

**ASSEMBLY, No. 4480**

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**STATE OF NEW JERSEY**

**220th LEGISLATURE**

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INTRODUCED SEPTEMBER 15, 2022

**Sponsored by:**

**Assemblyman BRANDON E. UMBA**

**District 8 (Atlantic, Burlington and Camden)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Assemblyman KEVIN J. ROONEY**

**District 40 (Bergen, Essex, Morris and Passaic)**

**Co-Sponsored by:**

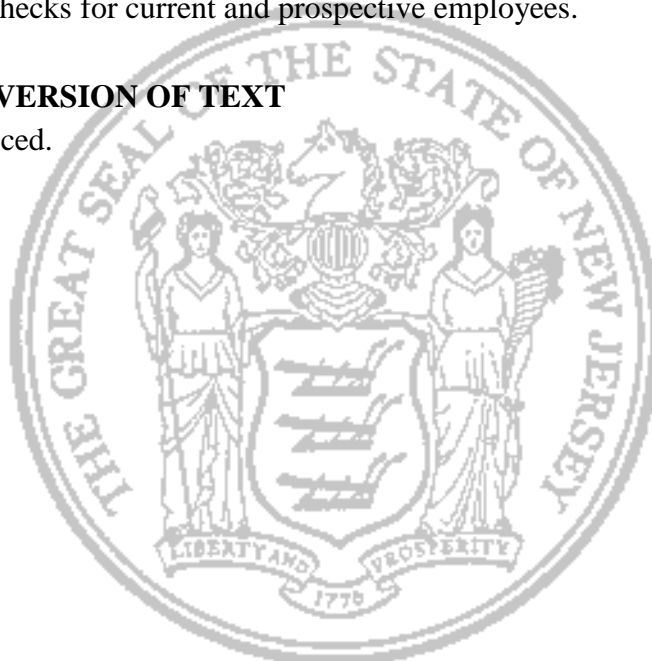
**Assemblyman Webber, Assemblywomen N.Munoz, Dunn, Eulner, Piperno, McKnight, Matsikoudis, Murphy, Assemblymen Wirths, Space and Assemblywoman DeFuccio**

**SYNOPSIS**

Requires State employer to ascertain child abuse or sexual misconduct in employment applications for certain positions involving children; requires background checks for current and prospective employees.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 9/29/2022)**

1 AN ACT concerning requirements for State employment in certain  
2 positions that involve children and supplementing chapter 14 of  
3 Title 52 of the Revised Statutes.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. As used in this act:

9 “Child” means any person under the age of 18 years.

10 “Child abuse” means any conduct that falls under the purview  
11 and reporting requirements of P.L.1971, c.437 (C.9:6-8.8 et seq.)  
12 and is directed toward or against a child, regardless of the age of the  
13 child.

14 “Sexual misconduct” means any verbal, nonverbal, written, or  
15 electronic communication, or any other act directed toward or with  
16 a child that is designed to establish a sexual relationship with the  
17 child, including a sexual invitation, dating or soliciting a date,  
18 engaging in sexual dialogue, making sexually suggestive comments,  
19 self-disclosure or physical exposure of a sexual or erotic nature, and  
20 any other sexual, indecent or erotic contact with child.

21 “Service provider” means an entity holding a contract with a  
22 State employer to provide services involving children.

23 “State employer” means any of the principal departments in the  
24 Executive Branch of this State, and any board, bureau, office,  
25 division, authority, or other instrumentality thereof.

26

27 2. A State employer or service provider shall not employ for  
28 pay or contract for paid services any person serving in a position  
29 which involves regular contact with children, unless the State  
30 employer or service provider complies with the provisions of this  
31 section.

