from having access to
20 federal tax information if that individual's criminal history
21 background check reveals a record of conviction of any of the
22 following crimes or offenses:

23 (1) in New Jersey, any crime or disorderly persons offense:

24 (a) involving theft as set forth in chapter 20 of Title 2C of the
25 New Jersey Statutes; or

26 (b) involving forgery or fraudulent practices as set forth in
27 chapter 21 of Title 2C of the New Jersey Statutes; or

28 (2) in any other state or jurisdiction, of conduct which, if
29 committed in New Jersey, would constitute any of the crimes or
30 disorderly persons offenses described in paragraph (1) of this
31 subsection.

32 f. (1) Notwithstanding the provisions of subsection e. of this
33 section, an individual shall not be disqualified from having access
34 to federal tax information on the basis of a conviction disclosed by
35 a criminal history background check performed pursuant to
36 subsection b. of this section if the individual has affirmatively
37 demonstrated to the jurisdictional State agency head clear and
38 convincing evidence of the individual's rehabilitation. In
39 determining whether an individual has affirmatively demonstrated
40 rehabilitation, the following factors shall be considered:

41 (a) the nature and responsibility of the position involved in
42 which access to federal tax information is authorized or required;

43 (b) the nature and seriousness of the offense;

44 (c) the circumstances under which the offense occurred;

45 (d) the date of the offense;

46 (e) the age of the individual when the offense was committed;

47 (f) whether the offense was an isolated or repeated incident;

1 (g) any social conditions which may have contributed to the
2 offense; and

3 (h) any evidence of rehabilitation, including good conduct in
4 prison or in the community, counseling or psychiatric treatment
5 received, acquisition of additional academic or vocational
6 schooling, successful participation in correctional work-release
7 programs, or the recommendation of those who have had the
8 individual under their supervision.

9 (2) The jurisdictional State agency head shall make the final
10 determination regarding the disqualification from access to federal
11 tax information by an individual with a criminal conviction
12 specified under this section.

13 g. For purposes of this section:

14 "Contractor" means a contractor or subcontractor that provides
15 goods or services to a local government agency.

16 "Federal tax information" means federal tax returns and return
17 information, and information derived therefrom, in the possession
18 or control of a local government agency which is covered by the
19 confidentiality protections of the federal Internal Revenue Code and
20 subject to the safeguarding requirements of paragraph (4) of
21 subsection (p) of section 6103 of the federal Internal Revenue Code
22 (26 U.S.C. s.6103), including federal Internal Revenue Service
23 oversight.

24 "Jurisdictional State agency" means a State department with
25 jurisdiction over a local government agency or the function
26 performed by a local government agency for which the local
27 government agency requires access to federal tax information to
28 perform its official duties. Examples of a jurisdictional State
29 agency include the Department of Human Services for county
30 welfare agencies or the Department of the Treasury for local
31 taxation boards.

32 "Jurisdictional State agency head" means the commissioner of a
33 department in the Executive branch of State government or an
34 individual in that department designated by the commissioner,
35 which department serves as the jurisdictional State agency with
36 respect to a local government agency.

37 "Local government agency" means a county or municipality of
38 the State or a division, office, agency, bureau, or instrumentality
39 thereof.

40

41 2. a. A State agency may authorize an individual employed by
42 that agency or employed or utilized by a contractor of that agency
43 to have access to federal tax information if it has been determined,
44 consistent with the requirements and standards of this section, that
45 criminal history record information does not exist on file in the
46 Federal Bureau of Investigation, Identification Division, or in the
47 State Bureau of Identification in the Division of State Police, which
48 would disqualify the individual from having access to federal tax

1 information in accordance with standards established by subsection
2 e. of this section. Additionally, a State agency may otherwise
3 authorize an individual employed by that agency or employed or
4 utilized by a contractor of that agency to have access to federal tax
5 information to the extent permitted by federal Internal Revenue
6 Service standards governing access to federal tax information.

7 b. A State agency that obtains federal tax information shall
8 have criminal history record background checks conducted in
9 accordance with subsection c. of this section for an individual
10 employed by that agency or employed or utilized by a contractor of
11 that agency who has been identified by the agency head as being
12 authorized to have access to federal tax information. Additionally,
13 a follow-up criminal history record background check shall be
14 conducted at least once every ten years for an individual employed
15 by that agency or employed or utilized by a contractor of that
16 agency as a condition of having continued access to federal tax
17 information. The provisions of this subsection shall apply to a
18 current or prospective employee of a State agency as to whom the
19 head of the agency determines that federal Internal Revenue Service
20 standards governing access to federal tax information requires a
21 criminal history record background check. The provisions of this
22 subsection also shall apply to an individual who is employed or
23 utilized by a contractor who provides goods or services to a State
24 agency if in the performance of the contract the individual has or
25 will have access to federal tax information and as to whom the
26 agency head of the contracting agency determines that federal
27 Internal Revenue Service standards governing access to federal tax
28 information require a criminal history record background check.

