

53:1-20.5 to 53:1-20.7

LEGISLATIVE HISTORY CHECKLIST

NJSA: 53:1-20.5 to 53:1-20.7

(Criminal record background checks--
State and Federal records--est. fees
for certain searches)

LAWS OF: 1985

CHAPTER: 69

Bill No: S788

Sponsor(s): Orechio

Date Introduced: Pre-filed

Committee: Assembly: Law, Public Safety and Defense

Senate: Law, Public Safety and Defense

Amended during passage: Yes Substituted for A1120 (not attached
since identical to S7888). Amendments
during passage denoted by asterisks.

Date of Passage: Assembly: Oct. 22, 1984 Re-enacted 2-25-85

Senate: May 21, 1984 Re-enacted 1-31-85

Date of Approval: March 7, 1985

Following statements are attached if available:

Sponsor statement: Yes Attached: Assembly amendments,
adopted 10-11-84, Assembly amend-
ments, adopted 9-13-84 and Senate
amendments 5-14-84 (w/statements)

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: Yes

Message on Signing: Yes

Following were printed:

Reports: No

Hearings: No

See newspaper clipping attached:

"State Police fee clears for background checks", 2-26-85, Star Ledger.

69 85
3-7-85
[FIFTH OFFICIAL COPY REPRINT]

SENATE, No. 788

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Senator ORECHIO

AN ACT concerning the establishment of a user fee for the processing of criminal history record background checks through the files of the State Bureau of Identification in noncriminal matters **and a fee for processing a federal criminal records check** and supplementing article 2 of chapter 1 of Title 53 of the Revised Statutes.

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

1 1. As used in this act:

2 a. "Processing criminal history record background checks"
3 means the process whereby the State Bureau of Identification
4 compares a set of fingerprints or name search request with those
5 in its files for a determination as to the criminal history of the
6 person identified by the request.

7 b. "Noncriminal matter" means any matter, other than the
8 arrest of a person for an indictable offense or other criminal
9 justice purpose, which requires the submission of a person's finger-
10 prints or name search request to the State Bureau of Identification
11 for processing. These matters include background investigations
12 for licensing or employment, or both *******[***, but they shall not
13 include background investigations for employment with a law
14 enforcement agency*]*********.

1 2. a. The Superintendent of State Police shall, pursuant to the
2 "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1
3 et seq.), adopt rules and regulations which establish and imple-
4 ment a fee for the processing, by the State Bureau of Identifica-

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted March 1, 1984.

**—Senate amendments adopted May 14, 1984.

***—Assembly committee amendments adopted June 18, 1984.

****—Assembly amendments adopted June 28, 1984.

*****—Assembly amendments adopted September 13, 1984.

*****—Assembly amendments adopted October 11, 1984.

*****—Senate amendments adopted in accordance with Governor's recommenda-
tions January 24, 1985.

5 tion, of criminal history record background checks submitted by
 6 State, county and local government agencies, including the Division
 7 of State Police, in noncriminal matters. A fee not to exceed \$12.00
 8 shall be imposed and used exclusively for the purpose of process-
 9 ing fingerprint identification checks; a fee not to exceed \$8.00 shall
 10 be imposed and used exclusively for the purpose of processing
 11 criminal history name search identification checks. **These fees shall*
 11A *be in addition to any other fees required by law. In addition to any*
 11B *fee specified herein, a nonrefundable fee, the amount of which shall*
 11C *be determined by the Superintendent of State Police, shall be*
 11D *collected for each applicant to cover the cost of securing and*
 11E *processing a federal criminal records check.**

