

ASSEMBLY, No. 3021

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

SYNOPSIS

Establishes central registry for background checks of youth serving organization employees and volunteers.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning background checks and amending and
2 supplementing P.L.1999, c.432.

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.1999, c.432 (C.15A:3A-1) is amended to
8 read as follows:

9 1. As used in this act:

10 “Central registry” means the “Youth Serving Organization
11 Central Registry” established pursuant to section 2 of P.L. ,
12 c. (C.) (pending before the Legislature as this bill).

13 “Criminal history record background check” means a
14 determination of whether a person has a criminal record by cross-
15 referencing that person's name and fingerprints with those on file
16 with the Federal Bureau of Investigation, Identification Division
17 and the State Bureau of Identification in the Division of State
18 Police.

19 “Department” means the Department of Law and Public Safety.

20 **【“Nonprofit youth”** “Youth serving organization” or
21 “organization” means a sports team, league, athletic association, or
22 any other corporation, association or other organization
23 **【established pursuant to Title 15 of the Revised Statutes, Title 15A**
24 **of the New Jersey Statutes, or other law of this State, but】** ,
25 excluding public and nonpublic schools, **【and】** which provides
26 recreational, educational, cultural, charitable, social or other
27 activities or services for persons **【younger than】** under 18 years of
28 age **【, and is exempt from federal income taxes】**.

29 (cf: P.L.1999, c.432, s.1)

30

31 2. (New section) a The department shall establish a Youth
32 Serving Organization Central Registry, which shall be a
33 clearinghouse for the collection and dissemination of information
34 obtained as a result of conducting criminal history record
35 background checks of prospective or current employees or
36 volunteers of youth serving organizations. The department shall
37 determine the manner and form of registration and the registration
38 fee.

39 b. In order to participate in the central registry, a youth serving
40 organization shall:

41 (1) register with the department; and

42 (2) pay the registration fee for participation.

43

44 3. Section 2 of P.L.1999, c.432 (C.15A:3A-2) is amended to
45 read as follows:

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 2. a. **【A nonprofit youth serving organization may】** The
2 central registry shall request, through the department, that the State
3 Bureau of Identification in the Division of State Police conduct a
4 criminal history record background check on each prospective and
5 current employee or volunteer of 【the】 a participating organization.
6 b. For the purpose of conducting the criminal history record
7 background check, the division shall examine its own files and
8 arrange for a similar examination by federal authorities. **【The**
9 **division shall inform the department whether the person's criminal**
10 **history record background check reveals a conviction of a**
11 **disqualifying crime or offense as specified in section 3 of this act.】**
12 c. The division shall conduct a criminal history record
13 background check only upon receipt of the written consent to the
14 check of the prospective or current employee or volunteer.
15 d. The **【organization or the】** prospective or current employee
16 or volunteer shall bear the costs associated with conducting
17 criminal history background checks. Notwithstanding any law or
18 regulation to the contrary, the department shall not charge a fee for
19 a criminal history record background check that exceeds the actual
20 cost of conducting that check, as determined by the Attorney
21 General. The Attorney General shall annually certify to the State
22 Treasurer the cost per criminal history background check in the
23 immediately preceding year.
24 e. Each current employee or volunteer of a participating
25 organization shall have a criminal history record background check
26 conducted at least once every two years.
27 f. The central registry shall retain records indicating the
28 qualification status of each employee or volunteer. Any
29 participating organization shall be authorized to check the status of
30 an employee or a volunteer that has undergone a criminal history
31 record background check pursuant to this section. A participating
32 organization shall be authorized to inquire about the status of an
33 employee or a volunteer by telephone or through a secure Internet
34 website maintained by the department.
35 g. (1) The division shall inform a participating organization
36 whether a person's initial criminal history record background check
37 reveals a conviction of a disqualifying crime or offense as specified
38 in section 3 of P.L.1999, c.432 (C.15A:3A-3).
39 (2) If a criminal history record background check conducted
40 pursuant to subsection e. of this section reveals a current employee
41 or volunteer is disqualified from serving any organization, the
42 division shall inform any participating organization where the
43 person is known to be employed or volunteering.
44 (3) The central registry status records shall be updated to reflect
45 a disqualifying crime or offense on the record of any prospective or
46 current employee or volunteer pursuant to P.L.1999, c.432
47 (C.15A:3A-1 et seq.).
48 (cf: P.L.1999, c.432, s.2)

1 4. Section 3 of P.L.1999, c.432 (C.15A:3A-3) is amended to
2 read as follows:

3 3. Except as provided in P.L.2009, c.139 (C.2C:7-22 et al.), a
4 person may be disqualified from serving as an employee or
5 volunteer of a **【nonprofit】** youth serving organization if that
6 person's criminal history record background check reveals a record
7 of conviction of any of the following crimes and offenses:

8 a. In New Jersey, any crime or disorderly persons offense:

9 (1) involving danger to the person, meaning those crimes and
10 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,
11 N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq.
12 or N.J.S.2C:15-1 et seq.;

13 (2) against the family, children or incompetents, meaning those
14 crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et
15 seq.;

16 (3) involving theft as set forth in chapter 20 of Title 2C of the
17 New Jersey Statutes; or

18 (4) involving any controlled dangerous substance or controlled
19 substance analog as set forth in chapter 35 of Title 2C of the New
20 Jersey Statutes except paragraph (4) of subsection a. of
21 N.J.S.2C:35-10.

