2016 Regular Session

HOUSE BILL NO. 830

BY REPRESENTATIVE SEABAUGH

AN ACT
To amend and reenact R.S. 15:587.1(B)(1) and (C)(introductory paragraph) and R.S.
17:407.42(B)(1)(a), relative to the Department of Education; to authorize the
department to request criminal history information on certain personnel of early
learning centers; to provide requirements relative to the state Bureau of Criminal
Identification and Information upon the receipt of such requests; to provide relative
to fees; to provide relative to effectiveness; to provide relative to implementation;
and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 15:587.1(B)(1) and (C)(introductory paragraph) are hereby amended
and reenacted to read as follows:
§587.1. Provision of information to protect children
* * *
B.(1) Upon receiving a request pursuant to the provisions of R.S. 17:15,
407.42, and 407.71, and R.S. 46:51.2 when authorized by R.S. 15:587, that meets the
requirements of Subsection A of this Section, the bureau of criminal identification
and information shall survey its criminal history records and identification files and
make a simultaneous request of the Federal Bureau of Investigation for like
information from other jurisdictions. The bureau of criminal identification and
information shall provide a report promptly and in writing, but provide only such
information as is necessary to specify whether or not that person has been arrested
for or convicted of or pled nolo contendere to any crime or crimes, the crime or
crimes of which he has been arrested for or convicted or to which he has pled nolo

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1	contendere, and the date or dates on which they occurred. The report provided
2	pursuant to the provisions of this Subsection shall include arrests, convictions, or
3	other dispositions, including convictions dismissed pursuant to Code of Criminal
4	Procedure Articles 893 and 894.
5	* * *
6	C. The provisions of R.S. 15:825.3, R.S. 17:15, <u>407.42</u> , and 407.71, R.S.
7	46:51.2 and 1441.13, and Children's Code Article 424.1 shall govern the
8	employment of persons who have been convicted of, or pled guilty or nolo
9	contendere to, any of the following crimes:
10	* * *
11	Section 2. R.S. 17:407.42(B)(1)(a) is hereby amended and reenacted to read as
12	follows:
13	§407.42. Criminal History Review
14	* * *
15	B.(1) The State Board of Elementary and Secondary Education shall
16	establish by regulation, requirements and procedures consistent with the provisions
17	of R.S. 15:587.1 under which:
18	(a) The owner or operator of an early learning center department may shall
19	request information concerning whether or not any owner or volunteer, applicant, or
20	employee of any kind including contractors, of an early learning center has been
21	arrested for or convicted of or pled nolo contendere to any criminal offense. The
22	department may collect the processing fees charged by the Bureau of Criminal
23	Identification and Information for a state criminal history report and the Federal
24	Bureau of Investigation for a federal criminal history information report when it
25	receives a request for an employment eligibility determination and shall timely
26	submit the processing fees to the Bureau of Criminal Identification and Information.
27	* * *
28	Section 3. This Act shall become effective when the State Board of Elementary and
29	Secondary Education promulgates rules providing for implementation procedures by which

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- 1 the state Department of Education shall conduct employment eligibility determinations for
- 2 staff members of child care providers or on September 30, 2017, whichever is earlier.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____