12 b. State, county and local government agencies, including the
 13 Division of State Police, are authorized to impose and collect the
 14 processing fee established pursuant to subsection a. of this section
 15 from the person for whom the criminal history record background
 16 check is being processed or from the party requesting the criminal
 17 history record background check. **The Superintendent of State*
 18 *Police shall provide this processing service without the collection*
 19 *of fees *****from the applicants***** in processing background*
 20 *checks *****of prospective foster parents or members of their*
 21 *immediate families. In such cases, the Department of Human Ser-*
 22 *vices shall be responsible for paying the fees imposed pursuant to*
 23 *subsection a. of this section.***** *****[of foster parents ****or*
 24 *applicants for a school bus endorsement on a basic driver's license*
 25 *under R. S. 39:3-10**** **,** members of paid or part-paid*
 26 *fire departments and forces, and volunteer firefighters**]******
 27 ******[*****for persons who do not receive a wage or salary for*
 28 *the time and services they provide to an organization or who are*
 29 *considered volunteers*****.]******* Nothing in this section shall*
 30 *prohibit the Superintendent of State Police from providing this*
 31 *processing service without the collection of fees *****from the*
 32 *applicant***** in *other* circumstances which *****in his sole*
 33 *discretion***** he deems appropriate *****if the applicants*
 34 *would not receive a wage or salary for the time and services they*
 35 *provide to an organization or who are considered volunteers******
 36 **[, including but not limited to background checks of foster parents,*
 36A *if required pursuant to law, and of law enforcement person-*
 37 *nel]*. *****In those circumstances where the Superintendent*
 38 *of State Police determines to provide this processing service with-*
 39 *out the collection of fees to the individual applicants, the superin-*
 40 *tendent may assess the fee for providing this service on behalf of*
 41 *the applicants to any department of State, county or municipal*

42 government which is responsible for operating or overseeing that
 43 volunteer program.***** The agencies shall transfer all moneys
 44 collected for the processing fee to the Division of State Police.

1 3. a. There is created in the Division of State Police in the De-
 2 partment of Law and Public Safety a separate special account to
 3 be known as the "Criminal History Record Information Fund."
 4 All moneys paid to the Division of State Police pursuant to section
 5 2 of this act shall be deposited in the fund.

6 b. Moneys in the "Criminal History Record Information Fund"
 7 shall be dedicated ******exclusively****** *****[******exclu-*
 7A *sively******]***** ***[*exclusively*]*** for the ******expenses*
 8 ***** *****[******expenses******]***** *****[******use*
 8A *****]***** ***[*expenses*]*** *****[******use******]***** of the
 8B State Bureau of Identification *****[******and may be used for*
 8C *the following purposes:*

8D (1) *To fill civilian vacancies in the State Bureau of Identifica-*
 8E *tion;*

8F (2) *To study job classifications in the State Bureau of Identifi-*
 8G *cation in order to upgrade the positions of fingerprint operators;*

9 (3) *To expand the civilian work force at the State Bureau of*
 9A *Identification, if necessary, due to the increase in work created by*
 9B *the increased use of fingerprint and criminal history name search*
 9C *checks in noncriminal matters; and*

9D (4) *To grant requests pending and approved by the Department*
 9E *of Civil Service as of the effective date of this act for reclassifica-*
 9F *tion and reevaluation of civilian employee positions at the State*
 9G *Bureau of Identification*****]***** *****in processing*
 9H *criminal history record background checks submitted in noncriminal*
 9I *matters*****.* ***[*in processing criminal history record back-*
 10 *ground checks submitted by State, county and local government*
 11 *agencies in noncriminal matters.]*** *****[*****and may be used*
 11A *for the following purposes:*

12 (1) *To fill civilian vacancies in the State Bureau of Identification;*

13 (2) *To study job classifications in the State Bureau of Identifica-*
 14 *tion in order to upgrade the positions of fingerprint operators;*

15 (3) *To expand the civilian work force at the State Bureau of*
 16 *Identification, if necessary, due to the increase in work created by*
 17 *the increased use of fingerprint and criminal history name search*
 18 *checks in noncriminal matters; and*

19 (4) *To grant requests pending and approved by the Department*
 20 *of Civil Service as of the effective date of this act for reclassifica-*
 21 *tion and reevaluation of civilian employee positions at the State*

22 *Bureau of Identification.****]***** *****[*****in processing
23 *criminal history record background checks submitted in noncrim-*
24 *inal matters.*****]******

1 4. This act shall take effect on the *****[sixtieth]*****
2 *****60th***** day after enactment.

8 shall be imposed and used exclusively for the purpose of process-
 9 ing fingerprint identification checks; a fee not to exceed \$8.00 shall
 10 be imposed and used exclusively for the purpose of processing
 11 criminal history name search identification checks.

12 b. State, county and local government agencies, including the
 13 Division of State Police, are authorized to impose and collect the
 14 processing fee established pursuant to subsection a. of this section
 15 from the person for whom the criminal history record background
 16 check is being processed or from the party requesting the criminal
 17 history record background check. Nothing in this section shall
 18 prohibit the Superintendent of State Police from providing this
 19 processing service without the collection of fees in circumstances
 20 which he deems appropriate, including but not limited to back-
 21 ground checks of foster parents, if required pursuant to law, and of
 22 law enforcement personnel. The agencies shall transfer all moneys
 23 collected for the processing fee to the Division of State Police.

