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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"New law lets schools screen volunteers," Asbury Park Press, May 5, 2007, p.A3

"School helpers can be checked," Courier News, May 5, 2007, p.A-3

RWH 4/19/08

P.L. 2007, CHAPTER 82, *approved May 4, 2007*
Assembly, No. 515 (*First Reprint*)

1 AN ACT concerning criminal history record checks and amending
2 P.L.1986 c.116.

3

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

6

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

9 1. A facility, center, school, or school system under the
10 supervision of the Department of Education and board of education
11 which cares for, or is involved in the education of children under
12 the age of 18 shall not employ for pay or contract for the paid
13 services of any teaching staff member or substitute teacher, teacher
14 aide, child study team member, school physician, school nurse,
15 custodian, school maintenance worker, cafeteria worker, school law
16 enforcement officer, school secretary or clerical worker or any other
17 person serving in a position which involves regular contact with
18 pupils unless the employer has first determined consistent with the
19 requirements and standards of this act, that no criminal history
20 record information exists on file in the Federal Bureau of
21 Investigation, Identification Division, or the State Bureau of
22 Identification which would disqualify that individual from being
23 employed or utilized in such capacity or position. An individual
24 employed by a board of education or a school bus contractor
25 holding a contract with a board of education, in the capacity of a
26 school bus driver, shall be required to meet the criminal history
27 record requirements pursuant to section 6 of P.L.1989, c.104
28 (C.18A:39-19.1). **【This section shall not apply to any individual**
29 **who provides services on a voluntary basis】** A facility, center,
30 school, or school system under the supervision of the Department of
31 Education and board of education which cares for, or is involved in
32 the education of children under the age of 18 may require criminal
33 history record checks for individuals who, on an unpaid voluntary
34 basis, provide services that involve regular contact with pupils. ¹In
35 the case of school districts involved in a sending-receiving
36 relationship, the decision to require criminal history record checks
37 for volunteers shall be made jointly by the boards of education of
38 the sending and receiving districts.¹

39 An individual, except as provided in subsection g. of this section,
40 shall be permanently disqualified from employment or service
41 under this act if the individual's criminal history record check
42 reveals a record of conviction for any crime of the first or second
43 degree; or

44 a. An offense as set forth in chapter 14 of Title 2C of the New

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**Assembly AED committee amendments adopted February 6, 2006.**

1 Jersey Statutes, or as set forth in N.J.S.2C:24-4 and 2C:24-7, or as
2 set forth in R.S.9:6-1 et seq., or as set forth in N.J.S.2C:29-2; or
3 b. An offense involving the manufacture, transportation, sale,
4 possession, distribution or habitual use of a "controlled dangerous
5 substance" as defined in the "Comprehensive Drug Reform Act of
6 1987," N.J.S.2C:35-1 et al. or "drug paraphernalia" as defined
7 pursuant to N.J.S.2C:36-1 et seq.; or
8 c. (1) A crime involving the use of force or the threat of force to
9 or upon a person or property including, but not limited to, robbery,
10 aggravated assault, stalking, kidnapping, arson, manslaughter and
11 murder; or
12 (2) A crime as set forth in chapter 39 of Title 2C of the New
13 Jersey Statutes, a third degree crime as set forth in chapter 20 of
14 Title 2C of the New Jersey Statutes, or a crime as listed below:
15 Recklessly endangering another person
16 N.J.S.2C:12-2
17 Terroristic threats
18 N.J.S.2C:12-3
19 Criminal restraint
20 N.J.S.2C:13-2
21 Luring, enticing child into motor vehicle, structure or isolated
22 area
23 P.L.1993, c.291
24 Causing or risking widespread injury or damage
25 N.J.S.2C:17-2
26 Criminal mischief
27 N.J.S.2C:17-3
28 Burglary
29 N.J.S.2C:18-2
30 Usury
31 N.J.S.2C:21-19
32 Threats and other improper influence
33 N.J.S.2C:27-3
34 Perjury and false swearing
35 N.J.S.2C:28-3
36 Resisting arrest
37 N.J.S.2C:29-2
38 Escape
39 N.J.S.2C:29-5;
40 or
41 (3) Conspiracy to commit or an attempt to commit any of the
42 crimes described in this act.
43 d. For the purposes of this section, a conviction exists if the
44 individual has at any time been convicted under the laws of this
45 State or under any similar statutes of the United States or any other
46 state for a substantially equivalent crime or other offense.
47 e. Notwithstanding the provisions of this section, an individual
48 shall not be disqualified from employment or service under this act

1 on the basis of any conviction disclosed by a criminal record check
2 performed pursuant to this act without an opportunity to challenge
3 the accuracy of the disqualifying criminal history record.

