

SENATE, No. 126

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senators PALAIA and GIRGENTI

1 AN ACT concerning education and amending P.L.1986, c.116 and
2 P.L.1987, c.164.

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

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7 1. Section 1 of P.L.1986, c.116 (C.18A:6-7.1) is amended to read
8 as follows:

9 1. A facility, center, school, or school system under the supervision
10 of the Department of Education and board of education which cares
11 for, or is involved in the education of children under the age of 18
12 shall not employ or contract for the services of any teaching staff
13 member or substitute teacher, teacher aide, child study team member,
14 school physician, school nurse, custodian, school maintenance worker,
15 cafeteria worker, school law enforcement officer, school secretary or
16 clerical worker or any other person serving in a position which
17 involves regular contact with pupils except individuals serving as
18 school bus drivers unless the employer has first determined consistent
19 with the requirements and standards of this act, that no criminal
20 history record information exists on file in the Federal Bureau of
21 Investigation, Identification Division, or the State Bureau of
22 Identification which would disqualify that individual from being
23 employed or utilized in such capacity or position. An individual
24 employed by a board of education or a school bus contractor holding
25 a contract with a board of education, in the capacity of a school bus
26 driver, shall be required to meet the criminal history record
27 requirements pursuant to section 6 of P.L.1989, c.104
28 (C.18A:39-19.1). This section shall not apply to any individual who
29 provides services on a voluntary basis. An individual other than a
30 school bus driver shall be disqualified from employment or service
31 under this act if the individual's criminal history record check reveals
32 a record of conviction of any of the following crimes and offenses:

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 a. In New Jersey, any crime or disorderly persons offense:
- 2 (1) bearing upon or involving sexual offense or child molestation
- 3 as set forth in N.J.S.2C:14-1 et seq.; or
- 4 (2) endangering the welfare of children or incompetents, as set
- 5 forth in N.J.S.2C:24-4 and N.J.S.2C:24-7; or
- 6 b. A crime or offense involving the manufacture, transportation,
- 7 sale, possession, or habitual use of a "controlled dangerous substance"
- 8 as defined in the "New Jersey Controlled Dangerous Substances Act,"
- 9 P.L.1970, c.226 (C.24:21-1 et seq.); or
- 10 c. (1) A crime or offense involving the use of force or the threat
- 11 of force to or upon a person or property including: armed robbery,
- 12 aggravated assault, kidnapping, arson, manslaughter and murder; or
- 13 (2) A simple assault involving the use of force which results in
- 14 bodily injury; or
- 15 (3) A crime involving burglary as set forth in N.J.S.2C:18-2; or
- 16 (4) A crime involving theft or related offenses as set forth in
- 17 N.J.S.2C:20-1 et seq.; or
- 18 (5) A crime involving forgery and fraudulent practices as set forth
- 19 in N.J.S.2C:21-1 et seq.; or
- 20 (6) A crime involving bribery or corrupt influence as set forth in
- 21 N.J.S.2C:27-1 et seq. and N.J.S.2C:29-8 ; or
- 22 (7) A crime of perjury or other falsification in official matters as
- 23 set forth in N.J.S.2C:28-1 et seq.; or
- 24 (8) A crime of official misconduct as set forth in N.J.S. 2C:30-2
- 25 and N.J.S.2C:30-3; or
- 26 (9) Conspiracy to commit a crime described in this section of this
- 27 act.
- 28 d. In any other state or jurisdiction, a conviction involving
- 29 conduct which, if committed in New Jersey, would constitute any of
- 30 the crimes or disorderly persons offenses described in this section of
- 31 this act.
- 32 e. Notwithstanding the provisions of this section, an individual
- 33 shall not be disqualified from employment or service under this act on
- 34 the basis of any conviction disclosed by a criminal record check
- 35 performed pursuant to this act if the individual has affirmatively
- 36 demonstrated to the Commissioner of Education clear and convincing
- 37 evidence of his or her rehabilitation. In determining whether an
- 38 individual has affirmatively demonstrated rehabilitation, the following
- 39 factors shall be considered:
- 40 (1) The nature and responsibility of the position which the
- 41 convicted individual would hold;
- 42 (2) The nature and seriousness of the offense;
- 43 (3) The circumstances under which the offense occurred;
- 44 (4) The date of the offense;
- 45 (5) The age of the individual when the offense was committed;
- 46 (6) Whether the offense was an isolated or repeated incident;

1 (7) Any social conditions which may have contributed to the
2 offense;

3 (8) Any evidence of rehabilitation, including good conduct in
4 prison or in the community, counseling or psychiatric treatment
5 received, acquisition of additional academic or vocational schooling,
6 successful participation in correctional work-release programs, or the
7 recommendation of persons who have had the individual under their
8 supervision.

9 (cf: P.L.1989, c.104, s.4)

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11 2. Section 1 of P.L.1987 c.164 (C.18A:6-7.1a) is amended to read
12 as follows:

13 1. A board of education may employ a candidate provisionally for
14 a period not to exceed [six] three months, pending completion of a
15 criminal history records check required pursuant to P.L.1986, c.116
16 (C.18A:6-7.1 et seq.); provided that the candidate submits to the
17 commissioner a sworn statement attesting that the candidate has not
18 been convicted of any crime or disorderly persons offense as described
19 by that act.

20 (cf: P.L.1987, c.164, s.1)

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22 3. This act shall take effect immediately.

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STATEMENT

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27 This bill would include the convictions of serious non-violent
28 offenses such as burglary, theft, forgery, bribery, and other related
29 offenses as well as conspiracy to commit these and violent crimes as
30 a basis to disqualify a person from being employed in a position which
31 involves regular contact with pupils. Currently, only the convictions
32 for violent crimes, drug related and sex offenses bar a person from
33 being employed in this capacity. This bill would also decrease the time
34 period which a employee may be provisionally hired pending
35 completion of criminal history records check.

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40 Expands offenses disclosed in criminal history records check to bar
41 employment with schools.