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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 492 Original

2022 Regular Session

Robert Mills

Present law requires the Louisiana Bureau of Criminal Identification and Information (bureau) to maintain a criminal history information system to allow qualified entities to access state and federal criminal history records on certain individuals who volunteer or work with children, the elderly, and individuals with disabilities. Defines "qualified entities" as a business or organization, whether public or private, operated for profit, operated not-for-profit, or voluntary, which provides care or care placement services, including a business or organization that licenses or certifies individuals to provide care or care placement services, for children, the elderly, or individuals with disabilities.

Proposed law retains present law.

Present law provides that the cost of providing the information to the qualified entity will be charged by the bureau to the individual subject to the inquiry, including any additional costs of providing the national criminal history records.

Proposed law retains present law and also authorizes the bureau to charge the costs to the qualified entity who is requesting the criminal history record under proposed law.

Proposed law authorizes access to the criminal history information system is to be given to a qualified entity who collects the information and enters the information on a secure central registry computer data base in order that local school boards and other school governing authorities can access the registry to determine if a teacher or substitute teacher is complaint or noncompliant with present law that requires that applicants be free from certain criminal conduct.

Proposed law defines "applicant", "bureau", "compliant", "criminal history record", "noncompliant", and "rap back service update", and "secure central registry".

Proposed law establishes an appeal process for removing clerical errors or misinformation that an applicant was wrongly labeled as noncompliant on the secure central registry computer data base.

Present law prohibits a teacher or anyone who has supervisory authority over a child from being employed by a school system if that person has committed certain crimes.

Proposed law retains present law and provides that proposed law is not intended to prohibit a school board or other school governing authority from hiring or retaining a teacher or substitute teacher when the school governing authority independently determines that the teacher or substitute teacher has a clean criminal history record, regardless of the fact that the computer data base has listed the applicant as noncompliant due to clerical error. Proposed law further provides that, if the school board finds out that the applicant was improperly designated as noncompliant in the computer data

base, the school board is to notify the qualified entity and the qualified entity will request a new criminal history record from the bureau and reenter the applicant's designation based upon the new criminal history record obtained from the bureau without additional cost to the applicant.

Proposed law provides that no person can maintain a cause of action for liability against the qualified entity, the state, or any agency, officer, deputy, or employee of the state of the qualified entity, for providing the information requested or received in accordance with proposed law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 15:587.1(B)(1)(a) and R.S. 17:15(B); adds R.S. 17:15.1)