

2026 Regular Session

HOUSE BILL NO. 167

BY REPRESENTATIVE FREIBERG

PUBLIC SFTY/CORRECTIONS: Provides for the issuance of certain documentation and certification to inmates before their release from incarceration

1 AN ACT

2 To enact R.S. 15:828.5 and 828.6 and Code of Evidence Article 416, relative to inmates; to
3 provide for issuance of certain documentation and certification to inmates; to provide
4 for criteria; to provide for restrictions; to provide for a definition; to provide for
5 duties of the Department of Public Safety and Corrections; to provide for duties of
6 the office of motor vehicles; to provide for revocation proceedings; to provide for a
7 limitation of liability; to provide for the submission of an annual report to certain
8 legislative committees; to provide for rulemaking; to provide for a defense in a
9 certain proceedings; to provide relative to the admissibility of evidence; and to
10 provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 15:828.5 and 828.6 are hereby enacted to read as follows:

13 §828.5. Post-release employment; relevant documentation

14 A. The Department of Public Safety and Corrections, hereinafter referred to
15 in this Section as the "department", shall provide an inmate who has been released
16 from a term of imprisonment that resulted from the commission of a felony offense
17 and who has designated his intended residence within this state with the relevant
18 documentation to assist with the obtaining of post-release employment.

19 B.(1) The department shall coordinate with the office of motor vehicles to
20 do both of the following:

1 (a) Identify whether an inmate has any form of a state identification card or
2 a driver's license and begin the process of gathering the documentation required for
3 the issuance of a special identification card pursuant to R.S. 40:1321 within nine
4 months prior to the release of the inmate.

5 (b) Provide a special identification card to any eligible inmate who does not
6 have a current state identification card or driver's license upon his release from
7 custody. The special identification card shall be issued, replaced, canceled, and
8 denied in the same manner as a driver's license pursuant to Chapter 2 of Title 32 of
9 the Louisiana Revised Statutes of 1950.

10 (2) The office of motor vehicles shall do both of the following:

11 (a)(i) Permit an inmate to use a certified copy of his birth certificate along
12 with his time computation record issued by the department as a valid form of photo
13 identification in order to obtain a special identification card.

14 (ii) For the purposes of this Subsection, "time computation record" means
15 a detailed calculation, maintained by the department, of the prison sentence of an
16 inmate that determines his release date and includes credit for time served, good
17 behavior, and program participation.

18 (b) Determine and assess a reasonable fee for the issuance of a special
19 identification card.

20 (3) A special identification card issued with a time computation record to an
21 inmate is nonrenewable, nontransferable, and is valid for a period of four years from
22 the month of issuance.

23 (4) The department may utilize any available funds, including but not limited
24 to inmate trust funds, existing department funds, and donations to cover the costs
25 associated with the implementation and administration of this Section and the
26 purchase of special identification cards.

27 C. The provisions of this Section apply only to inmates who receive a special
28 identification card pursuant to R.S. 40:1321.

1 D. For the purposes of assisting an inmate with obtaining post-release
2 employment, the department shall provide an inmate with all of the following:

3 (1) A copy of the vocational training record of the inmate, if applicable.

4 (2) A copy of the work record of the inmate, if applicable.

5 (3) A certified copy of the birth certificate of the inmate, if obtainable.

6 (4) A social security card or a replacement social security card of the inmate,
7 if obtainable.

8 (5) A resume that includes any trade or vocational skill learned by the inmate
9 and the proficiency of the inmate at that trade or vocation.

10 (6) Documentation that the inmate has completed a simulated job interview.

11 (7) Notification that the inmate is eligible to apply for a license through a
12 state entity that is responsible for an occupational license or certification.

13 E. An inmate shall not be subject to the provisions of Paragraphs (D)(5) and
14 (6) of this Section prior to his release from imprisonment if he meets any of the
15 following criteria:

16 (1) He is sixty-five years of age or older.

17 (2) He is released on medical parole pursuant to R.S. 15:574.20 or is
18 discharged from a prison infirmary.

19 (3) He is released to the custody of another jurisdiction on a warrant or
20 detainer.

21 (4) He is determined by the department to be physically or mentally unable
22 to return to the workforce upon his release from incarceration.

