ASSEMBLY, No. 4764

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED OCTOBER 8, 2020

Sponsored by:
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District 25 (Morris and Somerset)
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SYNOPSIS

Authorizes criminal history record background checks of employees and volunteers of nonprofit domestic violence victim serving organizations.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 5/17/2021)

AN ACT concerning criminal history record background checks of employees and volunteers of nonprofit domestic violence victim serving organizations and amending P.L.1999, c.432 (C.15A:3A-1 et seq.).

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

1. The title of P.L.1999, c.432 is amended to read as follows:

AN ACT concerning criminal history record background checks of employees and volunteers of nonprofit youth serving organizations and nonprofit domestic violence victim serving organizations and supplementing Title 2A of the New Jersey Statutes.

(cf: P.L.1999, c.432, Title)

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

1. As used in this act:

"Criminal history record background check" means a determination of whether a person has a criminal record by cross-referencing that person'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.

"Department" means the Department of Law and Public Safety.

"Nonprofit domestic violence victim serving organization" means a corporation, association or other organization established pursuant to Title 15 of the Revised Statutes, Title 15A of the New Jersey Statutes, or other law of this State, which provides services for victims of domestic violence, as defined in section 3 of P.L. 1991, c.261 (C.2C:25-19), and is exempt from federal income taxes.

"Nonprofit youth serving organization" **[**or "organization"**]** means a corporation, association or other organization established pursuant to Title 15 of the Revised Statutes, Title 15A of the New Jersey Statutes, or other law of this State, but excluding public and nonpublic schools, and which provides recreational, cultural, charitable, social or other activities or services for persons younger than 18 years of age, and is exempt from federal income taxes.

"Organization" means a nonprofit domestic violence victim serving organization or a nonprofit youth serving organization, as defined in this section.

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

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.

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

2. a. A nonprofit youth serving organization or nonprofit domestic violence victim serving organization may request, through the department, that the State Bureau of Identification in the Division of State Police conduct a criminal history record background check on each prospective and current employee or volunteer of the organization.

b. For the purpose of conducting the criminal history record background check, the division shall examine its own files and arrange for a similar examination by federal authorities. The division shall inform the department whether the person's criminal history record background check reveals a conviction of a disqualifying crime or offense as specified in section 3 of this act.

c. The division shall conduct a criminal history record background check only upon receipt of the written consent to the check of the prospective or current employee or volunteer.

d. The organization or the prospective or current employee or volunteer shall bear the costs associated with conducting criminal history background checks. Notwithstanding any law or regulation to the contrary, the department shall not charge a fee for a criminal history record background check that exceeds the actual cost of conducting that check, as determined by the Attorney General. The Attorney General shall annually certify to the State Treasurer the cost per criminal history background check in the immediately preceding year.

(cf: P.L.1999, c.432, s.2)

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

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

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

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

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

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

(4) involving any controlled dangerous substance or controlled substance analog as set forth in chapter 35 of Title 2C of the New

Jersey Statutes except paragraph (4) of subsection a. of N.J.S.2C:35-10.

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

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

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

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

4. a. Prospective or current employees and volunteers of nonprofit youth serving organizations <u>and nonprofit domestic violence victim serving organizations</u> shall submit their name, address, fingerprints and written consent to the organization for the criminal history record background check to be performed. The organization shall supply this documentation to the Attorney General, who shall coordinate the background check.

b. The Attorney General is authorized to exchange fingerprint data with, and receive criminal history record information for use by nonprofit youth serving organizations <u>and nonprofit domestic violence victim serving organizations</u> from the Federal Bureau of Investigation, Identification Section and the Division of State Police, Bureau of Identification and such other law enforcement agencies and jurisdictions as may be necessary for the purposes of this act.

c. The department shall act as a clearinghouse for the collection and dissemination of information obtained as a result of conducting criminal history record background checks pursuant to this act.

(cf: P.L.1999, c.432, s.4)

6. This act shall take effect on the first day of the seventh month following enactment.

STATEMENT

This bill would authorize criminal history record background checks of employees and volunteers of nonprofit domestic violence victim serving organizations. Persons whose background checks revealed certain criminal convictions would be disqualified as an employee or volunteer of the organization. The bill defines a "nonprofit domestic violence victim serving organization" as one

which provides services for victims of domestic violence.

The criminal history record background check required by the bill would entail cross-referencing a person's name and fingerprints against those in the criminal records on file with the Federal Bureau of Investigation, Identification Division and the State Bureau of Identification in the Division of State Police. The bill would authorize a nonprofit domestic violence victim serving organization to request the State Bureau of Identification in the Division of State Police to conduct a criminal history record background check on each prospective and current employee or volunteer of the organization. The bill specifies that the organization or the prospective or current employees or volunteers must bear the costs associated with conducting criminal history background checks.

Under the bill, individuals convicted of any crime or disorderly persons offense involving danger to the person, committed against the family, children or incompetents, or involving theft or a controlled dangerous substance, or any other conduct which, if committed in New Jersey, would constitute any of these crimes or disorderly persons offenses, would be disqualified from working or volunteering at a nonprofit domestic violence victim serving organization.