

NYS Senate BILL NUMBER:S1885C

TITLE OF BILL: An act to amend the town law, the village law and the not-for-profit corporation law, in relation to qualifications to serve as a volunteer firefighter

PURPOSE OR GENERAL IDEA OF BILL:

This bill would require prospective volunteer firefighters to authorize a background check for sex offense convictions if the individual wishes to proceed with his or her application. The bill would also allow individual fire companies to determine if the prospective volunteer shall be eligible to become a volunteer member of such fire company if a sex offense is found.

SUMMARY OF SPECIFIC PROVISIONS:

Section 1: Amends subdivisions 1 and 3 of section 837-o of the executive law to require prospective volunteer firefighters to authorize the Division of Criminal Justice Services (DCJS) to search for previous sex offenses, and delineates the prospective volunteer's right to appeal the information contained in the record of conviction.

Sections 2-4: Amend the town law, village law and not-for-profit corporation law to authorize a fire company to determine whether an individual should be eligible to become a volunteer member of such company if his or her criminal history information indicates a previous sex offense.

Section 5: Effective date.

JUSTIFICATION:

Volunteer fire departments should have the ability to keep convicted sex offenders from becoming volunteers. Because of the nature of the job volunteer firefighters are often in situations where children and families are present and most vulnerable due to a fire or medical emergency. Volunteer firefighters frequently participate in community and school activities in which children are present that would give sex offenders unique access to children. In addition, municipalities with volunteer fire departments should not be exposed to potential lawsuits that could come about because of an incident involving a volunteer with a past sexual offender conviction. This bill would allow departments to screen current volunteers for sexual offense convictions and authorizes the termination of any current volunteer with a conviction for sexual offenses.

This legislation has been introduced at the request of, and is supported by, the Fireman's Association of the State of New York.

PRIOR LEGISLATIVE HISTORY:

S.1885-B of 2013: Passed Senate, Died in Assembly Codes S.4931-B of 2012: Passed Senate, Died in Assembly Government Operations S.4931-A of 2011: Died in Senate Codes, Died in Assembly Government Operations

S.3658 of 2010: Died in Senate Finance, Died in Assembly Government Operations S.3658 of 2009: Died in Senate Codes, Died in Assembly Government Operations S.7007 of 2008: Died in Senate Finance A.5721 of 2007: Died in Assembly Government Operations

FISCAL IMPLICATIONS:

None, the background checks already occur for arson convictions, this bill expands the checks to include convictions for other offenses.

EFFECTIVE DATE:

This act shall take effect on the one hundred twentieth day after it shall have become a law.