1 3. a. There is created in the Division of State Police in the De-
 2 partment of Law and Public Safety a separate special account to
 3 be known as the "Criminal History Record Information Fund."
 4 All moneys paid to the Division of State Police pursuant to section
 5 2 of this act shall be deposited in the fund.

6 b. Moneys in the "Criminal History Record Information Fund"
 7 shall be dedicated exclusively for the expenses of the State Bureau
 8 of Identification in processing criminal history record background
 9 checks submitted by State, county and local government agencies
 10 in noncriminal matters.

1 4. This act shall take effect on the sixtieth day after enactment.

STATEMENT

This bill provides for the State Bureau of Identification in the Division of State Police, which compiles data on the identifying characteristics of criminals, to establish and implement a fee for the processing of background requests in most noncriminal matters. Criminal justice purpose checks are presently done by the State Bureau of Identification as a matter of federal law without the collection of a fee. A fee not to exceed \$12.00 would be imposed and used exclusively for the purpose of processing fingerprint identification checks; a fee not to exceed \$8.00 would be imposed and used exclusively for the purpose of processing criminal history name search identification checks. The fee would be paid by the person for whom the background check is being processed or from the party requesting the check and placed in a special account

5788 (1985)

dedicated to the expenses of the bureau in processing background checks in noncriminal matters.

The bill provides that the Superintendent of State Police would be able to provide the processing service without collection of a fee in circumstances which he would deem appropriate; this would specifically include background checks of foster parents and of law enforcement personnel.

ASSEMBLY LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO

SENATE, No. 788

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 18, 1984

As amended by the Assembly Law, Public Safety and Defense Committee, Senate Bill No. 788 authorizes the State Bureau of Identification in the Division of State Police to establish a fee for the processing of a background investigation on a person's criminal history submitted by State, county or local government agencies in noncriminal matters.

For processing fingerprint identification checks, the State Bureau of Identification may impose a maximum fee of \$12.00; for processing criminal history name search identification checks, a maximum fee of \$8.00 may be imposed. A fee will not be charged by the bureau for background investigations of foster parents. In addition to the fee required by the bill, a non-refundable fee may be collected to cover the cost of any federal criminal records check.

The money collected as fees under this bill is to be placed in a special account dedicated for the use of the State Bureau of Identification and may be used by the bureau to fill civilian vacancies within the bureau, to study job classification of fingerprint operators, to expand the civilian work force of the bureau, if necessary, due to an increase in work load and to grant requests for reclassification of civilian employee positions pending and approved by the Department of Civil Service as of the effective date of this act.

Although the bill sets forth specific areas for which the money in the Criminal History Record Information Fund may be used, the bill does not mandate that the money in the fund is to be used only in these specified areas.

The bill specifically states that the State Bureau of Identification may, not shall, use the money in these areas. The money in the fund may also be used for other expenses incurred by the bureau in processing criminal history record background checks in noncriminal matters.

As released by the Assembly Law, Public Safety and Defense Committee, this bill is identical to the Assembly Committee Substitute for Assembly Bill No. 1120.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
SENATE, No. 788
with Senate committee amendments

STATE OF NEW JERSEY

DATED: MARCH 1, 1984

As amended by the Senate Law, Public Safety and Defense Committee, Senate Bill No. 788 authorizes the State Bureau of Investigation in the Division of State Police to establish and implement a fee for processing a background investigation of a person's criminal history submitted by State, county or local government agencies, including the State Police, in noncriminal matters.

For processing fingerprint identification checks, a maximum fee of \$12.00 would be imposed; for processing criminal history name search identification checks, a maximum fee of \$8.00 would be imposed.

The fee would be paid by the person for whom the background check was being processed or by the person requesting the check. The money collected from the fee would be placed in a special account dedicated to the expenses of the bureau in processing background checks in noncriminal matters.

The bill would permit the Superintendent of State Police to waive the fee in circumstances that he deemed appropriate.

The Senate Law, Public Safety and Defense Committee adopted several amendments to Senate Bill No. 788. First, the committee amended the definition of "noncriminal matter" in section 1 of the bill to specifically exclude background investigations for employment with a law enforcement agency. The result of this amendment is that no fee will be charged by the State Bureau of Investigation for background investigations of prospective law enforcement officers.