22 b. In any other state or jurisdiction, conduct which, if
23 committed in New Jersey, would constitute any of the crimes or
24 disorderly persons offenses described in subsection a. of this
25 section.

26 c. Nothing herein shall be construed to authorize an excluded
27 sex offender, as defined in section 1 of P.L.2009, c.139 (C.2C:7-
28 22), to serve as an employee or volunteer in a youth serving
29 organization or any other entity from which the excluded sex
30 offender is otherwise statutorily disqualified.

31 (cf: P.L.2009, c.139, s.3)

32

33 5. Section 4 of P.L.1999, c.432 (C.15A:3A-4) is amended to
34 read as follows:

35 4. a. Prospective or current employees and volunteers of
36 **【nonprofit】** youth serving organizations shall submit their name,
37 address, fingerprints and written consent to the **【organization】**
38 central registry for the criminal history record background check to
39 be performed. The **【organization】** central registry shall supply this
40 documentation to the Attorney General, who shall coordinate the
41 background check.

42 b. The Attorney General is authorized to exchange fingerprint
43 data with, and receive criminal history record information for use
44 by **【nonprofit】** the central registry and participating youth serving
45 organizations from the Federal Bureau of Investigation,
46 Identification Section and the Division of State Police, Bureau of
47 Identification and **【such】** any other law enforcement agencies and

1 jurisdictions as may be necessary for the purposes of **[this act]**
2 P.L.1999, c.432 (C.15A:3A-1 et seq.).

3 c. **[The department shall act as a clearinghouse for the**
4 collection and dissemination of information obtained as a result of
5 conducting criminal history record background checks pursuant to
6 this act.] (Deleted by amendment, P.L. , c.) (pending before the
7 Legislature as this bill)
8 (cf: P.L.1999, c.432, s.4)
9

10 6. Section 5 of P.L.1999, c.432 (C.15A:3A-5) is amended to
11 read as follows:

12 5. The Attorney General, pursuant to the "Administrative
13 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt
14 rules and regulations to effectuate the purposes of **[this act]**
15 P.L.1999, c.432 (C.15A:3A-1 et seq.), including regulations
16 concerning access to and dissemination of information obtained as a
17 result of conducting a criminal history record background check and
18 uniform disqualification criteria for any employee or volunteer.
19 (cf: P.L.1999, c.432, s.5)
20

21 7. This act shall take effect on the first day of the fourth month
22 next following the date of enactment, except the Attorney General
23 may take any anticipatory administrative action in advance as shall be
24 necessary for the implementation of this act.
25

26 STATEMENT

27
28 This bill creates the "Youth Serving Organization Central
29 Registry," or "central registry," which would serve as a
30 clearinghouse for the collection and dissemination of information
31 obtained as a result of conducting criminal history record
32 background checks of prospective or current employees or
33 volunteers of youth serving organizations.
34

35 Currently, the Department of Law and Public Safety acts as a
36 clearinghouse for initiating the collection and dissemination of
37 information obtained as a result of conducting criminal history
38 record background checks pursuant to P.L.1999, c.432 (C.15A:3A-1
39 et seq.). Under this law, a nonprofit youth serving organization
40 may request, through the department, that the State Bureau of
41 Identification (SBI) in the Division of State Police conduct a
42 criminal history record background check on a prospective or
43 current employee or volunteer of an organization. A person may be
44 disqualified from employment or volunteer positions for certain
45 crimes or offenses: involving danger to a person (such as injuries,
46 assault, kidnapping, sexual assault, or robbery); against the family,
47 children or certain persons (e.g., bigamy); involving theft; or, in
48 certain circumstances, involving controlled dangerous substances.

1 The bill maintains these disqualifiers and requires the Attorney
2 General to adopt regulations concerning uniform disqualification
3 criteria.

4 The central registry is to be established within the department.
5 In order to participate in the central registry, a youth serving
6 organization is required to register with the department and pay the
7 required registration fee.

8 The bill amends current law to provide that the central registry is
9 to request, through the department, that the SBI conduct a criminal
10 history record background check on each prospective and current
11 employee or volunteer of a participating organization. For the
12 purpose of conducting the background check, the division would
13 examine its own files and arrange for a similar examination by
14 federal authorities. The division is to conduct a criminal history
15 record background check only after receiving written consent of a
16 prospective or current employee or volunteer.

17 The prospective or current employee or volunteer would bear the
18 costs associated with conducting criminal history background
19 checks. As is the case under current law, the fee for a criminal
20 history record background check would not exceed the actual cost
21 of conducting that check.

22 Additionally, each current employee or volunteer of a
23 participating organization would have a criminal history record
24 background check conducted at least once every two years. The
25 central registry would retain records indicating the qualification
26 status of each employee or volunteer. Any participating
27 organization could check the status of an employee or a volunteer
28 and inquire about their status by telephone or through a secure
29 website maintained by the department.

30 The division would be required to inform a participating
31 organization whether the person's initial or subsequent criminal
32 history record background check reveals a conviction of a
33 disqualifying crime or offense. The central registry status records
34 would then be updated to reflect the disqualifying crime or offense
35 on the record of any prospective or current employee or volunteer.

36 Finally, the bill revises the definition of a "youth serving
37 organization" to mean a sports team, league, athletic association, or
38 any other corporation, association or other organization, excluding
39 public and nonpublic schools, which provides recreational,
40 educational, cultural, charitable, social or other activities or services
41 for persons under 18 years of age. An organization would not need
42 to be nonprofit to be eligible to participate.