

ASSEMBLY, No. 2067

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman CLINTON CALABRESE

District 36 (Bergen and Passaic)

SYNOPSIS

Requires criminal history record background checks for certain DOBI employees.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning criminal history record background checks for
2 certain Department of Banking and Insurance employees and
3 supplementing Title 17 of the Revised Statutes.

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

7
8 1. a. The Commissioner of Banking and Insurance shall
9 conduct a criminal history record background check, including a
10 name and fingerprint identification check, of each employee of the
11 Department of Banking and Insurance who is responsible for
12 handling sensitive personal, financial, and proprietary information.
13 On or after the effective date of this act, the criminal history record
14 background check shall be conducted prior to an employee's
15 commencement of employment or service in the department.

16 b. The commissioner is authorized to exchange fingerprint data
17 with, and to receive information from, the State Bureau of
18 Identification in the Division of State Police and the Federal Bureau
19 of Investigation consistent with applicable State and federal laws,
20 rules, and regulations, for the purposes of facilitating
21 determinations concerning qualifications for employment in the
22 Department of Banking and Insurance. Upon receipt of the criminal
23 history record information for an employee or prospective employee
24 from the Division of State Police or the Federal Bureau of
25 Investigation, the commissioner shall promptly notify the employee
26 or prospective employee, in writing, of the employee's or
27 prospective employee's qualification for employment in the
28 department pursuant to section 2 of this act.

29 c. The Division of State Police shall promptly notify the
30 commissioner in the event an employee or prospective employee,
31 who was the subject of a criminal history record background check
32 pursuant to this section, is arrested for a crime or offense in this
33 State after the date the background check was performed.

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35 2. No person shall serve as an officer, employee, or any other
36 class of personnel in the Department of Banking and Insurance if
37 that person is convicted of any crime or offense, as determined by a
38 criminal history record background check conducted pursuant to the
39 provisions of section 1 of this act, if the crime or offense involves
40 dishonesty, breach of trust, money laundering, or any other crime or
41 offense for which the Commissioner of Banking and Insurance
42 determines is detrimental to the person's employment in the
43 department.

44
45 3. This act shall take effect immediately.

STATEMENT

This bill requires the Commissioner of Banking and Insurance to conduct a criminal history record background check, including a name and fingerprint identification check, of each employee of the Department of Banking and Insurance who is responsible for handling sensitive personal, financial, and proprietary information.

The bill authorizes the commissioner to exchange fingerprint data with, and to receive information from, the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation consistent with applicable State and federal laws, rules, and regulations, for the purposes of facilitating determinations concerning qualifications for employment in the department. Upon receipt of the criminal history record information for an employee or prospective employee from the Division of State Police or the Federal Bureau of Investigation, the commissioner must promptly notify the employee or prospective employee, in writing, of the employee's or prospective employee's qualification for employment in the department pursuant the provisions of the bill.

The bill also directs the Division of State Police to promptly notify the commissioner in the event an employee or prospective employee, who was the subject of a criminal history record background check pursuant to the bill, is arrested for a crime or offense in this State after the date the background check was performed.

The bill provides that no person is permitted to serve as an officer, employee, or any other class of personnel in the department if that person is convicted of any crime or offense, as determined by a criminal history information background check conducted pursuant to the provisions of the bill, if the crime or offense involves dishonesty, breach of trust, money laundering, or any other crime or offense for which the commissioner determines is detrimental to the person's employment in the department.

A report issued by the Office of the State Auditor, concerning the Department of Banking and Insurance, Administration, covering the period July 1, 2014 to September 30, 2017, contained a recommendation that the department seek legislation requiring criminal history background checks for certain employees of the department. This bill is a response to the recommendation, and requires department employees who are responsible for handling sensitive personal, financial, and proprietary information to undergo a criminal history record background check.