

2022 Regular Session

SENATE BILL NO. 157

BY SENATOR MILLIGAN

CRIMINAL RECORDS. Provides for access to criminal history records and identification files by the office of technology services. (8/1/22)

1 AN ACT  
2 To amend and reenact R.S. 15:587(A)(1)(a) and to enact R.S. 15:587(A)(1)(m) and  
3 587.5(B)(3), relative to criminal history records and identification files; to provide  
4 for access to criminal history records and identification files by the office of  
5 technology services; to provide for responsibilities of division of administration,  
6 office of technology services; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:587(A)(1)(a) is hereby amended and reenacted and R.S.  
9 15:587(A)(1)(m) and 587.5(B)(3) are hereby enacted to read as follows:

10 §587. Duty to provide information; processing fees; Louisiana Bureau of Criminal  
11 Identification and Information

12 A.(1)(a) The bureau shall make available upon request, or at ~~such~~ other times  
13 as the deputy secretary shall designate, to any eligible criminal justice agency and  
14 the division of administration, office of technology services, Louisiana  
15 Department of Education, the Louisiana Department of Health, the state fire marshal  
16 when reviewing applications for licensure, the Louisiana Manufactured Housing  
17 Commission when reviewing applications for licensure, the Department of Children

1 and Family Services, the Department of Insurance, the Louisiana State Racing  
 2 Commission, the Senate and Governmental Affairs Committee, the House and  
 3 Governmental Affairs Committee, the secretary of the Louisiana Workforce  
 4 Commission or his designee, the Board of River Port Pilot Commissioners, the  
 5 Office of Financial Institutions in the office of the governor, the office of the  
 6 disciplinary counsel of the Louisiana Attorney Disciplinary Board of the Louisiana  
 7 State Bar Association; however, as to any licensed attorney ~~such~~ **this** information  
 8 shall be provided only after the issuance of a formal charge against the attorney, the  
 9 Louisiana Supreme Court Committee on Bar Admissions, the municipal or parish  
 10 department or personnel responsible for reviewing applications for alcoholic  
 11 beverage outlet permits, and the legislative auditor any information contained in the  
 12 criminal history record and identification files of the bureau. The Department of  
 13 Children and Family Services may provide information secured pursuant to this  
 14 Subsection to all federal and state agencies providing child support enforcement  
 15 services.

16 \* \* \*

17 **(m) The division of administration, office of technology services, is**  
 18 **entitled to the criminal history record and identification files of the bureau for**  
 19 **any person for which a fingerprint request is submitted pursuant to R.S.**  
 20 **15:578.5 and 587.6 and R.S. 39:15.1.2. The bureau may submit fingerprints to**  
 21 **the Federal Bureau of Investigation to be retained in the FBI rap back system**  
 22 **for the purpose of being searched in future submissions to the FBI rap back**  
 23 **system, including latent fingerprint searches. The bureau shall make available**  
 24 **to the division of administration, office of technology services, rap backs for**  
 25 **requests made pursuant to R.S. 15:587.5 and 587.6 and R.S. 39:15.1.2.**

26 \* \* \*

27 §587.5. Agencies with access to federal tax information; criminal history information

28 \* \* \*

29 B.(1)

\* \* \*

1                   **(3) In addition to the requirements of Paragraphs (1) and (2) of this**  
2                   **Subsection, for requests made pursuant to R.S. 39:15.1.2, the bureau may**  
3                   **submit fingerprints to the Federal Bureau of Investigation to be retained in the**  
4                   **FBI rap back system for the purpose of being searched in future submissions to**  
5                   **the FBI rap back system, including latent fingerprint searches. The bureau shall**  
6                   **make available to the division of administration, office of technology services,**  
7                   **rap backs for requests made pursuant to R.S. 39:15.1.2. Any recipient of**  
8                   **information as provided in this Paragraph shall maintain the confidentiality of**  
9                   **the criminal history information in accordance with applicable state or federal**  
10                  **law.**

11    \*                   \*                   \*

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Thomas L. Tyler.

DIGEST

SB 157 Original

2022 Regular Session

Milligan

Present law requires that the Louisiana Bureau of Criminal Identification and Information, upon request of certain enumerated entities, provide the information contained in the bureau's criminal history records and identification files.

Proposed law adds the division of administration, office of technology services, to the list of entities available to request this information.

Present law provides that agencies with access to federal tax information may require that any current or prospective employee, contractor, or subcontractor submit to a criminal history records check and fingerprints to the Louisiana Bureau of Criminal Identification and Information. Requires the bureau to forward these fingerprints to the FBI when a national criminal history records check is requested.

Proposed law retains these provisions in the present law but authorizes the bureau to submit fingerprints to the FBI for retention in the FBI rap back system. Requires the bureau to make rap back requests available to the division of administration, office of technology services. Requires that any recipient of this information maintain the confidentiality of these records.

Effective August 1, 2022.

(Amends R.S. 15:587(A)(1)(a); adds R.S. 15:587(A)(1)(m) and 587.5(B)(3))