29 c. (1) The agency head of a State agency is authorized to
30 exchange fingerprint data with and receive criminal history record
31 information from the Federal Bureau of Investigation and the
32 Division of State Police for use in making determinations required
33 by this act. The Division of State Police also shall promptly notify
34 the State agency if an individual who was the subject of a criminal
35 history record background check conducted pursuant to this section
36 is convicted of a crime or offense in this State after the date that the
37 criminal history record background check was performed. Upon
38 receipt of such notification, the agency head shall make a
39 determination regarding the individual's qualification to access
40 federal tax information. A criminal history record background
41 check shall not be performed pursuant to this act unless the
42 employee or individual shall have furnished written consent to the
43 check.

44 (2) An individual determined to require a criminal history record
45 background check in accordance with subsection b. of this section
46 shall submit to the agency head that individual's name, address, and
47 fingerprints taken by a State or municipal law enforcement agency
48 or by a private entity under contract with the State.

1 (3) The fingerprints of each individual subject to a criminal
2 history record background check in accordance with subsection b.
3 of this section and the written consent of that individual shall be
4 submitted to the Superintendent of State Police for a criminal
5 history record background check to be performed. The
6 superintendent shall compare these fingerprints with fingerprints on
7 file with the Bureau of Identification in the Division of State Police,
8 Department of Law and Public Safety, and the Federal Bureau of
9 Investigation, consistent with State and federal laws, rules, and
10 regulations.

11 (4) The cost of a criminal history record background check,
12 including all costs for administering and processing the check, shall
13 be borne by the State agency in the case of a current or prospective
14 employee of the State agency. Nothing in this act shall require the
15 State agency to bear the cost of a criminal history record
16 background check in the case of an individual employed or utilized
17 by a contractor.

18 (5) (a) If a prospective employee or individual employed or
19 utilized by a contractor refuses to consent to, or cooperate in, the
20 securing of a criminal history record background check required by
21 subsection b. of this section, the State agency shall not employ or
22 utilize that person in a position for which access to federal tax
23 information is required.

24 (b) If a current employee of a State agency refuses to consent to,
25 or cooperate in, the securing of a criminal history record
26 background check required by subsection b. of this section, the
27 employing agency shall terminate that employee's access to federal
28 tax information and may remove that employee from any position
29 requiring such access, but shall make a reasonable effort to retain
30 that individual as an employee in another position within the agency
31 that does not require access to federal tax information and for which
32 the current employee is qualified.

33 (6) Criminal history record information subject to federal
34 confidentiality requirements may only be used for the purposes of
35 making, supporting, or defending decisions regarding the
36 appointment, hiring, or retention of employees or for complying
37 with any requirements of the federal Internal Revenue Service
38 regarding access to federal tax information.

39 d. A State agency whose employees' job duties require access
40 to federal tax information shall establish a policy for background
41 investigations applicable to current and prospective employees and
42 individuals employed or utilized by contractors subject to
43 subsection b. of this section.

44 e. An individual shall be disqualified from having access to
45 federal tax information if that individual's criminal history
46 background check reveals a record of conviction of any of the
47 following crimes or offenses:

48 (1) in New Jersey, any crime or disorderly persons offense:

1 (a) involving theft as set forth in chapter 20 of Title 2C of the
2 New Jersey Statutes; or

3 (b) involving forgery or fraudulent practices as set forth in
4 chapter 21 of Title 2C of the New Jersey Statutes; or

5 (2) in any other state or jurisdiction, of conduct which, if
6 committed in New Jersey, would constitute any of the crimes or
7 disorderly persons offenses described in paragraph (1) of this
8 subsection.

9 f. (1) Notwithstanding the provisions of subsection e. of this
10 section, an individual shall not be disqualified from having access
11 to federal tax information on the basis of any conviction disclosed
12 by a criminal history background check performed pursuant to
13 subsection b. of this section if the individual has affirmatively
14 demonstrated to the agency head clear and convincing evidence of
15 the individual's rehabilitation. In determining whether an
16 individual has affirmatively demonstrated rehabilitation, the
17 following factors shall be considered:

18 (a) the nature and responsibility of the position involved in
19 which access to federal tax information is authorized or required;

20 (b) the nature and seriousness of the offense;

21 (c) the circumstances under which the offense occurred;

22 (d) the date of the offense;

23 (e) the age of the individual when the offense was committed;

24 (f) whether the offense was an isolated or repeated incident;

25 (g) any social conditions which may have contributed to the
26 offense; and

27 (h) any evidence of rehabilitation, including good conduct in
28 prison or in the community, counseling or psychiatric treatment
29 received, acquisition of additional academic or vocational
30 schooling, successful participation in correctional work-release
31 programs, or the recommendation of those who have had the
32 individual under their supervision.

33 (2) The agency head shall make the final determination
34 regarding the disqualification from access to federal tax information
35 by an individual with a criminal conviction specified under this
36 section.

37 g. For purposes of this section:

38 "Agency head" means, with respect to a department in the
39 Executive branch of State government or any division, office,
40 board, commission, council, or bureau allocated to that department,
41 the commissioner of the department or an individual in that
42 department designated by the commissioner and, with respect to the
43 Judicial branch of State government, the Director of the
44 Administrative Office of the Courts or an individual designated by
45 the director.

