



**AN ORDINANCE # 450 CREATING A NEW CHAPTER OF THE
CODE OF THE TOWNSHIP OF WINFIELD ENTITLED
"BACKGROUND CHECKS FOR VOLUNTEER POSITIONS"**

WHEREAS, the Township Committee of the Township of Winfield have determined it is in the best interest of the Township to adopt an Ordinance establishing background checks for volunteer positions;

WHEREAS, enacting enhanced safety and security measures to provide greater safeguards for the residents of the Township of Winfield;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Winfield, County of Union, State of New Jersey, as follows:

SECTION 1. Purpose:

The purpose of this chapter is to require that, effective upon the adoption of this chapter, all persons who volunteer their services in Winfield for recreational programs, for volunteer services such as but not limited to with the Fire Department or other volunteer organization, and for those who have contact with children and teenagers as a result of such volunteer services, shall be requested to consent to a criminal history record check prior to performing any such volunteer services. Applicants for volunteer positions will be disqualified from performing volunteer services if:

- A. Any such applicant shall refuse to consent to a criminal history record check; or
- B. If a criminal history record check to which an applicant has consented discloses a conviction for any offense which would disqualify an applicant for paid public school employment as defined in Section 1 of P.L. 1986, c. 116 (N.J.S.A. 18A:6-7.1).

SECTION 2. Consent.

Prior to performing any volunteer services, all applicants for volunteer positions in the Township of Winfield shall be requested to provide a written consent, on forms to be furnished by the Township, allowing the Township of Winfield to perform criminal history record checks on the applicant, and authorizing the Township of Winfield to exchange fingerprint data and receive criminal history record information from the Federal Bureau of Investigation and the Division of State Police for use in making the determinations to be made under this chapter. Any applicant who refuses to consent to such a background check will not be permitted to provide volunteer services, and the Township shall decline to accept such volunteer services.

SECTION 3. Submission of identification information; administration.

An applicant for volunteer services shall submit to the Township of Winfield his or her name, address and fingerprints taken on the Live scan fingerprint system or the current system used by the Township of Winfield Police Department or another law enforcement agency. The criminal history record background checks shall be conducted by the New Jersey State Police in accordance with N.J.S.A. 15A:3A-1 et seq.

SECTION 4. Notice of qualification or disqualification.

Upon receipt of the criminal history record information for an applicant from the Federal Bureau of Investigation and the Division of State Police, the Township of Winfield shall notify the applicant, in writing, of the applicant's qualification or disqualification as a recreational volunteer. If the applicant is disqualified, the convictions which constitute the basis for the disqualification shall be identified in the written notice to the applicant.



SECTION 5. Challenge to accuracy of information.

An applicant shall have fourteen (14) days from the date of the written notice of disqualification to challenge the accuracy of the criminal history record information. No applicant for volunteer services shall be disqualified from providing volunteer services without first having an opportunity to challenge the accuracy of the disqualifying criminal history record. Any challenge shall be decided by the governing body of the Township of Winfield in a confidential manner.

SECTION 6. Offenses constituting grounds for disqualification.

