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RWH/CL

P.L. 2019, CHAPTER 182, *approved July 19, 2019*

Senate, No. 3043

1 AN ACT concerning family day care providers and amending
2 P.L.2017, c.89.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 5 of P.L.2017, c.89 (C305B-25.9) is amended to
8 read as follows

9 5. a. The Commissioner of Children and Families is authorized
10 to exchange fingerprint data with, and to receive information from,
11 the Division of State Police in the Department of Law and Public
12 Safety and the Federal Bureau of Investigation.

13 b. Upon receipt of criminal history record information from the
14 Federal Bureau of Investigation and the Division of State Police, for
15 each of the parties identified in subsection a. of section 2 of
16 P.L.2017, c.89 (C.30:5B-25.6), the Department of Children and
17 Families shall notify the family day care provider, in writing, of the
18 department's decision to approve or deny the family day care
19 provider's application for a certificate or renewal of registration , or
20 its decision to revoke the family day care provider's existing
21 registration, as the case may be. The department shall also advise
22 the family day care provider, the family day care sponsoring
23 organization, and any person, other than the provider, who was the
24 subject of the criminal history record background check, within a
25 reasonable timeframe, of the results of any criminal history record
26 background check that is conducted under section 3 of P.L.2017,
27 c.89 (C.30:5B-25.7).

28 c. If the department denies an application for a certificate or
29 renewal of registration, or revokes an existing registration, because
30 the family day care provider, or other relevant party listed in
31 subsection a. of section 2 of P.L.2017, c.89 (C.30:5B-25.6), has
32 been determined to have a disqualifying record of convictions, as
33 provided by section 3 of P.L.2017, c.89 (C.30:5B-25.7), the
34 convictions that constitute the basis for such denial or revocation
35 shall be identified in the written notice of disqualifying convictions
36 that is provided to **[all parties]** the family day care provider or
37 other person who was the subject of the criminal history record
38 background check under subsection b. of this section. In such a
39 case, the family day care provider or other person who was the
40 subject of the criminal history record background check shall have
41 14 days from the date of the written notice to challenge the
42 accuracy of the criminal history record information upon which the

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.

1 denial or revocation was based. If no challenge is filed , or if a
2 challenge is filed, but the denial or revocation is upheld, the
3 department shall notify the family day care sponsoring organization
4 that the family day care provider's registration has been denied or
5 revoked [on the basis of disqualifying criminal history record
6 information].

7 d. The Division of State Police shall promptly notify the
8 department whenever a person who was the subject of a criminal
9 history record background check under section 3 of P.L.2017, c.89
10 (C.30:5B-25.7), is convicted of a crime or offense in this State after
11 the date on which the background check was performed. Upon
12 receipt of such notification, the department shall determine whether
13 to revoke the family day care provider's certificate of registration.
14 (cf: P.L.2017, c.89, s.5)

15

16 2. This act shall take effect immediately.

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STATEMENT

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21 If it has been determined that a prospective or current family day
22 care provider or other relevant party who has undergone a criminal
23 history record background check as part of the family day care
24 provider certification process has a disqualifying record of
25 convictions, as provided by section 3 of P.L.2017, c.89 (C.30:5B-
26 25.7), current law requires the Department of Children and Families
27 (DCF) to provide the family day care provider or other relevant
28 party with written notice of the disqualifying convictions.

29 This bill amends section 5 of P.L.2017, c.89 (C.30:5B-25.9) to
30 clarify that DCF is required to provide a written notice of
31 disqualifying convictions to a prospective or current family day
32 care provider or other person who was the subject of a criminal
33 history record background check, as part of the family day care
34 provider certification process, if it is determined the family day care
35 provider or the other person has a disqualifying record of
36 convictions, as provided by section 3 of P.L.2017, c.89 (C.30:5B-
37 25.7).

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41

42 Clarifies that family day care providers or other persons who are
43 subjects of criminal history record back checks have access to
44 disqualifying information.

SENATE, No. 3043

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED OCTOBER 15, 2018

Sponsored by:

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Assemblywoman GABRIELA M. MOSQUERA

District 4 (Camden and Gloucester)

Assemblywoman ELIANA PINTOR MARIN

District 29 (Essex)

Co-Sponsored by:

Senator Greenstein and Assemblywoman Downey

SYNOPSIS

Clarifies that family day care providers or other persons who are subjects of criminal history record back checks have access to disqualifying information.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/24/2019)

S3043 MADDEN, OROHO

2

1 AN ACT concerning family day care providers and amending
2 P.L.2017, c.89.

3

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

6

7 1. Section 5 of P.L.2017, c.89 (C305B-25.9) is amended to
8 read as follows

9 5. a. The Commissioner of Children and Families is authorized
10 to exchange fingerprint data with, and to receive information from,
11 the Division of State Police in the Department of Law and Public
12 Safety and the Federal Bureau of Investigation.

