

SENATE BILL NO. 339

BY SENATOR REESE

1 AN ACT

2 To amend and reenact R.S. 15:587(C), R.S. 27:15(B)(1), and R.S. 47:9065(B) and to enact
3 R.S. 4:147.3 and 705.1, R.S. 27:20.1, and R.S.47:9065(C) and (D), relative to
4 background checks for entities associated with gaming; to provide for the authority
5 to obtain criminal history record information; to provide for the duty to provide
6 information; to provide for the authority and responsibilities of the Louisiana
7 Gaming Control Board; to provide for criminal background investigations; and to
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 4:147.3 and 705.1 are hereby enacted to read as follows:

11 **§147.3. Authority to obtain criminal history record information**

12 **A. The legislature hereby finds and declares that it is vitally important**
13 **to the public safety, interest, and welfare of the state to protect Louisiana**
14 **residents and their residences, businesses, and other property, as well as visitors**
15 **to the state, by reasonably regulating the licensing of persons participating in**
16 **the horse racing industry in the state.**

17 **B. As used in this Section:**

18 **(1) "Bureau" means the Louisiana Bureau of Criminal Identification and**

1 Information of the office of state police within the Department of Public Safety
2 and Corrections.

3 (2) "Commission" means the Louisiana State Racing Commission.

4 (3) "Criminal history record information" means all state records of
5 arrest, prosecution, and conviction, including those that have been expunged or
6 dismissed pursuant to Code of Criminal Procedure Articles 893 and 894, and
7 national records which include fingerprints of the applicant and other
8 identifying information, if so requested by the commission.

9 (4) "FBI" means the Federal Bureau of Investigation of the United States
10 Department of Justice.

11 (5) "Licensee" means any person, partnership, corporation, or business
12 entity receiving a license, permit, or privilege from the commission to conduct
13 a race meeting or meetings.

14 C.(1) Pursuant to this Section, the commission may request and obtain
15 state and national criminal history record information from the bureau and the
16 FBI regarding each applicant.

17 (2) Notwithstanding Paragraph (1) of this Subsection, the commission's
18 use of fingerprints shall be for the limited purpose of determining the eligibility
19 of each applicant and conducting directly related matters in accordance with
20 the suitability standards outlined in R.S. 4:150.

21 (3) The commission shall be entitled to the criminal history record and
22 identification files of the bureau of any person who is licensed or who is
23 applying to be licensed. Fingerprints and other identifying information of the
24 applicant shall be submitted to the bureau, and the bureau shall, upon request
25 of the commission and after receipt of the fingerprint card and other identifying
26 information from the applicant, make available to the commission all arrest and
27 conviction information contained in the bureau's criminal history record and
28 identification files. In addition, the fingerprints shall be forwarded by the
29 bureau to the FBI for a national criminal history record check.

30 (4) In accordance with the authority provided for in this Chapter, the

1 costs of providing the information required by this Section shall be charged by
2 the bureau, as specified in R.S. 15:587, for furnishing information contained in
3 the bureau's criminal history record and identification files, including any
4 additional costs of providing the national criminal history record check, which
5 pertains to the individual. All costs or fees for furnishing the information may
6 be imposed on the individual.

7 D. All criminal history record information obtained by the commission
8 shall be available for review by the Louisiana Department of Justice as part of
9 an application for a license. The authority of this agency directly related to the
10 issuance of licenses is provided for in R.S. 4:146.

11 * * *

12 §705.1. Authority to obtain criminal history record information

13 A. The legislature hereby finds and declares that it is vitally important
14 to the public safety, interest, and welfare of the state to protect Louisiana
15 residents and their residences, businesses, and other property, as well as visitors
16 to the state, by reasonably regulating the licensing of persons performing
17 charitable gaming activity in the state.

18 B. As used in this Section:

19 (1) "Bureau" means the Louisiana Bureau of Criminal Identification and
20 Information of the office of state police within the Department of Public Safety
21 and Corrections.

22 (2) "Criminal history record information" means all state records of
23 arrest, prosecution, and conviction, including those that have been expunged or
24 dismissed pursuant to Code of Criminal Procedure Articles 893 and 894, and
25 national records which include fingerprints of the applicant and other
26 identifying information, if so requested by the office.

27 (3) "FBI" means the Federal Bureau of Investigation of the United States
28 Department of Justice.

29 (4) "Licensee" means any person applying for a license with the office.

30 (5) "Office" means the Louisiana office of charitable gaming.