- A. A volunteer applicant shall be permanently disqualified from volunteer services if the individual's criminal history record reveals a record of conviction for a crime or any other offense for which public school employment candidates are disqualified pursuant to Section 1 of P.L. 1986, c. 116 (N.J.S.A. 18A:6-7.1) as follows:
1. Any crime of the first or second degree (i.e., severe or aggravated offenses such as murder, aggravated assault, kidnapping, sexual assault);
 2. An offense set forth in Chapter 14 of Title 2C of the New Jersey Statutes (sexual offenses);
 3. An offense as set forth in N.J.S.A. 2C:24-4 (endangering welfare of children) and N.J.S.A. 2C:24-7 (endangering welfare of incompetent person);
 4. An offense as set forth in N.J.S.A. 9:6-1 (child abuse, abandonment, cruelty or neglect);
 5. An offense involving the manufacture, transportation, sale, possession, distribution or habitual use of a "controlled dangerous substance" as defined in N.J.S.A. 2C:35-1 et seq. or "drug paraphernalia" as defined pursuant to N.J.S.A. 2C:36-1 et seq.;
 6. A crime involving the use of force or the threat of force to or upon a person or property, including but not limited to, robbery, aggravated assault, stalking, kidnapping, arson, manslaughter and murder;
 7. A crime as set forth in Chapter 39 of Title 2C of the New Jersey Statutes (firearms and dangerous weapons);
 8. A third degree crime as set forth in Chapter 20 of Title 2C of the New Jersey Statutes (theft and related offenses);
 9. A crime as listed below:
 - a. Recklessly endangering another person, N.J.S.A. 2C:12-2.
 - b. Terroristic threats, N.J.S.A. 2C:12-3.
 - c. Criminal restraint, N.J.S.A. 2C:13-2.
 - d. Luring, enticing child into motor vehicle, structure or isolated area, N.J.S.A. 2C:13-6. Causing or risking widespread injury or damage, N.J.S.A. 2C:17-2.
 - e. Burglary, N.J.S.A. 2C:18-2.
 - f. Usury, N.J.S.A. 2C:21-19.
 - g. Threats and other improper influence, N.J.S.A. 2C:27-3.
 - h. Perjury and false swearing, N.J.S.A. 2C:28-3.
 - i. Escape, N.J.S.A. 2C:29-5.
 10. Or conspiracy to commit or an attempt to commit any of the crimes described in this section.
- B. For the purposes of this section, a conviction exists if the individual has at any time been convicted under the laws of this state or under any similar statutes of the United States or any other state for a substantially equivalent crime or other offense.
- C. If an applicant's criminal history record check reveals that charges are pending for a crime or any other offense enumerated in Section 1 of P.L. 1986, c. 116 (N.J.S.A. 18A:6-7.1) the applicant will be notified that he or she is not eligible to provide volunteer services until the governing body of the Township of Winfield has made a determination regarding qualification or disqualification upon adjudication of the pending charges.



SECTION 7. Retention of records.

The Township of Winfield may maintain the criminal record and application documents on an applicant for no longer than three (3) years from the date of determination as to the candidate’s qualification or disqualification for volunteer service. All documents submitted by a candidate and all criminal history record information shall be maintained by the Township of Winfield in a confidential manner.


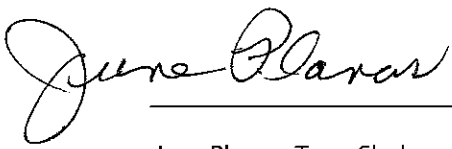
SECTION 8. This ordinance shall become effective 20 days after final passage and publication in accordance with law.

Introduced:

PUBLIC NOTICE

The foregoing ordinance was introduced and approved on first reading at the regular meeting of the Winfield Township Committee held on November 16, 2020 at 7:00 PM and will be considered for public hearing and final adoption at the regular meeting of the Township Committee to be held on December 7, 2020 at 7:00 PM in the Municipal Building, 12 Gulfstream Avenue, Winfield, NJ.

DATED: November 16, 2020

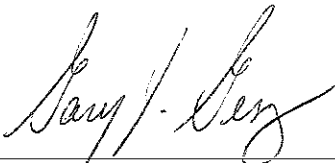
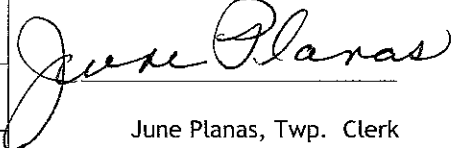
								I hereby certify that the above Ordinance was introduced by the Township Committee of the Township of Winfield at a meeting held on November 16, 2020
MAYOR GARY J. GENZ			✓					 June Planas, Twp. Clerk
COMM. ROBERT F. REILLY	✓		✓					
COMM. ADAM D. KOOMER		✓	✓					

Adopted:

PUBLIC NOTICE

The foregoing ordinance was introduced and approved on first reading at a regular meeting of the Township Committee held November 16, 2020 at 7:00 PM and was approved for adoption on final reading at the regular meeting of the Township Committee held on December 7, 2020, 7:00pm.

DATED: December 7, 2020

								I hereby certify that the above Ordinance was introduced by the Township Committee of the Township of Winfield at a meeting held on December 7, 2020
MAYOR GARY J. GENZ			✓					 June Planas, Twp. Clerk
COMM. ROBERT F. REILLY	✓		✓					
COMM. ADAM D. KOOMER		✓	✓					