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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

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DIGEST

SB 156 Original

2019 Regular Session

Riser

Present law provides that volunteer agencies, such as churches, charities, not-for-profit and for-profit organizations which provide care or care placement services and agencies that have access to children, the elderly, or individuals with disabilities can obtain a criminal history information background check on it's current or prospective employees and volunteers.

Proposed law retains present law and clarifies that entities which provide shelter or assistance to victims of domestic violence, human trafficking, and sexual assault to the list of agencies that can obtain a criminal history information background check on it's current or prospective employees and volunteers.

Present law (La. Code of Evid. 412.5) provides that, in a civil case alleging domestic abuse as defined in present law, family violence as defined in present law, or sexual abuse as defined in present law, evidence of the defendant's commission of prior crimes or acts of domestic abuse, family violence, sexual abuse, may be admitted into evidence in such civil case.

Proposed law retains present law and provides that a licensed La. attorney who is counsel of record in civil cases involving a victim of domestic violence, human trafficking, or sexual assault may obtain criminal history records from the La. Bureau of Criminal Investigation related to the defendant and witnesses in that civil case. Proposed law further provides that, in order to ensure equal protection under the law, a pro se litigant may also obtain the same information that an attorney may obtain in proposed law so long as the pro se litigant obtains a court order from the judge assigned to the civil case in which the pro se litigant is a party, authorizing the pro se litigant to obtain criminal history information on another party or witness to the civil litigation.

Present law (R.S. 15:581, et seq.) provides that, in addition to state and local criminal justice agencies, the Louisiana Bureau of Criminal Identification and Information may provide criminal history information to certain individuals who are authorized to obtain such information for civil purposes pursuant to present law, as follows:

- (1) Certain state agencies and municipal or parish governments for certain civil purposes.
- (2) Certain state boards and commissions for certain civil purposes.
- (3) House and Senate Governmental Affairs Committees.
- (4) The Louisiana State Bar Association, the La. Supreme Court for licensing purposes.
- (5) The Louisiana State Board of Private Investigator Examiners for licensing purposes.

- (6) AmeriCorp.
- (7) The legislative auditor for certain civil purposes.
- (8) Employers for purposes of screening job applicants.
- (9) Public and private universities and technical colleges are entitled to obtain the criminal history record of applicants for prospective employees.
- (10) Related to those persons seeking a medical or security exemption from the window tinting regulations of motor vehicles as provided for in present law.
- (11) Volunteer agencies, such as churches, charities, not-for-profit and for-profit organizations which provide care or care placement services.

Proposed law retains present law and adds La. attorneys who are counsel of record to victims in civil cases involving domestic violence, human trafficking, and sexual assault and their licensed investigators to the list of entities who may obtain the criminal history records by paying the fee to the La. Bureau of Criminal Investigation. Proposed law provides that, in order to ensure equal protection under the law, a pro se litigant may also obtain the same information that an attorney may obtain under proposed law so long as the pro se litigant obtains an ex parte court order from the judge assigned to the civil case, in which the pro se litigant is a party, authorizing the pro se litigant to obtain criminal history information on the defendant or witness to the civil litigation.

Present law (R.S. 23:897) provides that it is unlawful for any public or private employer to require any employee or applicant for employment to pay, or to in any manner pass on to the applicant, or to withhold from an employee's pay the cost of fingerprinting. Present law (R.S. 15:587.7) provides that the bureau is to charge the individual employee or volunteer of the qualified entity the costs of the criminal history background check and present law further provides that a qualified entity may submit a fingerprint for the background check.

Proposed law retains present law but clarifies that the qualified entity is responsible for the costs associated with collecting the fingerprint in order to obtain the criminal background check in compliance with present law.

Effective August 1, 2019.

(Amends R.S. 15:587.7; adds R.S. 15:587.8)