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LAW/RWH

§5 - C.18A:12-1.2
§7 –
C.18A:36A-11.1
§§6,8 - T&E

P.L.2011, CHAPTER 72, *approved May 26, 2011*
Assembly, No. 444 (*Second Reprint*)

1 AN ACT concerning the qualifications of a member of a board of
2 education ¹or a charter school board of trustees¹, and amending
3 and supplementing various parts of the statutory law.
4

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

7
8 1. N.J.S.18A:12-1 is amended to read as follows:

9 18A:12-1. Each member of any board of education shall be a
10 citizen and resident of the district, or of such constituent district of
11 a consolidated or regional district as may be required by law, and
12 shall have been such for at least one year immediately preceding his
13 appointment or election, he shall be able to read and write, shall be
14 registered to vote in the district, and, notwithstanding the provisions
15 of N.J.S.2C:51-1 or any other law to the contrary, he is not
16 disqualified as a voter pursuant to R.S.19:4-1 and has not been
17 convicted of:

18 any crime of the first or second degree;

19 an offense as set forth in chapter 14 of Title 2C of the New
20 Jersey Statutes, or as set forth in N.J.S.2C:24-4 and 2C:24-7, or as
21 set forth in R.S.9:6-1 et seq., or as set forth in N.J.S.2C:29-2;

22 an offense involving the manufacture, transportation, sale,
23 possession, distribution or habitual use of a "controlled dangerous
24 substance" as defined in the "Comprehensive Drug Reform Act of
25 1987," N.J.S.2C:35-1 et al. or "drug paraphernalia" as defined
26 pursuant to N.J.S.2C:36-1 et seq.;

27 a crime involving the use of force or the threat of force to or
28 upon a person or property including, but not limited to, robbery,
29 aggravated assault, stalking, kidnapping, arson, manslaughter and
30 murder;

31 a crime as set forth in chapter 39 of Title 2C of the New Jersey
32 Statutes, a third degree crime as set forth in chapter 20 of Title 2C
33 of the New Jersey Statutes, or a crime as listed below:

34 Recklessly endangering another person N.J.S.2C:12-2

35 Terroristic threats N.J.S.2C:12-3

36 Criminal restraint N.J.S.2C:13-2

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:

¹Senate floor amendments adopted December 20, 2010.

²Assembly amendments adopted in accordance with Governor's recommendations May 5, 2011.

1	<u>Luring, enticing child into motor vehicle,</u>	
2	<u>structure or isolated area</u>	<u>P.L.1993, c.291</u>
3	<u>Causing or risking widespread injury</u>	
4	<u>or damage</u>	<u>N.J.S.2C:17-2</u>
5	<u>Criminal mischief</u>	<u>N.J.S.2C:17-3</u>
6	<u>Burglary</u>	<u>N.J.S.2C:18-2</u>
7	<u>Usury</u>	<u>N.J.S.2C:21-19</u>
8	<u>Threats and other improper influence</u>	<u>N.J.S.2C:27-3</u>
9	<u>Perjury and false swearing</u>	<u>N.J.S.2C:28-3</u>
10	<u>Resisting arrest</u>	<u>N.J.S.2C:29-2</u>
11	<u>Escape</u>	<u>N.J.S.2C:29-5</u>
12	<u>²Bias intimidation</u>	<u>N.J.S.2C:16-1²;</u>
13	<u>any crime of the fourth degree involving a victim who is a minor;</u>	
14	<u>or</u>	
15	<u>conspiracy to commit or an attempt to commit any of the</u>	
16	<u>aforesaid crimes.</u>	

17 For the purposes of this section, a conviction exists if the
 18 individual has been convicted, at any time, under the laws of this
 19 State or under any similar statutes of the United States or any other
 20 state for a substantially equivalent crime or other offense.
 21 (cf: P.L.1987, c.328, s.1)

22
 23 2. N.J.S.18A:12-2.1 is amended to read as follows:

24 18A:12-2.1. Each member of a board of education shall, before
 25 entering upon the duties of his office, take and subscribe:

26 (1) An oath that he possesses the qualifications of membership
 27 prescribed by law, including a specific declaration that he is not
 28 disqualified as a voter pursuant to R.S.19:4-1 and a specific
 29 declaration that he is not disqualified due to conviction of a crime
 30 or offense listed in N.J.S.18A:12-1, and that he will faithfully
 31 discharge the duties of this office, and also

32 (2) The oath prescribed by R.S.41:1-3 of the Revised Statutes.

33 In the case of a Type I school district the oath shall be filed with
 34 the clerk of the municipality and in all other cases it shall be filed
 35 with the secretary of the board of education of the district.

36 (cf: P.L.1987, c.328, s.2)

37
 38 3. Section 5 of P.L.1987, c.328 (C.18A:12-2.2) is amended to
 39 read as follows:

40 5. Any member of a board of education who falsely affirms or
 41 declares that he is not disqualified as a voter pursuant to R.S.19:4-1,
 42 or that he is not disqualified from membership on the board due to
 43 conviction of a crime or offense listed in N.J.S.18A:12-1, is, in
 44 addition to immediate disqualification for office, guilty of a crime
 45 of the fourth degree.

46 (cf: P.L.2005, c.154, s.1)

1 4. N.J.S.18A:12-3 is amended to read as follows:

2 18A:12-3. Whenever a member of a local or regional board of
3 education shall cease to be a bona fide resident of the district, or of
4 any constituent district of a consolidated or regional district which
5 he represents, or shall become mayor or a member of the governing
6 body of a municipality, his membership in the board shall
7 immediately cease; and, any member who fails to attend three
8 consecutive meetings of the board without good cause may be
9 removed by it. Whenever a member of a county special service
10 school district or a member of a county vocational school district
11 shall cease to be a bona fide resident of the district, or shall hold
12 office as a member of the governing body of a county, his
13 membership on the board shall immediately cease.

14 Notwithstanding the provisions of N.J.S.2C:51-1 or any other
15 law to the contrary, whenever a member of a board of education is
16 disqualified as a voter pursuant to R.S.19:4-1, or is convicted of
17 **【false swearing as provided in section 5 of P.L.1987, c.328**
18 **(C.18A:12-2.2)】** a crime or offense listed in N.J.S.18A:12-1, his
19 membership on the board shall immediately cease.

