

**40A:14-81.2**  
**LEGISLATIVE HISTORY CHECKLIST**  
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**LAWS OF:** 2009                      **CHAPTER:** 18

**NJSA:** 40A:14-81.2 (Requires criminal history background checks for paid firefighters employed by fire districts)

**BILL NO:** S1851 (Substituted for A2863)

**SPONSOR(S)** Girgenti and Others

**DATE INTRODUCED:** May 19, 2008

**COMMITTEE:**                      **ASSEMBLY:** ---

**SENATE:** Law and Public Safety and Veterans' Affairs

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**                      **ASSEMBLY:** February 5, 2009

**SENATE:** December 15, 2008

**DATE OF APPROVAL:** March 16, 2009

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

FINAL TEXT OF BILL (Original version of bill enacted)

**S1851**

SPONSOR'S STATEMENT: (Begins on page 3 of original bill) Yes

COMMITTEE STATEMENT:                      **ASSEMBLY:** No

**SENATE:** Yes

(Audio archived recordings of the committee meetings corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**A2863**

SPONSOR'S STATEMENT: (Begins on page 3 of original bill) Yes

COMMITTEE STATEMENT:                      **ASSEMBLY:** Yes

**SENATE:** No

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL NOTE:** No

(continued)

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LAW

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# SENATE, No. 1851

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED MAY 19, 2008

**Sponsored by:**

**Senator JOHN A. GIRGENTI**

**District 35 (Bergen and Passaic)**

**Senator ANTHONY R. BUCCO**

**District 25 (Morris)**

**Assemblyman WAYNE P. DEANGELO**

**District 14 (Mercer and Middlesex)**

**Assemblywoman LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Assemblyman GORDON M. JOHNSON**

**District 37 (Bergen)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

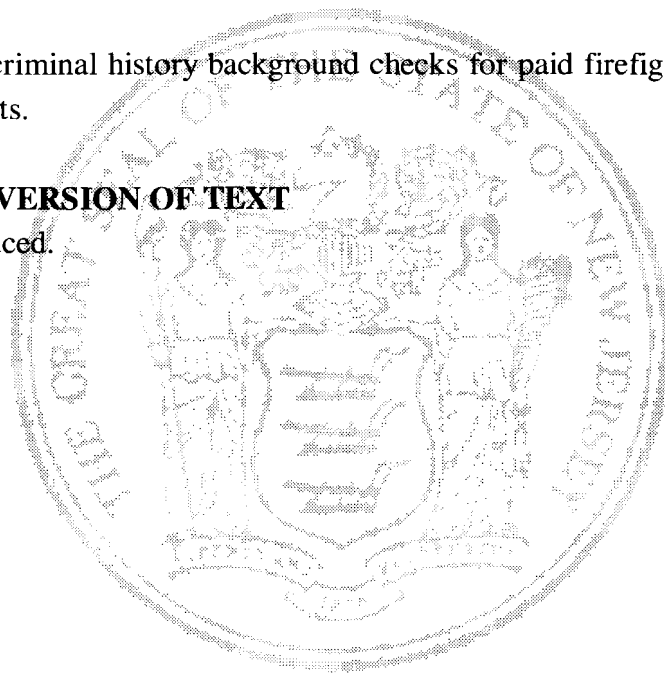
**District 37 (Bergen)**

**SYNOPSIS**

Requires criminal history background checks for paid firefighters employed by fire districts.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 2/6/2009)

S1851 GIRGENTI, BUCCO

2

1 AN ACT concerning criminal history record background checks for  
2 certain paid firefighters and amending P.L.1979, c.453.

3

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

6

7 1. Section 2 of P.L.1979, c.453 (C.40A:14-81.2) is amended to  
8 read as follows:

9 2. Except as otherwise provided by law, no person shall be  
10 appointed to a paid position authorized pursuant to section 1 of  
11 **[this act]** P.L.1979, c.453 (C.40A:14-81.1) unless that person:

12 a. Is a citizen of the United States;

13 b. Is eligible for acceptance in the Public Employees' Retirement  
14 System of New Jersey or in the Police and Firemen's Retirement  
15 System of New Jersey;

16 c. Is able to read, write and speak the English language well and  
17 intelligently;

18 d. Is of good moral character;

19 e. Has not been convicted of any criminal offense involving  
20 moral turpitude.