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2 C.~~(1)~~ The bureau shall, upon request and after receipt of fingerprint cards ~~or,~~
3 **either physically or electronically, or using** other identifying information from the
4 office of state police, ~~make available to the state police gaming division, the~~
5 Louisiana Gaming Control Board, the Louisiana Lottery Corporation, the office of
6 charitable gaming, and the Louisiana State Racing Commission, **survey** information
7 contained in the bureau's criminal history record and identification files, ~~which~~
8 ~~pertains to an applicant or prospective employee of any of them. In addition, in order~~
9 ~~to determine an applicant's suitability for a gaming or employee license or permit~~
10 ~~under the provisions of law found in Titles 4, 9, 27, 40, and 47 of the Louisiana~~
11 ~~Revised Statutes of 1950, for each applicant fingerprinted, the fingerprints **and**~~
12 **thereafter make a request of the Federal Bureau of Investigation for like**
13 **information from other jurisdictions to search for criminal history records. The**
14 **bureau shall make such information available to:**

15 **(a) The Department of Public Safety and Corrections, office of state**
16 **police, gaming enforcement division, for the purposes of determining**
17 **employment suitability under the provisions as provided for in R.S. 27:20, 20.1,**
18 **28, 234, 235, and 427.**

19 **(b) The Department of Public Safety and Corrections, office of state**
20 **police, gaming enforcement division, for the purposes of licensing vendors or**
21 **retailers, or for determining employment suitability at the request of the**
22 **Louisiana Lottery Corporation under the provisions as provided for in R.S.**
23 **47:9065.**

24 **(c) The office of charitable gaming, for the purpose of determining**
25 **suitability for licensing under the provisions as provided for in R.S. 4:704, 705,**
26 **and 708.**

27 **(d) The Louisiana State Racing Commission, for the purpose of**
28 **determining suitability for licensing under the provisions as provided for in R.S.**
29 **4:147.3 and 150.**

30 **(2) Each applicant shall be fingerprinted, and the fingerprints and any**

1 other identification information as may be required shall be forwarded to the
2 bureau and the Federal Bureau of Investigation for a state and national criminal
3 history record check.

4 * * *

5 Section 3. R.S. 27:15(B)(1) is hereby amended and reenacted and R.S. 27:20.1 is
6 hereby enacted to read as follows:

7 §15. Board's authority; responsibilities

8 * * *

9 B. The board shall:

10 (1)(a) Have all regulatory authority, control, and jurisdiction, including
11 investigation, licensing, and enforcement, and all power incidental or necessary to
12 such regulatory authority, control, and jurisdiction over all aspects of gaming
13 activities and operations as authorized pursuant to the provisions of the Louisiana
14 Riverboat Economic Development and Gaming Control Act, the Louisiana
15 Economic Development and Gaming Corporation Act, the Video Draw Poker
16 Devices Control Law, the Louisiana Fantasy Sports Contests Act, and the Louisiana
17 Sports Wagering Act, except as otherwise specified in this Title. Further, the board
18 shall have all regulatory, enforcement, and supervisory authority which exists in the
19 state as to gaming on Indian lands as provided in the provisions of Act No. 888 of
20 the 1990 Regular Session of the Legislature and Act No. 817 of the 1993 Regular
21 Session of the Legislature.

22 (b) In exercising its authority, the board shall require every applicant for
23 a license, permit, and any person required to be found suitable under this Title,
24 to submit a full set of fingerprints to the division for the purpose of a
25 fingerprint-based national criminal history record check. The division shall
26 forward the fingerprints to the Federal Bureau of Investigation for a national
27 criminal history check. The board and the division shall be the designated
28 recipients of the results of the national criminal history record check.

29 * * *

30 §20.1. Authority to obtain criminal history record information

1 A. The legislature hereby finds and declares that it is vitally important
2 to the public safety, interest, and welfare to this state to protect Louisiana
3 residents and their residences, businesses, and other property, as well as visitors
4 to the state, by reasonably regulating the permitting, licensing, or employment
5 of persons performing gaming activity in the state.

6 B. As used in this Section:

7 (1) "Bureau" means the Louisiana Bureau of Criminal Identification and
8 Information of the office of state police within the Department of Public Safety
9 and Corrections.

10 (2) "Criminal history record information" means all state records of
11 arrest, prosecution, and conviction, including those that have been expunged or
12 dismissed pursuant to Code of Criminal Procedure Articles 893 and 894, and
13 national records which include fingerprints of the applicant and other
14 identifying information, if so requested by the board.