4 f. When charges are pending for a crime or any other offense
5 enumerated in this section, the employing board of education shall
6 be notified that the candidate shall not be eligible for employment
7 until the commissioner has made a determination regarding
8 qualification or disqualification upon adjudication of the pending
9 charges.

10 g. This section shall first apply to criminal history record checks
11 conducted on or after the effective date of P.L.1998, c.31 (C.18A:6-
12 7.1c et al.); except that in the case of an individual employed by a
13 board of education or a contracted service provider who is required
14 to undergo a check upon employment with another board of
15 education or contracted service provider, the individual shall be
16 disqualified only for the following offenses:

17 (1) any offense enumerated in this section prior to the effective
18 date of P.L.1998, c.31 (C.18A:6-7.1c et al.); and

19 (2) any offense enumerated in this section which had not been
20 enumerated in this section prior to the effective date of P.L.1998,
21 c.31 (C.18A:6-7.1c et al.), if the person was convicted of that
22 offense on or after the effective date of that act.

23 (cf: P.L.2002, c.119, s.3)

24
25 2. Section 2 of P.L.1986, c.116 (C.18A:6-7.2) is amended to
26 read as follows:

27 2. An applicant for employment or service in any of the
28 positions covered by this act shall submit to the Commissioner of
29 Education his or her name, address and fingerprints taken in
30 accordance with procedures established by the commissioner. The
31 Commissioner of Education is hereby authorized to exchange
32 fingerprint data with and receive criminal history record
33 information from the federal Bureau of Investigation and the
34 Division of State Police for use in making the determinations
35 required by this act. No criminal history record check shall be
36 performed pursuant to this act unless the applicant shall have
37 furnished his or her written consent to such a check. The applicant
38 shall bear the cost for the criminal history record check, including
39 all costs for administering and processing the check.

40 If a facility, center, school, or school system under the
41 supervision of the Department of Education or board of education
42 requires a criminal history record check for an unpaid volunteer, the
43 facility, center, school, or school system under the supervision of
44 the Department of Education or school board shall reimburse the
45 applicant for the cost of the check. A facility, center, school, or
46 school system under the supervision of the Department of
47 Education or board of education may reimburse an applicant

1 serving in a paid position for the cost of the check.
2 (cf: P.L.2002, c.119, s.4)

3

4 3. This act shall take effect immediately.

5

6

7

8

9 Permits criminal history record check for unpaid volunteers in
10 schools and requires applicant to be reimbursed for costs of check;
11 permits the reimbursement of paid school personnel for such costs.

ASSEMBLY, No. 515

STATE OF NEW JERSEY

212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Assemblyman CHRISTOPHER "KIP" BATEMAN

District 16 (Morris and Somerset)

Assemblyman PETER J. BIONDI

District 16 (Morris and Somerset)

SYNOPSIS

Permits criminal history record check for unpaid volunteers in schools and requires applicant to be reimbursed for costs of check; permits the reimbursement of paid school personnel for such costs.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



A515 BATEMAN, BIONDI

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14 aide, child study team member, school physician, school nurse,
15 custodian, school maintenance worker, cafeteria worker, school law
16 enforcement officer, school secretary or clerical worker or any other
17 person serving in a position which involves regular contact with
18 pupils unless the employer has first determined consistent with the
19 requirements and standards of this act, that no criminal history
20 record information exists on file in the Federal Bureau of
21 Investigation, Identification Division, or the State Bureau of
22 Identification which would disqualify that individual from being
23 employed or utilized in such capacity or position. An individual
24 employed by a board of education or a school bus contractor
25 holding a contract with a board of education, in the capacity of a
26 school bus driver, shall be required to meet the criminal history
27 record requirements pursuant to section 6 of P.L.1989, c.104
28 (C.18A:39-19.1). [This section shall not apply to any individual
29 who provides services on a voluntary basis] A facility, center,
30 school, or school system under the supervision of the Department of
31 Education and board of education which cares for, or is involved in
32 the education of children under the age of 18 may require criminal
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34 basis, provide services that involve regular contact with pupils.

