Regular Session, 2011

HOUSE BILL NO. 129

BY REPRESENTATIVE SEABAUGH

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

CRIMINAL/RECORDS: Provides the La. Supreme Court Committee on Bar Admissions with access to criminal history information of bar examination applicants

AN ACT

To amend and reenact R.S. 15:587(A)(1)(a) and to enact R.S. 15:587(A)(1)(g), relative to criminal procedure; to provide relative to the Louisiana Bureau of Criminal Identification and Information; to authorize the bureau to release criminal history records and identification files to the Louisiana Supreme Court Committee on Bar Admissions; to authorize a fee; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:587(A)(1)(a) is hereby amended and reenacted and R.S. 15:587(A)(1)(g) is hereby enacted to read as follows:

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

A.(1)(a) The bureau shall make available upon request, or at such other times as the deputy secretary shall designate, to any eligible criminal justice agency and the Department of Health and Hospitals, the state fire marshal when reviewing applications for licensure, the Department of Children and Family Services, the Department of Insurance, the Louisiana State Racing Commission, the Senate and Governmental Affairs Committee, the executive director of the Louisiana Workforce Commission or his designee, the Board of River Port Pilot Commissioners, the Office of Financial Institutions in the office of the governor, the office of the disciplinary counsel of the Louisiana Attorney Disciplinary Board of the Louisiana

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State Bar Association; however, as to any licensed attorney such information shall be provided only after the issuance of a formal charge against the attorney, the Louisiana Supreme Court Committee on Bar Admissions, the municipal or parish department or personnel responsible for reviewing applications for alcoholic beverage outlet permits, and the legislative auditor any information contained in the criminal history record and identification files of the bureau. The Department of Children and Family Services may provide information secured pursuant to this Subsection to all federal and state agencies providing child support enforcement services.

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(g)(i) The Louisiana Supreme Court Committee on Bar Admissions shall be entitled to the criminal history record and identification files of the bureau for those persons seeking to participate in the bar examination as a means of performing background checks on those individuals. The bureau may charge a reasonable processing fee for conducting and reporting on these background checks.

(ii) The bureau shall, upon request and after receipt of fingerprint cards or other identifying information from the Louisiana Supreme Court Committee on Bar Admissions, make available to the committee all arrest and conviction information contained in the bureau's criminal history record and identification files, which pertains to an applicant for the bar examination. In addition, in order to determine an applicant's eligibility or suitability for participating in the examination, each applicant shall be fingerprinted, and the fingerprints shall be forwarded by the bureau to the Federal Bureau of Investigation for a national criminal history record check.

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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)]

Seabaugh HB No. 129

Abstract: Allows the La. Supreme Court Committee on Bar Admissions to receive criminal background information on bar exam applicants.

Present law creates, within DPS&C, the La. Bureau of Criminal Identification and Information which has the responsibility for establishing and maintaining a central repository of criminal history records. Present law requires the bureau to release such information, upon request and as the deputy secretary of DPS&C designates, to any eligible criminal justice agency, DHH, DCFS, the Dept. of Insurance, the La. State Racing Commission, the Senate and governmental affairs committee, the executive director of the La. Workforce Commission or his designee, the Board of River Port Pilot Commissioners, the Office of Financial Institutions in the office of the governor, the office of the disciplinary counsel of the La. Attorney Disciplinary Board, and the municipal or parish department or personnel responsible for reviewing applications for alcoholic beverage outlet permits, and the legislative auditor.

Proposed law retains present law and adds the La. Supreme Court Committee on Bar Admissions as an entity to which such information shall be given.

Proposed law further provides that the bureau may charge a reasonable fee for processing the criminal history information.

(Amends R.S. 15:587(A)(1)(a); Adds R.S. 15:587(A)(1)(g))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Retained language authorizing the Louisiana Bureau of Criminal Identification and Information to charge a reasonable fee for providing criminal history information, but removed provisions requiring the bureau to charge the fee to the committee.

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