

Regular Session, 2012

HOUSE BILL NO. 295

BY REPRESENTATIVES WESLEY BISHOP AND SMITH

EMPLOYMENT: Prohibits disqualification or ineligibility to practice a licensed trade or profession solely because of a prior criminal record, unless a conviction directly relates to the position sought

1 AN ACT

2 To amend and reenact R.S. 37:2950(A) and to enact R.S. 37:2950(D)(1)(a)(xv), relative to
3 employment restrictions; to provide relative to criminal record; to provide for
4 exceptions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 37:2950(A) is hereby amended and reenacted and R.S.
7 37:2950(D)(1)(a)(xv) is hereby enacted to read as follows:

8 §2950. ~~Felony convictions~~ Criminal record effect on trade, occupational, and
9 professional licensing

10 A. Notwithstanding any other provisions of law to the contrary, a person
11 shall not be disqualified, or held ineligible to practice or engage in any trade,
12 occupation, or profession for which a license, permit, or certificate is required to be
13 issued by the state of Louisiana or any of its agencies or political subdivisions, solely
14 because of a prior criminal record, except in cases in which ~~the applicant has been~~
15 ~~convicted of a felony, and such~~ a conviction directly relates to the position of
16 employment sought, or to the specific occupation, trade, or profession for which the
17 license, permit, or certificate is sought.

18 * * *

1 D.(1)(a) This Section shall not be applicable to:

2 * * *

3 (xv) The office of financial institutions.

4 * * *

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)]

Wesley Bishop

HB No. 295

Abstract: Prohibits the disqualification or ineligibility of employment in a licensed trade or profession based solely on a prior criminal record, unless a conviction directly relates to the position being sought.

Present law prohibits a person from being disqualified or held ineligible to engage in a licensed trade or profession solely because of a prior criminal record, except when the applicant has been convicted of a felony and the conviction directly relates to the position of employment. Requires written reasons if an applicant is prohibited from the position of employment based in whole or in part on the conviction of a crime.

Present law excepts the following entities; however, allows entities to adopt the policy:

- (1) Law enforcement agencies.
- (2) La. State Board of Medical Examiners.
- (3) La. State Board of Dentistry.
- (4) La. State Board of Nursing.
- (5) La. State Board of Practical Nursing Examiners.
- (6) State Racing Commission.
- (7) State Athletic Commission.
- (8) La. State Board of Pharmacy.
- (9) La. State Bar Association.
- (10) La. Professional Engineering and Land Surveying Board.
- (11) La. State Board of Architectural Examiners.
- (12) La. State Board of Private Investigator Examiners.
- (13) La. State Board of Embalmers and Funeral Directors.
- (14) La. State Board of Elementary and Secondary Education.
- (15) Office of alcohol and tobacco control of Dept. of Revenue.

Proposed law retains present law except deletes the reference to conviction of a felony. Proposed law prohibits a person from being disqualified or ineligible to engage in a licensed trade or profession solely because of a prior criminal record, except if a conviction directly relates to the position of employment.

Proposed law adds the office of financial institutions to those entities excepted from proposed law.

(Amends R.S. 37:2950(A); Adds (D)(1)(a)(xv))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Commerce to the original bill.

1. Included the office of financial institutions in the list of those entities excepted from the provisions.