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36 shall be permanently disqualified from employment or service
37 under this act if the individual's criminal history record check
38 reveals a record of conviction for any crime of the first or second
39 degree; or

40 a. An offense as set forth in chapter 14 of Title 2C of the New
41 Jersey Statutes, or as set forth in N.J.S.2C:24-4 and 2C:24-7, or as
42 set forth in R.S.9:6-1 et seq., or as set forth in N.J.S.2C:29-2; or

43 b. An offense involving the manufacture, transportation, sale,
44 possession, distribution or habitual use of a "controlled dangerous

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2 1987," N.J.S.2C:35-1 et al. or "drug paraphernalia" as defined
3 pursuant to N.J.S.2C:36-1 et seq.; or

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5 or upon a person or property including, but not limited to, robbery,
6 aggravated assault, stalking, kidnapping, arson, manslaughter and
7 murder; or

8 (2) A crime as set forth in chapter 39 of Title 2C of the New
9 Jersey Statutes, a third degree crime as set forth in chapter 20 of
10 Title 2C of the New Jersey Statutes, or a crime as listed below:

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12 N.J.S.2C:12-2

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17 Luring, enticing child into motor vehicle, structure or isolated
18 area

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20 Causing or risking widespread injury or damage

21 N.J.S.2C:17-2

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29 N.J.S.2C:27-3

30 Perjury and false swearing

31 N.J.S.2C:28-3

32 Resisting arrest

33 N.J.S.2C:29-2

34 Escape

35 N.J.S.2C:29-5;

36 or

37 (3) Conspiracy to commit or an attempt to commit any of the
38 crimes described in this act.

39 d. For the purposes of this section, a conviction exists if the
40 individual has at any time been convicted under the laws of this
41 State or under any similar statutes of the United States or any other
42 state for a substantially equivalent crime or other offense.

43 e. Notwithstanding the provisions of this section, an individual
44 shall not be disqualified from employment or service under this act
45 on the basis of any conviction disclosed by a criminal record check
46 performed pursuant to this act without an opportunity to challenge
47 the accuracy of the disqualifying criminal history record.

48 f. When charges are pending for a crime or any other offense

1 enumerated in this section, the employing board of education shall
2 be notified that the candidate shall not be eligible for employment
3 until the commissioner has made a determination regarding
4 qualification or disqualification upon adjudication of the pending
5 charges.

6 g. This section shall first apply to criminal history record
7 checks conducted on or after the effective date of P.L.1998, c.31
8 (C.18A:6-7.1c et al.); except that in the case of an individual
9 employed by a board of education or a contracted service provider
10 who is required to undergo a check upon employment with another
11 board of education or contracted service provider, the individual
12 shall be disqualified only for the following offenses:

13 (1) any offense enumerated in this section prior to the effective
14 date of P.L.1998, c.31 (C.18A:6-7.1c et al.); and

15 (2) any offense enumerated in this section which had not been
16 enumerated in this section prior to the effective date of P.L.1998,
17 c.31 (C.18A:6-7.1c et al.), if the person was convicted of that
18 offense on or after the effective date of that act.

19 (cf: P.L.2002, c.119, s.3)

20

21 2. Section 2 of P.L.1986, c.116 (C.18A:6-7.2) is amended to
22 read as follows:

23 2. An applicant for employment or service in any of the
24 positions covered by this act shall submit to the Commissioner of
25 Education his or her name, address and fingerprints taken in
26 accordance with procedures established by the commissioner. The
27 Commissioner of Education is hereby authorized to exchange
28 fingerprint data with and receive criminal history record
29 information from the federal Bureau of Investigation and the
30 Division of State Police for use in making the determinations
31 required by this act. No criminal history record check shall be
32 performed pursuant to this act unless the applicant shall have
33 furnished his or her written consent to such a check. The applicant
34 shall bear the cost for the criminal history record check, including
35 all costs for administering and processing the check.

36 If a facility, center, school, or school system under the
37 supervision of the Department of Education or board of education
38 requires a criminal history record check for an unpaid volunteer, the
39 facility, center, school, or school system under the supervision of
40 the Department of Education or school board shall reimburse the
41 applicant for the cost of the check. A facility, center, school, or
42 school system under the supervision of the Department of
43 Education or board of education may reimburse an applicant
44 serving in a paid position for the cost of the check.