21 For the purposes of this section, each applicant shall submit to  
22 the appointing body of the fire district the applicant's name,  
23 address, fingerprints and written consent for a criminal history  
24 record background check to be performed. The appointing body of  
25 the fire districts is authorized to exchange fingerprint data with and  
26 receive criminal history record information from the State Bureau  
27 of Identification in the Division of State Police and the Federal  
28 Bureau of Investigation consistent with applicable State and federal  
29 law, rules and regulations. The applicant shall bear the cost of the  
30 criminal history record background check, including all costs of  
31 administering and processing the check. The Division of State  
32 Police shall promptly notify the appointing body of the fire district  
33 in the event a current employee or prospective applicant who was  
34 the subject of a criminal history record background check pursuant  
35 to this section is arrested for a crime or offense in this State after  
36 the date the background check was performed. The appointing  
37 body, officer or officers of the fire district, when authorized to do  
38 so, may employ such officers and other personnel for the paid or  
39 part-paid fire department and force as temporary employees in  
40 emergencies or for a specified part of the year, as needed.

41 (cf: P.L.1979, c.453, s.2)

42

43 2. This act shall take effect immediately.

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           SPONSOR'S           STATEMENT  
2

3           This bill requires paid firefighters employed by fire districts to  
4 undergo criminal history record background checks. Under current  
5 law, paid firefighters employed by municipalities and counties are  
6 required to undergo background checks.

7           Under the bill's provisions, an applicant for a paid firefighter  
8 position is to submit to the appointing body of the fire district his or  
9 her name, address, fingerprints and written consent for a criminal  
10 history record background check to be performed. The State would  
11 conduct the background check by cross-referencing the applicant's  
12 name and fingerprints with those on file with the Federal Bureau of  
13 Investigation, Identification Division and the State Bureau of  
14 Identification in the Division of State Police. The applicant would  
15 bear the cost of the background check.

16           The bill further requires the State Police to promptly notify the  
17 appointing body of the fire district in the event a current employee  
18 or prospective applicant who was the subject of a background check  
19 is arrested for a crime or offense in this State after the date the  
20 background check was performed.

21           Finally, the bill permits the appointing body, officer or officers  
22 of the fire district, when authorized to do so, to employ officers and  
23 other personnel as temporary employees in emergencies or for a  
24 specified part of the year, as needed.

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SENATE LAW AND PUBLIC SAFETY AND VETERANS'  
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 1851

**STATE OF NEW JERSEY**

DATED: JUNE 5, 2008

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Senate Bill No. 1851.

This bill requires paid firefighters employed by fire districts to undergo criminal history record background checks. Under current law, paid firefighters employed by municipalities and counties are required to undergo background checks.

Under the bill's provisions, an applicant for a paid firefighter position is to submit to the appointing body of the fire district his or her name, address, fingerprints and written consent for a criminal history record background check to be performed. The State would conduct the background check by cross-referencing the applicant's name and fingerprints with those on file with the Federal Bureau of Investigation, Identification Division, and the State Bureau of Identification in the Division of State Police. The applicant would bear the cost of the background check.

The bill further requires the State Police to promptly notify the appointing body of the fire district in the event a current employee or prospective applicant who was the subject of a background check is arrested for a crime or offense in this State after the date the background check was performed.

Finally, the bill permits the appointing body, officer or officers of the fire district, when authorized to do so, to employ officers and other personnel as temporary employees in emergencies or for a specified part of the year, as needed.

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23 other personnel as temporary employees in emergencies or for a  
24 specified part of the year, as needed.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 2863**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 8, 2008

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 2863.

Assembly Bill No. 2863, as amended, requires paid firefighters employed by fire districts to undergo criminal history record background checks. Under current law, paid firefighters employed by municipalities and counties are required to undergo background checks.

Under the amended bill's provisions, an applicant for a paid firefighter position is to submit to the appointing body of the fire district his or her name, address, fingerprints and written consent for a criminal history record background check to be performed. The State would conduct the background check by cross-referencing the applicant's name and fingerprints with those on file with the Federal Bureau of Investigation and the State Bureau of Identification in the Division of State Police. The applicant would bear the cost of the background check.

The amended bill further requires the State Police to promptly notify the appointing body of the fire district in the event a current employee or prospective applicant who was the subject of a background check is arrested for a crime or offense in this State after the date the background check was performed.

Finally, the amended bill permits the appointing body, officer or officers of the fire district, when authorized to do so, to employ officers and other personnel as temporary employees in emergencies or for a specified part of the year, as needed.

#### COMMITTEE AMENDMENTS

The committee amended the bill to make a technical change.