
DIGEST

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Johnson

HB No. 1113

Abstract: Provides an exception to the Public Records Law for documents in the possession of the La. Licensed Professional Counselors Board of Examiners.

Present law (R.S. 44:1 et seq.) establishes the Public Records Law, which makes "All books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memoranda, and papers, and all copies, duplicates, photographs, including microfilm, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, including information contained in electronic data processing equipment, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of this state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of this state" public records.

Proposed law retains present law.

Present law (R.S. 44:4) creates exceptions to the Public Records Law.

Proposed law adds to present law an exception to the Public Records Law for any records, writings, accounts, recordings, letters, exhibits, pictures, drawings, charts, photographs, or copies or memoranda thereof, and any report or examinations or evaluations or any other information or data in the possession of the La. Licensed Professional Counselors Board of Examiners relative to the fitness of a licensed counselor or therapist to hold or maintain his license to practice.

Proposed law further provides that such records relative to the fitness of any person to receive or to continue to hold a license or certificate to practice counseling and therapy may be released to the public once a final disposition has been made by the board regarding the individual's fitness to hold such license or certificate.

Present law (R.S. 44:9) provides procedures for the expungement of misdemeanor and of certain felony offenses from a person's record. Further provides that a nonpublic record of the arrest and disposition of such offenses, though expunged, may be kept by the Dept. of Public Safety and Corrections for investigative purposes. Further authorizes the department to release the nonpublic information to specific entities, who are charged with maintaining the confidentiality of such information.

Proposed law retains present law and adds the La. Licensed Professional Counselors Board of Examiners to the list of entities eligible to receive confidential information pursuant to present law from the Dept. of Public Safety and Corrections.

Present law further defines "expungement". Provides that an expunged record is confidential, but remains available for use by law enforcement agencies, criminal justice agencies, and certain specified boards and offices. Proposed law retains present law and adds to the list of specified boards the La. Licensed Professional Counselors Board of Examiners.

(Amends R.S. 44:9(F) and (G); Adds R.S. 44:4(45))