AN ACT

To amend and reenact Chapter 1-C of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:31 through 36, relative to provisional licenses issued to ex-offenders through the "Provisional Licenses for Ex-Offenders Act"; to delete the term "provisional" from the entirety of the Act to create the "Licenses for Ex-Offenders Act"; to modify with respect to requirements applicable to the issuance of licenses to ex-offenders; to provide with respect to terms for licenses and reporting requirements of ex-offenders, entities issuing licenses, and certain departments and divisions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 1-C of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:31 through 36, is hereby amended and reenacted to read as follows:

CHAPTER 1-C. PROVISIONAL LICENSES FOR EX-OFFENDERS

§31. Short title

This Chapter shall be known and may be cited as the "Provisional Licenses for Ex-Offenders Act".

§32. Issuance of licenses to ex-offenders

Notwithstanding any provision of law or rule adopted and promulgated by any state department, agency, board, commission, or authority to the contrary, an entity issuing licenses, except for those listed in R.S. 37:36(E), for persons to engage in certain fields of work pursuant to state law shall issue either of the following to an otherwise-qualified applicant who has been convicted of an offense or offenses, except those described in R.S. 37:36(A) through (C), the
(1) The license for which the applicant applied if the applicant meets all other requirements of the licensing qualifications, except those pertaining to former offenses.

(2) A provisional license for which the applicant applied if the applicant meets all other requirements of the licensing qualifications except those pertaining to former offenses (referred to in this Chapter as "applicant" or "holder").

§33. Provisional license; issuance; term; probation or parole License; application by ex-offender

A.(1) An ex-offender may apply to any entity issuing licenses to engage in certain fields of work pursuant to state law for a provisional license to engage in the particular field of work for which the entity issues licenses.

(2) The licensing entity shall issue the provisional license for which the applicant applied and is otherwise qualified to receive.

B. The licensing entity issuing the provisional license shall determine the term for which the provisional license shall be valid; however, in no event shall a provisional license issued pursuant to this Chapter be valid for fewer than ninety days nor more than three hundred sixty days.

C. The licensing entity may require up to two years to have passed since an applicant's last conviction or release from incarceration in order for the applicant to qualify for the provisional license:

D.(1) An applicant who is on community supervision and who is issued a provisional license pursuant to this Chapter shall provide the licensing entity the name and contact information of the person at the Department of Public Safety and Corrections, division of probation and parole, to whom he reports. If the applicant reports to the probation or parole department of another state, he shall provide the licensing entity the name and contact information of the person at that particular department to whom he reports.

(2) The licensing entity shall notify the probation or parole division or department and court in which the holder's offense was adjudicated that a provisional license has been issued to the applicant:

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
§34. Provisional license; revocation

A. The licensing entity may revoke the provisional license issued pursuant to this Chapter if the holder commits any of the following:

1. A new offense felony for which he is convicted.
2. A violation of law or rules governing the practice of the field of work for which the provisional license was issued.

B. A probation or parole department or division shall notify the licensing entity if the community supervision of the holder of a provisional license is revoked.

C. A court shall notify the licensing entity if the holder of the provisional license is charged with a new offense.

D. If a licensing entity revokes a provisional license pursuant to this Section, each of the following apply:

1. The holder shall not be entitled to receive another provisional license or regular license for which the applicant originally applied, even if otherwise qualified.
2. The ability of the holder to subsequently obtain another provisional license from another licensing entity in the future is within the sole discretion of the issuing entity.

§35. Regular license; issuance; discretion of issuer

A. A licensing entity shall 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 R.S. 37:34(A).

B. Nothing in this Chapter shall be implicitly interpreted to preclude an entity from exercising its existing discretion to issue a license to individuals not covered under pursuant to the provisions of this Chapter, except where precluded by another law.

§36. Exemptions; prohibitions; records; reports

A. A licensing entity shall not be 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.

B. A licensing entity shall not be required to issue a provisional license to any person convicted of an offense involving fraud if the licensed field of work is one in which the licensee owes a fiduciary duty to a client.

C. A licensing entity shall not be required to issue a provisional license to an applicant whose conviction directly relates to the position of employment sought, or to the specific field for which the license is required, or profession for which the provisional license is sought.

D. A provisional license holder who supervises children or individuals who lack mental capacity shall not do so without another licensee in the room at all times.

E.(1) This Chapter shall not apply to the following licensing entities:

(a) Any law enforcement agency.

(b) The Louisiana State Board of Medical Examiners.

(c) The Louisiana State Board of Dentistry.

(d) The Louisiana State Board of Nursing.

(e) The Louisiana State Board of Practical Nurse Examiners.

(f) The Louisiana State Racing Commission.

(g) The State Boxing and Wrestling Commission.

(h) The Louisiana Board of Pharmacy.

(i) The Louisiana Supreme Court.

(j) The Louisiana Professional Engineering and Land Surveying Board.

(k) The Louisiana State Board of Architectural Examiners.

(l) The Louisiana State Board of Private Investigator Examiners.

(m) The Louisiana State Board of Embalmers and Funeral Directors.

(n) The Louisiana State Board of Elementary and Secondary Education.

(o) The Office of Financial Institutions.

(p) The Louisiana Physical Therapy Board.

(q) The Louisiana Board of Massage Therapy.
1  (r) The office of alcohol and tobacco control of the Department of Revenue.
2  (s) The health standards section of the Louisiana Department of Health.
3  (t) The Department of Insurance.
4  (u) The Louisiana State Board of Social Work Examiners.
5  (v) The Louisiana State Board of Examiners of Psychologists.
6  (w) The Louisiana Behavior Analyst Board.
7  (x) All offices, boards, or commissions under the supervision of the deputy
8  secretary of the Department of Public Safety and Corrections, public safety services,
9  or the superintendent of the Louisiana State Police, which are not delineated in this
10  Section.
11  (y) The Louisiana Real Estate Commission.
12  (z) The Louisiana Real Estate Appraisers Board.
13  (aa) The Louisiana Licensed Professional Counselors Board of Examiners.
14  (2) Nothing in this Subsection shall be construed to preclude the licensing
15  entity, in its discretion, from adopting the provisions of this Chapter as policies or
16  administrative rules.
17  (3)(a) A licensing entity exempt from the provisions of this Chapter shall
18  keep record and compile a report of the number of provisional licenses denied by the
19  entity, including all reasons for such denial, when the denial is of an otherwise
20  qualified applicant who has been convicted of an offense or offenses, except those
21  described in Subsections A through C of this Section.
22  (b) Notwithstanding the exemption of licensing entities as provided in this
23  Section, any licensing entity issuing provisional licenses in accordance with this
24  Chapter to people with criminal convictions shall keep record and compile a report
25  of the number of provisional licenses issued and denied by the entity, including all
26  reasons for any such issuance or denial.
27  (c) The entity shall provide the report annually to the House Committee on
28  Commerce no later than February first of each year.
29  F. If a licensing entity believes that another exemption not provided in this
30  Section is necessary in a specific case to protect the public from a clear and

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
imminent danger, the entity may seek declaratory relief in district court through a
judicial order finding that the applicant shall not be issued a provisional or regular
license because it would pose such a danger.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________________

CODING: Words in struck through type are deletions from existing law; words underscored are additions.