46 "Contractor" means a contractor or subcontractor that provides
47 goods or services to a State agency.

1 “Federal tax information” means federal tax returns and return
2 information, and information derived therefrom, in the possession
3 or control of a State agency which is covered by the confidentiality
4 protections of the federal Internal Revenue Code and subject to the
5 safeguarding requirements of paragraph (4) of subsection (p) of
6 section 6103 of the federal Internal Revenue Code (26 U.S.C.
7 s.6103), including federal Internal Revenue Service oversight.

8 “State agency” means a department, division, office, board,
9 commission, council, or bureau in the Executive branch of State
10 government, including the Department of the Treasury, the
11 Department of Human Services, the Department of Labor and
12 Workforce Development, and any other State agency that submits to
13 the federal Internal Revenue Service a request for access to federal
14 tax information to perform its official duties, and the Judicial
15 branch of State government.

16

17 3. This act shall take effect immediately.

18

19

20

STATEMENT

21

22 This bill requires certain State and local government agency
23 employees with access to federal tax information to undergo
24 criminal history background checks for purposes of complying with
25 recent changes to tax information security guidelines that have been
26 adopted by the federal Internal Revenue Service in connection with
27 its Safeguards Program.

28 Under the bill, a State or local government agency that obtains
29 federal tax information is required to have criminal history record
30 background checks conducted for any individual employed by that
31 agency or employed or utilized by a contractor of that agency who
32 has been identified by the agency head as being authorized to have
33 access to federal tax information. The bill requires a follow-up
34 criminal history record background check to similarly be conducted
35 at least once every ten years for those same individuals as a
36 condition of having continued access to federal tax information.

37 The bill requires each individual that has been determined to
38 require a criminal history record background check to submit to the
39 agency head or the jurisdictional State agency head (in the case of a
40 local government agency) that individual’s name, address, and
41 fingerprints taken by a State or municipal law enforcement agency
42 or by a private entity under contract with the State. The bill requires
43 these fingerprints, and the written consent of that individual to the
44 check, to be submitted to the Superintendent of State Police for a
45 criminal history record background check to be performed, and
46 directs the superintendent to compare the fingerprints with
47 fingerprints on file with the Bureau of Identification in the Division
48 of State Police and the Federal Bureau of Investigation.

1 The bill permits a State or local government agency to authorize
2 an individual employed by that agency or employed or utilized by a
3 contractor of that agency to have access to federal tax information if
4 it has been determined that the individual's criminal history record
5 background check does not reveal a record of conviction of any of
6 the following crimes or offenses: (1) in New Jersey, any crime or
7 disorderly persons offense: (a) involving theft as set forth in
8 chapter 20 of Title 2C of the New Jersey Statutes; or (b) involving
9 forgery or fraudulent practices as set forth in chapter 21 of Title 2C
10 of the New Jersey Statutes; or (2) in any other state or jurisdiction,
11 of conduct which, if committed in New Jersey, would constitute any
12 of the crimes or disorderly persons offenses described above. The
13 bill requires an individual to be disqualified from having access to
14 federal tax information if that individual's criminal history
15 background check reveals a record of conviction of any of those
16 crimes or offenses, unless the individual has affirmatively
17 demonstrated to the agency clear and convincing evidence of the
18 individual's rehabilitation.

19 The bill provides that if a prospective employee or individual
20 employed or utilized by a contractor refuses to consent to the
21 securing of a criminal history record background check, the State or
22 local government agency is prohibited from employing or utilizing
23 that person in a position for which access to federal tax information
24 is required. If a current employee of a State or local government
25 agency refuses to consent to the check, the employing agency shall
26 terminate that employee's access to federal tax information and may
27 remove that employee from any position requiring such access, but
28 shall make a reasonable effort to retain that individual as an
29 employee in another position within the agency that does not
30 require access to federal tax information and for which the current
31 employee is qualified.

32 The bill directs the Division of State Police to notify the State
33 agency or the jurisdictional State agency (in the case of a local
34 government agency) if an individual who was the subject of a
35 criminal history record background check is convicted of a crime or
36 offense in this State after the date that the check was performed.
37 Upon receipt of such notification, the agency head or the
38 jurisdictional State agency head is required to make a determination
39 regarding the individual's qualification to access federal tax
40 information.

41 The bill provides that the cost of a criminal history record
42 background check is to be borne by the State agency in the case of a
43 current or prospective employee of the State agency, and may be
44 borne by the local government agency or by the current or
45 prospective employee in the case of a current or prospective
46 employee of a local government agency. The bill specifies that
47 nothing in the bill requires the State or local government agency to

S3314 SARLO, OROHO

11

1 bear the cost of a check in the case of an individual employed or
2 utilized by a contractor.

3 The bill requires a State or local government agency whose
4 employees' job duties require access to federal tax information to
5 establish a policy for background investigations applicable to
6 current and prospective employees and individuals employed or
7 utilized by contractors.

8 The bill is scheduled to take effect immediately upon enactment.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 3314

STATE OF NEW JERSEY

DATED: JUNE 15, 2017

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 3314.