13 b. Upon receipt of criminal history record information from the
14 Federal Bureau of Investigation and the Division of State Police, for
15 each of the parties identified in subsection a. of section 2 of
16 P.L.2017, c.89 (C.30:5B-25.6), the Department of Children and
17 Families shall notify the family day care provider, in writing, of the
18 department's decision to approve or deny the family day care
19 provider's application for a certificate or renewal of registration , or
20 its decision to revoke the family day care provider's existing
21 registration, as the case may be. The department shall also advise
22 the family day care provider, the family day care sponsoring
23 organization, and any person, other than the provider, who was the
24 subject of the criminal history record background check, within a
25 reasonable timeframe, of the results of any criminal history record
26 background check that is conducted under section 3 of P.L.2017,
27 c.89 (C.30:5B-25.7).

28 c. If the department denies an application for a certificate or
29 renewal of registration, or revokes an existing registration, because
30 the family day care provider, or other relevant party listed in
31 subsection a. of section 2 of P.L.2017, c.89 (C.30:5B-25.6), has
32 been determined to have a disqualifying record of convictions, as
33 provided by section 3 of P.L.2017, c.89 (C.30:5B-25.7), the
34 convictions that constitute the basis for such denial or revocation
35 shall be identified in the written notice of disqualifying convictions
36 that is provided to **[all parties]** the family day care provider or
37 other person who was the subject of the criminal history record
38 background check under subsection b. of this section. In such a
39 case, the family day care provider or other person who was the
40 subject of the criminal history record background check shall have
41 14 days from the date of the written notice to challenge the
42 accuracy of the criminal history record information upon which the
43 denial or revocation was based. If no challenge is filed , or if a
44 challenge is filed, but the denial or revocation is upheld, the
45 department shall notify the family day care sponsoring organization

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.

1 that the family day care provider's registration has been denied or
2 revoked [on the basis of disqualifying criminal history record
3 information].

4 d. The Division of State Police shall promptly notify the
5 department whenever a person who was the subject of a criminal
6 history record background check under section 3 of P.L.2017, c.89
7 (C.30:5B-25.7), is convicted of a crime or offense in this State after
8 the date on which the background check was performed. Upon
9 receipt of such notification, the department shall determine whether
10 to revoke the family day care provider's certificate of registration.
11 (cf: P.L.2017, c.89, s.5)

12

13 2. This act shall take effect immediately.

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STATEMENT

17

18 If it has been determined that a prospective or current family day
19 care provider or other relevant party who has undergone a criminal
20 history record background check as part of the family day care
21 provider certification process has a disqualifying record of
22 convictions, as provided by section 3 of P.L.2017, c.89 (C.30:5B-
23 25.7), current law requires the Department of Children and Families
24 (DCF) to provide the family day care provider or other relevant
25 party with written notice of the disqualifying convictions.

26 This bill amends section 5 of P.L.2017, c.89 (C.30:5B-25.9) to
27 clarify that DCF is required to provide a written notice of
28 disqualifying convictions to a prospective or current family day
29 care provider or other person who was the subject of a criminal
30 history record background check, as part of the family day care
31 provider certification process, if it is determined the family day care
32 provider or the other person has a disqualifying record of
33 convictions, as provided by section 3 of P.L.2017, c.89 (C.30:5B-
34 25.7).

ASSEMBLY WOMEN AND CHILDREN COMMITTEE

STATEMENT TO

SENATE, No. 3043

STATE OF NEW JERSEY

DATED: FEBRUARY 14, 2019

The Assembly Women and Children Committee reports favorably Senate Bill No. 3043.

Current law provides that, if it has been determined that a prospective or current family day care provider or other relevant party who has undergone a criminal history record background check as part of the family day care provider certification process has a disqualifying record of convictions, as provided by section 3 of P.L.2017, c.89 (C.30:5B-25.7), the Department of Children and Families (DCF) is required to provide the family day care provider or other relevant party with written notice of the disqualifying convictions.

This bill amends section 5 of P.L.2017, c.89 (C.30:5B-25.9) to clarify that DCF is required to provide a written notice of disqualifying convictions to a prospective or current family day care provider or other person who was the subject of a criminal history record background check, as part of the family day care provider certification process, if it is determined the family day care provider or the other person has a disqualifying record of convictions, as provided by section 3 of P.L.2017, c.89 (C.30:5B-25.7).

