

SENATE BILL NO. 288

BY SENATOR REESE

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

AN ACT

To amend and reenact R.S. 15:587(A)(1)(b) and (F)(1), 587.2(B), and 587.7(B)(3), relative to criminal history background checks; to provide for the Louisiana Bureau of Criminal Identification and Information; to provide for the duty to provide certain information to the Louisiana State Board of Private Security Examiners and employers; to provide for the release of expunged criminal history record information under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:587(A)(1)(b) and (F)(1), 587.2(B), and 587.7(B)(3) are hereby amended and reenacted to read as follows:

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

A.(1) \* \* \*

(b) The Louisiana State Board of Private Security Examiners shall be entitled to the criminal history record and identification files of the bureau on those persons seeking to be licensed ~~or registered~~ by the board as a means of performing background checks on those individuals. In addition, in order to determine an applicant's eligibility or suitability for licensure ~~or registration~~ under the provisions of the Private Security Regulatory and Licensing Law, each applicant shall be fingerprinted, and the fingerprints shall be forwarded by the bureau to the Federal Bureau of Investigation for a national criminal history record check.

\* \* \*

F.(1) An employer or his representative shall be entitled to obtain conviction records of an applicant seeking employment, directly from the Bureau of Criminal Identification and Information in order to further qualify the applicant for the position being sought, if the applicant has signed a consent form authorizing the employer to obtain such conviction records. Upon written request and upon

1 presentation of a consent form prepared by the bureau and executed by the applicant,  
 2 the bureau shall provide conviction records of the applicant to the employer or his  
 3 representative in a timely manner. In addition, each applicant shall be fingerprinted;  
 4 ~~and the fingerprints shall be forwarded by the bureau to the Federal Bureau of~~  
 5 ~~Investigation for a national criminal history check~~ **or shall submit fingerprints to**  
 6 **the bureau.** Records obtained pursuant to the provisions of this Subsection shall not  
 7 include those records which have been ordered expunged pursuant to R.S. 44:9. The  
 8 provisions of Subsection B of this Section shall apply to any request made pursuant  
 9 to this Subsection. The bureau shall not be liable civilly or criminally for the release  
 10 of information released pursuant to the provisions of this Subsection.

11 \* \* \*

12 §587.2. Institutions of postsecondary education; criminal history information

13 \* \* \*

14 B. When a criminal history records check is requested pursuant to Subsection  
 15 A of this Section, the institution of postsecondary education shall be provided with  
 16 state ~~or~~ **and** national criminal history record information, ~~or both,~~ from the Louisiana  
 17 Bureau of Criminal Identification and Information and **from** the Federal Bureau of  
 18 Investigation relative to the applicant prospective employee whose fingerprints have  
 19 been obtained by the institution pursuant to this Section. The Bureau of Criminal  
 20 Identification and Information shall, upon request and after receipt of fingerprint  
 21 cards and other identifying information as required by the bureau from the  
 22 institution, make available to the institution all prior arrests for any sex offense,  
 23 aggravated offense, or any sexual offense against a victim who is a minor as defined  
 24 in R.S. 15:541 or any crime of violence as enumerated in R.S. 14:2(B) and  
 25 conviction information for any offense contained in the bureau's criminal history  
 26 record and identification files, which pertains to the applicant or prospective  
 27 employee, including convictions dismissed pursuant to Code of Criminal Procedure  
 28 Article 893 or 894. In addition, when the institution of postsecondary education  
 29 requests such criminal history record information, the bureau shall forward the  
 30 fingerprints to the Federal Bureau of Investigation for a national criminal history

1 check and make such conviction information available to the institution, which  
2 pertains to the applicant or prospective employee.

3 \* \* \*

4 §587.7. Volunteer and employee criminal history system

5 \* \* \*

6 B. \* \* \*

7 (3)(a) When a criminal history records check is requested by a qualified  
8 entity pursuant to Paragraph (1) of this Subsection, the bureau shall provide the  
9 qualified entity with the state criminal history record information of the individual  
10 subject to the inquiry. In addition, when the qualified entity requests national  
11 criminal history records checks, the bureau shall forward the fingerprints to the  
12 Federal Bureau of Investigation for a national criminal history records check and  
13 shall provide the qualified entity with the national criminal history record  
14 information of the individual subject to the inquiry.

15 **(b) The bureau may provide expunged criminal history record**  
16 **information from the state's criminal history record repository to public**  
17 **qualified entities at its discretion based upon strong evidence provided by the**  
18 **public qualified entity that its possessing of the expunged information would be**  
19 **in the best interest to protect the children, the elderly, or individuals with**  
20 **disabilities, served by the public qualified entity. Private qualified entities shall**  
21 **be prohibited from receiving expunged criminal history record information.**

22 \* \* \*

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_