This bill requires certain State and local government agency employees with access to federal tax information to undergo criminal history background checks for purposes of complying with recent changes to tax information security guidelines that have been adopted by the federal Internal Revenue Service in connection with its Safeguards Program.

Under the bill, a State or local government agency that obtains federal tax information is required to have criminal history record background checks conducted for any individual employed by that agency or employed or utilized by a contractor of that agency who has been identified by the agency head as being authorized to have access to federal tax information. The bill requires a follow-up criminal history record background check to similarly be conducted at least once every ten years for those same individuals as a condition of having continued access to federal tax information.

The bill requires each individual that has been determined to require a criminal history record background check to submit to the agency head or the jurisdictional State agency head (in the case of a local government agency) that individual's name, address, and fingerprints taken by a State or municipal law enforcement agency or by a private entity under contract with the State. The bill requires these fingerprints, and the written consent to the check, to be submitted to the Superintendent of State Police for a criminal history record background check, and directs the superintendent to compare the fingerprints with fingerprints on file with the Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation.

The bill permits a State or local government agency to authorize an individual employed by that agency or employed or utilized by a contractor of that agency to have access to federal tax information if it has been determined that the individual's criminal history record background check does not reveal a record of conviction of any of the following crimes or offenses: (1) in New Jersey, any crime or disorderly persons offense: (a) involving theft as set forth in chapter 20 of Title 2C of the New Jersey Statutes; or (b) involving forgery or fraudulent practices as set forth in chapter 21 of Title 2C of the New Jersey Statutes; or (2) in any other state or jurisdiction, of conduct

which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described above. The bill requires an individual to be disqualified from having access to federal tax information if that individual's criminal history background check reveals a record of conviction of any of those crimes or offenses, unless the individual has affirmatively demonstrated to the agency clear and convincing evidence of the individual's rehabilitation.

The bill provides that if a prospective employee or individual employed or utilized by a contractor refuses to consent to the securing of a criminal history record background check, the State or local government agency is prohibited from employing or utilizing that person in a position for which access to federal tax information is required. If a current employee of a State or local government agency refuses to consent to the check, the employing agency shall terminate that employee's access to federal tax information and may remove that employee from any position requiring such access, but shall make a reasonable effort to retain that individual as an employee in another position that does not require access to federal tax information and for which the employee is qualified.

The bill directs the Division of State Police to notify the State agency or the jurisdictional State agency (in the case of a local government agency) if an individual who was the subject of a criminal history record background check is convicted of a crime or offense in this State after the date that the check was performed. Upon receipt of such notification, the agency head or the jurisdictional State agency head is required to make a determination regarding the individual's qualification to access federal tax information.

The bill provides that the cost of a criminal history record background check is to be borne by the State agency in the case of a current or prospective employee of the State agency, and may be borne by the local government agency or by the current or prospective employee in the case of a current or prospective employee of a local government agency. The bill specifies that nothing in the bill requires the State or local government agency to bear the cost of a check for an individual employed or utilized by a contractor.

The bill requires a State or local government agency whose employees' job duties require access to federal tax information to establish a policy for background investigations applicable to current and prospective employees and individuals employed or utilized by contractors.

The bill is scheduled to take effect immediately upon enactment.

FISCAL IMPACT:

The Office of Legislative Services (OLS) believes this bill will have an indeterminate, but minimal cost for the State and local government agencies. The number of potential employees required to have the criminal history background check performed initially, and

subsequently every ten years pursuant to the bill, is unknown. The OLS notes that, to the extent that each background check costs an anticipated \$62, for each 1,000 employees participating annually the cost would equal an estimated \$62,000 per year. Such costs are to be borne by the State for State employees, and may be borne by local governments for local employees, according to the bill. The bill does not require the State or local government agency to bear the cost of a check in the case of an individual employed or utilized by a contractor.

Governor Christie Takes Action on Pending Legislation

Friday, July 21, 2017

Tags: [Bill Action](#)
Stay Connected
with Social Media

Stay Connected
with Email Alerts

LIKE THIS PAGE? SHARE IT WITH YOUR FRIENDS.
 ...

Trenton, NJ – Governor Chris Christie today took action on dozens of bills, including S-359/A-2320 (Codey, Vitale/Vainieri Huttle, Conaway, Jimenez, Lampitt, Jasey, Sumter), which raises the minimum age from 19 to 21 of a person to whom a vendor may sell, offer for sale, distribute, give or furnish tobacco products in New Jersey. This new law also amends various related statues concerning penalties, fines, signage requirements, non-face-to-face transactions, and enforcement provisions to reflect the increased minimum age.

“By raising the minimum age to purchase tobacco products to 21, we are giving young people more time to develop a maturity and better understanding of how dangerous smoking can be and that it is better to not start smoking in the first place,” Governor Christie said. “My mother died from the effects of smoking, and no one should lose their life due to any addictive substance. Additionally, the less people who develop costly tobacco habits that can cause health problems, such as lung cancer, heart disease and developmental issues, the less strain there will be on our healthcare system.”