The amendment to the language is necessary to clarify that results of the criminal history record background check can only be provided to the subject of the background check and not to the family day care provider, unless the provider is the subject of the background check.

As reported by the committee, Senate Bill No. 3043 is identical to Assembly Bill No. 4625 which was also reported by the committee on this date.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 3043

STATE OF NEW JERSEY

DATED: JANUARY 17, 2019

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 3043.

Current law provides that, if it has been determined that a prospective or current family day care provider or other relevant party who has undergone a criminal history record background check as part of the family day care provider certification process has a disqualifying record of convictions, as provided by section 3 of P.L.2017, c.89 (C.30:5B-25.7), the Department of Children and Families (DCF) is required to provide the family day care provider or other relevant party with written notice of the disqualifying convictions.

This bill amends section 5 of P.L.2017, c.89 (C.30:5B-25.9) to clarify that DCF is required to provide a written notice of disqualifying convictions to a prospective or current family day care provider or other person who was the subject of a criminal history record background check, as part of the family day care provider certification process, if it is determined the family day care provider or the other person has a disqualifying record of convictions, as provided by section 3 of P.L.2017, c.89 (C.30:5B-25.7).

The amendment to the language is necessary to clarify that results of the criminal history record background check can only be provided to the subject of the background check and not to the family day care provider, unless the provider is the subject of the background check.

ASSEMBLY, No. 4625

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED OCTOBER 22, 2018

Sponsored by:

Assemblywoman **GABRIELA M. MOSQUERA**

District 4 (Camden and Gloucester)

Assemblywoman **ELIANA PINTOR MARIN**

District 29 (Essex)

Co-Sponsored by:

Assemblywoman Downey

SYNOPSIS

Clarifies that family day care providers or other persons who are subjects of criminal history record back checks have access to disqualifying information.

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21 registration, as the case may be. The department shall also advise
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23 organization, and any person, other than the provider, who was the
24 subject of the criminal history record background check, within a
25 reasonable timeframe, of the results of any criminal history record
26 background check that is conducted under section 3 of P.L.2017,
27 c.89 (C.30:5B-25.7).

28 c. If the department denies an application for a certificate or
29 renewal of registration, or revokes an existing registration, because
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31 subsection a. of section 2 of P.L.2017, c.89 (C.30:5B-25.6), has
32 been determined to have a disqualifying record of convictions, as
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37 other person who was the subject of the criminal history record
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30 history record background check, as part of the family day care
31 provider certification process, if it is determined the family day care
32 provider or the other person has a disqualifying record of
33 convictions, as provided by section 3 of P.L.2017, c.89 (C.30:5B-
34 25.7).

ASSEMBLY WOMEN AND CHILDREN COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4625

STATE OF NEW JERSEY

DATED: FEBRUARY 14, 2019

The Assembly Women and Children Committee reports favorably Assembly Bill No. 4625.

Current law provides that, if it has been determined that a prospective or current family day care provider or other relevant party who has undergone a criminal history record background check as part of the family day care provider certification process has a disqualifying record of convictions, as provided by section 3 of P.L.2017, c.89 (C.30:5B-25.7), the Department of Children and Families (DCF) is required to provide the family day care provider or other relevant party with written notice of the disqualifying convictions.

This bill amends section 5 of P.L.2017, c.89 (C.30:5B-25.9) to clarify that DCF is required to provide a written notice of disqualifying convictions to a prospective or current family day care provider or other person who was the subject of a criminal history record background check, as part of the family day care provider certification process, if it is determined the family day care provider or the other person has a disqualifying record of convictions, as provided by section 3 of P.L.2017, c.89 (C.30:5B-25.7).

The amendment to the language is necessary to clarify that results of the criminal history record background check can only be provided to the subject of the background check and not to the family day care provider, unless the provider is the subject of the background check.

As reported by the committee, Assembly Bill No. 4625 is identical to Senate Bill No. 3043 which was also reported by the committee on this date.

Governor Murphy Takes Action on Legislation

07/19/2019

TRENTON – Today, Governor Phil Murphy signed the following bills and resolutions into law:

AJR26 (Downey, Houghtaling, Quijano, Mosquera, Vainieri Huttle, Benson, Jasey, McKnight/Pou, Codey) - Designates September of each year as "Youth Suicide Prevention Awareness Month" in New Jersey.

AJR87 (Murphy, Mosquera, Pinkin/Singleton, Addiego) - Designates January 11 of each year as "Alice Paul Day" in New Jersey.