45 (cf: P.L.2002, c.119, s.4)

46

47 3. This act shall take effect immediately.

1 STATEMENT

2

3 The bill is designed to address two concerns regarding criminal
4 history record checks for persons providing services in a school
5 setting. Under current law persons providing voluntary services in
6 a school setting are not required to undergo criminal history record
7 checks, despite the fact that they may have regular contact with
8 pupils. There may be some instances in which it would be
9 appropriate to screen volunteers, and other instances where the
10 screening would be unnecessary. This bill would permit a facility,
11 center, school, or school system under the supervision of the
12 Department of Education or a board of education to require criminal
13 history record checks for individuals who, on an unpaid voluntary
14 basis, provide services that involve regular contact with pupils.

15 The other concern regarding criminal history record checks
16 involves the payment for the cost of the check. Under current law,
17 the applicant is required to bear the cost of the record check. Under
18 this bill a facility, center, school, or school system under the
19 supervision of the Department of Education or a board of education
20 which requires a criminal history record check for an unpaid
21 volunteer, would be required to reimburse that applicant for the cost
22 of the record check. The bill also provides that a facility, center,
23 school, or school system under the supervision of the Department of
24 Education or a board of education is permitted to pay the cost of the
25 record check for persons in paid positions.

26 This bill is modeled on recommendations of the New Jersey Law
27 Revision Commission.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 515

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 6, 2006

The Assembly Education Committee favorably reports Assembly Bill No. 515 with committee amendments.

As amended, this bill specifically authorizes a facility, center, school, or school system under the supervision of the Department of Education or a board of education to require criminal history record checks for individuals who, on an unpaid voluntary basis, provide services that involve regular contact with pupils. This bill also provides that the facility, center, school, or school system under the supervision of the Department of Education or a board of education which requires a criminal history record check for an unpaid volunteer is to reimburse that applicant for the cost of the record check.

In the case of a sending-receiving relationship, the bill requires that the decision to require criminal history record checks of volunteers be made jointly by the boards of education of the sending and receiving districts.

In addition the bill specifically authorizes a facility, center, school, or school system under the supervision of the Department of Education or a board of education to pay the cost of the record check for persons in paid positions.

This bill is modeled on recommendations of the New Jersey Law Revision Commission.

The committee amended the bill to require, in the case of school districts involved in a sending-receiving relationship, that the decision to require criminal history record checks for volunteers be made jointly by the boards of education of the sending and receiving districts.

This bill was pre-filed for introduction in the 2006-2007 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE EDUCATION COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 515

STATE OF NEW JERSEY

DATED: NOVEMBER 13, 2006

The Senate Education Committee reports favorably Assembly Bill No.515(1R).

This bill specifically authorizes a facility, center, school, or school system under the supervision of the Department of Education or a board of education to require criminal history record checks for individuals who, on an unpaid voluntary basis, provide services that involve regular contact with pupils. This bill also provides that the facility, center, school, or school system under the supervision of the Department of Education or a board of education which requires a criminal history record check for an unpaid volunteer is to reimburse that applicant for the cost of the record check.

In the case of a sending-receiving relationship, the bill requires that the decision to require criminal history record checks of volunteers be made jointly by the boards of education of the sending and receiving districts.

In addition the bill specifically authorizes a facility, center, school, or school system under the supervision of the Department of Education or a board of education to pay the cost of the record check for persons in paid positions.

This bill is modeled on recommendations of the New Jersey Law Revision Commission.

As reported by committee this bill is identical to Senate Bill No. 60 with committee amendments.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 515

STATE OF NEW JERSEY

DATED: FEBRUARY 8, 2007

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 515 (1R).

Assembly Bill No. 515 (1R) authorizes a facility, center, school, or school system under the supervision of the Department of Education or a board of education to require criminal history record checks for individuals who, on an unpaid voluntary basis, provide services that involve regular contact with pupils. The bill also provides that an unpaid volunteer may be reimbursed for the cost of the record check.

In addition, the bill specifies in the case of a sending-receiving relationship, that the decision to require criminal history record checks of volunteers be made jointly by the boards of education of the sending and receiving districts. The bill also authorizes a facility, center, school, or school system under the supervision of the Department of Education or a board of education to pay the cost of the record check for persons in paid positions.