Governor Christie also took action on pending legislation related to:

Further Addressing the Opioid Epidemic

Governor Christie signed four bills that continue New Jersey's leadership role in fighting the national opioid epidemic. The legislation that requires the Department of Human Services develop, maintain, and post on their website daily information about the number of open beds available in facilities in the state for people in need of mental health or substance use disorder treatment; help inform parents of student athletes and cheerleaders about the use and misuse of prescription opioids; allows hospice programs to accept the unused prescription medicines of their hospice patients for safe disposal and implements the use of current-day, sensitive terminology when referring to persons with substance use disorders or certain disabilities.

- **A-1662/S-2466 (Schaer, Vainieri Huttle, Coughlin, McKnight, Mukherji/Vitale, Allen)** - Requires development and maintenance of data dashboard report to advise of open bed availability in residential facilities providing behavioral health services
- **A-3944/S-2402 (Mazzeo, Lagana, Vainieri Huttle, Benson, Caride, Wimberly/Diegnan, Vitale)** - Requires DOE to develop educational fact sheet for distribution to parents of student-athletes and cheerleaders concerning use and misuse of prescription opioids
- **S-2970/A-4522 (Vitale, Diegnan/Lampitt, Vainieri Huttle, Jimenez)** - Allows hospice care programs to accept unused prescription medications for disposal under certain circumstances
- **S-2721/ACS for A-926 (Vitale, Whelan/Vainieri Huttle, Benson, Tucker, Eustace, McKnight, Mosquera)** - Implements person-first language and changes pejorative terminology referring to persons with certain disabilities or substance use disorders

Protecting and Preserving the Environment

The Governor also signed several bills to protect people and improve the quality of life by strengthening New Jersey's environment.

“These new laws will create more open space preservation opportunities, green energy solutions and safeguards to ensure quality drinking water for all New Jerseyans,” Governor Christie said. “They provide greater flexibility for counties and municipalities to use the roughly \$270 million open space tax dollars they collect each year for the intended mission of protecting New Jersey's environment, improving communities with more recreation and

conservation, and preventing overcrowding of our towns and schools. They also ensure reliable, sustainable and safe environmental infrastructure across the state, by investing nearly \$100 million in critical projects this year."

- **A-1645/S-195 (Schaer, Webber, Dancer, Pintor Marin/Kyrillos, Smith)** - Expands definition of "acquisition," for purposes of county and municipal open space trust funds, to include demolition, removal of debris, and restoration of lands being acquired
- **S-3352/A-5045 (Ruiz, Bateman/Oliver, Chaparro, Singleton, Lagana, Bramnick, Vainieri Huttie, Zwicker)** - Appropriates \$71,700,224 from constitutionally dedicated CBT revenues and various Green Acres funds to DEP for local government open space acquisition and park development projects
- **S-3353/A-5046 (Greenstein, Thompson/Eustace, Land, Mukherji, Schaer, Bramnick, Vainieri Huttie, Wimberly)** - Appropriates \$12.3 million from constitutionally dedicated CBT revenues for recreation and conservation purposes to DEP for State capital and park development projects
- **S-3354/A-5044 (Gordon, Allen/McKeon, Mazzeo, Muoio, Moriarty, Bramnick, Zwicker, Vainieri Huttie)** - Appropriates \$8,992,898 to DEP from constitutionally dedicated CBT revenues and various Green Acres funds for grants to certain nonprofit entities to acquire or develop lands for recreation and conservation purposes
- **S-3240/A-4996 (Greenstein, Codey/Mukherji, Mazzeo, Schaer, Holley, Land)** - Authorizes NJ Environmental Infrastructure Trust to expend certain sums to make loans for environmental infrastructure projects for FY2018
- **CC for S-3241/A-4998 (Smith, Codey/Eustace, Muoio, Moriarty, Conaway, Andrzejczak)** - Appropriates funds to DEP for environmental infrastructure projects for FY2018
- **S-3242/A-4997 (Gordon, Oroho/McKeon, Prieto)** - Clarifies procedures for approval of environmental and transportation infrastructure projects
- **S-3181/A-4756 (Smith, Diegnan/DeAngelo, Eustace, Gusciora)** - Permits solar electric power generation facility projects not having commenced commercial operation to retain designation through May 31, 2018 as connected to distribution system
- **S-2834/A-4569 (Sweeney, Greenstein, Bateman/Eustace, Karabinchak, McKeon, Vainieri Huttie, Benson, Muoio)** - The "Water Quality Accountability Act"; imposes certain testing, reporting, management, and infrastructure investment requirements on water purveyors

Governor Christie also took action on the following bills:

BILL SIGNINGS:

S-5/A-4925 (Vitale, Sweeney/Conaway, O'Scanlon, Houghtaling, Quijano, Giblin, DeAngelo, Munoz, Mukherji, A.M. Bucco) - Establishes data reporting requirements for emergency medical services providers and dispatch centers

SS SCS SCS for S-291, 652, 1954/ACS for A-1464 (Vitale, Whelan, Allen, Turner/Lampitt, Coughlin, Conaway, Vainieri Huttie, Lagana, Mukherji, Moriarty) - Authorizes health care providers to engage in telemedicine and telehealth