Second, the committee amended the bill to specify that the fees authorized in section 2 of the bill will be imposed in addition to any other fee required by law, and to require that, in addition to the fees authorized in section 2 of the bill, a nonrefundable fee in an amount specified by the Superintendent of State Police be collected from each applicant to cover the cost of any federal criminal records check.

Finally, the committee amended the bill to specify that the Superintendent of State Police shall provide this processing service free of charge when processing background checks of foster parents.

AL
NCA

R-73
10/10/84

Assembly Amendments

to

Senate Bill No. 788 AR/3rd OCR

proposed by Assemblyman Bocchini

ADOPTED

ACT 11 1988

Amend:

Page	Sec.	Line
------	------	------

2 3 7

2 3 8

2 3 9

Omit "exclusively"

Omit "expenses" insert "use"

After "Identification" insert "and may be used for the following purposes:

- (1) To fill civilian vacancies in the State Bureau of Identification;
- (2) To study job classifications in the State Bureau of Identification in order to upgrade the positions of fingerprint operators;
- (3) To expand the civilian work force at the State Bureau of Identification, if necessary, due to the increase in work created by the increased use of fingerprint and criminal history name search checks in noncriminal matters; and
- (4) To grant requests pending and approved by the Department of Civil Service as of the effective date of this act for reclassification and reevaluation of civilian employee positions at the State Bureau of Identification."

3 3 22-24

Omit "**** in processing criminal" on line 22
Omit in entirety
line 23-24

STATEMENT

These amendments specify the areas for which the money in the Criminal History Record Information Fund may be used.

9/13/84

2/2

Assembly Amendments

These amendments will make this bill identical to the Assembly Committee Substitute for Assembly Bill 1120 with A.A. on 9/13/84

to

ADOPTED

Senate Bill No. 788 3rd OCR

Amend:

SEP 13 1984

sponsored by Assemblyman Flynn

Page	Sec.	Line	
1	1	12-14	Omit ", but they shall not include" on line 12, omit line 13 and omit "agency" on line 14
2	2	19-22	Omit "of foster parents or" on line 19, omit lines 20 and 21 and on line 22 omit "partments and forces, and volunteer fire-fighters" insert "for persons who do not receive a wage or salary for the time and services they provide to an organization or who are considered volunteers"
2	3	7	After "dedicated" insert "exclusively" After "the" insert "expenses"
2	3	8	Omit "use"
2-3	3	11-22	Omit in entirety Insert "in processing criminal history record background checks submitted in noncriminal matters."
3	4	1	Omit "sixtieth" insert "60th"

STATEMENT

These amendments would eliminate the listing in the bill of specific persons for whom a fee shall not be required to process a criminal history background check. Instead, the amendments provide a general exemption from the payment of the fee set by the bill for the processing of criminal history background checks on persons who do not receive a wage or salary for the time and services they provide to an organization or persons who are volunteers.

Al Porroni

RESOLUTION

By Senator *Orechio* *Russo*

BE IT RESOLVED, That Senate/Assembly Bill No. 788

be placed back on second reading for the purpose of amendment.

ADOPTED

MAY 14 1984

OK 292
R-61
5/14/84 *6/14/84*

Senate Amendments
proposed by Senator Orechio
5/14/84
to

Senate Bill No. 788 OCR
sponsored by Senator Orechio

Amend:

Page	Sec.	Line
2	2	19

After "parents" insert ", members of paid or part-paid fire departments ~~and~~ forces, and volunteer firefighters"

Statement

S 788 OCR authorizes the State Bureau of Investigation in the Division of State Police to establish and implement a fee for processing a background investigation of a person's criminal history submitted by State, county or local government agencies in noncriminal mat

These amendments would exempt paid and volunteer firefighters from the fee.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

January 8, 1985

SENATE BILL NO. 788 (4th OCR)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the Constitution, I am returning Senate Bill No. 788 (4th OCR) with my objections, for reconsideration.

The purpose of this bill is to supplement N.J.S.A. 53:1-2 to provide that a user fee shall be established for processing of criminal history record background checks through the files of the State Bureau of Identification in noncriminal matters and to set a fee for processing a federal criminal records check.

This bill is drastically needed as it will enable the State Police to restore an important service to the public. There appear to be a myriad of governmental agencies and private concerns requiring information to effectively administrate their various licensing and employment functions. This fee system will underwrite the cost to the Division of State Police allowing them to implement and maintain the services.

