

Regular Session, 2012

HOUSE BILL NO. 1113

BY REPRESENTATIVE JOHNSON

PUBLIC RECORDS: Exempts the La. Licensed Professional Counselors Board of Examiners from certain provisions of Public Records Law

1 AN ACT

2 To amend and reenact R.S. 44:9(F) and (G) and to enact R.S. 44:4(45), relative to public  
3 records; to provide relative to the exemption of certain records in the possession of  
4 the Louisiana Licensed Professional Counselors Board of Examiners; to provide for  
5 the continued confidentiality of such records; to provide relative to the disclosure of  
6 certain confidential information to the Louisiana Licensed Professional Counselors  
7 Board of Examiners; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 44:9(F) and (G) are hereby amended and reenacted and R.S. 44:4(45)  
10 is hereby enacted to read as follows:

11 §4. Applicability

12 This Chapter shall not apply:

13 \* \* \*

14 (45) To any records, writings, accounts, recordings, letters, exhibits, pictures,  
15 drawings, charts, photographs, or copies or memoranda thereof, and any report or  
16 examinations or evaluations or any other information or data concerning the fitness  
17 of any person to receive or continue to hold a license or certificate to practice  
18 counseling and therapy in the custody or control of the Louisiana Licensed  
19 Professional Counselors Board of Examiners; however, any final action taken by the  
20 board, and any legal grounds upon which such action is based, relative to the fitness

1 of any person to receive or to continue to hold a license or certificate to practice  
2 counseling and therapy may be released to the public.

3 \* \* \*

4 §9. Records of violations of municipal ordinances and of state statutes classified as  
5 a misdemeanor or felony

6 \* \* \*

7 F. For investigative purposes only, the Department of Public Safety and  
8 Corrections may maintain a confidential, nonpublic record of the arrest and  
9 disposition. Upon specific request therefor and on a confidential basis, the  
10 information contained in this record may be released to the following entities who  
11 shall maintain the confidentiality of such record: any law enforcement agency,  
12 criminal justice agency, the Louisiana State Board of Medical Examiners, the  
13 Louisiana State Board of Nursing, the Louisiana State Board of Dentistry, the  
14 Louisiana State Board of Examiners of Psychologists, the Louisiana State Board of  
15 Social Work Examiners, the Emergency Medical Services Certification Commission,  
16 Louisiana Attorney Disciplinary Board, Office of Disciplinary Counsel, the  
17 Louisiana Supreme Court Committee on Bar Admissions, the Louisiana Licensed  
18 Professional Counselors Board of Examiners, or any person or entity requesting a  
19 record of all criminal arrests and convictions pursuant to R.S. 15:587.1.

20 G. "Expungement" means removal of a record from public access but does  
21 not mean destruction of the record. An expunged record is confidential, but remains  
22 available for use by law enforcement agencies, criminal justice agencies, the  
23 Louisiana State Board of Medical Examiners, the Louisiana State Board of Nursing,  
24 the Louisiana State Board of Dentistry, the Louisiana State Board of Examiners of  
25 Psychologists, the Louisiana State Board of Social Work Examiners, the Emergency  
26 Medical Services Certification Commission, the Louisiana Attorney Disciplinary  
27 Board, Office of Disciplinary Counsel, the Louisiana Supreme Court Committee on  
28 Bar Admissions, the Louisiana Licensed Professional Counselors Board of



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))