

[Second Reprint]

SENATE, No. 432

STATE OF NEW JERSEY
210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

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**Senators McNamara, Ciesla, Cardinale, Matheussen, Inverso, Sacco,
Turner, Assemblymen Blee and D'Amato**

SYNOPSIS

Requires identity check for flight instruction.

CURRENT VERSION OF TEXT

As amended by the General Assembly on June 30, 2002.

(Sponsorship Updated As Of: 7/1/2003)

1 AN ACT ²[providing for disqualification from certain instruction,]²
 2 requiring an identity background ²[and criminal history record
 3 background]² check ²for certain instruction² and supplementing
 4 P.L.1938, c.48 (C.6:1-20 et seq.).

5

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

8

9 1. Any aeronautical facility, flight school or institution of higher
 10 learning offering air or flight instruction shall require an applicant for
 11 such instruction to provide the applicant's name, address, citizenship
 12 status, a form of photographic identification, and such other
 13 information as the Commissioner of Transportation, hereinafter the
 14 commissioner, may require. Such information shall be entered upon
 15 a permanent register maintained by the aeronautical facility, flight
 16 school or institution of higher learning, and by the ¹[State]
 17 Department of Transportation¹, which shall be available for inspection
 18 by the commissioner, ¹[or] and¹ federal, State ¹[or] and¹ local law
 19 enforcement officers.

20

21 2. An applicant subject to the provisions of section 1 of this act
 22 shall submit to being fingerprinted ¹[on standard fingerprint cards by
 23 a municipal law enforcement agency which cards shall be submitted to
 24 the commissioner] in accordance with applicable State and federal
 25 laws, rules and regulations¹. The applicant ¹[also]¹ shall provide ¹to
 26 the commissioner¹ written consent to the performance of an identity
 27 background ²[and criminal history record background]² check. The
 28 commissioner is authorized to ¹[exchange fingerprint data and
 29 photographic identification with] exchange fingerprint data and
 30 photographic identification with and² request¹ and receive ²[criminal
 31 history record background]² information from the Federal Bureau of
 32 Investigation and the Division of State Police for use in performing
 33 background checks. The division shall ¹[inform the commissioner if
 34 an] provide the commissioner with the results of the¹ applicant's
 35 ²[criminal history record] identity² background check ¹[reveals a
 36 conviction of a disqualifying crime as specified in section 4 of this
 37 act]¹. The applicant shall bear the cost of fingerprinting and the cost
 38 for the background checks, including all costs of administering and
 39 processing the checks. ²[As used in this act, "criminal history record
 40 background check" means a determination of whether a person has a

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate STR committee amendments adopted February 28, 2002.

² Assembly floor amendments adopted June 30, 2002.

1 criminal record by cross-referencing that person's name and
2 fingerprints with those on file with the Federal Bureau of
3 Investigation¹ [, Identification Division]¹ and the State Bureau of
4 Identification in the Division of State Police.]²

5
6 3. No applicant shall be permitted to receive air or flight
7 instruction from the aeronautical facility, flight school or institution of
8 higher learning ²[unless] until² the commissioner provides written
9 notification to the chief administrative officer of the aeronautical
10 facility, flight school or institution of higher learning of the
11 commissioner's determination that the ²identity background check on
12 the² applicant ²[is qualified to receive such instruction] has been
13 completed².

14
15 ²[4. An applicant shall be disqualified from receiving air or flight
16 instruction if the applicant's criminal history record background check
17 reveals a record of conviction of any of the following crimes:

18 a. In New Jersey or elsewhere any crime as follows: aggravated
19 assault, arson, burglary, escape, extortion, homicide, kidnaping,
20 robbery, aggravated sexual assault, sexual assault or endangering the
21 welfare of a child pursuant to N.J.S.2C:24-4, whether or not armed
22 with or having in his possession any weapon enumerated in subsection
23 r. of N.J.S.2C:39-1, a crime pursuant to the provisions of
24 N.J.S.2C:39-3, N.J.S.2C:39-4 or N.J.S.2C:39-9, or other than a
25 disorderly persons or petty disorderly persons offense for the unlawful
26 use, possession or sale of a controlled dangerous substance as defined
27 in N.J.S.2C:35-2.

28 b. In any other state, territory, commonwealth or other jurisdiction
29 of the United States, or any country in the world, as a result of a
30 conviction in a court of competent jurisdiction, a crime which in that
31 other jurisdiction or country is comparable to one of the crimes
32 enumerated in subsection a. of this section.]²

33
34 ²[5.] 4.² The commissioner is authorized to adopt regulations,
35 pursuant to the "Administrative Procedure Act, " P.L.1968, c.410
36 (C.52:14B-1 et seq.), to effectuate the purposes of this act.

37
38 ²[6.] 5.² This act shall take effect immediately.