I note that there has been much national and State attention lately focusing on the issue of child abuse in day care centers or by foster parents. This legislation will give New Jersey the means to be able to regulate the child care industry and investigate the background of persons seeking to operate child care centers or become foster parents. As such, I urge the Legislature to reenact this legislation with my recommendations as soon as possible. This legislation is of the highest priority to my Administration.

I first supported legislation such as this in my conditional veto of Senate Bill No. 3031 which I returned to the Legislature on June 20, 1983. Senate Bill No. 3031 required that a prospective foster parent be investigated by the State Police before they are accepted as foster parents. It is essential to the well being of the foster and the adopted children of the State of New Jersey that the State thoroughly examine the background of any potential foster parent. Providing for the unfortunate children of this State is of great concern to this Administration.

I note that several bills have been introduced which would require the State Police to perform noncriminal fingerprint checks. S-3031, which required the investigation of foster parents, was introduced on 1/11/85.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

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Assemblyman Flynn, for the 1984 Legislative Session. A-1119 passed the Assembly (73-0) on December 6, 1984, and is presently in Senate Committee. With regard to school bus drivers, the current law makes the fingerprinting of school bus drivers permissive. Senate Bill No. 271 sponsored by Senator Hagedorn, would change this provision to make fingerprint checks of school bus operators mandatory. S-271 passed the Senate (36-0) on May 17, 1984 and is presently in the Assembly Education Committee. Senator Hagedorn is sponsoring three other bills which would require fingerprint checks. Senate Bill No. 2038 requires present and prospective employees of county schools of detention to be subject to criminal background and record checks, Senate Bill No. 2038 requires present and prospective employees of county children's shelters to be subject to criminal background and record checks, and Senate Bill No. 2040 requires persons seeking to become licensed child care center owners or operators to be subject to criminal background and record checks. These are just a few of the bills which have been introduced in the Legislature which would require the State Police to perform noncriminal background checks.

While I strongly support the concept behind this bill I must return it to the Legislature for correction. The original bill gave the Superintendent of State Police the discretion to be able to provide this service without charge in circumstances which he deems appropriate. This language gave the Superintendent the flexibility to be able to waive the fee in appropriate circumstances. The amended version of the bill statutorily exempts all persons who require a fingerprint check for positions for which they do not receive a wage or salary for the time and services they provide to an organization or who are considered volunteers. This change creates two problems. First, by statutorily exempting all these classes of people, the sheer volume of these requests could make the collection of the fee the exception rather than the rule. This would totally defeat the purpose of this bill as the fees generated might not be able to cover the costs of the service if there are more nonpaying requests than paying requests. Secondly, it should be understood that the access to FBI Identification Division records can only be achieved through an approved state statute (approved by U.S. Attorney General). Individual statutes would have to authorize such a use and be very limited. Furthermore, should eventual approval be obtained,

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the FBI will not exempt such purposes (volunteers) from their user fee program. As such, the State of New Jersey cannot blanketly exempt volunteers from paying the federal fee for fingerprint or other criminal history background checks.

The Superintendent of the State Police should be able to provide this service on a case by case basis without charge in circumstances which he deems appropriate. These are cases in which volunteers provide a valuable service to the State, and to require those persons to pay the fee might work an injustice upon them. In those cases where the Superintendent exempts the volunteers from paying the fee, the Superintendent should be able to assess the department or agency of State, county or municipal government which is responsible for operating or overseeing that volunteer program the fee to be paid on behalf of the applicants. I believe that foster parents are such a group of people. They provide an invaluable service to the State, and while I firmly believe they should have thorough background checks, including fingerprint checks, I believe they should be exempt from paying the fee and that the Department of Human Services should be responsible for paying the fingerprint fees for prospective foster parents. I note that there is already an appropriation in the fiscal year 1985 State Budget to the Department of Human Services to pay for fingerprint checks of prospective foster parents. This is such an important issue that I feel that foster parents and members of their families should be specifically exempted in this bill from paying the fingerprint check fee. By having the Department of Human Services pay the fee from appropriated funds, neither the State nor federal fingerprint check operations will be jeopardized.