As reported, this bill is identical to Senate Bill No. 60, also as reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services notes in a Legislative Fiscal Estimate on the bill that the cost for a single criminal history background check requested by a facility, center, school, or school system under the supervision of the Department of Education or a board of education is \$85; \$78 for the background check and a \$7 administrative fee for the Department of Education. The expenditures of a facility, center, school, or school system to reimburse this cost under the provisions of the bill will vary depending on: the number of unpaid volunteers providing a service to an educational unit and required by that unit to have a criminal history background check; and the number of persons employed by the educational unit following the bill's enactment, if the educational unit makes the decision to reimburse paid staff for the criminal history background check.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 515

STATE OF NEW JERSEY 212th LEGISLATURE

DATED: JUNE 22, 2006

SUMMARY

- Synopsis:** Permits criminal history background check for unpaid volunteers in schools and requires applicant to be reimbursed for costs of check; permits the reimbursement of paid school personnel for such costs.
- Type of Impact:** Possible expenditure increase
- Agencies Affected:** Local school districts

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Local Cost		Per individual, \$85	

- The bill permits certain educational entities, including school districts, which care for, or are involved in the education of children under the age of 18 to require criminal history background checks for individuals who, on an unpaid voluntary basis, provide services that involve regular contact with pupils. In the event that such a check is required, the bill requires the educational entity to reimburse the volunteer for the cost of the background check.
- The bill also permits these entities to reimburse an applicant for a criminal history background check if the applicant is serving in a paid position.
- Currently the cost of a criminal history background check is \$85; \$78 for the background check and a \$7 administrative fee for the Department of Education.

BILL DESCRIPTION

Assembly Bill No. 515 (1R) of 2006 specifically authorizes a facility, center, school, or school system under the supervision of the Department of Education or a board of education to require criminal history record checks for individuals who, on an unpaid voluntary basis, provide services that involve regular contact with pupils. This bill also provides that the facility, center,

school, or school system under the supervision of the Department of Education or a board of education which requires a criminal history record check for an unpaid volunteer is to reimburse that applicant for the cost of the record check.

In the case of a sending-receiving relationship, the bill requires that the decision to require criminal history record checks of volunteers be made jointly by the boards of education of the sending and receiving districts.

In addition the bill specifically authorizes a facility, center, school, or school system under the supervision of the Department of Education or a board of education to pay the cost of the record check for persons in paid positions.

FISCAL ANALYSIS

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services notes that based on the information provided by the Department of Education, the total cost for the criminal history background check is \$85. This includes \$78 for the Live Scan fingerprinting process and a \$7 administrative fee charged by the Department of Education (see <http://www.nj.gov/njded/educators/crimhist>). The cost under the provisions of the bill will vary depending on: the number of volunteers providing a service to an educational unit and required by that unit to have a criminal history background check; and the number of persons employed by the educational unit following the bill's enactment, if the educational unit makes the decision to reimburse paid staff for the criminal history background check.

Section: Education

Analyst: Theodore C. Settle
Principal Research Analyst

Approved: David J. Rosen
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L. 1980, c.67.

SENATE, No. 60

STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Senator WALTER J. KAVANAUGH

District 16 (Morris and Somerset)

Senator NICHOLAS J. SACCO

District 32 (Bergen and Hudson)

SYNOPSIS

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Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 2/28/2006)

S60 KAVANAUGH, SACCO

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Matter underlined thus is new matter.

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5 or upon a person or property including, but not limited to, robbery,
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13 Terroristic threats

14 N.J.S.2C:12-3

15 Criminal restraint

16 N.J.S.2C:13-2

17 Luring, enticing child into motor vehicle, structure or isolated
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19 P.L.1993, c.291

20 Causing or risking widespread injury or damage

21 N.J.S.2C:17-2

22 Criminal mischief

23 N.J.S.2C:17-3

24 Burglary

25 N.J.S.2C:18-2

26 Usury

27 N.J.S.2C:21-19

28 Threats and other improper influence

29 N.J.S.2C:27-3

30 Perjury and false swearing

31 N.J.S.2C:28-3

32 Resisting arrest

33 N.J.S.2C:29-2

34 Escape

35 N.J.S.2C:29-5;

36 or

37 (3) Conspiracy to commit or an attempt to commit any of the
38 crimes described in this act.

39 d. For the purposes of this section, a conviction exists if the
40 individual has at any time been convicted under the laws of this
41 State or under any similar statutes of the United States or any other
42 state for a substantially equivalent crime or other offense.