20 (cf: P.L.1987, c.328, s.3)

21

22 5. (New section) a. Each member of any board of education,
23 within 30 days of election or appointment to that board, shall
24 undergo a criminal history background investigation for the purpose
25 of ensuring that the member is not disqualified from membership
26 due to a conviction of a crime or offense listed in N.J.S.18A:12-1.

27 b. A member of a board of education shall submit to the
28 Commissioner of Education his or her name, address and
29 fingerprints taken in accordance with procedures established by the
30 commissioner. The Commissioner of Education is hereby
31 authorized to exchange fingerprint data with and receive criminal
32 history record information from the federal Bureau of Investigation
33 and the Division of State Police for use in making the
34 determinations required by this act. A member shall furnish his or
35 her written consent to such a check as a condition of holding the
36 office of school board member. The member shall bear the cost for
37 the criminal history record check, including all costs for
38 administering and processing the check, except that an elected
39 member may use unexpended campaign funds to pay such costs.
40 'The board of education may reimburse the member for the cost of
41 the criminal history record check, including all costs for
42 administering and processing the check.'¹

43 c. The Commissioner of Education is authorized to:

44 receive all criminal history data necessary to complete the
45 criminal history records check as required pursuant to this section;

1 receive all data in accordance with this section on charges
2 pending against a member of a board of education who has
3 previously undergone a criminal history records check; and

4 adjust the fees set by the Department of Education for the
5 criminal history records checks.

6 d. Upon receipt of the criminal history record information for a
7 member of a board of education from the Federal Bureau of
8 Investigation and the Division of State Police, the Commissioner of
9 Education shall notify the member, in writing, of the member's
10 qualification or disqualification from holding the office of member
11 of a board of education. If the member is disqualified, the
12 convictions which constitute the basis for the disqualification shall
13 be identified in the written notice to the member. The member shall
14 have 14 days from the date of the written notice of disqualification
15 to challenge the accuracy of the criminal history record information.
16 If no challenge is filed or if the determination of the accuracy of
17 the criminal history record information upholds the disqualification,
18 the commissioner shall notify the member's board of education that
19 the member has been disqualified from membership on the board.

20 e. The commissioner is authorized to share all criminal history
21 record information of a member received from the Federal Bureau
22 of Investigation or the State Bureau of Identification with the
23 appropriate court in order to obtain copies of the judgment of
24 conviction and such other documents as the commissioner deems
25 necessary to confirm the completeness and accuracy of the record.

26 f. Following qualification for membership on a board of
27 education pursuant to this section, the State Bureau of Identification
28 shall immediately forward to the Commissioner of Education any
29 information which the bureau receives on a charge pending against
30 a member. If the charge is for one of the crimes or offenses
31 enumerated in N.J.S.18A:12-1, the commissioner shall notify the
32 member's board of education, and the board shall take appropriate
33 action. If the pending charge results in conviction, the member
34 shall be disqualified for continued membership.

35 g. The Commissioner of Education shall permanently maintain
36 the criminal record and application documents on a member of a
37 board of education. All documents submitted by a candidate and all
38 criminal history record information shall be maintained by the
39 commissioner in a confidential manner.

40
41 6. (New section) Each member of a board of education holding
42 office on the effective date of this act shall comply with the
43 criminal history background investigation requirements of section 5
44 of P.L. , c. (C.) (pending before the Legislature as this bill)
45 within 30 days of that effective date.

1 17. (New section) a. A person may not serve as a member of
2 the board of trustees of a charter school if he or she has been
3 convicted of a crime or offense listed in N.J.S.18A:12-1.

4 b. Each member of a charter school board of trustees, within 30
5 days of appointment to that board, shall undergo a criminal history
6 background investigation for the purpose of ensuring that the
7 member is not disqualified from membership due to a conviction of
8 a crime or offense listed in N.J.S.18A:12-1.

9 c. A member of a charter school board of trustees shall submit
10 to the Commissioner of Education his or her name, address and
11 fingerprints taken in accordance with procedures established by the
12 commissioner. The Commissioner of Education is hereby
13 authorized to exchange fingerprint data with and receive criminal
14 history record information from the federal Bureau of Investigation
15 and the Division of State Police for use in making the
16 determinations required by this act. A member shall furnish his or
17 her written consent to such a check as a condition of holding the
18 office of charter school board of trustee member. The member shall
19 bear the cost for the criminal history record check, including all
20 costs for administering and processing the check. The charter
21 school may reimburse the member for the cost of the criminal
22 history record check, including all costs for administering and
23 processing the check.

24 d. The Commissioner of Education is authorized to:
25 receive all criminal history data necessary to complete the
26 criminal history records check as required pursuant to this section;
27 receive all data in accordance with this section on charges
28 pending against a member who has previously undergone a criminal
29 history records check; and
30 adjust the fees set by the Department of Education for the
31 criminal history records checks.

32 e. Upon receipt of the criminal history record information for a
33 member of a charter school board of trustees from the Federal
34 Bureau of Investigation and the Division of State Police, the
35 Commissioner of Education shall notify the member, in writing, of
36 the member's qualification or disqualification from holding the
37 office of member of a board. If the member is disqualified, the
38 convictions which constitute the basis for the disqualification shall
39 be identified in the written notice to the member. The member shall
40 have 14 days from the date of the written notice of disqualification
41 to challenge the accuracy of the criminal history record information.
42 If no challenge is filed or if the determination of the accuracy of
43 the criminal history record information upholds the disqualification,
44 the commissioner shall notify the member's board of trustees that
45 the member has been disqualified from membership on the board.

46 f. The commissioner is authorized to share all criminal history
47 record information of a member received from the Federal Bureau

1 of Investigation or the State Bureau of Identification with the
2 appropriate court in order to obtain copies of the judgment of
3 conviction and such other documents as the commissioner deems
4 necessary to confirm the completeness and accuracy of the record.

