HLS 11RS-471 **ORIGINAL**

Regular Session, 2011

HOUSE BILL NO. 392

BY REPRESENTATIVE HAZEL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/RECORDS: Provides with respect to criminal background checks for persons seeking employment

AN ACT

To amend and reenact R.S. 15:587(F)(1), relative to criminal background checks; to authorize an employer to obtain arrest records for applicants seeking employment; to provide for the taking of fingerprints from prospective employees; to require the Louisiana Bureau of Criminal Identification and Information to forward fingerprints to the Federal Bureau of Investigation for a national criminal history check; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:587(F)(1) is hereby amended and reenacted to read as follows:

§587. Duty to provide information; processing fees; Louisiana Bureau of Criminal Identification and Information

* * *

F.(1) An employer or his representative shall be entitled to obtain conviction and arrest records of an applicant seeking employment, directly from the Bureau of Criminal Identification and Information in order to further qualify the applicant for the position being sought, if the applicant has signed a consent form authorizing the employer to obtain such conviction and arrest records. Upon written request and upon presentation of a consent form prepared by the bureau and executed by the applicant, the bureau shall provide ~~any~~ conviction and arrest records of the applicant to the employer or his representative in a timely manner. In addition, each applicant

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shall be fingerprinted, and the fingerprints shall be forwarded by the bureau to the Federal Bureau of Investigation for a national criminal history check. ~~For the purposes of this Subsection "conviction records" shall include only those records which are electronically maintained by the bureau, and are records of a finding of guilty, a plea of guilty or nolo contendere, including those which have been set aside or dismissed pursuant to Code of Criminal Procedure Article 893 or 894, or for which an individual has received an automatic first offender pardon. It~~ Records obtained pursuant to the provisions of this Subsection shall not include those records which have been ordered expunged pursuant to R.S. 44:9. The provisions of Subsection B of this Section shall apply to any request made pursuant to this Subsection. The bureau shall not be liable civilly or criminally for the release of information released pursuant to the provisions of this Subsection.

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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)]

Hazel HB No. 392

Abstract: Authorizes employers to obtain arrest records and national criminal history information on prospective employees who consent to the release of such records.

Present law provides that an employer or his representative shall be entitled to obtain conviction records of an applicant seeking employment from the Bureau of Criminal Identification and Information if the applicant has signed a consent form authorizing the employer to obtain such conviction records.

Proposed law retains the provisions of present law and provides that an employer shall also be entitled to obtain arrest records of an applicant seeking employment, if the applicant has signed a consent form authorizing the employer to obtain the records.

Proposed law further provides that the La. Bureau of Identification and Information shall forward fingerprints obtained for background checks to the FBI for a national criminal history check.

(Amends R.S. 15:587(F)(1))

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