Another problem with the bill is how the fees are dedicated. The original bill dedicated the fees to be used exclusively for the expenses of the State Bureau of Identification in processing criminal history record background checks submitted in noncriminal matters. This language was broad and gave the State Police the flexibility to use these funds to offset the entire costs of administering this program. The bill as passed provides that monies in the "Criminal History Record Information Fund" shall be dedicated for the use of the State Bureau of Identification and may be used for the following purposes: (1) to fill civilian vacancies in the State Bureau of Identification; (2) to study job classifications in the State Bureau of Identification in order to

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EXECUTIVE DEPARTMENT

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upgrade the positions of fingerprint operators; (3) to expand the civilian work force at the State Bureau of Identification, if necessary, due to the increase in work created by the increased use of fingerprint and criminal history name search checks in noncriminal matters; and (4) to grant requests pending and approved by the Department of Civil Service as of the effective date of this act for reclassification and reevaluation of civilian employee positions at the State Bureau of Identification. This language restricts the use of the funds in such a way so that the program will not be self sufficient. In order for this program to work, it must be able to pay for itself. As a result, I propose amending the bill back to its original language which will dedicate the fees to be used exclusively for the expenses of the State Bureau of Identification in processing criminal background checks submitted in noncriminal matters. I note that the Legislature equivocated on this issue four times before the bill was finally passed.

As I stated above, this bill is extremely important in order to help protect the safety, health and welfare of the children of our State and insure that noncriminals are granted licenses by various boards and regulated industries in order protect the public and maintain public confidence in those positions and industries. As such I urge the Legislature to concur with my proposed amendments as soon as possible.

Accordingly, I herewith return Senate Bill No. 778 (4th OCR) for reconsideration and recommend that it be amended as follows:

Page 2, Section 2, Line 19: After "fees" INSERT "from the applicants"; after "checks" INSERT "of prospective foster parents or members of their immediate families. In such cases, the Department of Human Services shall be responsible for paying the fees imposed pursuant to subsection a. of this section."

Page 2, Section 2, Lines 23-25: DELETE lines 23-24 in their entirety. On line 25 DELETE "volunteers."

Page 2, Section 2, Line 27: After "fees" INSERT "from the applicants"; after "which" INSERT "in his sole discretion"

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Page 2, Section 2, Line 28: After "appropriate" INSERT "if the applicants would not receive a wage or salary for the time and services they provide to an organization or who are considered volunteers"

Page 2, Section 2, Line 30: After "." INSERT "In those circumstances where the Superintendent of State Police determines to provide this processing service without the collection of fees to the individual applicants, the Superintendent may assess the fee for providing this service on behalf of the applicants to any department of State, county or municipal government which is responsible for operating or overseeing that volunteer program."

Page 2, Section 3, Line 7: After "dedicated" INSERT "exclusively"

Page 2, Section 3, Line 8: After "the" INSERT "expenses"

Page 2, Section 3, Line 8A: DELETE "use"

Pages 2 and 3, Section 3, Lines 8B-9G: On line 8B, after "Identification" DELETE remainder of line; DELETE lines 8c through 9F in their entirety; on line 9G DELETE "Bureau of Identification" and INSERT "in processing criminal history record background checks submitted in noncriminal matters"

Respectfully,

/s/ Thomas H. Kean

GOVERNOR

[seal]

Attest:

/s/ W. Cary Edwards

Chief Counsel

A-701 & A-788 SIGNED
PAGE TWO
MARCH 7, 1985

The provisions are:

- * The search must be performed by a person of the same sex as the person being detained.
- * Permission for such a search must be obtained from the officer in charge and the reason must be reported on the arrest record.
- * Searches must be performed under sanitary conditions.
- * A body cavity search may be conducted only by a licensed physician or registered professional nurse.

Failure to comply with the provisions of the law will result in the officer or officers facing administrative disciplinary action.

The criminal background check legislation, A-788, sponsored by Senate President Carmen A. Orechio, D-Essex, was conditionally vetoed by the Governor on January 8, and his recommendations were accepted by the Legislature in February.

It establishes a user fee for the background checks, but waives the fee for prospective foster parents and their families. These costs will be paid by the Department of Human Services.

The fees charged are to be paid by the agency of government which requests the check or which oversees a particular program, with the funds going to the Division of State Police which is responsible for the investigations.

- more -

A-701 & A-788 SIGNED
PAGE THREE
MARCH 7, 1985

"This legislation will give New Jersey the means to regulate more effectively the child care industry and to investigate the backgrounds of those seeking to operate child care centers or to become foster parents," the Governor said. "We are all too well aware of the recent revelations of abuse of children placed in the care of persons with criminal backgrounds or with a history of such abuse.

"This legislation will put the State in a far better position to avoid placing children in jeopardy or in potentially dangerous situations," he said. "It is essential to the well being of foster and adopted children that the State thoroughly examine the background of any potential foster parent."

The legislation is effective in 60 days.

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