**LEGISLATIVE HISTORY CHECKLIST**

- **NJSA:** 18A:6-7.1 (School employees-disqualification of criminals and crimes of force)
- **LAWS OF:** 1989
- **Bill No:** S3513
- **Sponsor(s):** Feldman
- **Date Introduced:** May 1, 1989
- **Committee:** Assembly: Education
- **Amended during passage:** Yes
- **Date of Passage:** Assembly: June 29, 1989
- **Date of Approval:** August 11, 1989
- **Sponsor statement:** Yes
- **Committee Statement:** Assembly: No
- **Fiscal Note:** No
- **Veto Message:** No
- **Report were printed:** No
- **Hearings:** No

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<table>
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<th>Following statements are attached if available:</th>
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<tr>
<td><strong>Sponsor statement:</strong> Yes</td>
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<td><strong>Message on signing:</strong> No</td>
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- 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.

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

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

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

a. In New Jersey, any crime or disorderly persons offense:

(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:
1 Senate SED committee amendments adopted May 22, 1989.
2 Senate floor amendments adopted June 19, 1989.
(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

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 Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et seq.); or

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

c. 2(2) A simple assault involving the use of force which results in bodily injury; or

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

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

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

(2) The nature and seriousness of the offense;

(3) The circumstances under which the offense occurred;

(4) The date of the offense;

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

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

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

(8) Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release
programs, or the recommendation of persons who have had the
individual under their supervision.
(cf: P.L.1986, c.116, s.1)

2. This act shall take effect immediately.

EDUCATION

Students

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

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.

EDUCATION

Students

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