S-742/A-1205 (Beach/Mosquera, Holley, Wimberly, Jones) - Requires board of education to enter into agreement with law enforcement authorities regarding access to live video streams of public school buildings

S-1295/A-3701 (Vitale/Eustace, Munoz) - Amends and repeals sections of "Respiratory Care Practitioner Licensing Act"

S-1315/A-1839 (Vitale/Giblin, Wimberly, McKeon, Mukherji, Sumter) - Revises statutes regarding practice of physical therapy

S-1840/A-2085 (Ruiz, Gill/Mukherji, Oliver, McKnight) - Prohibits charging fee to stop publishing personal identifying information obtained through the criminal justice system

S-1913/A-2794 (Addiego, Greenstein/Lagana, Moriarty, Mukherji, Downey) - "Personal Information and Privacy Protection Act"; restricts collection and use of personal information by retail establishments for certain purposes

S-2058/A-671 (T. Kean, Pou/Munoz, Giblin, Mukherji, Moriarty) - Adds two nurse educators to the New Jersey Board of Nursing

S-2331/A-3962 (Codey, Vitale/Jasey, McKeon, Vainieri Huttie, Munoz, Mukherji, Mosquera, Lampitt) - Establishes tuition reimbursement program for certain psychiatrists who work in underserved areas or psychiatric hospitals in New Jersey

CC S-2403/A-3717 (Rice, Turner/Sumter, Vainieri Huttie, Lampitt, Downey) - Establishes Women's Vocational Training Pilot Program to promote economic self-sufficiency of low-income women through increased participation in high-wage, high-demand occupations; authorizes allocation of certain funds therefor

S-2452/A-4007 (Diegnan, Stack/Houghtaling, Downey, Mosquera, Mazzeo) - Requires Director of Division of Taxation to promulgate Property Taxpayer Bill of Rights

S-2577/A-4238 (Cunningham, Ruiz, Gordon/Sumter, Jasey, Muoio, Lagana, Downey, Benson) - Requires Higher Education Student Assistance Authority to provide annual New Jersey College Loans to Assist State Students Loan Program report to Governor and Legislature and develop student loan comparison information document to increase program transparency

S-2618/A-4691 (Cunningham, Pou/Caride, McKeon, Jasey, Giblin) - Requires institutions of higher education to enter into collective Statewide reverse transfer agreement

S-2819/A-4363 (Sweeney, Ruiz, Lesniak/Taliaferro, Andrzejczak, Lampitt, Mosquera, Holley, Quijano) - Creates "Nourishing Young Minds Initiative Fund" in Dept. of Agriculture to help pay for child food and nutrition programs

S-3027/A-4631 (Smith, Greenstein/Lampitt, Quijano, Eustace, Kennedy, Benson, Muoio, Zwicker, Mukherji) - Establishes State food waste reduction goal of 50 percent by 2030

S-3067/A-4652 (Ruiz, Vitale/Vainieri Huttie, Caride, Eustace, Jasey, Wimberly, Gusciora) - Requires Commissioner of Education to develop guidelines for school districts regarding transgender students

S-3176/A-4898 (Madden/Mukherji, Singleton) - Changes year used to calculate TDI and FLI employee taxes from most recent calendar year to most recent fiscal year

S-3191/A-3370 (Sweeney, Bateman/Burzichelli, Jones) - Extends voting rights of representatives of sending districts on receiving district board of education

S-3219/A-4859 (Sweeney, T. Kean, Greenstein, Holzapfel/Vainieri Huttie, Prieto, Downey) - Establishes additional penalties related to child pornography and expands crime to include portrayal of child in sexual manner; establishes crime of leader of child pornography network

S-3331/A-5039 (Cruz-Perez/Jones) - Authorizes State Treasurer to sell surplus real property in City of Camden, County of Camden to Camden County Improvement Authority

SJR-105/AJR-157 (Diegnan, Cruz-Perez, Sweeney/Pinkin, Karabinchak, Coughlin) - Designates August 29, 2017 as Governor James Florio Day in New Jersey

SJR-113/AJR-165 (Gordon/Vainieri Huttie, Chiaravalloti) - Clarifies intent of law subjecting PANYNJ to open public records and freedom of information laws in New Jersey and New York

A-222/S-2171 (DeAngelo, Giblin, Singleton, Holley, Benson/Bateman, Greenstein, Stack) - "New Jersey Library Construction Bond Act"; authorizes issuance of \$125,000,000 in general obligation bonds to finance capital projects at public libraries; appropriates \$5,000

A-373/S-607 (Auth, Vainieri Huttie, McGuckin, Schepisi, Peterson, Jimenez/Addiego, A.R. Bucco) - Requires life imprisonment without parole for persons convicted of the murder of a minor under the age of 18 in the course of the commission of a sex crime

A-555/S-1847 (Pinkin, Eustace/Diegnan) - Revises statutes concerning incorporation and governance of the Protestant Episcopal Church to remove gender-specific references

A-621/S-2328 (Lagana, Greenwald, Moriarty, Mosquera, Mukherji/Cruz-Perez, Turner) - Permits bowling alleys, including alleys licensed to sell alcoholic beverages, to conduct amusement games