43 e. Notwithstanding the provisions of this section, an individual
44 shall not be disqualified from employment or service under this act
45 on the basis of any conviction disclosed by a criminal record check
46 performed pursuant to this act without an opportunity to challenge
47 the accuracy of the disqualifying criminal history record.

48 f. When charges are pending for a crime or any other offense

1 enumerated in this section, the employing board of education shall
2 be notified that the candidate shall not be eligible for employment
3 until the commissioner has made a determination regarding
4 qualification or disqualification upon adjudication of the pending
5 charges.

6 g. This section shall first apply to criminal history record
7 checks conducted on or after the effective date of P.L.1998, c.31
8 (C.18A:6-7.1c et al.); except that in the case of an individual
9 employed by a board of education or a contracted service provider
10 who is required to undergo a check upon employment with another
11 board of education or contracted service provider, the individual
12 shall be disqualified only for the following offenses:

13 (1) any offense enumerated in this section prior to the effective
14 date of P.L.1998, c.31 (C.18A:6-7.1c et al.); and

15 (2) any offense enumerated in this section which had not been
16 enumerated in this section prior to the effective date of P.L.1998,
17 c.31 (C.18A:6-7.1c et al.), if the person was convicted of that
18 offense on or after the effective date of that act.

19 (cf: P.L.2002, c.119, s.3)

20

21 2. Section 2 of P.L.1986, c.116 (C.18A:6-7.2) is amended to
22 read as follows:

23 2. An applicant for employment or service in any of the
24 positions covered by this act shall submit to the Commissioner of
25 Education his or her name, address and fingerprints taken in
26 accordance with procedures established by the commissioner. The
27 Commissioner of Education is hereby authorized to exchange
28 fingerprint data with and receive criminal history record
29 information from the federal Bureau of Investigation and the
30 Division of State Police for use in making the determinations
31 required by this act. No criminal history record check shall be
32 performed pursuant to this act unless the applicant shall have
33 furnished his or her written consent to such a check. The applicant
34 shall bear the cost for the criminal history record check, including
35 all costs for administering and processing the check.

36 If a facility, center, school, or school system under the
37 supervision of the Department of Education or board of education
38 requires a criminal history record check for an unpaid volunteer, the
39 facility, center, school, or school system under the supervision of
40 the Department of Education or school board shall reimburse the
41 applicant for the cost of the check. A facility, center, school, or
42 school system under the supervision of the Department of
43 Education or board of education may reimburse an applicant
44 serving in a paid position for the cost of the check.

45 (cf: P.L.2002, c.119, s.4)

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47 3. This act shall take effect immediately.

STATEMENT

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The bill is designed to address two concerns regarding criminal history record checks for persons providing services in a school setting. Under current law persons providing voluntary services in a school setting are not required to undergo criminal history record checks, despite the fact that they may have regular contact with pupils. There may be some instances in which it would be appropriate to screen volunteers, and other instances where the screening would be unnecessary. This bill would permit a facility, center, school, or school system under the supervision of the Department of Education or a board of education to require criminal history record checks for individuals who, on an unpaid voluntary basis, provide services that involve regular contact with pupils.

The other concern regarding criminal history record checks involves the payment for the cost of the check. Under current law, the applicant is required to bear the cost of the record check. Under this bill a facility, center, school, or school system under the supervision of the Department of Education or a board of education which requires a criminal history record check for an unpaid volunteer, would be required to reimburse that applicant for the cost of the record check. The bill also provides that a facility, center, school, or school system under the supervision of the Department of Education or a board of education is permitted to pay the cost of the record check for persons in paid positions.

This bill is modeled on recommendations of the New Jersey Law Revision Commission.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 60

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 13, 2006

The Senate Education Committee reports favorably Senate Bill No. 60 with committee amendments.

As amended, this bill specifically authorizes a facility, center, school, or school system under the supervision of the Department of Education or a board of education to require criminal history record checks for individuals who, on an unpaid voluntary basis, provide services that involve regular contact with pupils. This bill also provides that the facility, center, school, or school system under the supervision of the Department of Education or a board of education which requires a criminal history record check for an unpaid volunteer is to reimburse that applicant for the cost of the record check.

In the case of a sending-receiving relationship, the bill requires that the decision to require criminal history record checks of volunteers be made jointly by the boards of education of the sending and receiving districts.

