

**§ 40-1 CRIMINAL HISTORY BACKGROUND CHECKS § 40-1**

**C h a p t e r 4 0**

**CRIMINAL HISTORY BACKGROUND CHECKS**

**A R T I C L E I**

**Required for Employees and Volunteers Involved with  
Township-Sponsored Programs Involving Minors**

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**[HISTORY: Adopted by the Township Committee of the  
Township of Barnegat 5-2-05 as Ord. No, 2005-30.  
Amendments noted where applicable.]**

**§ 40-1. Definitions.**

**As used in this ordinance:**

- A. CRIMINAL HISTORY RECORD BACKGROUND  
CHECK — 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 — The Township of Barnegat Police Department.
- C. TOWNSHIP-SPONSORED PROGRAMS — Any programs sponsored by the township and/or which utilize township facilities or township property.

§ 40-2. Request for criminal background check; costs.

- A The township requires that all employees and volunteers, eighteen (18) years or older, involved with township-sponsored programs involving minors submit to a criminal history record background check.
- B. The Division of State Police shall inform the designated department whether the person's criminal history record background check reveals a conviction of a disqualifying crime or offense as specified in Section 403.
- C. A criminal history record background check shall be conducted only upon receipt of the written consent to check from the prospective or current employee or volunteer.
- D. The township shall bear the costs associated with conducting criminal background checks.

§ 40-3. Conditions under which person is disqualified from service.

- A A person may be disqualified from serving as an employee or volunteer of a township sponsored program involving minors if that person's criminal history background check reveals a record of conviction of any of the following crimes and offenses.4002

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- (1) In New Jersey, any crime or disorderly person 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:24-1 et seq.; [Amended 3-20-06 By Ord. No. 2006-10]**
  - (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, unless the substance referenced therein was obtained directly, or pursuant to a valid prescription or order form from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by P.L. 1970, c.266(C.24:21-1 et seq.). [Amended 3-20-06 by Ord. No. 2006-101]**
- 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.**

**§ 40-4. Submissions, exchange of background check information.**

**Prospective or current employees and volunteers of township sponsored programs involving minors shall submit their name, address, fingerprints and written consent to the township for the criminal history record background check to be performed. The organization shall submit this documentation to the**

Township of Barnegat Chief of Police who shall coordinate the background check.

**§ 40-5. Limitations on access of criminal history record information.**

- A. Access to criminal history information for noncriminal justice purposes, including licensing and employment is restricted to authorized personnel of the designated department, on a need to know basis, as authorized by federal or state statute or rule or regulation, executive order, administrative code, local ordinance or resolution.
- B. The township shall limit its use of the criminal history record information solely to the authorized purpose for which it was obtained and the criminal history record information furnished shall not be disseminated to persons or organizations not authorized to receive such information. 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. All 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.

**§ 40-6. 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 not final dispositions indicated on the record.

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**§ 40-7. Required notification by employee or volunteer  
of a subsequent disqualifying offense.**

**Should an employee or volunteer be convicted of a disqualifying crime or offense as specified in Section 40-3 after he or she has cleared the required background check, he or she must notify the Township Administrator immediately.**