15 (3) "Division" means the Louisiana Department of Public Safety and
16 Corrections, office of state police, gaming enforcement division.

17 (4) "FBI" means the Federal Bureau of Investigation of the United States
18 Department of Justice.

19 (5) "Permit" means any permit, license, or authorization, or associated
20 application, issued pursuant to the provisions of this Title.

21 (6) "Permittee" means any person who is issued or applying for a permit
22 pursuant to the provisions of this Title.

23 C.(1) Pursuant to this Section, the division may request and obtain state
24 and national criminal history record information from the bureau and the FBI
25 regarding each applicant.

26 (2) Notwithstanding Paragraph (1) of this Subsection, the division's use
27 of fingerprints shall be for the limited purpose of determining the eligibility of
28 each applicant and conducting directly related matters in accordance with the
29 suitability standards outlined in R.S. 27:28, 234, 235, 306, 427, and 604.

30 (3) The division shall be entitled to the criminal history record and

1 identification files of the bureau of any person who is permitted, licensed, or
2 employed, or who is applying to be permitted, licensed, or employed.
3 Fingerprints and other identifying information of the applicant shall be
4 submitted to the bureau, and the bureau shall, upon request of the board and
5 after receipt of the fingerprint card and other identifying information from the
6 applicant, make available to the division all arrest and conviction information
7 contained in the bureau's criminal history record and identification files. In
8 addition, the fingerprints shall be forwarded by the bureau to the FBI for a
9 national criminal history record check.

10 (4) In accordance with the authority provided for in this Chapter, the
11 costs of providing the information required by this Section shall be charged by
12 the bureau, as specified in R.S. 15:587, for furnishing information contained in
13 the bureau's criminal history record and identification files, including any
14 additional costs of providing the national criminal history record check, which
15 pertains to the individual. All costs or fees for furnishing the information may
16 be imposed on the individual.

17 D. All criminal history record information obtained by the division shall
18 be available for review by the board and the Louisiana Department of Justice
19 as part of an application for a license, permit, or employment. The authority of
20 this agency directly related to the issuance of licenses or permits is provided for
21 in R.S. 27:15 and 19.

22 E.(1) Criminal history record information shall be considered
23 confidential information under R.S. 27:21, and the board, its members, its
24 employees, and any agent authorized to act on behalf of the board shall use the
25 criminal history record information exclusively to evaluate the applicant's
26 eligibility or disqualification.

27 Section 4. R.S. 47:9065(B) is hereby amended and reenacted and R.S. 47:9065(C)
28 and (D) are hereby enacted to read as follows:

29 §9065. Criminal background investigations; duties of corporation or its security
30 division

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2 **B. The gaming enforcement division shall submit the names of applicants**
3 **for licensure as vendors or retailers and potential employees to the Louisiana**
4 **Bureau of Criminal Identification and Information of the office of state police**
5 **within the Department of Public Safety and Corrections for criminal**
6 **background checks pursuant to R.S. 15:587. Upon the gaming enforcement**
7 **division's submission of a licensing applicant's fingerprints and such other**
8 **identifying information as may be required, the Louisiana Bureau of Criminal**
9 **Identification and Information shall survey its criminal history records and**
10 **identification files and make a simultaneous request to the Federal Bureau of**
11 **Investigation for similar information from other jurisdictions to search for**
12 **criminal history records. The Louisiana Bureau of Criminal Identification and**
13 **Information may charge the corporation or the applicant a reasonable**
14 **processing fee for conducting and reporting on any such search.**

15 **C. The gaming enforcement division may share the results of the**
16 **criminal history record information with the Louisiana Lottery Corporation,**
17 **as they are a related agency and shall use the information to determine**
18 **eligibility in accordance with the provisions of R.S.15:587 and Subsection D of**
19 **this Section.**

20 **D.** The corporation or its division of security shall:

21 (1) Conduct criminal background investigations and credit investigations on
22 all potential retailers and investigate all potential employees of the corporation not
23 referred to in Subsection A of this Section or not investigated by the office of state
24 police.

25 (2) Supervise ticket validation and lottery drawings.

26 (3) Inspect at times determined solely by the division the facilities of any
27 vendor in order to determine the integrity of the vendor's product and in order to
28 determine whether the vendor is in compliance with its contract.

29 (4) Report any suspected violations of this Subtitle to the appropriate district
30 attorney, or the attorney general and law enforcement agencies.

1 (5) Upon request, provide assistance to any district attorney, the attorney
2 general, or law enforcement agency investigating a violation of this Subtitle.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____