5 g. Following qualification for membership on a board of
6 trustees pursuant to this section, the State Bureau of Identification
7 shall immediately forward to the Commissioner of Education any
8 information which the bureau receives on a charge pending against
9 a member. If the charge is for one of the crimes or offenses
10 enumerated in N.J.S.18A:12-1, the commissioner shall notify the
11 member's board of trustees, and the board shall take appropriate
12 action. If the pending charge results in conviction, the member
13 shall be disqualified for continued membership.

14 h. The Commissioner of Education shall permanently maintain
15 the criminal record and application documents on a member of a
16 board of trustees. All documents submitted by a candidate and all
17 criminal history record information shall be maintained by the
18 commissioner in a confidential manner.¹

19

20 ¹8. (New section) Each member of a board of trustees of a
21 charter school holding office on the effective date of this act shall
22 comply with the criminal history background investigation
23 requirements of section 7 of P.L. , c. (C.) (pending before the
24 Legislature as this bill) within 30 days of that effective date.¹

25

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

28 1. A facility, center, school, or school system under the
29 supervision of the Department of Education and board of education
30 which cares for, or is involved in the education of children under
31 the age of 18 shall not employ for pay or contract for the paid
32 services of any teaching staff member or substitute teacher, teacher
33 aide, child study team member, school physician, school nurse,
34 custodian, school maintenance worker, cafeteria worker, school law
35 enforcement officer, school secretary or clerical worker or any other
36 person serving in a position which involves regular contact with
37 pupils unless the employer has first determined consistent with the
38 requirements and standards of this act, that no criminal history
39 record information exists on file in the Federal Bureau of
40 Investigation, Identification Division, or the State Bureau of
41 Identification which would disqualify that individual from being
42 employed or utilized in such capacity or position. An individual
43 employed by a board of education or a school bus contractor
44 holding a contract with a board of education, in the capacity of a
45 school bus driver, shall be required to meet the criminal history
46 record requirements pursuant to section 6 of P.L.1989, c.104
47 (C.18A:39-19.1). A facility, center, school, or school system under

1 the supervision of the Department of Education and board of
 2 education which cares for, or is involved in the education of
 3 children under the age of 18 may require criminal history record
 4 checks for individuals who, on an unpaid voluntary basis, provide
 5 services that involve regular contact with pupils. In the case of
 6 school districts involved in a sending-receiving relationship, the
 7 decision to require criminal history record checks for volunteers
 8 shall be made jointly by the boards of education of the sending and
 9 receiving districts.

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

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

18 b. An offense involving the manufacture, transportation, sale,
 19 possession, distribution or habitual use of a "controlled dangerous
 20 substance" as defined in the "Comprehensive Drug Reform Act of
 21 1987," N.J.S.2C:35-1 et al. or "drug paraphernalia" as defined
 22 pursuant to N.J.S.2C:36-1 et seq.; or

23 c. (1) A crime involving the use of force or the threat of force
 24 to or upon a person or property including, but not limited to,
 25 robbery, aggravated assault, stalking, kidnapping, arson,
 26 manslaughter and murder; or

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

30	Recklessly endangering another person	N.J.S.2C:12-2
31	Terroristic threats	N.J.S.2C:12-3
32	Criminal restraint	N.J.S.2C:13-2
33	Luring, enticing child into motor	
34	vehicle, structure or isolated area	P.L.1993, c.291
35	(C.2C:13-6)	
36	Causing or risking widespread injury	
37	or damage	N.J.S.2C:17-2
38	Criminal mischief	N.J.S.2C:17-3
39	Burglary	N.J.S.2C:18-2
40	Usury	N.J.S.2C:21-19
41	Threats and other improper influence	N.J.S.2C:27-3
42	Perjury and false swearing	N.J.S.2C:28-3
43	Resisting arrest	N.J.S.2C:29-2
44	Escape	N.J.S.2C:29-5
45	Bias intimidation	N.J.S.2C:16-1;
46	or	

1 (3) Any crime of the fourth degree involving a victim who is a
2 minor; or

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

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

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

14 f. When charges are pending for a crime or any other offense
15 enumerated in this section, the employing board of education shall
16 be notified that the candidate shall not be eligible for employment
17 until the commissioner has made a determination regarding
18 qualification or disqualification upon adjudication of the pending
19 charges.

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

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

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

33 (cf: P.L.2010, c.122, s.3)

34

35 ¹[7.] ²[9.1] 10.² This act shall take effect immediately.

36

37

38

39

40 Disqualifies member of board of education or member of charter
41 school board of trustees for conviction of certain crimes and
42 requires member to undergo criminal history background
43 investigation.

ASSEMBLY, No. 444

STATE OF NEW JERSEY

214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Assemblyman JERRY GREEN

District 22 (Middlesex, Somerset and Union)

Assemblyman JON M. BRAMNICK

District 21 (Essex, Morris, Somerset and Union)

Assemblyman JACK CONNERS

District 7 (Burlington and Camden)

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington and Camden)

Co-Sponsored by:

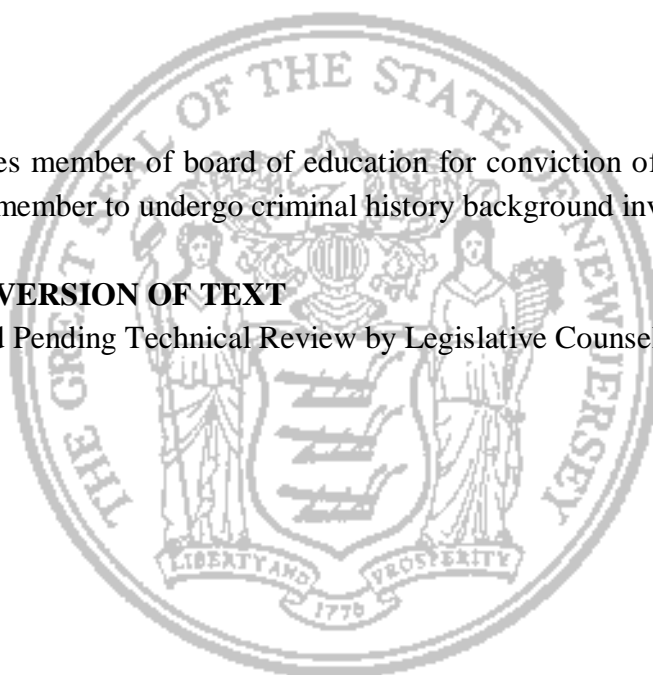
**Assemblyman Scalera, Assemblywomen Tucker, Evans, Spencer,
Assemblyman Chivukula, Assemblywoman Wagner, Assemblyman
Diegnan, Assemblywomen Stender, Pou, N.Munoz, Assemblymen
Coutinho, Giblin, Wisniewski, Assemblywoman Watson Coleman,
Assemblyman Greenwald, Assemblywoman Vandervalk and
Assemblyman Cryan**

SYNOPSIS

Disqualifies member of board of education for conviction of certain crimes and requires member to undergo criminal history background investigation.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning the qualifications of a member of a board of
2 education, and amending and supplementing various parts of the
3 statutory law.