32 a. The State employer or service provider shall require each  
33 applicant for employment to provide:

34 (1) a list, including the name, address, telephone number, and  
35 other relevant contact information of the applicant's:

36 (a) current employer;

37 (b) all former employers within the last 20 years;

38 (c) employment positions involving direct contact with children  
39 from those listed in subparagraphs (a) and (b) of this paragraph;

40 (2) a written authorization that consents to and authorizes  
41 disclosure of the information requested under subsection b. of this  
42 section and the release of related records by the applicant's  
43 employers listed under paragraph (1) of this subsection, and that  
44 releases those employers from liability that may arise from the  
45 disclosure or release of records; and

46 (3) a written statement as to whether the applicant:

47 (a) has been the subject of any child abuse or sexual misconduct  
48 investigation by any employer, State licensing agency, law

1 enforcement agency, or the Department of Children and Families,  
2 and whether the investigation resulted in a finding that the  
3 allegations were false or the alleged incident of child abuse or  
4 sexual misconduct was not substantiated;

5 (b) has ever been disciplined, discharged, nonrenewed, asked to  
6 resign from employment, resigned from or otherwise separated from  
7 any employment while allegations of child abuse or sexual  
8 misconduct were pending or under investigation, or due to an  
9 adjudication or finding of child abuse or sexual misconduct; or

10 (c) has ever had a license, professional license, or certificate  
11 suspended, surrendered, or revoked while allegations of child abuse  
12 or sexual misconduct were pending or under investigation, or due to  
13 an adjudication or finding of child abuse or sexual misconduct.

14 b. The State employer or service provider shall conduct a  
15 review of the employment history of the applicant by contacting  
16 those employers listed by the applicant under the provisions of  
17 paragraph (1) of subsection a. of this section and requesting the  
18 following information:

19 (1) the dates of employment of the applicant; and

20 (2) a statement as to whether the applicant:

21 (a) was the subject of any child abuse or sexual misconduct  
22 investigation by any employer, State licensing agency, law  
23 enforcement agency, or the Department of Children and Families,  
24 and whether the investigation resulted in a finding that the  
25 allegations were false or the alleged incident of child abuse or  
26 sexual misconduct was not substantiated;

27 (b) was disciplined, discharged, nonrenewed, asked to resign  
28 from employment, resigned from or otherwise separated from any  
29 employment while allegations of child abuse or sexual misconduct  
30 were pending or under investigation, or due to an adjudication or  
31 finding of child abuse or sexual misconduct; or

32 (c) has ever had a license, professional license, or certificate  
33 suspended, surrendered, or revoked while allegations of child abuse  
34 or sexual misconduct were pending or under investigation, or due to  
35 an adjudication or finding of child abuse or sexual misconduct.

36 The review of the employment history may be conducted by  
37 telephone, electronic, or written communications. If the review is  
38 conducted by telephone, the results of the review shall be  
39 documented in writing by the prospective employer.

40  
41 3. a. An applicant who willfully provides false information or  
42 willfully fails to disclose information required in subsection a. of  
43 section 2 of this act P.L. , c. (C. ) (pending before the  
44 Legislature as this bill):

45 (1) shall be subject to discipline up to, and including,  
46 termination or denial of employment;

47 (2) may be deemed in violation of subsection a. of N.J.S.2C:28-  
48 3; and

1 (3) may be subject to a civil penalty of not more than \$500  
2 which shall be collected in proceedings in accordance with the  
3 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10  
4 et seq.).

5 b. A State employer or service provider shall include a  
6 notification of the penalties set forth in this section on all  
7 applications for employment for positions which involve regular  
8 contact with children.

9  
10 4. a. No later than 20 days after receiving a request for  
11 information under subsection b. of section 2 of this act  
12 P.L., c. (C. ) (pending before the Legislature as this bill), an  
13 employer that has or had an employment relationship within the last  
14 20 years with the applicant shall disclose the information requested.

15 b. The State employer or service provider, in conducting the  
16 review of the employment history of an out-of-State applicant, shall  
17 make, and document with specificity, diligent efforts to:

18 (1) verify the information provided by the applicant pursuant to  
19 subsection a. of section 2 of this act P.L., c. (C. ) (pending  
20 before the Legislature as this bill); and

21 (2) obtain from any out-of-State employers listed by the  
22 applicant the information requested pursuant to subsection b. of  
23 section 2 of this act P.L., c. (C. ) (pending before the Legislature  
24 as this bill).

