

HOUSE COMMITTEE AMENDMENTS

2019 Regular Session

Amendments proposed by House Committee on Administration of Criminal Justice to Original House Bill No. 548 by Representative Cox

1 AMENDMENT NO. 1

2 On page 1, line 2, after "and (b)" and before "relative" insert "and 587.1(A)(1)(a) and to
3 enact R.S. 46:51.2(I),"

4 AMENDMENT NO. 2

5 On page 1, at the end of the line 5, insert the following:

6 "to provide relative to the provision of information to protect children; prohibit the
7 employment of certain individuals in a Child Care Institution; to provide relative to
8 criminal history records checks of individuals employed by a Child Care Institution;
9 to provide for an effective date;"

10 AMENDMENT NO. 3

11 On page 1, line 8, after "(b)" and before "are" insert "and 587.1(A)(1)(a)"

12 AMENDMENT NO. 4

13 On page 3, delete lines 11 through 15 in their entirety and insert the following:

14 "§587.1. Provision of information to protect children
15 A.(1)(a) As provided in R.S. 15:825.3, R.S. 17:15, 407.42, and 407.71,
16 Children's Code Article 424.1, and R.S. 46:51.2 and 1441.13, any employer or others
17 responsible for the actions of one or more persons who have been given or have
18 applied to be considered for a position of supervisory or disciplinary authority over
19 children, and as provided in R.S. 46:51.2(A), the Department of Children and Family
20 Services as employer of one or more persons who have been given or have applied
21 to be considered for a position whose duties include the investigation of child abuse
22 or neglect, supervisory or disciplinary authority over children, direct care of a child,
23 or performance of licensing surveys, and as provided in R.S. 46:51.2(I), a Child Care
24 Institution as a direct or indirect employer of an individual shall request in writing
25 that the bureau supply information to ascertain whether that person or persons have
26 been arrested for or convicted of, or pled nolo contendere to, any criminal offense.
27 The request must be on a form prepared by the bureau and signed by a responsible
28 officer or official of the organization or department making the request. It must
29 include a statement signed by the person about whom the request is made which
30 gives his permission for such information to be released.

31 * * *

32 Section 2. R.S. 46:51.2(I) is hereby enacted to read as follows:

33 §51.2. Criminal history and central registry information

34 * * *

35 I.(1) Notwithstanding any other provision of law to the contrary, no
36 individual shall be employed, directly or indirectly, by a Child Care Institution as
37 defined in 45 CFR 1355.20, that is licensed by the department until both of the
38 following conditions are met:

39 (a) The individual has submitted his fingerprints to the Louisiana Bureau of
40 Criminal Identification and Information for a criminal history records check and it
41 has been determined that the person has not been convicted of or pled nolo
42 contendere to a crime listed in R.S. 15:587.1(C).

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

1 (b) The provider has requested that the department and any other state in
2 which the individual has resided in the last five years conduct a search of the state
3 central registry of justified abuse or neglect reports and it has been determined that
4 the individual's name is not recorded therein. If the individual's name is or was
5 recorded on the department's state central registry, the individual may make a formal
6 written request to the division of administrative law for an administrative appeal of
7 justified determination, in accordance with Children's Code Article 616.1.1 and the
8 procedures promulgated by the department.

9 (2) This Subsection shall not apply to contractors and other individuals
10 providing a service at the Child Care Institution who are not employees or contracted
11 members of the staff of the Child Care Institution, including but not limited to
12 plumbers, landscapers, or visiting resources.

13 (3) The department shall promulgate rules and regulations, in accordance
14 with the Administrative Procedure Act, necessary to implement the provisions of this
15 Subsection.

16 Section 3. This Act shall become effective on October 1, 2019."