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

7
8 1. N.J.S.18A:12-1 is amended to read as follows:

9 18A:12-1. Each member of any board of education shall be a
10 citizen and resident of the district, or of such constituent district of
11 a consolidated or regional district as may be required by law, and
12 shall have been such for at least one year immediately preceding his
13 appointment or election, he shall be able to read and write, shall be
14 registered to vote in the district, and, notwithstanding the provisions
15 of N.J.S.2C:51-1 or any other law to the contrary, he is not
16 disqualified as a voter pursuant to R.S.19:4-1 and has not been
17 convicted of:

18 any crime of the first or second degree;

19 an offense as set forth in chapter 14 of Title 2C of the New
20 Jersey Statutes, or as set forth in N.J.S.2C:24-4 and 2C:24-7, or as
21 set forth in R.S.9:6-1 et seq., or as set forth in N.J.S.2C:29-2;

22 an offense involving the manufacture, transportation, sale,
23 possession, distribution or habitual use of a "controlled dangerous
24 substance" as defined in the "Comprehensive Drug Reform Act of
25 1987," N.J.S.2C:35-1 et al. or "drug paraphernalia" as defined
26 pursuant to N.J.S.2C:36-1 et seq.;

27 a crime involving the use of force or the threat of force to or
28 upon a person or property including, but not limited to, robbery,
29 aggravated assault, stalking, kidnapping, arson, manslaughter and
30 murder;

31 a crime as set forth in chapter 39 of Title 2C of the New Jersey
32 Statutes, a third degree crime as set forth in chapter 20 of Title 2C
33 of the New Jersey Statutes, or a crime as listed below:

34 Recklessly endangering another person N.J.S.2C:12-2

35 Terroristic threats N.J.S.2C:12-3

36 Criminal restraint N.J.S.2C:13-2

37 Luring, enticing child into motor vehicle,
38 structure or isolated area P.L.1993, c.291

39 Causing or risking widespread injury
40 or damage N.J.S.2C:17-2

41 Criminal mischief N.J.S.2C:17-3

42 Burglary N.J.S.2C:18-2

43 Usury N.J.S.2C:21-19

44 Threats and other improper influence N.J.S.2C:27-3

45 Perjury and false swearing N.J.S.2C:28-3

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 Resisting arrest N.J.S.2C:29-2
2 Escape N.J.S.2C:29-5;
3
4 any crime of the fourth degree involving a victim who is a minor;
5 or
6 conspiracy to commit or an attempt to commit any of the
7 aforesaid crimes.

8 For the purposes of this section, a conviction exists if the
9 individual has been convicted, at any time, under the laws of this
10 State or under any similar statutes of the United States or any other
11 state for a substantially equivalent crime or other offense.
12 (cf: P.L.1987, c.328, s.1)

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14 2. N.J.S.18A:12-2.1 is amended to read as follows:
15 18A:12-2.1. Each member of a board of education shall, before
16 entering upon the duties of his office, take and subscribe:

17 (1) An oath that he possesses the qualifications of membership
18 prescribed by law, including a specific declaration that he is not
19 disqualified as a voter pursuant to R.S.19:4-1 and a specific
20 declaration that he is not disqualified due to conviction of a crime
21 or offense listed in N.J.S.18A:12-1, and that he will faithfully
22 discharge the duties of this office, and also

23 (2) The oath prescribed by R.S.41:1-3 of the Revised Statutes.

24 In the case of a Type I school district the oath shall be filed with
25 the clerk of the municipality and in all other cases it shall be filed
26 with the secretary of the board of education of the district.
27 (cf: P.L.1987, c.328, s.2)

28
29 3. Section 5 of P.L.1987, c.328 (C.18A:12-2.2) is amended to
30 read as follows:

31 5. Any member of a board of education who falsely affirms or
32 declares that he is not disqualified as a voter pursuant to R.S.19:4-1,
33 or that he is not disqualified from membership on the board due to
34 conviction of a crime or offense listed in N.J.S.18A:12-1, is, in
35 addition to immediate disqualification for office, guilty of a crime
36 of the fourth degree.
37 (cf: P.L.2005, c.154, s.1)

38
39 4. N.J.S.18A:12-3 is amended to read as follows:
40 18A:12-3. Whenever a member of a local or regional board of
41 education shall cease to be a bona fide resident of the district, or of
42 any constituent district of a consolidated or regional district which
43 he represents, or shall become mayor or a member of the governing
44 body of a municipality, his membership in the board shall
45 immediately cease; and, any member who fails to attend three
46 consecutive meetings of the board without good cause may be
47 removed by it. Whenever a member of a county special service

1 school district or a member of a county vocational school district
2 shall cease to be a bona fide resident of the district, or shall hold
3 office as a member of the governing body of a county, his
4 membership on the board shall immediately cease.

5 Notwithstanding the provisions of N.J.S.2C:51-1 or any other
6 law to the contrary, whenever a member of a board of education is
7 disqualified as a voter pursuant to R.S.19:4-1, or is convicted of
8 **【false swearing as provided in section 5 of P.L.1987, c.328**
9 **(C.18A:12-2.2)】** a crime or offense listed in N.J.S.18A:12-1, his
10 membership on the board shall immediately cease.