23 F. The Department of Public Safety and Corrections, office of adult services,
24 and office of motor vehicles may promulgate rules and procedures in accordance
25 with the Administrative Procedure Act to implement the provisions of this Section.

26 §828.6. Certificates of employability

27 A.(1) The Department of Public Safety and Corrections, hereinafter referred
28 to in this Section as the "department", in addition to issuing the documentation

1 provided in R.S. 15:828.5, shall issue a certificate of employability to an inmate
2 upon release if all of the following conditions are met:

3 (a) The inmate earned any of the following while imprisoned:

4 (i) Credit for participation in any certified treatment and rehabilitation
5 program pursuant to R.S. 15:828.

6 (ii) Credit for participation in a workforce development work release
7 program pursuant to R.S. 15:828.

8 (iii) A bachelor's degree or master's degree from a regionally accredited and
9 department-approved educational institution pursuant to R.S. 15:828.

10 (iv) Credit for participation in a community resource center pursuant to R.S.
11 15:833.1.

12 (b) The inmate earned a high school equivalency certificate or a high school
13 diploma, a college degree, certification from a vocational or technical education
14 program, or a diploma or degree from a corresponding post-secondary education
15 program prior to imprisonment.

16 (c) The inmate committed no major disciplinary offenses in twelve
17 consecutive months prior to his release.

18 (d) The inmate received a score or level of competence as determined by the
19 department on a job skills assessment test administered by the department.

20 (2) The certificate shall be provided on a form approved by the department
21 and is valid unless it is revoked by the department.

22 (3) The certificate does not entitle an inmate to relief from any of the
23 following:

24 (a) A requirement to register as a sex offender pursuant to Chapter 3-B of
25 Title 15 of the Louisiana Revised Statutes of 1950.

26 (b) The suspension, cancellation, or revocation of a driver's license,
27 commercial driver's license, or restricted or hardship driver's license.

28 (c) A restriction on employment as a prosecutor or law enforcement officer.

1 (d) The denial, ineligibility, or automatic suspension of a license or
2 certification to provide healthcare services due to a substance use disorder.

3 B.(1) The department shall revoke the certificate of any individual who is
4 convicted of a felony after receipt of a certificate. The revocation of a certificate is
5 effective when the individual is notified of the revocation.

6 (2) The department shall provide an individual an opportunity to initiate a
7 cause of action pursuant to R.S. 15:1172 upon revocation of his certificate pursuant
8 to this Subsection.

9 (3) The revocation of a certificate shall not affect the right of an employer
10 who relied on the validity of the certificate unless the employer knew that the
11 certificate was fraudulent prior to employment of the individual.

12 C. The department shall, upon request, confirm whether a certificate has
13 been issued to a named individual and whether the certificate is valid at both the time
14 of the inquiry and at the time of response to that inquiry.

15 D. The department shall not be civilly liable for any damages based upon its
16 decision to issue, deny, revoke, or decline to revoke a certificate issued to any
17 inmate.

18 E. It shall be a defense in any proceeding that alleges negligent hiring against
19 an employer, general contractor, premises owner, or other third party that the
20 employer, general contractor, premises owner, or other third party knew of the
21 certificate at the time of the alleged negligence. This Subsection does not apply in
22 cases where the employer, general contractor, premises owner, or other third party
23 knew or should have known that the employee should not have been hired for the
24 position due to information obtained from a background check, including criminal
25 history.

26 F. The department shall do both of the following:

27 (1) Notify incoming inmates of the eligibility requirements associated with
28 a certificate of employability.

1 (2) Submit an annual report no later than February first of each year to the
2 House Committee on Administration of Criminal Justice and the Senate Committee
3 on Judiciary C. The report shall include all of the following:

4 (a) The number of certificates issued in the preceding twelve months.

5 (b) The rate of recidivism among released inmates who were previously
6 issued certificates.

7 (c) Any other relevant information.

8 G. The Department of Public Safety and Corrections, office of adult services,
9 may promulgate rules and procedures in accordance with the Administrative
10 Procedure Act to implement the provisions of this Section.