A-1458/S-2449 (Lampitt, Mosquera, Downey, Singleton, Vainieri Huttie/Vitale, Ruiz) - Requires health care professionals engaged in prenatal care to provide parents of newborns with information on health insurance coverage for newborn children

A-1761/S-332 (Eustace, Mukherji, Gusciora/Scutari, Bateman) - Creates fencing crime involving stolen domestic companion animals

A-2060/S-2333 (Gusciora, Sumter, Oliver, Jasey, McKnight/Cruz-Perez, Turner) - Establishes process for consideration of offers from short sale buyers during residential mortgage foreclosures

A-2221/S-2453 (Benson, Russo, DeAngelo, A.M. Bucco/Diegnan, Greenstein) - Allows gross income taxpayers to use returns to make voluntary contributions to the Boy Scouts of America Councils in New Jersey

A-2441/S-2910 (Eustace, Gusciora, Kennedy, Mazzeo, Mukherji/Gordon, Turner) - Authorizes the Unclaimed Property Administrator to verify certain governmental debts before delivering abandoned property

A-2926/S-3197 (Greenwald, Vainieri Huttie, Schaer, Mukherji, Holley, Mosquera, Muoio, Sumter, Mazzeo/Cruz-Perez, Cunningham) - Repeals law suspending certain licenses, registrations and certifications for failure to repay student loans

A-2993/S-1305 (Conaway, Pinkin, Sumter, Wimberly, McKnight, Mukherji/Vitale, Madden) - Requires Medicaid coverage for diabetes self-management education, training, services, and equipment for patients diagnosed with diabetes, gestational diabetes, and pre-diabetes

A-3347/S-2242 (Wolfe, Holley, Jasey, McKnight, Wimberly/Diegnan) - Establishes New Jersey School Safety Specialist Academy in Department of Education and requires school districts to designate school safety specialist

A-3438/S-1564 (DeAngelo, Danielsens, Holley, Houghtaling, Downey, Wimberly, Quijano/Turner, Beach) - Requires initial determination of unemployment benefits to be made within three weeks of filing of claim

A-3463/S-2038 (Coughlin/Vitale, Codey) - Updates references to DOC and DHS and refers to persons receiving services from DHS

A-3686/S-2423 (McKeon, Jasey, Munoz, Vainieri Huttie, A.M. Bucco/Codey, Oroho) - Establishes new crime of strict liability vehicular homicide; renames existing vehicular homicide as reckless vehicular homicide; designated as Ralph and David's Law

A-4011/S-2887 (Jones, Barclay, Moriarty, Mosquera, Greenwald, Lampitt, Mazzeo, Chiaravalloti/Cruz-Perez, Beach) - Designates USS New Jersey as New Jersey State Ship

A-4081/S-2662 (Lampitt, Vainieri Huttle, Benson, Wimberly, Greenwald/Allen, Sweeney) - "Charlie's Law"; Establishes civil penalties for persons who interfere with or deny persons with disabilities accompanied by service or guide dogs access to places of public accommodation

A-4088/S-2567 (Schaer, Jasey, Benson, Wimberly/Cruz-Perez, Singer) - Establishes "High School to College Readiness Commission" to examine issues and develop recommendations to enhance student preparation for postsecondary education

A-4175/S-2808 (Caride, McKnight, Holley, Pintor Marin, Wimberly/Ruiz, Turner) -Requires Commissioner of Education to develop guidance on identifying English language learners for gifted and talented programs

A-4246/S-3194 (Dancer/Lesniak, Beck) - Decreases annual thoroughbred race dates to 50 minimum upon written consent from New Jersey Thoroughbred Horsemen's Association

A-4317/S-3206 (Prieto, Giblin/Diegnan) - Concerns violations of certain occupational licensing laws

A-4568/S-3017 (Vainieri Huttle, Eustace, Pinkin, Jasey, Johnson/Vitale, Ruiz) - Prohibits health insurers, SHBP, SEHBP, certain health care providers, and Medicaid from discriminating in providing coverage and services based on gender identity

A-4875/S-1996 (Muoio, Gusciora/Beach, Van Drew) - Requires gubernatorial candidates' statements be posted online

A-4969/S-3281 (Oliver, Giblin, Jasey, McKnight, Schaer, Wimberly/Gill, Cunningham) - Establishes Montclair State University as public research university

ACS for A-4994/S-3314 (McKeon, Burzichelli, Singleton, Caride/Sarlo, Oroho) - Requires certain State and local government agency employees with access to federal tax information to undergo criminal history background checks

AJR-37/SJR-67 (Mosquera, Chaparro/Weinberg) - Designates June 21 of each year as "ASK Day" to promote children's health and gun safety

ACS for AJR-54/SJR-104 (Benson, Mosquera, Chiaravalloti, Holley, McKnight, Wimberly/Sweeney, Beach) - Designates April 2nd of each year as "World Autism Awareness Day"

AJR-72/SJR-31 (Gove, Rumpf, A.M. Bucco, Holley/A.R. Bucco) - Designates September 17 through September 23 of each year as "Constitution Week"