11 (cf: P.L.1987, c.328, s.3)

12

13 5. (New section) a. Each member of any board of education,
14 within 30 days of election or appointment to that board, shall
15 undergo a criminal history background investigation for the purpose
16 of ensuring that the member is not disqualified from membership
17 due to a conviction of a crime or offense listed in N.J.S.18A:12-1.

18 b. A member of a board of education shall submit to the
19 Commissioner of Education his or her name, address and
20 fingerprints taken in accordance with procedures established by the
21 commissioner. The Commissioner of Education is hereby
22 authorized to exchange fingerprint data with and receive criminal
23 history record information from the federal Bureau of Investigation
24 and the Division of State Police for use in making the
25 determinations required by this act. A member shall furnish his or
26 her written consent to such a check as a condition of holding the
27 office of school board member. The member shall bear the cost for
28 the criminal history record check, including all costs for
29 administering and processing the check, except that an elected
30 member may use unexpended campaign funds to pay such costs.

31 c. The Commissioner of Education is authorized to:

32 receive all criminal history data necessary to complete the
33 criminal history records check as required pursuant to this section;

34 receive all data in accordance with this section on charges
35 pending against a member of a board of education who has
36 previously undergone a criminal history records check; and

37 adjust the fees set by the Department of Education for the
38 criminal history records checks.

39 d. Upon receipt of the criminal history record information for a
40 member of a board of education from the Federal Bureau of
41 Investigation and the Division of State Police, the Commissioner of
42 Education shall notify the member, in writing, of the member's
43 qualification or disqualification from holding the office of member
44 of a board of education. If the member is disqualified, the
45 convictions which constitute the basis for the disqualification shall
46 be identified in the written notice to the member. The member shall
47 have 14 days from the date of the written notice of disqualification

1 to challenge the accuracy of the criminal history record information.
2 If no challenge is filed or if the determination of the accuracy of
3 the criminal history record information upholds the disqualification,
4 the commissioner shall notify the member's board of education that
5 the member has been disqualified from membership on the board.

6 e. The commissioner is authorized to share all criminal history
7 record information of a member received from the Federal Bureau
8 of Investigation or the State Bureau of Identification with the
9 appropriate court in order to obtain copies of the judgment of
10 conviction and such other documents as the commissioner deems
11 necessary to confirm the completeness and accuracy of the record.

12 f. Following qualification for membership on a board of
13 education pursuant to this section, the State Bureau of Identification
14 shall immediately forward to the Commissioner of Education any
15 information which the bureau receives on a charge pending against
16 a member. If the charge is for one of the crimes or offenses
17 enumerated in N.J.S.18A:12-1, the commissioner shall notify the
18 member's board of education, and the board shall take appropriate
19 action. If the pending charge results in conviction, the member
20 shall be disqualified for continued membership.

21 g. The Commissioner of Education shall permanently maintain
22 the criminal record and application documents on a member of a
23 board of education. All documents submitted by a candidate and all
24 criminal history record information shall be maintained by the
25 commissioner in a confidential manner.

26
27 6. (New section) Each member of a board of education holding
28 office on the effective date of this act shall comply with the
29 criminal history background investigation requirements of section 5
30 of P.L. , c. (C.) (pending before the Legislature as this bill)
31 within 30 days of that effective date.

32
33 7. This act shall take effect immediately.

34
35

36 STATEMENT

37
38 This bill provides that any person elected or appointed to any
39 board of education would be disqualified from service on the board
40 because of a current or past conviction for any of the crimes that,
41 under existing law, disqualify an individual from holding
42 employment in a public school. It provides that the oath of office
43 taken by a member of a board of education prior to assuming office
44 will contain a specific declaration that the member is not
45 disqualified from holding that office due to conviction of one of
46 those crimes or offenses. A member who falsely swears or affirms

1 that he is not disqualified due to a conviction would be guilty of a
2 crime of the fourth degree.

3 In addition, the bill requires each member of a board of
4 education, within 30 days of election or appointment to that board,
5 to undergo a criminal history background investigation for the
6 purpose of ensuring that the member is not disqualified from
7 membership due to a conviction of a crime or offense. The State
8 Bureau of Identification will immediately inform the Commissioner
9 of Education of any new charges filed against any member who has
10 previously undergone a background investigation. The cost of the
11 background investigation will be the responsibility of the school
12 board member, but unexpended campaign funds may be used for
13 this purpose. A board member holding office on the bill's effective
14 date must undergo a background investigation within 30 days.

15 Under existing law, a candidate for election to a board of
16 education, when filing a nominating petition, must certify that the
17 candidate is legally qualified to hold that office. Making a false
18 statement made in connection with a nominating petition is a crime
19 of the fourth degree.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 444

STATE OF NEW JERSEY

DATED: JUNE 10, 2010

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No.444.

Assembly Bill No. 444 provides that any person elected or appointed to any board of education would be disqualified from service on the board if that person has been convicted of any of the crimes that, under existing law, disqualify an individual from holding employment in a public school. It provides that the oath of office taken by a member of a board of education prior to assuming office will contain a specific declaration that the member is not disqualified from holding that office due to conviction of one of those crimes or offenses. A member who falsely swears or affirms that he is not disqualified due to a conviction would be guilty of a crime of the fourth degree.

In addition, the bill requires each member of a board of education, within 30 days of election or appointment to that board, to undergo a criminal history background investigation for the purpose of ensuring that the member is not disqualified from membership due to a conviction of a crime or offense. The State Bureau of Identification will immediately inform the Commissioner of Education of any new charges filed against any member who has previously undergone a background investigation. The cost of the background investigation will be the responsibility of the school board member, but unexpended campaign funds may be used for this purpose. A board member holding office on the bill's effective date must undergo a background investigation within 30 days.

Under existing law, a candidate for election to a board of education, when filing a nominating petition, must certify that the candidate is legally qualified to hold that office. Making a false statement made in connection with a nominating petition is a crime of the fourth degree.

This bill was pre-filed for introduction in the 2010-2011 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 444

STATE OF NEW JERSEY

DATED: OCTOBER 14, 2010

The Senate Education Committee favorably reports Assembly Bill No. 444.

