

BOROUGH OF RED BANK  
ORDINANCE NO. 2000- 16  
ORDINANCE AUTHORIZING CRIMINAL HISTORY  
BACKGROUND CHECKS OF EMPLOYEES AND  
VOLUNTEERS INVOLVED WITH BOROUGH OF RED  
BANK PROGRAMS OR SERVICES FOR MINORS

WHEREAS, the Borough of Red Bank wants to ensure that the municipality is providing the safest possible recreational and other programs for its youth; and

WHEREAS, recently enacted State law, N.J.S.A. 15A:3A-1, et seq., permits the municipality to request that the Attorney General's office conduct a criminal history record background check on each prospective and current employee or volunteer participating in any Borough endorsed or sponsored programs which provide recreational, cultural, charitable, social or other activities or services for persons younger than 18 years of age; and

WHEREAS, the Borough Administrator recommends that all such current and prospective employees and volunteers involved with such youth programs be required to submit to such criminal history record background checks at Borough cost; and

WHEREAS, the municipality desires that all youth programs sponsored in the Borough, such as Little League, Pop Warner, Youth Basketball and Lacrosse and Indoor/Outdoor Soccer, and the like, be required to perform criminal background checks on their employees and volunteers, as a condition of Borough sponsorship.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Red Bank as follows:

SECTION 1. Article VI "Boards, Commissions, Bureaus and Authorities" is amended and supplemented by the addition of the following new Section 2.64:

**Section 2.64 "Criminal History Background Checks of Employees and**  
Volunteers of Nonprofit Youth Serving Organizations".

Section 2.64-1 Definitions Relative to Criminal History Background Checks for **Employees and Volunteers of Youth Serving Organizations**. As used in this Ordinance:

A. "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.

B. "Department" means the Borough of Red Bank Police Department.

C. "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.

**Section 2-62.2 Request for Criminal Background Check; Costs.**

A. The Borough requires that all employees and volunteers of a nonprofit youth serving organization 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 employees or volunteers of the organization.

B. The Division of State Police 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 2-64.3 of this Ordinance.

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

D. The Borough shall bear the costs associated with conducting criminal history background checks.

**Section 2-64.3 Conditions Under which Person is Disqualified from Service.**

A. A person may be disqualified from serving as an employee or volunteer of a nonprofit youth serving organization if that person's criminal history record background check reveals a record of conviction of any of the following crimes and offenses:

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

(a) 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;

(b) against the family, children or incompetents, meaning those

crimes and disorderly persons offenses set forth in N.J.S. 2C:1.4-1 et seq.\*.

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

(d) 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 (A) of subsection a. of N.J.S. 2C:35-10.

2. 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 1. of this section.

**Section 2-6A.A Submissions, Exchange of Background Check Information.**

A. Prospective or current employees and volunteers of nonprofit youth serving organizations 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 submit this documentation to the Red Bank Chief of Police who shall coordinate the background check.

B. 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 ordinance. .

**Section 2-64.4 Limitations on access and use of Criminal History Record Information.**

A. Access to criminal history record information for non-criminal justice purposes, including licensing and employment is restricted to authorized personnel of the non-profit youth serving organization, on a need to know basis, as authorized by Federal or State statute, rule or regulation, executive order, administrative code, local ordinance or resolution regarding obtaining and dissemination of Criminal History Record Information obtained under this Ordinance.

B. Such persons or organizations shall limit their use of criminal history record information solely to the authorized purpose for which it was obtained and Criminal History Record Information furnished shall not be disseminated to persons or organizations not authorized to receive the records for authorized purposes. Use of this record shall be limited

solely to the authorized purpose for which it was given and it shall not be disseminated to any unauthorized persons. This record shall be destroyed immediately after it has served its intended and authorized purpose. Any person violating Federal or State regulations governing access to Criminal History Record Information may be subject to criminal and/or civil penalties.

**Section 2:64-5 Employee or Volunteer may challenge Accuracy of**

**Report.**

If this criminal history record may disqualify an applicant for any purpose, the person making the determination shall provide the applicant with an opportunity to complete and challenge the accuracy of the information contained in the Criminal History Record. The applicant shall be afforded a reasonable period of time to correct and complete this record. A person is not presumed guilty of any charges or arrests for which there are no final dispositions indicated on the record. .

SECTION 2. Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.

SECTION 3. If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable,

.SECTION 4. This Ordinance shall take effect immediately upon its passage and adoption according to law.