AJR-115/SJR-81 (Vainieri Huttle, Lampitt, Giblin, Benson/Diegnan, A.R. Bucco) - Designates third Friday in September of every year as Concussion Awareness Day

AJR-126/SJR-85 (Dancer, DeAngelo, Munoz, A.M. Bucco, Mukherji, Houghtaling, Downey/Allen, Madden) - Commemorates establishment and service of the New Jersey State Police and celebrates 95th anniversary of first graduating class

AJR-137/SJR-102 (Mazzeo/Whelan) - Urges United States President Trump, members of his administration, and Congress to oppose measures and actions to prohibit states from authorizing and conducting Internet gaming

BILLS VETOED:

SCS for S-1297, 1990/A-3751 (Vitale, Sweeney/Jasey, Coughlin) - **CONDITIONAL** - Permits candidates for school board to circulate petitions jointly and be bracketed together on ballot; permits short nonpolitical designation of principles on petitions and ballots

A-31/S-3315 (Prieto, Muoio, Oliver, Schaer, Holley, Mukherji, Quijano, Wimberly, Pintor Marin/Vitale, Cruz-Perez) - **ABSOLUTE** - Increases amount of benefits under Work First New Jersey program by 30 percent over three years and according to Social Security cost of living increases thereafter

A-33/S-3316 (Muoio, Vainieri Huttle, Mukherji, Oliver, Gusciora, Pintor Marin/Vitale, Cruz-Perez) - **ABSOLUTE** - Repeals family cap in Work First New Jersey program

A-320/S-1018 (Singleton, Vainieri Huttle, Munoz, Moriarty, Lampitt, Sumter, Mukherji/Weinberg, Cruz-Perez) - **CONDITIONAL** - Establishes minimum Medicaid reimbursement rate for personal care services

A-1139/S-2616 (Holley, McKnight, Munoz, Kennedy, Mukherji, Pintor Marin, Wimberly/Ruiz, Vitale) - **CONDITIONAL** - Prohibits sale of unsafe supplemental mattresses designed for children's products

A-2297/S-659 (Vainieri Huttle, Sumter, Mukherji, Caride, Downey, Zwicker, Wimberly/Turner, Allen) - **CONDITIONAL** - Requires health insurance coverage for contraceptives to include prescriptions for 12 months

A-3338/S-862 (Eustace, Lagana, Vainieri Huttle, Muoio, Mukherji, Benson, Jimenez, Giblin, Moriarty, Lampitt/Stack, Weinberg) - **CONDITIONAL** - Dedicates one percent of cigarette and other tobacco products tax revenues to anti-smoking initiatives

ACS for A-3480, 4119/S-2536 (Downey, Lampitt, Schaer, Houghtaling, Benson, Singleton, Muoio, DeAngelo/Gill, Weinberg) - **ABSOLUTE** - Concerns employer inquiries about worker's wage and salary experience

A-4253/S-2634 (Quijano, Mukherji, Vainieri Huttle, Eustace, Jones, McKeon/Weinberg, Diegnan) - CONDITIONAL - Establishes "New Jersey Nonprofit Security Grant Pilot Program"; appropriates \$3,000,000 over next three fiscal years

A-4453/S-2881 (Downey, Houghtaling/Ruiz) – CONDITIONAL - Requires pupils who reside on certain federal property to enroll in resident school district in accordance with schedule determined by executive county superintendent of schools

A-4496/S-2977 (Wimberly, Sumter, Lampitt/Lesniak) – CONDITIONAL - "Healthy Small Food Retailer Act"; provides funding to small food retailers to sell fresh and nutritious food; appropriates \$1 million

A-4587/SCS for S-2574 (Quijano, Vainieri Huttle, Mukherji, Giblin/Diegnan, Sarlo) – ABSOLUTE - Imposes State sales and use tax and hotel and motel occupancy fee on transient accommodations; authorizes various municipal taxes and fees on transient accommodations

A-4870/S-3226 (Prieto, Oliver, Quijano, Pintor Marin, Schaer, Vainieri Huttle, Eustace/Ruiz, Sweeney, Greenstein) – ABSOLUTE - "Safe Transportation Jobs and Fair Employment Rules Act"

ACS for A-4927/SCS for S-3085 (Prieto, Oliver, Gusciora, Jasey/Sweeney, Diegnan, Ruiz) – CONDITIONAL - Revises law concerning family leave, temporary disability and family temporary disability leave, and domestic or sexual violence safety leave

###

Press Contact:
Brian Murray
609-777-2600



[Contact Us](#) | [Privacy Notice](#) | [Legal Statement & Disclaimers](#) | [Accessibility Statement](#) | 

Statewide: [NJ Home](#) | [Services A to Z](#) | [Departments/Agencies](#) | [FAQs](#)
Office of the Governor: [Home](#) | [Newsroom](#) | [Media](#) | [Administration](#) | [NJ's Priorities](#) | [Contact Us](#)

Copyright © State of New Jersey, 1996-2018
Office of the Governor
PO Box 001
Trenton, NJ 08625
609-292-6000