This bill provides that a person would be disqualified from membership on a board of education, if the person has been convicted of certain crimes or offenses. The crimes and offenses listed in this bill are the same as the crimes and offenses enumerated under section 1 of P.L.1986, c.116 (C.18A:6-7.1) which disqualify certain employees of a school district from employment. The bill provides that the oath of office taken by a member of a board of education prior to assuming office must include a specific declaration that the member is not disqualified from holding office due to conviction of one of the disqualifying crimes or offenses. A member who falsely swears or affirms that he is not disqualified due to a conviction would be guilty of a crime of the fourth degree.

In addition, the bill requires each member of a board of education, within 30 days of election or appointment to that board, to undergo a criminal background check for the purpose of ensuring that the member is not disqualified from membership due to a conviction of one of the specified crimes or offenses. The State Bureau of Identification will immediately inform the Commissioner of Education of any new charges filed against any member who has previously undergone a criminal background check. The cost of the criminal background check will be the responsibility of the school board member, but unexpended campaign funds may be used for this purpose in the case of an elected member. A board member holding office on the bill's effective date must undergo a criminal background check within 30 days.

As reported by the committee, this bill is identical to Senate Bill No. 295, which also was reported by the committee on this same date.

STATEMENT TO
ASSEMBLY, No. 444

with Senate Floor Amendments
(Proposed by Senator ALLEN)

ADOPTED: DECEMBER 20, 2010

These floor amendments would require a member of a charter school board of trustees to undergo a criminal history record check and would disqualify that individual for the same offenses that would disqualify a member of a board of education under the provisions of the bill. These floor amendments would also permit a board of education or a charter school to reimburse a school board member or a member of the board of trustees, as appropriate, for the costs of the criminal history record check.

SENATE, No. 295

STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Senator DIANE B. ALLEN

District 7 (Burlington and Camden)

Senator BARBARA BUONO

District 18 (Middlesex)

Co-Sponsored by:

Senator Oroho

SYNOPSIS

Disqualifies member of board of education for conviction of certain crimes and requires member to undergo criminal history background investigation.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning the qualifications of a member of a board of
2 education, and amending and supplementing various parts of the
3 statutory law.

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

7
8 1. N.J.S.18A:12-1 is amended to read as follows:

9 18A:12-1. Each member of any board of education shall be a
10 citizen and resident of the district, or of such constituent district of
11 a consolidated or regional district as may be required by law, and
12 shall have been such for at least one year immediately preceding his
13 appointment or election, he shall be able to read and write, shall be
14 registered to vote in the district, and, notwithstanding the provisions
15 of N.J.S.2C:51-1 or any other law to the contrary, he is not
16 disqualified as a voter pursuant to R.S.19:4-1 and has not been
17 convicted of:

18 any crime of the first or second degree;

19 an offense as set forth in chapter 14 of Title 2C of the New
20 Jersey Statutes, or as set forth in N.J.S.2C:24-4 and 2C:24-7, or as
21 set forth in R.S.9:6-1 et seq., or as set forth in N.J.S.2C:29-2;

22 an offense involving the manufacture, transportation, sale,
23 possession, distribution or habitual use of a "controlled dangerous
24 substance" as defined in the "Comprehensive Drug Reform Act of
25 1987," N.J.S.2C:35-1 et al. or "drug paraphernalia" as defined
26 pursuant to N.J.S.2C:36-1 et seq.;

27 a crime involving the use of force or the threat of force to or
28 upon a person or property including, but not limited to, robbery,
29 aggravated assault, stalking, kidnapping, arson, manslaughter and
30 murder;

31 a crime as set forth in chapter 39 of Title 2C of the New Jersey
32 Statutes, a third degree crime as set forth in chapter 20 of Title 2C
33 of the New Jersey Statutes, or a crime as listed below:

34 Recklessly endangering another person N.J.S.2C:12-2

35 Terroristic threats N.J.S.2C:12-3

36 Criminal restraint N.J.S.2C:13-2

37 Luring, enticing child into motor vehicle,
38 structure or isolated area P.L.1993, c.291

39 Causing or risking widespread injury
40 or damage N.J.S.2C:17-2

41 Criminal mischief N.J.S.2C:17-3

42 Burglary N.J.S.2C:18-2

43 Usury N.J.S.2C:21-19

44 Threats and other improper influence N.J.S.2C:27-3

45 Perjury and false swearing N.J.S.2C:28-3

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 Resisting arrest N.J.S.2C:29-2
2 Escape N.J.S.2C:29-5;
3
4 any crime of the fourth degree involving a victim who is a minor;
5 or
6 conspiracy to commit or an attempt to commit any of the
7 aforesaid crimes.

8 For the purposes of this section, a conviction exists if the
9 individual has been convicted, at any time, under the laws of this
10 State or under any similar statutes of the United States or any other
11 state for a substantially equivalent crime or other offense.
12 (cf: P.L.1987, c.328, s.1)

13
14 2. N.J.S.18A:12-2.1 is amended to read as follows:
15 18A:12-2.1. Each member of a board of education shall, before
16 entering upon the duties of his office, take and subscribe:

17 (1) An oath that he possesses the qualifications of membership
18 prescribed by law, including a specific declaration that he is not
19 disqualified as a voter pursuant to R.S.19:4-1 and a specific
20 declaration that he is not disqualified due to conviction of a crime
21 or offense listed in N.J.S.18A:12-1, and that he will faithfully
22 discharge the duties of this office, and also

23 (2) The oath prescribed by R.S.41:1-3 of the Revised Statutes.

24 In the case of a Type I school district the oath shall be filed with
25 the clerk of the municipality and in all other cases it shall be filed
26 with the secretary of the board of education of the district.
27 (cf: P.L.1987, c.328, s.2)

28
29 3. Section 5 of P.L.1987, c.328 (C.18A:12-2.2) is amended to
30 read as follows:

31 5. Any member of a board of education who falsely affirms or
32 declares that he is not disqualified as a voter pursuant to R.S.19:4-1,
33 or that he is not disqualified from membership on the board due to
34 conviction of a crime or offense listed in N.J.S.18A:12-1, is, in
35 addition to immediate disqualification for office, guilty of a crime
36 of the fourth degree.
37 (cf: P.L.2005, c.154, s.1)

38
39 4. N.J.S.18A:12-3 is amended to read as follows:
40 18A:12-3. Whenever a member of a local or regional board of
41 education shall cease to be a bona fide resident of the district, or of
42 any constituent district of a consolidated or regional district which
43 he represents, or shall become mayor or a member of the governing
44 body of a municipality, his membership in the board shall
45 immediately cease; and, any member who fails to attend three
46 consecutive meetings of the board without good cause may be
47 removed by it. Whenever a member of a county special service

1 school district or a member of a county vocational school district
2 shall cease to be a bona fide resident of the district, or shall hold
3 office as a member of the governing body of a county, his
4 membership on the board shall immediately cease.