11 Section 2. Code of Evidence Article 416 is hereby enacted to read as follows:

12 Art. 416. Certificate of employability

13 A certificate of employability issued from the Department of Public Safety
14 and Corrections pursuant to R.S. 15:828.6 may be introduced in evidence at a
15 judicial or administrative proceeding that alleges the negligence or other fault of an
16 employer, general contractor, premises owner, or other third party for the negligent
17 hiring of or failure to adequately supervise an individual who has been issued a
18 certificate of employability if the employer, general contractor, premises owner, or
19 other third party knew of the certificate at the time of the alleged negligence or other
20 fault.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 167 Original

2026 Regular Session

Freiberg

Abstract: Provides for the issuance of certain documentation and certification to inmates before their release from incarceration.

Proposed law requires the Dept. of Public Safety and Corrections (DPS&C) to provide an inmate with the relevant documentation to assist with the obtaining of post-release employment when the inmate has designated his intended residence within the state of La. and has been released from a term of imprisonment resulting from the commission of a felony offense.

Proposed law requires the DPS&C to coordinate with the office of motor vehicles (OMV) to do the following:

- (1) Determine whether an inmate has any form of a state ID card or a driver's license and begin the process of gathering the documentation required for the issuance of a special ID card pursuant to present law (R.S. 40:1321) within nine months prior to the release of an inmate.
- (2) Provide a special ID card to any eligible inmate who does not have a current state ID card or driver's license upon his release from custody. Further provides for the manner of issuing, replacing, cancelling, and denying the special ID card.

Proposed law requires the OMV to permit an inmate to use certain documents as a valid form of photo identification in order to obtain a special ID card and determine and assess a reasonable fee for the issuance of the special ID card.

Proposed law defines "time computation record". Provides that a special ID card issued with a time computation record to an inmate is nonrenewable, nontransferable, and is valid for a period of four years from the month of issuance.

Proposed law provides relative to funds that the DPS&C may utilize to implement and administer proposed law.

Proposed law applies only to inmates who receive a special ID card pursuant to present law (R.S. 40:1321).

Proposed law requires the DPS&C to provide certain documentation and notification to an inmate for the purpose of assistance with obtaining post-release employment. Further exempts the issuance of certain documents for inmates who meet certain criteria.

Proposed law requires the DPS&C, in addition to issuing the documentation provided in proposed law, to issue a certificate of employability to an inmate upon release if he meets certain requirements regarding the completion of certified treatment and rehabilitation programming, has earned any educational diploma or degree, has earned a competent score on a job skills assessment test administered by the DPS&C, and has not committed any disciplinary offenses in 12 consecutive months prior to his release.

Proposed law provides for the form of the certificate, restrictions that are not affected by the earning of the certificate, and proceedings for revocation of a certificate.

Proposed law provides that the revocation of a certificate does not affect the right of an employer who relied on the validity of the certificate unless the employer knew that the certificate was fraudulent prior to employment of the individual.

Proposed law requires the DPS&C, upon request, to confirm whether a certificate has been issued to a named individual and whether the certificate is valid at both the time of the inquiry and at the time of response to that inquiry.

Proposed law provides that the DPS&C shall not be civilly liable for any damages based upon its decision to issue, deny, revoke, or decline to revoke a certificate issued to any inmate.

Proposed law provides a defense in any proceeding that alleges negligent hiring against certain individuals relative to knowledge of the certificate at the time of the alleged negligence. Further provides that this defense does not apply in cases where the individual knew or should have known that the employee should not have been hired for the position due to information obtained from a background check, including criminal history.

Proposed law provides for duties of the DPS&C pertaining to notification of incoming inmates regarding the eligibility requirements associated with a certificate of employability and the submission of an annual report to certain legislative committees.

Proposed law authorizes the DPS&C, office of motor vehicles, and office of adult services to promulgate rules in accordance with the APA to implement the provisions of proposed law.

Proposed law provides that a certificate of employability issued from the DPS&C pursuant to proposed law may be introduced in evidence at a judicial or administrative proceeding that alleges the negligence or other fault of certain individuals for the negligent hiring of or failure to adequately supervise an individual who has been issued a certificate if the hirer or supervisor knew of the certificate at the time of the alleged negligence or other fault.

(Adds R.S. 15:828.5 and 828.6 and C.E. Art. 416)