A769 (Caputo, Giblin, Vainieri Huttle/A.R. Bucco, Ruiz) - Requires school districts to incorporate age-appropriate sexual abuse and assault awareness and prevention education in grades preschool through 12 as part of New Jersey Student Learning Standards in Comprehensive Health and Physical Education.

A1048 (Houghtaling, Downey, Mukherji, Holley/Turner, Stack) - Requires property tax bills to contain eligibility information on State tax relief programs.

A1190 (Jones, Giblin, Mukherji/Beach, Cruz-Perez) - Concerns appointment of person to control funeral and disposition of human remains.

A1369 (Kennedy, DeAngelo, Vainieri Huttle, Benson, Quijano/Greenstein, Addiego) - Allows for cancellation of certain service contracts without paying early termination fee if customer becomes deceased prior to end of service contract.

A1428 (McKnight, Chaparro, Chiaravalloti, Vainieri Huttle/Ruiz, Cunningham) - Requires Department of Education to develop guidelines for school districts concerning child trafficking awareness and prevention.

A3766 (Armato, Houghtaling, Murphy, Jones/Corrado) - Requires public officer or employee to forfeit pension upon conviction for corruption of public resources, sexual contact, lewdness, or sexual assault when offense involves or touches upon public office or employment.

A5162 (Speight, Reynolds-Jackson/Beach) - Permits county board of chosen freeholders to increase membership of county board of elections.

A5456 (Armato, Kennedy, Speight/Greenstein, Bateman) - Authorizes NJ Infrastructure Bank to expend certain sums to make loans for environmental infrastructure projects for FY2020.

A5457 (Danielsen, Swain, Milam/Codey) - Appropriates funds to DEP for environmental infrastructure projects for FY2020.

A5462 (Milam, Speight, Murphy/Smith) - Modifies powers and duties of New Jersey Infrastructure Bank.

S692 (Ruiz, Sarlo/Jasey, Caputo, Holley) - Prohibits the DOE from regulating maximum salary amount school district may pay its superintendent of schools and codifies standards for contract review.

S756 (Diegnan, Turner/Calabrese, Sumter, Pinkin) - Updates notice of elections requirements to include information for voter to obtain polling place locations.

S858 (Turner, Diegnan/Jasey, Caputo) - Requires teachers of health and physical education in grades kindergarten through six in public schools to possess appropriate endorsement to instructional certificate.

S954 (Vitale, Singleton, Madden/Conaway, Moriarty, Sumter, McKnight, Mukherji, Downey) - Enters New Jersey in enhanced multistate Nurse Licensure Compact.

S1373 (Andrzejczak/Land, Milam) - Expands option of governmental home health care agency to partner with non-governmental providers to deliver health care services.

S1707 (Oroho, Bateman, Andrzejczak/Space, Wirths) - Exempts governmental entities acquiring lands for open space located in a deed-authorized common interest community from paying community fees if, at time of acquisition, community has never been formed or has been dissolved or discontinued.

S1761 (Weinberg, Singleton/Pintor Marin, Lampitt, Pinkin, Munoz, McKeon) - Expands the Address Confidentiality Program to include victims of sexual assault and stalking; and reproductive health service patients and providers.

S1799 (A.R. Bucco/A.M. Bucco, Murphy, Caputo) - Increases membership of fire safety commission in DCA.

S2472 (Singleton, Murphy/Conaway, Timberlake) - Requires certain real estate licensees to complete courses of study concerning fair housing and housing discrimination.

S2489 (Cruz-Perez, Turner/Mosquera, Jones, Holley, McKnight, Downey) - Requires board of education to post information about child abuse hotline in each school.

S2575 (Diegnan, Greenstein/Karabinchak, Reynolds-Jackson) - Establishes task force to examine and make recommendations regarding implementation of "Anti-Bullying Bill of Rights Act."

S2944 (Ruiz, Cunningham/Pintor Marin, McKnight, Chiaravalloti) - Permits certain council members to appoint up to four fulltime equivalent aides; allows these aide positions to be divided into part-time positions.

S2994 (Ruiz/Freiman, McKeon, Schaer) – Concerns refunds following terminations or cancellations of guaranteed asset protection waivers.

S3043 (Madden, Oroho/Mosquera, Pintor Marin) - Clarifies that family day care providers or other persons who are subjects of criminal history record back checks have access to disqualifying information.

S3452 (Ruiz, Pou/Lopez, Holley, Schaer) - Requires certain consumer reporting agencies to make consumer reports available to consumers in Spanish and certain other languages.

S3899 (Ruiz/Burzichelli) - Allows TPAF retiree to be employed, without TPAF reenrollment, by school district as certificated superintendent or administrator for more than two years when in best interests of school district.