
DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 519 Engrossed

2017 Regular Session

Emerson

Abstract: Provides relative to certain licenses issued to ex-offenders.

Present law provides for the "Provisional Licenses for Ex-Offenders Act". Proposed law deletes the term "provisional" from the entirety of present law to provide for the "Licenses for Ex-Offenders Act".

Present law requires non-exempt entities to issue a provisional license to an applicant if the applicant meets all other requirements of the licensing qualifications, except those pertaining to former offenses. Proposed law deletes present law.

Present law requires the licensing entity issuing the provisional license to determine the term for which the provisional license is valid. Provides that the issued provisional license cannot be made valid for fewer than 90 days nor more than 360 days. Proposed law deletes present law.

Present law authorizes the licensing entity to require up to 2 years of time passed since an applicant's last conviction or release from incarceration in order for the applicant to qualify for the provisional license. Proposed law deletes present law.

Present law requires an applicant on community supervision and who is issued a provisional license to provide the licensing entity with the name and contact information of the person at the Dept. of Public Safety and Corrections, division of probation and parole, to whom the applicant reports. Provides if the applicant reports to the probation or parole department of another state, he is also required to provide the licensing entity with the name and contact information of the person at that particular department to whom he reports. Proposed law deletes present law.

Present law requires the licensing entity to notify the probation or parole division or department, and the court, in which the provisional license holder's offense was adjudicated that a provisional license has been issued to the applicant. Proposed law deletes present law.

Present law authorizes the licensing entity to revoke the provisional license if the holder commits a new offense. Proposed law changes new "offense" to new "felony conviction" and otherwise retains present law.

Present law authorizes the licensing entity to revoke the provisional license if the holder commits an act or omission requiring the holder's subjection to community supervision or mandatory supervision, or revocation of parole. Proposed law deletes present law.

Present law requires a probation or parole department or division to notify the licensing entity if the community supervision of the holder of a provisional license is revoked. Proposed law deletes present law.

Present law requires a licensing entity to issue the regular license for which the provisional license was issued on the expiration of the provisional license term, if the holder of the provisional license does not commit acts described in present law (R.S. 37:34(A)). Proposed law deletes present law.

Present law provides that a licensing entity is not required to issue a provisional license to any person convicted of any of the following:

- (1) Any grade of homicide enumerated in R.S. 14:29.
- (2) A "crime of violence" as enumerated in R.S. 14:2(B).
- (3) A "sex offense" as defined by R.S. 15:541.

Proposed law deletes the term "provisional" but otherwise retains present law.

Present law requires a licensing entity exempt from present and proposed law to keep record and compile a report of the number of provisional licenses denied by the entity, including all reasons for such denial, when the denial is of an otherwise qualified applicant convicted of an offense or offenses, except those defenses described in present law (R.S. 37:37(A) through (C)).

Proposed law deletes the term "provisional" and deletes the exception of defenses and statutory reference (R.S. 37:37(A) through (C)) described in present law. Otherwise retains present law.

Present law requires a licensing entity issuing provisional licenses to keep record and compile a report of the number of provisional licenses issued and denied by the entity, including all reasons for any such issuance or denial.

Proposed law deletes the term "provisional" to refer to a license. Requires licensing entities to provide reports when licenses have been issued to people with criminal convictions.

(Amends R.S. 37:31-36)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Restore present law that provides that a licensing entity shall not be required to issue a license to any person convicted of any grade of homicide, a crime of violence, or a sex offense as those terms are defined by present law.