

ASSEMBLY, No. 1614

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblyman GREGORY P. MCGUCKIN

District 10 (Ocean)

Assemblyman JOHN CATALANO

District 10 (Ocean)

SYNOPSIS

Requires certain NJ Transit Corporation employees to undergo criminal history background checks and wear photo identification.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning criminal history record background checks and
2 photo identification requirements for certain employees of the
3 New Jersey Transit Corporation and supplementing P.L.1979,
4 c.150 (C.27:25-1 et seq).

5

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

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9 1. As used in this act:

10 "Criminal history record background check" means a
11 determination of whether a person has a criminal record by cross-
12 referencing that person's name and fingerprints with those on file
13 with the State Bureau of Identification in the Division of State
14 Police.

15 "Corporation" means the New Jersey Transit Corporation.

16 "Current security employee" means an individual who is
17 employed by the corporation and is granted access to a security
18 sensitive area.

19 "Prospective security employee" means an individual who seeks
20 employment with the corporation for a position that may require
21 access to a security sensitive area.

22 "Security sensitive area" means that area determined by the
23 corporation to be essential to maintaining the security of its
24 facilities and operations.

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26 2. The corporation shall perform criminal history record
27 background checks on each prospective security employee. The
28 corporation shall not hire a prospective security employee unless it
29 is determined that no criminal record information exists on file in
30 the State Bureau of Identification in the Division of State Police
31 which would disqualify the individual from being employed
32 pursuant to the provisions of this act.

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34 3. A prospective security employee subject to the provisions of
35 section 2 of this act shall submit to being fingerprinted in
36 accordance with applicable State and federal laws, rules, and
37 regulations. A prospective security employee who refuses to
38 consent to, or cooperate in, the securing of a criminal history record
39 background check shall not be hired by the corporation. The
40 corporation is authorized to request and receive criminal history
41 record information from the State Bureau of Identification for use in
42 making determinations provided for in section 2 of this act. A
43 criminal history record background check shall not be performed
44 pursuant to this act unless the prospective security employee shall
45 have furnished written consent to a background check.

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47 4. a. Upon receipt of a prospective security employee's
48 criminal history record information from the State Bureau of

1 Identification pursuant to section 3 of this act, the corporation shall
2 notify the prospective security employee as to whether the
3 employee is qualified or disqualified for employment pursuant to
4 this act. The corporation shall determine the basis for
5 disqualification of a prospective security employee.

6 b. A prospective security employee shall have 20 days from the
7 date of the notice of disqualification to file an appeal for review on
8 the accuracy of the criminal history record information or to
9 establish rehabilitation pursuant to regulations adopted by the
10 corporation, in consultation with the Attorney General.

11 c. The corporation shall not maintain a prospective security
12 employee's criminal history record information submitted pursuant
13 to this act for longer than 36 months from the date of the final
14 disposition of the employee's disqualification.

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16 5. The corporation shall adopt procedures to ensure that each
17 current security employee is issued a plainly visible photo
18 identification card to be worn at all times while on duty, which
19 includes the individual's name, a color photograph of the individual
20 in a size adequate to permit recognition, the individual's signature,
21 the date of issuance, and proof of employment by the corporation

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23 6. A new identification card shall be made and issued by the
24 corporation from time to time to reflect any substantial changes in
25 the current security employee's appearance. Each new
26 identification card shall contain a recent color photograph of the
27 employee.

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29 7. A current security employee of the corporation who is in
30 possession of an identification card, as provided for by this act,
31 shall not loan, allow, or permit any other person to use or display
32 the identification card. In case of the loss of the identification card,
33 the current security employee shall immediately notify the
34 corporation of the loss and the circumstances surrounding the same.
35 Any person violating the provisions of this section or any person
36 who shall display or use the identification card of another, for the
37 purpose of deceiving any person as to their identity, shall be guilty
38 of a disorderly person's offense.

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40 8. This act shall take effect immediately.

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STATEMENT

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45 This bill requires each prospective employee of the New Jersey
46 Transit Corporation (NJ Transit) whose work responsibilities
47 require access to a "security sensitive area," defined as "the area
48 determined by NJ Transit to be essential to maintaining the security

1 of its facilities and operations," to receive a criminal history
2 background check. Under the bill, NJ Transit is not to employ an
3 individual who has access to a "security sensitive area" unless it is
4 determined that no criminal record information exists on file in the
5 State Bureau of Identification in the Division of State Police which
6 would disqualify the individual from being so employed.

7 The bill requires prospective security employees to submit to
8 being fingerprinted in accordance with applicable State and federal
9 laws, rules and regulations. An employee who refuses to consent
10 to, or cooperate in, the securing of a criminal history background
11 check may not be considered for employment.

12 The bill provides that, upon receipt of their criminal history
13 record information, NJ Transit is to notify prospective security
14 employees as to whether they are qualified or disqualified for
15 employment. A prospective security employee would have 20 days
16 from the date of the notice of disqualification to file an appeal for
17 review on the accuracy of the criminal history record information or
18 to establish rehabilitation pursuant to the regulations adopted by NJ
19 Transit, in consultation with the Attorney General. NJ Transit is
20 not to maintain a prospective security employee's criminal history
21 record information for more than 36 months from the date of the
22 final disposition of the employee's disqualification.

23 The bill requires current security employees of NJ Transit to be
24 issued and display photographic identification to enable them to
25 better identify themselves to the public. Specifically, NJ Transit is
26 to adopt procedures to ensure that current security employees are
27 issued an identification card, which includes: the individual's name,
28 a color photograph of the individual in a size adequate to permit
29 recognition, the individual's signature, the date of issuance, and
30 proof of employment by NJ Transit. The bill stipulates that current
31 security employees plainly display their identification card at all
32 times while on duty. Current security employees are not permitted
33 to allow another person to use or display the employee's
34 identification card for the purpose of deceiving the other person's
35 identity.