

Regular Session, 2010

HOUSE BILL NO. 106

BY REPRESENTATIVE LOPINTO

CRIMINAL/RECORDS: Provides for the portability of criminal background checks in certain cases involving positions with supervisory or disciplinary authority over children

1 AN ACT

2 To enact R.S. 15:587.1.1, relative to criminal history information; to provide with respect  
3 to criminal history information of persons with supervisory or disciplinary authority  
4 over children; to authorize prospective employees and independent contractors; to  
5 receive a certified copy of their criminal history information; to provide for  
6 portability of such information; to provide for definitions; and to provide for related  
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:587.1.1 is hereby enacted to read as follows:

10 §587.1.1. Portability of criminal history information for licensed child care facilities  
11 A. When a prospective employer requests criminal history information  
12 pertaining to an individual applying for a position of supervisory or disciplinary  
13 authority over children in a child care facility in accordance with the provisions of  
14 R.S.15:587.1, or to an independent contractor who performs work in a child care  
15 facility, the individual applicant shall receive a certified copy of his criminal history  
16 information upon written request to the Louisiana Bureau of Criminal Identification  
17 and Information. A certified copy of the criminal background check shall be deemed  
18 to satisfy the requirements of R.S. 15:587.1 for each facility requesting criminal  
19 history information for a period of one year from the date of issuance of the certified

1 copy. To defer the costs of providing the certified copy, the bureau may collect a fee  
 2 in accordance with the provisions of R.S. 15:588.

3 B. For purposes of this Section, "independent contractor" means any person  
 4 who renders professional, therapeutic, or enrichment services such as educational  
 5 consulting, athletic, or artistic services within a child care facility, whose services are  
 6 not integral to either the operation of the child care facility or to the care and  
 7 supervision of children. Independent contractors may include but are not limited to  
 8 dance instructors, gymnastic or sports instructors, computer instructors, speech  
 9 therapists, licensed health care professionals, state-certified teachers employed  
 10 through a local school board, art instructors, and other outside contractors. A person  
 11 shall not be deemed an independent contractor if he is considered an employee or  
 12 statutory employee of the child care facility pursuant to Chapter 10 of Title 23 of the  
 13 Louisiana Revised Statutes of 1950.

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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)]

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Lopinto

HB No. 106

**Abstract:** Authorizes prospective employees to obtain a certified copy of their criminal history information and provides that the certified copy shall satisfy the law regarding criminal background checks by certain employers.

Present law (R.S. 15:587.1) requires employers or prospective employers of persons with supervisory or disciplinary authority over children to obtain criminal background checks on applicants.

Proposed law retains present law and provides that the applicants or independent contractors who perform work in child care facilities may request a certified copy of their criminal history information from the La. Bureau of Criminal Identification and Information. Further provides that a certified copy of the criminal background check shall be deemed to satisfy the requirements of present law for each facility requesting such information for a period of one year from the date of issuance of the certified copy.

Proposed law defines "independent contractor" as any person who renders professional, therapeutic, or enrichment services such as educational consulting, athletic, or artistic services within a child care facility, whose services are not integral to either the operation of the child care facility or to the care and supervision of children. Independent contractors may include but are not limited to dance instructors, gymnastic or sports instructors, computer instructors, speech therapists, licensed health care professionals, state-certified teachers employed through a local school board, art instructors, and other outside

contractors. A person shall not be deemed an independent contractor if he is considered an employee or statutory employee of the child care facility.

(Adds R.S. 15:587.1.1)

Summary of Amendments Adopted by House

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

1. Authorized independent contractors to request a certified copy of their criminal history information and provided that proposed law portability provisions are applicable to independent contractors.
2. Defined "independent contractor".