In addition the bill specifically authorizes a facility, center, school, or school system under the supervision of the Department of Education or a board of education to pay the cost of the record check for persons in paid positions.

This bill is modeled on recommendations of the New Jersey Law Revision Commission.

The committee amended the bill to require, in the case of school districts involved in a sending-receiving relationship, that the decision to require criminal history record checks for volunteers be made jointly by the boards of education of the sending and receiving districts.

As amended by committee, this bill is identical to Assembly Bill No. 515 (1R).

This bill was pre-filed for introduction in the 2006-2007 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 60

STATE OF NEW JERSEY

DATED: FEBRUARY 8, 2007

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 60 (1R).

Senate Bill No. 60 (1R) authorizes a facility, center, school, or school system under the supervision of the Department of Education or a board of education to require criminal history record checks for individuals who, on an unpaid voluntary basis, provide services that involve regular contact with pupils. The bill also provides that an unpaid volunteer may be reimbursed for the cost of the record check.

In addition, the bill specifies in the case of a sending-receiving relationship, that the decision to require criminal history record checks of volunteers be made jointly by the boards of education of the sending and receiving districts. The bill also authorizes a facility, center, school, or school system under the supervision of the Department of Education or a board of education to pay the cost of the record check for persons in paid positions.

As reported, this bill is identical to Assembly Bill No. 515 (1R), as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services notes in a Legislative Fiscal Estimate on the identical Assembly bill that the cost for a single criminal history background check requested by a facility, center, school, or school system under the supervision of the Department of Education or a board of education is \$85; \$78 for the background check and a \$7 administrative fee for the Department of Education. The expenditures of a facility, center, school, or school system to reimburse this cost under the provisions of the bill will vary depending on: the number of unpaid volunteers providing a service to an educational unit and required by that unit to have a criminal history background check; and the number of persons employed by the educational unit following the bill's enactment, if the educational unit makes the decision to reimburse paid staff for the criminal history background check.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 60

STATE OF NEW JERSEY 212th LEGISLATURE

DATED: FEBRUARY 8, 2007

SUMMARY

- Synopsis:** Permits criminal history background check for unpaid volunteers in schools and requires applicant to be reimbursed for costs of check; permits the reimbursement of paid school personnel for such costs.
- Type of Impact:** Possible expenditure increase
- Agencies Affected:** Local school districts

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Local Cost		Per individual, \$85	

- The bill permits certain educational entities, including school districts, which care for, or are involved in the education of children under the age of 18 to require criminal history background checks for individuals who, on an unpaid voluntary basis, provide services that involve regular contact with pupils. In the event that such a check is required, the bill requires the educational entity to reimburse the volunteer for the cost of the background check.
- The bill also permits these entities to reimburse an applicant for a criminal history background check if the applicant is serving in a paid position.
- Currently the cost of a criminal history background check is \$85; \$78 for the background check and a \$7 administrative fee for the Department of Education.

BILL DESCRIPTION

Senate Bill No. 60 (1R) of 2006 specifically authorizes a facility, center, school, or school system under the supervision of the Department of Education or a board of education to require criminal history record checks for individuals who, on an unpaid voluntary basis, provide services that involve regular contact with pupils. This bill also provides that the facility, center, school, or school system under the supervision of the Department of Education or a board of

education which requires a criminal history record check for an unpaid volunteer is to reimburse that applicant for the cost of the record check.

In the case of a sending-receiving relationship, the bill requires that the decision to require criminal history record checks of volunteers be made jointly by the boards of education of the sending and receiving districts.

In addition the bill specifically authorizes a facility, center, school, or school system under the supervision of the Department of Education or a board of education to pay the cost of the record check for persons in paid positions.

FISCAL ANALYSIS

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services notes that based on the information provided by the Department of Education, the total cost for the criminal history background check is \$85. This includes \$78 for the Live Scan fingerprinting process and a \$7 administrative fee charged by the Department of Education (see <http://www.nj.gov/njded/educators/crimhist>). The cost under the provisions of the bill will vary depending on: the number of volunteers providing a service to an educational unit and required by that unit to have a criminal history background check; and the number of persons employed by the educational unit following the bill's enactment, if the educational unit makes the decision to reimburse paid staff for the criminal history background check.

Section: Education

Analyst: Theodore C. Settle
Principal Research Analyst

Approved: David J. Rosen
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L. 1980, c.67.