

GREEN SHEET REDIGEST

HB 548

2019 Regular Session

Cox

**CRIMINAL/BUREAU CRIML ID: Requires the Bureau of Criminal Identification and Information to release certain criminal history record information to the Department of Children and Family Services.**

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DIGEST

Present law provides that the La. Bureau of Criminal Identification and Information (the bureau) shall make available to the Dept. of Children and Family Services (DCFS) all criminal history record information as defined in present law related to foster and adoptive parent applicants.

Proposed law adds to the applicants listed in present law by including individuals employed directly or indirectly by institutions or facilities providing or with the potential of providing daily care or supervision to any child or youth in the custody of or under the supervision of any La. state government agency.

Present law provides that the bureau shall facilitate national criminal history record checks on certain individuals as it relates to the fostering and adopting of certain children subject to DCFS investigation or custody.

Proposed law adds to the applicants listed in present law by including individuals employed directly or indirectly by institutions or facilities providing or with the potential of providing daily care or supervision to any child or youth in the custody of or under the supervision of any La. state government agency.

Proposed law authorizes the La. Dept. of Health (LDH) to request in writing that the bureau supply certain criminal history record information to ascertain whether certain persons have been arrested for, convicted of, or pled nolo contendere to, any criminal offense.

Proposed law applies to the following persons:

- (1) Any person who owns, operates, or manages a licensed therapeutic group home.
- (2) Any person who has applied for a license to operate a therapeutic group home.
- (3) Any person who is employed by, is contracted by, volunteers at, or interns with a therapeutic group home.
- (4) Any person who has applied to be employed or contracted by a therapeutic group home.
- (5) Any person who has applied to volunteer or intern with a therapeutic group home.

Proposed law requires LDH to maintain the confidentiality of such criminal history information in accordance with applicable federal or state law.

Proposed law provides that the costs of the criminal background check are the responsibility of the therapeutic group home.

Proposed law authorizes LDH to adopt rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of proposed law. Authorizes LDH to adopt the rules by emergency process.

Present law provides for exceptions to the Public Records Law.

Proposed law adds certain sections of present law and proposed law to the present law exceptions.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 15:587(A)(2)(a) and (b) and 587.1(A)(1)(a) and R.S. 44:4.1(B)(8); adds R.S. 15:587.1.2 and R.S. 40:2008.10)

#### Summary of Amendments Proposed by House

The Floor Amendments Proposed by the House to the original bill:

1. Provide for the request of criminal history record information of certain persons who own, operate, or manage a therapeutic group home or who are employees, contractors, volunteers, or interns of a therapeutic group home.
2. Provide relative to the procedures and costs to obtain the criminal background check.
3. Provide relative to the request of criminal history records checks of certain individuals employed or contracted by a Child Care Institution.

The House Floor Amendments to the engrossed bill:

1. Make technical corrections.
2. Add exceptions to the Public Records Law relative to the present law provision that requires DCFS to maintain confidentiality of criminal history record information and the proposed law provision that requires LDH to maintain confidentiality of criminal history record information.

#### Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the reengrossed bill

1. Add authority for LDH to adopt rules by emergency process.