5 Notwithstanding the provisions of N.J.S.2C:51-1 or any other
6 law to the contrary, whenever a member of a board of education is
7 disqualified as a voter pursuant to R.S.19:4-1, or is convicted of
8 **【false swearing as provided in section 5 of P.L.1987, c.328**
9 **(C.18A:12-2.2)】** a crime or offense listed in N.J.S.18A:12-1, his
10 membership on the board shall immediately cease.

11 (cf: P.L.1987, c.328, s.3)

12

13 5. (New section) a. Each member of any board of education,
14 within 30 days of election or appointment to that board, shall
15 undergo a criminal history background investigation for the purpose
16 of ensuring that the member is not disqualified from membership
17 due to a conviction of a crime or offense listed in N.J.S.18A:12-1.

18 b. A member of a board of education shall submit to the
19 Commissioner of Education his or her name, address and
20 fingerprints taken in accordance with procedures established by the
21 commissioner. The Commissioner of Education is hereby
22 authorized to exchange fingerprint data with and receive criminal
23 history record information from the federal Bureau of Investigation
24 and the Division of State Police for use in making the
25 determinations required by this act. A member shall furnish his or
26 her written consent to such a check as a condition of holding the
27 office of school board member. The member shall bear the cost for
28 the criminal history record check, including all costs for
29 administering and processing the check, except that an elected
30 member may use unexpended campaign funds to pay such costs.

31 c. The Commissioner of Education is authorized to:

32 receive all criminal history data necessary to complete the
33 criminal history records check as required pursuant to this section;

34 receive all data in accordance with this section on charges
35 pending against a member of a board of education who has
36 previously undergone a criminal history records check; and

37 adjust the fees set by the Department of Education for the
38 criminal history records checks.

39 d. Upon receipt of the criminal history record information for a
40 member of a board of education from the Federal Bureau of
41 Investigation and the Division of State Police, the Commissioner of
42 Education shall notify the member, in writing, of the member's
43 qualification or disqualification from holding the office of member
44 of a board of education. If the member is disqualified, the
45 convictions which constitute the basis for the disqualification shall
46 be identified in the written notice to the member. The member shall
47 have 14 days from the date of the written notice of disqualification

1 to challenge the accuracy of the criminal history record information.
2 If no challenge is filed or if the determination of the accuracy of
3 the criminal history record information upholds the disqualification,
4 the commissioner shall notify the member's board of education that
5 the member has been disqualified from membership on the board.

6 e. The commissioner is authorized to share all criminal history
7 record information of a member received from the Federal Bureau
8 of Investigation or the State Bureau of Identification with the
9 appropriate court in order to obtain copies of the judgment of
10 conviction and such other documents as the commissioner deems
11 necessary to confirm the completeness and accuracy of the record.

12 f. Following qualification for membership on a board of
13 education pursuant to this section, the State Bureau of Identification
14 shall immediately forward to the Commissioner of Education any
15 information which the bureau receives on a charge pending against
16 a member. If the charge is for one of the crimes or offenses
17 enumerated in N.J.S.18A:12-1, the commissioner shall notify the
18 member's board of education, and the board shall take appropriate
19 action. If the pending charge results in conviction, the member
20 shall be disqualified for continued membership.

21 g. The Commissioner of Education shall permanently maintain
22 the criminal record and application documents on a member of a
23 board of education. All documents submitted by a candidate and all
24 criminal history record information shall be maintained by the
25 commissioner in a confidential manner.

26

27 6. (New section) Each member of a board of education holding
28 office on the effective date of this act shall comply with the
29 criminal history background investigation requirements of section 5
30 of P.L. , c. (C.) (now pending before the Legislature as this
31 bill) within 30 days of that effective date.

32

33 7. This act shall take effect immediately.

34

35

36

STATEMENT

37

38 This bill provides that any person elected or appointed to any
39 board of education would be disqualified from service on the board
40 because of a current or past conviction for any of the crimes that,
41 under existing law, disqualify an individual from holding
42 employment in a public school. It provides that the oath of office
43 taken by a member of a board of education prior to assuming office
44 will contain a specific declaration that the member is not
45 disqualified from holding that office due to conviction of one of
46 those crimes or offenses. A member who falsely swears or affirms

1 that he is not disqualified due to a conviction would be guilty of a
2 crime of the fourth degree.

3 In addition, the bill requires each member of a board of
4 education, within 30 days of election or appointment to that board,
5 to undergo a criminal history background investigation for the
6 purpose of ensuring that the member is not disqualified from
7 membership due to a conviction of a crime or offense. The State
8 Bureau of Identification will immediately inform the Commissioner
9 of Education of any new charges filed against any member who has
10 previously undergone a background investigation. The cost of the
11 background investigation will be the responsibility of the school
12 board member, but unexpended campaign funds may be used for
13 this purpose. A board member holding office on the bill's effective
14 date must undergo a background investigation within 30 days.

15 Under existing law, a candidate for election to a board of
16 education, when filing a nominating petition, must certify that the
17 candidate is legally qualified to hold that office. Making a false
18 statement made in connection with a nominating petition is a crime
19 of the fourth degree.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 295

STATE OF NEW JERSEY

DATED: OCTOBER 14, 2010

The Senate Education Committee favorably reports Senate Bill No. 295.

