

## LEGISLATIVE HISTORY CHECKLIST

**NJSA:** 18A:6-7.1 (School employees-disqualification of criminals and crimes of force)

**LAWS OF:** 1989 **CHAPTER:** 156

**Bill No:** S3513

**Sponsor(s):** Feldman

**Date Introduced:** May 1, 1989

**Committee: Assembly:**

**Senate:** Education

**Amended during passage:** Yes Amendments during passage denoted by asterisks

**Date of Passage: Assembly:** June 29, 1989

**Senate:** June 29, 1989

**Date of Approval:** August 11, 1989

**Following statements are attached if available:**

**Sponsor statement:** Yes

**Committee Statement: Assembly:** No

**Senate:** Yes

**Fiscal Note:** No

**Veto Message:** No

**Message on signing:** No

**Following were printed:**

**Reports:** No

**Hearings:** No

see newspaper clippings--

"New law on sweat shops..." 8-12-89 Home News.

"Kean enacts tougher restrictions on people seeking to work in schools," 8-12-89 Star Ledger.

"Law bars drug convicts from work at schools," 8-12-89 Trentonian.

"Criminal background checks..." 5-9-89 Asbury Park Press.

"Bill targets teachers with criminal past." 8-25-89 Asbury Park Press.

[SECOND REPRINT]

SENATE, No. 3513

STATE OF NEW JERSEY

INTRODUCED MAY 1, 1989

By Senators FELDMAN, DALTON and ZIMMER

2 AN ACT concerning criminal background checks of employees in  
public schools, amending P.L.1986, c.116.

4 BE IT ENACTED *by the Senate and General Assembly of the  
State of New Jersey:*

6 1. Section 1 of P.L.1986, c.116 (C.18A:6-7.1) is amended to  
read as follows:

8 1. [No] A facility, center, school, or school system under the  
supervision of the Department of Education and board of  
10 education which cares for, or is involved in the education of  
children under the age of 18 <sup>1</sup>], other than on a voluntary basis,<sup>1</sup>  
12 shall not employ or contract for the services of any teaching  
staff member or substitute teacher, teacher aide, child study  
14 team member, school physician, school nurse, custodian, school  
maintenance worker, cafeteria worker, bus driver, school law  
16 enforcement officer, school secretary or clerical worker or any  
other person serving in a position which involves regular contact  
18 with pupils unless the employer has first determined consistent  
with the requirements and standards of this act, that no criminal  
20 history record information exists on file in the Federal Bureau of  
Investigation, Identification Division, or the State Bureau of  
22 Identification which would disqualify that individual from being  
employed or utilized in such capacity or position. <sup>1</sup>This section  
24 shall not apply to any individual who provides services on a  
voluntary basis.<sup>1</sup> An individual shall be disqualified from  
26 employment or service under this act if the individual's criminal  
history record check reveals a record of conviction of any of the  
28 following crimes and offenses:

a. In New Jersey, any crime or disorderly persons offense:  
30 (1) bearing upon or involving sexual offense or child  
molestation as set forth in N.J.S.2C:14-1 et seq.: or

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the  
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SED committee amendments adopted May 22, 1989.

<sup>2</sup> Senate floor amendments adopted June 19, 1989.

2 (2) endangering the welfare of children or incompetents, as set  
forth in N.J.S.2C:24-4 and N.J.S.2C:24-7; or

4 b. A crime or offense involving the manufacture,  
transportation, sale, possession, or habitual use of a "controlled  
dangerous substance" as defined in the "New Jersey Controlled  
6 Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et seq.);  
or

8 c.<sup>2</sup>(1)<sup>2</sup> A crime or offense involving the use of force or the  
threat of force to or upon a person or property including: armed  
10 robbery, <sup>2</sup>aggravated<sup>2</sup> assault, kidnapping, arson, manslaughter  
and murder; or

12 <sup>2</sup>(2) A simple assault involving the use of force which results in  
bodily injury; or<sup>2</sup>

14 [b.] d. In any other state or jurisdiction, [of] a conviction  
involving conduct which, if committed in New Jersey, would  
16 constitute any of the crimes or disorderly persons offenses  
described in this section of this act.

18 [c.] e. Notwithstanding the provisions of this [subsection]  
section, [no] an individual shall not be disqualified from  
20 employment or service under this act on the basis of any  
conviction disclosed by a criminal record check performed  
22 pursuant to this act if the individual has affirmatively  
demonstrated to the Commissioner of Education clear and  
24 convincing evidence of his or her rehabilitation. In determining  
whether an individual has affirmatively demonstrated  
26 rehabilitation, the following factors shall be considered:

28 (1) The nature and responsibility of the position which the  
convicted individual would hold;

(2) The nature and seriousness of the offense;

30 (3) The circumstances under which the offense occurred;

(4) The date of the offense;

32 (5) The age of the individual when the offense was committed;

(6) Whether the offense was an isolated or repeated incident;

34 (7) Any social conditions which may have contributed to the  
offense;

36 (8) Any evidence of rehabilitation, including good conduct in  
prison or in the community, counseling or psychiatric treatment  
38 received, acquisition of additional academic or vocational  
schooling, successful participation in correctional work-release

2 programs, or the recommendation of persons who have had the  
individual under their supervision.

(cf: P.L.1986, c.116, s.1)

4 2. This act shall take effect immediately.

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## EDUCATION

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### Students

10 Adds crimes of force and drug abuse to list of crime convictions  
that may disqualify prospective public school employees.

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STATEMENT

3       This bill would add drug crimes and crimes of force such as  
armed robbery, assault, kidnapping, arson, manslaughter and  
5       murder to the list of convictions that may disqualify a  
prospective public school employee from employment. Currently,  
7       an employee may only be disqualified pursuant to P.L.1986, c.116  
if his criminal record background check reveals a conviction for a  
9       sexual offense, child molestation or endangering the welfare of a  
minor. The crimes being added to the list will ensure that school  
11      employees are being screened for the type of past behavior that  
could pose a threat to the safety of our children. The provisions  
13      of P.L.1986, c.116, allowing for an individual to prove his  
rehabilitation in order to prevent disqualification for a job, have  
15      not been changed, providing protection for the rehabilitated  
offender.

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EDUCATION

Students

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23      Adds crimes of force and drug abuse to list of crime convictions  
that may disqualify prospective public school employees.

S3513

SENATE EDUCATION COMMITTEE

STATEMENT TO

**SENATE, No. 3513**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 22, 1989

The Senate Education Committee favorably reports this bill with committee amendments.

As amended, this bill would add drug crimes and crimes of force such as armed robbery, assault, kidnapping, arson, manslaughter and murder to the list of convictions that may disqualify a prospective public school employee from employment. Currently, an employee may only be disqualified pursuant to P.L.1986, c.116 if his criminal record background check reveals a conviction for a sexual offense, child molestation or endangering the welfare of a minor. The crimes being added to the list will ensure that school employees are being screened for the type of past behavior that could pose a threat to the safety of our children. The provisions of P.L.1986, c.116, allowing for an individual to prove his rehabilitation in order to prevent disqualification for a job, have not been changed, providing protection for the rehabilitated offender.

The committee amendment corrects a technical flaw in the existing statute by moving the phrase which excludes volunteers from the background check requirement to a more appropriate location in the same section of law.