25 c. The failure of an employer to provide the information  
26 requested pursuant to subsection b. of section 2 of this act  
27 P.L., c. (C. ) (pending before the Legislature as this bill) within  
28 the 20-day timeframe established under subsection a. of this section  
29 may be grounds for the automatic disqualification of an applicant  
30 from employment with a State employer or service provider. A  
31 State employer or service provider shall not be liable for any claims  
32 brought by an applicant who is not offered employment or whose  
33 employment is terminated:

34 (1) because of any information received by the State employer  
35 or service provider from an employer pursuant to section 2 of this  
36 act P.L., c. (C. ) (pending before the Legislature as this bill); or

37 (2) due to the inability of the State employer or service provider  
38 to conduct a full review of the applicant's employment history  
39 pursuant to subsection b. of section 2 of this act P.L., c. (C. )  
40 (pending before the Legislature as this bill).

41 d. A State employer or service provider shall have the right to  
42 immediately terminate an individual's employment or rescind an  
43 offer of employment if:

44 (1) the applicant is offered employment or commences  
45 employment with the State employer or service provider following  
46 the effective date of this act, P.L. , c. (C. ) (pending before the  
47 Legislature as this bill); and

1 (2) information regarding the applicant's history of sexual  
2 misconduct or child abuse is subsequently discovered or obtained  
3 by the State employer or service provider that the employer or  
4 provider determines disqualifies the applicant or employee from  
5 employment.

6 The termination of employment pursuant to this subsection shall  
7 not be subject to any grievance or appeals procedures or tenure  
8 proceedings pursuant to any collectively bargained or negotiated  
9 agreement or any law, rule, or regulation.

10

11 5. a. After reviewing the information disclosed under  
12 subsection b. of section 2 of this act, P.L. , c. (C. ) (pending  
13 before the Legislature as this bill) and finding an affirmative  
14 response to any of the inquiries in paragraph (2) of subsection b. of  
15 section 2 of this act, P.L. , c. (C. ) (pending before the  
16 Legislature as this bill), the prospective State employer or service  
17 provider, prior to determining to continue with the applicant's job  
18 application process, shall make further inquiries of the applicant's  
19 current or former employer to ascertain additional details regarding  
20 the matter disclosed.

21 b. A State employer or service provider may employ or  
22 contract with an applicant on a provisional basis for a period not to  
23 exceed 90 days pending review by the State employer or service  
24 provider of information received pursuant to section 2 of this act,  
25 P.L. , c. (C. ) (pending before the Legislature as this bill),  
26 provided that all of the following conditions are satisfied:

27 (1) the applicant has complied with subsection a. of section 2 of  
28 this act, P.L. , c. (C. ) (pending before the Legislature as this  
29 bill);

30 (2) the State employer or service provider has no knowledge or  
31 information pertaining to the applicant that the applicant is required  
32 to disclose pursuant to paragraph (3) of subsection a. of section 2 of  
33 this act, P.L. , c. (C. ) (pending before the Legislature as this  
34 bill); and

35 (3) the State employer or service provider determines that  
36 special or emergent circumstances exist that justify the temporary  
37 employment of the applicant.

38

39 6. a. Information received by a State employer or service  
40 provider under this act, P.L. , c. (C. ) (pending before the  
41 Legislature as this bill) shall not be deemed a public record under  
42 P.L.1963, c.73 (C.47:1A-1 et seq.) or the common law concerning  
43 access to public records.

44 b. An employer that provides information or records about a  
45 current or former employee or applicant shall be immune from  
46 criminal and civil liability for the disclosure of the information,  
47 unless the information or records provided were knowingly false.

1 The immunity shall be in addition to and not in limitation of any  
2 other immunity provided by law.

3

4 7. a. On or after the effective date of this act, P.L. , c. (C. )  
5 (pending before the Legislature as this bill), a State employer or  
6 service provider shall not enter into a collectively bargained or  
7 negotiated agreement, an employment contract, an agreement for  
8 resignation or termination, a severance agreement, or any other  
9 contract or agreement or take any action that:

10 (1) has the effect of suppressing or destroying information  
11 relating to an investigation related to a report of suspected child  
12 abuse or sexual misconduct by a current or former employee;

13 (2) affects the ability of the State employer or service provider  
14 to report suspected child abuse or sexual misconduct to the  
15 appropriate authorities; or

16 (3) requires the State employer or service provider to expunge  
17 information about allegations or finding of suspected child abuse or  
18 sexual misconduct from any documents maintained by the State  
19 employer or service provider, unless after investigation the  
20 allegations are found to be false or the alleged incident of child  
21 abuse or sexual misconduct has not been substantiated.

