

Regular Session, 2011

HOUSE BILL NO. 392

BY REPRESENTATIVE HAZEL

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

1 AN ACT

2 To amend and reenact R.S. 15:587(F)(1) and 587.1(C)(introductory paragraph) and (1) and
3 to enact R.S. 15:587.1(J), relative to criminal background checks; to authorize an
4 employer to obtain conviction records for applicants seeking employment; to provide
5 for the taking of fingerprints from prospective employees; to authorize Court
6 Appointed Special Advocate programs to obtain criminal background records for
7 persons considered for involvement with the program; to require the Louisiana
8 Bureau of Criminal Identification and Information to forward fingerprints to the
9 Federal Bureau of Investigation for a national criminal history check; to provide for
10 additional offenses excluding employment in professions with access to children; and
11 to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 15:587(F)(1) and 587.1(C)(introductory paragraph) and (1) are
14 hereby amended and reenacted and R.S. 15:587.1(J) is hereby enacted to read as follows:

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

17 * * *

18 F.(1) An employer or his representative shall be entitled to obtain conviction
19 records of an applicant seeking employment, directly from the Bureau of Criminal
20 Identification and Information in order to further qualify the applicant for the
21 position being sought, if the applicant has signed a consent form authorizing the
22 employer to obtain such conviction records. Upon written request and upon
23 presentation of a consent form prepared by the bureau and executed by the applicant,
24 the bureau shall provide ~~any~~ conviction records of the applicant to the employer or

1 his representative in a timely manner. In addition, each applicant shall be
 2 fingerprinted, and the fingerprints shall be forwarded by the bureau to the Federal
 3 Bureau of Investigation for a national criminal history check. ~~For the purposes of this~~
 4 ~~Subsection "conviction records" shall include only those records which are~~
 5 ~~electronically maintained by the bureau, and are records of a finding of guilty, a plea~~
 6 ~~of guilty or nolo contendere, including those which have been set aside or dismissed~~
 7 ~~pursuant to Code of Criminal Procedure Article 893 or 894, or for which an~~
 8 ~~individual has received an automatic first offender pardon.~~ Records obtained
 9 pursuant to the provisions of this Subsection shall not include those records which
 10 have been ordered expunged pursuant to R.S. 44:9. The provisions of Subsection B
 11 of this Section shall apply to any request made pursuant to this Subsection. The
 12 bureau shall not be liable civilly or criminally for the release of information released
 13 pursuant to the provisions of this Subsection.

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§587.1. Provision of information to protect children

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17 C. The provisions of R.S. 15:825.3, R.S. 17:15, R.S. 46:51.2 and 1441.13,
 18 and Children's Code Article 424.1 shall govern the employment of persons who have
 19 been convicted of, or pled guilty or nolo contendere to, any of the following crimes:

- 20 (1) R.S. 14:30, R.S. 14:30.1, R.S. 14:31, R.S. 14:32.6 through R.S. 14:32.8,
 21 R.S. 14:41 through R.S. 14:45, R.S. 14:74, R.S. 14:78, R.S. 14:78.1, R.S. 14:79.1,
 22 R.S. 14:80 through R.S. 14:86, R.S. 14:89, R.S. 14:89.1, R.S. 14:89.2, R.S. 14:92,
 23 R.S. 14:93, R.S. 14:93.2.1, R.S. 14:93.3, crimes of violence as defined in
 24 R.S.14:2(B), sex offenses as defined in R.S. 15:541, R.S. 14:106, R.S. 14:282, R.S.
 25 14:283, R.S. 14:283.1, R.S. 14:284, R.S. 14:286, R.S. 40:966(A), R.S. 40:967(A),
 26 R.S. 40:968(A), R.S. 40:969(A), and R.S. 40:970(A) or convictions for attempt or
 27 conspiracy to commit any of those offenses;

* * *

29 J. Any Court Appointed Special Advocate program as defined in Children's
 30 Code Article 116(2.1) shall be entitled to information from the bureau to ascertain

1 whether a person being considered for involvement with the CASA program has
2 been arrested for, or convicted of, or pled guilty or nolo contendere to, any criminal
3 offense. The bureau shall, upon request and after receipt of fingerprint cards or other
4 identifying information from the CASA program, survey its criminal history records
5 and identification files and make a simultaneous request of the Federal Bureau of
6 Investigation for like information from other jurisdictions. The Louisiana Bureau
7 of Criminal Identification and Information shall provide a report promptly and in
8 writing, but provide only such information as is necessary to specify whether or not
9 that person has been arrested for or convicted of or pled guilty or nolo contendere to
10 any crime or crimes, the crime or crimes of which he has been arrested for or
11 convicted or to which he has pled guilty or nolo contendere, and the date or dates on
12 which they occurred. The report provided pursuant to the provisions of this
13 Subsection shall include arrests, convictions, or other dispositions, including
14 convictions dismissed pursuant to Code of Criminal Procedure Articles 893 and 894.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____