This bill provides that a person would be disqualified from membership on a board of education, if the person has been convicted of certain crimes or offenses. The crimes and offenses listed in this bill are the same as the crimes and offenses enumerated under section 1 of P.L.1986, c.116 (C.18A:6-7.1) which disqualify certain employees of a school district from employment. The bill provides that the oath of office taken by a member of a board of education prior to assuming office must include a specific declaration that the member is not disqualified from holding office due to conviction of one of the disqualifying crimes or offenses. A member who falsely swears or affirms that he is not disqualified due to a conviction would be guilty of a crime of the fourth degree.

In addition, the bill requires each member of a board of education, within 30 days of election or appointment to that board, to undergo a criminal background check for the purpose of ensuring that the member is not disqualified from membership due to a conviction of one of the specified crimes or offenses. The State Bureau of Identification will immediately inform the Commissioner of Education of any new charges filed against any member who has previously undergone a criminal background check. The cost of the criminal background check will be the responsibility of the school board member, but unexpended campaign funds may be used for this purpose in the case of an elected member. A board member holding office on the bill's effective date must undergo a criminal background check within 30 days.

This bill was pre-filed for introduction in the 2010-2011 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

As reported by the committee, this bill is identical to Assembly Bill No. 444, which also was reported by the committee on this same date.

ASSEMBLY BILL No. 444
(First Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 444 (First Reprint) with my recommendations for reconsideration.

This bill would require members of boards of education and charter school boards of trustees to undergo criminal history background investigations, and would disqualify any person from serving on these boards if convicted of certain crimes and offenses. The intention of the bill is to hold board members to the same standards as school employees, i.e., the individuals they hire and oversee. Currently, N.J.S.A. 18A:6-7.1, which governs criminal record checks for school employees, provides that an individual employed by a board of education will be disqualified from employment or service if the individual's criminal history record check reveals any one of several identified crimes or offenses. These include, for example: any crime of the first or second degree; a crime involving the use of force; certain drug offenses; and various third degree crimes.

While this proposed legislation is similar to N.J.S.A. 18A:6-7.1, there are two notable discrepancies between this bill and the existing statute. First, N.J.S.A. 18A:6-7.1 includes as a disqualifying offense for all school employees the third degree crime of "bias intimidation" (N.J.S.2C:16-1). This crime was added to N.J.S.A. 18A:6-7.1 as a result of the recently enacted amendments to the Anti-bullying law, but was not included as a disqualifying offense in this proposed legislation. Second, the bill includes as a disqualifying conviction "any crime of the fourth degree involving a victim

who is a minor." This crime, however, is not listed in N.J.S.A. 18A:6-7.1 as a disqualifying offense.

Therefore, I recommend that the bill be amended to correct these discrepancies. In order to ensure that school board members and members of charter school boards of trustees are held to the same standards as school employees, as was clearly the intent of this bill, the list of disqualifying crimes and offenses for both school employees and board members must be identical.

Accordingly, I herewith return Assembly Bill No. 444 (First Reprint) and recommend that it be amended as follows:

Page 3, Section 1, Line 4: After "N.J.S.2C:29-5" delete ";"

Page 3, Section 1, Line 5: Insert "Bias intimidation
N.J.S.2C:16-1;"

Page 7, Line 15: Insert "9. Section 1 of P.L.1986, c.116 (C.18A:6-7.1) is amended to read as follows: A facility, center, school, or school system under the supervision of the Department of Education and board of education which cares for, or is involved in the education of children under the age of 18 shall not employ for pay or contract for the paid services of any teaching staff member or substitute teacher, teacher aide, child study team member, school physician, school nurse, custodian, school maintenance worker, cafeteria worker, school law enforcement officer, school secretary or clerical worker or any other person serving in a position which involves regular contact with pupils unless the employer has first determined consistent with the requirements and standards of this act, that no criminal history record information exists on file in the Federal

Bureau of Investigation, Identification Division, or the State Bureau of Identification which would disqualify that individual from being employed or utilized in such capacity or position. An individual employed by a board of education or a school bus contractor holding a contract with a board of education, in the capacity of a school bus driver, shall be required to meet the criminal history record requirements pursuant to section 6 of P.L.1989, c.104 (C.18A:39-19.1). A facility, center, school, or school system under the supervision of the Department of Education and board of education which cares for, or is involved in the education of children under the age of 18 may require criminal history record checks for individuals who, on an unpaid voluntary basis, provide services that involve regular contact with pupils. In the case of school districts involved in a sending-receiving relationship, the decision to require criminal history record checks for volunteers shall be made jointly by the boards of education of the sending and receiving districts.

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

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

set forth in
N.J.S.2C:29-2; or

b. An offense involving the manufacture, transportation, sale, possession, distribution or habitual use of a "controlled dangerous substance" as defined in the "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et al. or "drug paraphernalia" as defined pursuant to N.J.S.2C:36-1 et seq.; or

c. (1) A crime involving the use of force or the threat of force to or upon a person or property including, but not limited to, robbery, aggravated assault, stalking, kidnapping, arson, manslaughter and murder; or

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

Recklessly endangering another person
N.J.S.2C:12-2

Terroristic threats
N.J.S.2C:12-3

Criminal restraint
N.J.S.2C:13-2

Luring, enticing child into motor vehicle, structure or isolated area P.L.1993, c.291 (C.2C:13-6)

Causing or risking widespread injury or damage N.J.S.2C:17-2

Criminal mischief
N.J.S.2C:17-3

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

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

Threats and other improper influence
N.J.S.2C:27-3

Perjury and false

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

Resisting arrest
N.J.S.2C:29-2

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

Bias intimidation
N.J.S.2C:16-1; [or]

(3) Any crime of the
fourth degree involving
a victim who is a minor;
or

(~~3~~4) Conspiracy to
commit or an attempt to
commit any of the crimes
described in this act.

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

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

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

g. This section shall
first apply to criminal
history record checks
conducted on or after
the effective date of

P.L.1998, c.31 (C.18A:6-7.1c et al.); except that in the case of an individual employed by a board of education or a contracted service provider who is required to undergo a check upon employment with another board of education or contracted service provider, the individual shall be disqualified only for the following offenses:

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

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

Page 7, Section 9, Line 16:

Delete "9" and insert "10"

Respectfully,

/s/ Chris Christie

Governor

[seal]

Attest:

/s/ Jeffrey S. Chiesa

Chief Counsel to the Governor