22 b. Any provision of an employment contract or agreement for  
23 resignation or termination or a severance agreement that is  
24 executed, amended, or entered into after the effective date of this  
25 act and that is contrary to this section shall be void and  
26 unenforceable.

27

28 8. In addition to the requirements concerning an application for  
29 employment established under sections 2 through 7 of this act,  
30 P.L. , c. (C. through C. ) (pending before the Legislature as  
31 this bill), an applicant for employment who will be employed in a  
32 position which involves regular contact with children, and each  
33 current employee of a State employer or service provider who is  
34 employed in a position which involves regular contact with  
35 children, shall be required to undergo a criminal history record  
36 background check as a condition of prospective or continuing  
37 employment. The State employer or service provider is authorized  
38 to exchange fingerprint data with, and to receive criminal history  
39 record information from, the Division of State Police in the  
40 Department of Law and Public Safety and the Federal Bureau of  
41 Investigation. Except as provided in subsection d. of this section, a  
42 current employee of a State employer or service provider, or an  
43 applicant for employment, who is or will be employed in a position  
44 which involves regular contact with children, shall be permanently  
45 disqualified from employment in that position if the criminal  
46 history record background check of that employee or applicant  
47 reveals a record of conviction for any of the following crimes and  
48 offenses:

- 1       a. in New Jersey, any crime or disorderly persons offense as  
2 follows:
- 3       (1) a crime against a child, including endangering the welfare of  
4 a child and child pornography pursuant to N.J.S.2C:24-4; child  
5 molestation as set forth in N.J.S.2C:14-1 et seq.;
- 6       (2) abuse, abandonment or neglect of a child pursuant to  
7 R.S.9:6-3;
- 8       (3) endangering the welfare of a person with a developmental  
9 disability pursuant to N.J.S.2C:24-7.1;
- 10       (4) sexual assault, criminal sexual contact or lewdness pursuant  
11 to N.J.S.2C:14-2 through N.J.S.2C:14-4;
- 12       (5) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant  
13 to N.J.S.2C:11-4;
- 14       (6) stalking pursuant to section 1 of P.L.1992, c.209 (C.2C:12-  
15 10);
- 16       (7) kidnaping and related offenses including criminal restraint,  
17 false imprisonment, interference with custody, criminal coercion, or  
18 enticing a child into a motor vehicle, structure or isolated area  
19 pursuant to N.J.S.2C:13-1 through N.J.S.2C:13-5 and section 1 of  
20 P.L.1993, c.291 (C.2C:13-6);
- 21       (8) arson pursuant to N.J.S.2C:17-1, or causing or risking  
22 widespread injury or damage, which would constitute a crime of the  
23 second degree pursuant to N.J.S.2C:17-2;
- 24       (9) aggravated assault, which would constitute a crime of the  
25 second or third degree pursuant to subsection b. of N.J.S.2C:12-1;
- 26       (10) robbery, which would constitute a crime of the first degree  
27 pursuant to N.J.S.2C:15-1;
- 28       (11) burglary, which would constitute a crime of the second  
29 degree pursuant to N.J.S.2C:18-2;
- 30       (12) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17  
31 et seq.);
- 32       (13) terroristic threats pursuant to N.J.S.2C:12-3; or
- 33       (14) an attempt or conspiracy to commit any of the crimes or  
34 offenses listed in paragraphs (1) through (13) of this subsection.
- 35       b. In any other state or jurisdiction, of conduct which, if  
36 committed in New Jersey, would constitute any of the crimes or  
37 disorderly persons offenses described in subsection a. of this  
38 section.
- 39       c. If the applicant or employee is disqualified, the convictions  
40 that constitute the basis for the disqualification shall be identified in  
41 a written notice to the applicant or employee. The applicant or  
42 employee shall have 14 days from the date of the written notice of  
43 disqualification to challenge the accuracy of the criminal history  
44 record information. If no challenge is filed or if the determination  
45 of the accuracy of the criminal history record information upholds  
46 the disqualification, the State employer or service provider shall  
47 notify the applicant or employee of the disqualification from  
48 employment. An individual shall not be disqualified from

1 employment under this act, P.L. , c. (C. ) (pending before the  
2 Legislature as this bill), on the basis of any conviction disclosed by  
3 a criminal history record background check performed pursuant to  
4 this act without an opportunity to challenge the accuracy of the  
5 disqualifying criminal history record.

6 d. If an employee is convicted of a crime specified in  
7 subsection a. of this section, the employee shall be terminated from  
8 employment, except that the State employer or service provider may  
9 approve the individual's employment if all of the following  
10 conditions are met:

11 (1) the State employer or service provider determines that the  
12 crime does not relate adversely to the position the individual is  
13 employed in pursuant to the provisions of P.L.1968, c.282  
14 (C.2A:168A-1 et seq.);

15 (2) the conviction is not related to a crime committed against a  
16 child, as specified in subsection a. of this section;

17 (3) the State employer or service provider documents that the  
18 individual's employment does not create a risk to the safety or well-  
19 being of children due to the nature and requirements of the position;  
20 as necessary, the State employer or service provider shall identify  
21 restrictions regarding the individual's contact with, care, or  
22 supervision of children;

23 (4) the State employer or service provider documents that the  
24 individual is uniquely qualified for the position due to specific  
25 skills, qualifications, characteristics, or prior employment  
26 experiences; and

27 (5) the State employer or service provider determines that the  
28 individual has affirmatively demonstrated rehabilitation, pursuant to  
29 the factors specified in subsection b. of section 9 of this act,  
30 P.L. , c. (C. ) (pending before the Legislature as this bill).

31  
32 9. a. For crimes and offenses other than those cited in  
33 subsection a. of section 8 of this act, P.L. , c. (C. ) (pending  
34 before the Legislature as this bill), an employee or applicant may be  
35 eligible for employment if the individual has affirmatively  
36 demonstrated to the State employer or service provider clear and  
37 convincing evidence of rehabilitation pursuant to subsection b. of  
38 this section.

39 b. In determining whether an individual has affirmatively  
40 demonstrated rehabilitation, the following factors shall be  
41 considered:

42 (1) the nature and responsibility of the position that the  
43 convicted individual would hold, has held or currently holds, as the  
44 case may be;

45 (2) the nature and seriousness of the offense;

46 (3) the circumstances under which the offense occurred;

47 (4) the date of the offense;

48 (5) the age of the individual when the offense was committed;



- 1 (6) whether the offense was an isolated or repeated incident;  
2 (7) any social conditions that may have contributed to the  
3 offense; and  
4 (8) any evidence of rehabilitation, including good conduct in  
5 prison or in the community, counseling or psychiatric treatment  
6 received, acquisition of additional academic or vocational  
7 schooling, successful participation in correctional work-release  
8 programs, or the recommendation of those who have had the  
9 individual under their supervision.

10 c. The State employer or service provider shall make the final  
11 determination regarding the employment of a person with a criminal  
12 conviction specified under this section.

13 d. If a State employer or service provider has knowledge that  
14 an employee has criminal charges pending against the employee,  
15 the State employer or service provider shall determine whether or  
16 not any action concerning the employee is necessary in order to  
17 ensure the safety of the children.

18  
19 10. a. A State employer or service provider that has received an  
20 employment application from a prospective employee, or with  
21 respect to a current employee, shall be immune from liability for  
22 acting upon or disclosing information about the disqualification or  
23 termination of that applicant or employee to another employer  
24 seeking to employ that individual if the State employer or service  
25 provider has:

26 (1) determined that person is disqualified from employment  
27 pursuant to this act, P.L. , c. (C. ) (pending before the  
28 Legislature as this bill); or

29 (2) terminated the employment of an employee who was  
30 disqualified from employment on the basis of a conviction of a  
31 crime pursuant to section 8 of this act, P.L. , c. (C. ) (pending  
32 before the Legislature as this bill), after commencing employment.

33 b. A State employer or service provider that acts upon or  
34 discloses information pursuant to subsection a. of this section shall  
35 be presumed to be acting in good faith unless it is shown by clear  
36 and convincing evidence that the State employer or service provider  
37 acted with actual malice toward the individual who is the subject of  
38 the information.

39  
40 11. In addition to the requirements concerning an application  
41 for employment established under sections 2 through 7 of this act,  
42 P.L. , c. (C. through C. ) (pending before the Legislature as  
43 this bill), and the requirements concerning a criminal history record  
44 background check and disqualification from employment  
45 established under section 8 through 10 of this act, P.L. , c. (C.  
46 through C. ) (pending before the Legislature as this bill), an  
47 applicant for employment, and a current employee of a State  
48 employer or service provider, who will be or is employed in a

1 position which involves regular contact with children, shall be  
2 required to undergo a child abuse record information check as  
3 provided in this section.

4 a. A State employer or service provider shall conduct a child  
5 abuse record information check for each prospective or current  
6 employee to determine if an incident of child abuse or neglect has  
7 been substantiated, pursuant to section 4 of P.L.1971, c.437 (C.9:6-  
8 8.11), against the prospective or current employee.

9 b. Each current or prospective employee shall provide prior  
10 written consent for the conduct of a child abuse record information  
11 check.

12 c. If a current or prospective employee refuses to consent to, or  
13 cooperate in, the conduct of a child abuse record information check,  
14 the individual shall be ineligible for or immediately terminated  
15 from employment.

16 d. The division shall complete the child abuse record  
17 information check within 45 days after receiving the request for the  
18 check.

19 e. A current employee of a State employer or service provider,  
20 or an applicant for employment, who is or will be employed in a  
21 position which involves regular contact with children, shall be  
22 permanently disqualified from employment in that position if the  
23 child abuse record information check of that employee or applicant  
24 reveals a record of conviction for child abuse.

25

26 12. The State employer or service provider shall be responsible  
27 for the cost of processing and funding all criminal history record  
28 background checks and child abuse record information checks  
29 required pursuant to this act, P.L. , c. (C. ) (pending before the  
30 Legislature as this bill). The State employer or service provider  
31 shall also be responsible for paying the cost of obtaining the  
32 fingerprints or other identifier authorized by the Division of State  
33 Police, unless that service is available at no cost to the employee or  
34 individual seeking employment.

35

36 13. a. Each State employer or service provider subject to the  
37 provisions of this act, P.L. , c. (C. ) (pending before the  
38 Legislature as this bill), shall establish a public awareness campaign  
39 to publicize the provisions of this act and to ensure applicants and  
40 employers are aware of their respective rights and responsibilities  
41 under this act. The State employer or service provider shall post on  
42 its website guidance documents and any other informational  
43 materials that may assist applicants and employers in the  
44 implementation of and compliance with this act.

45 b. The State employer shall develop forms for applicants and  
46 employers that may be used to comply with the requirements of  
47 subsections a. and b. of section 2 of this act, as well as any other  
48 forms necessary to carry out the provisions of this act.

1       14. This act shall take effect immediately.

2

3

4

#### STATEMENT

5

6       This bill requires State employers, or service providers holding a  
7 contract with a State employer to provide services involving  
8 children, to ascertain allegations of child abuse or sexual  
9 misconduct prior to awarding employment in certain positions that  
10 involve regular contact with children. The bill also requires a  
11 criminal history record background check and a child abuse record  
12 background check for each current or prospective employee of a  
13 State employer or service provider who is or would be employed in  
14 a position having regular contact with children. Under the bill, a  
15 State employer means any of the principal departments in the  
16 Executive Branch of this State, and any board, bureau, office,  
17 division, authority, or other instrumentality thereof.

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#### *Application Information - Prospective Employees*

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The bill requires each State employer or service provider to request from each applicant for employment in a position having regular contact with children detailed information concerning that person's employment history. Each such applicant would be required to provide (1) a list of the applicant's current employer, all former employers within the last 20 years, and an indication of which of those employment positions involved direct contact with children; (2) a written authorization that consents to and authorizes disclosure of the information requested and the release of related records by the applicant's employers, and that releases those employers from liability that may arise from the disclosure or release of records; and (3) a written statement as to whether the applicant has been the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency, or the Department of Children and Families, and whether the investigation resulted in a finding that the allegations were false or the alleged incident of child abuse or sexual misconduct was not substantiated; has ever been disciplined, discharged, non-renewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct; or has ever had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.

1 The bill establishes penalties for the provision of false  
2 information by an applicant for employment; requires that current  
3 and former employers of an applicant respond to a State employer's  
4 or service provider's request for information within 20 days of that  
5 request; and allows the State employer or service provider to  
6 disqualify an applicant if the information on that person's  
7 application cannot be verified due to a non-response from a current  
8 or prior employer. The bill allows such disqualification or  
9 termination upon an affirmative response or finding of child abuse  
10 or sexual misconduct in an applicant's application or employment  
11 history.

12 Under special or emergent circumstances, the bill allows a State  
13 employer or service provider to employ or contract with an  
14 applicant on a provisional basis for a period not to exceed 90 days  
15 pending review of an applicant's information, provided the  
16 applicant submitted the information requested and the State  
17 employer or service provider has no adverse knowledge or  
18 information pertaining to the applicant. The bill provides that the  
19 application records would not be subject to public disclosure under  
20 the "open public records act," and prohibits the State employer or  
21 service provider from entering into any contracts or agreements that  
22 would expunge application records or make it difficult to report  
23 findings of child abuse or sexual misconduct.

24

25 *Criminal History Record Background Check – Current and*  
26 *Prospective Employees*

27

28 The bill requires an applicant for employment and each current  
29 employee of a State employer or service provider who is or will be  
30 employed in a position which involves regular contact with  
31 children, to undergo a criminal history record background check as  
32 a condition of prospective or continuing employment.

33 The prospective or current employee would be permanently  
34 disqualified from employment in that position if the criminal  
35 history record background check of that employee or applicant  
36 reveals a record of conviction for any of the following crimes and  
37 offenses: (1) a crime against a child, including endangering the  
38 welfare of a child and child pornography; child molestation; (2)  
39 abuse, abandonment or neglect of a child; (3) endangering the  
40 welfare of a person with a developmental disability; (4) sexual  
41 assault, criminal sexual contact or lewdness; (5) murder or  
42 manslaughter; (6) stalking; (7) kidnaping and related offenses  
43 including criminal restraint, false imprisonment, interference with  
44 custody, criminal coercion, or enticing a child into a motor vehicle,  
45 structure or isolated area; (8) arson, or causing or risking  
46 widespread injury or damage, which would constitute a crime of the  
47 second degree; (9) aggravated assault, which would constitute a  
48 crime of the second or third degree; (10) robbery, which would

1 constitute a crime of the first degree; (11) burglary, which would  
2 constitute a crime of the second degree; (12) domestic violence;  
3 (13) terroristic threats; and (14) an attempt or conspiracy to commit  
4 any of these crimes or offenses.

5 Under the bill, for crimes and offenses other than those listed, an  
6 employee or applicant may be eligible for employment if the  
7 individual has affirmatively demonstrated clear and convincing  
8 evidence of rehabilitation.

9  
10 *Child Abuse Record Information Check – Current and Prospective*  
11 *Employees*

12  
13 The bill further requires each applicant for employment and each  
14 current employee of a State employer or service provider who will  
15 be or is employed in a position which involves regular contact with  
16 children to undergo a child abuse record information check. The  
17 State employer or service provider would be required to conduct  
18 that check to determine if an incident of child abuse or neglect has  
19 been substantiated against the prospective or current employee.  
20 Under the bill, if a current or prospective employee refuses to  
21 consent to, or cooperate in, the conduct of a child abuse record  
22 information check, the person would be ineligible for or  
23 immediately terminated from employment. The bill provides that a  
24 current employee of a State employer or service provider, or an  
25 applicant for employment, who is or will be employed in a position  
26 which involves regular contact with children, would be permanently  
27 disqualified from employment in that position if the child abuse  
28 record information check of that employee or applicant reveals a  
29 record of conviction for child abuse.