

Regular Session, 2011

HOUSE BILL NO. 574

BY REPRESENTATIVE BALDONE

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

PUBLIC RECORDS: Provides that certain criminal history records are public records and for accessibility thereto

1 AN ACT

2 To enact R.S. 44:3(I), relative to criminal history records; to provide relative to public  
3 records; to provide for the accessibility of records of criminal convictions through  
4 the Louisiana Bureau of Criminal Identification and Information or any law  
5 enforcement agency; to provide for a charge to be assessed; to limit liability for any  
6 law enforcement agency furnishing such records; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 44:3(I) is hereby enacted to read as follows:

9 §3. Records of prosecutive, investigative, and law enforcement agencies, and  
10 communications districts

11 \* \* \*

12 I.(1) Notwithstanding the provisions of Subsections A and C of this Section,  
13 records of criminal convictions of individuals are public record and shall be made  
14 accessible to any person through the Louisiana Bureau of Criminal Identification and  
15 Information, either directly from the bureau or from any law enforcement agency.  
16 A person requesting such records must provide the name, date of birth, and any other  
17 identifying information required by the bureau regarding the subject of the record.  
18 Any law enforcement agency shall provide only those records that are electronically  
19 maintained and shall not be required to provide any information which has not been  
20 entered into an electronic database maintained by the bureau.

- 1                   (2) For purposes of this Section:
- 2                   (a)(i) "Conviction" shall include a finding of guilty, a plea of guilty or nolo  
3                   contendere, or an offense for which a person has received a first offender pardon.
- 4                   (ii) "Conviction" shall not include a conviction which has been set aside and  
5                   dismissed pursuant to the Code of Criminal Procedure Article 893 or 894.
- 6                   (b) "Records of criminal convictions" shall not include any records which  
7                   have been expunged pursuant to R.S. 44:9.
- 8                   (3) A fee of twenty-six dollars shall be assessed for each inquiry, whether  
9                   a conviction record is maintained or not, to defray the expenses of maintaining the  
10                   records and responding to inquiries. Any agency other than the bureau that responds  
11                   to a request may retain sixteen dollars of the fee and shall transmit ten dollars of the  
12                   fee to the bureau.
- 13                   (4) No law enforcement agency furnishing such records shall, for any reason,  
14                   be liable in damages to any person for providing such conviction information.
- 15                   Section 2. This Act shall become effective on July 1, 2011; if vetoed by the governor  
16 and subsequently approved by the legislature, this Act shall become effective on July 1,  
17 2011, or on the day following such approval by the legislature, whichever is later.

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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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Baldone

HB No. 574

**Abstract:** Provides for accessibility of records of criminal convictions through the La. Bureau of Criminal Identification and Information and law enforcement agencies. Assesses a \$26 fee for such record and limits liability of the agency that furnishes such record.

Proposed law provides that records of criminal convictions are public records and shall be made accessible through the La. Bureau of Criminal Identification and Information, either directly or from other law enforcement agencies for a fee of \$26. Specifies that law enforcement agencies are required to furnish only electronic records and shall not be required to furnish any information not in an electronic database of the bureau. Provides that a person requesting such information shall provide certain information concerning the subject of the record, including name, date of birth, and any other identifying information required by the bureau.

Proposed law provides that for the purposes of proposed law "conviction" shall include a finding of guilty, a guilty or nolo contendere plea, and an offense for which a person has received a first offender pardon but excludes a conviction that has been set aside and dismissed pursuant to the C.Cr.P. Art. 893 (suspension and deferral of sentence; probation for felonies) or C.Cr.P. Art. 894 (suspension and deferral of sentence; probation for misdemeanors). Further provides that "records of criminal convictions" shall not include records expunged pursuant to present law (R.S. 44:9). Provides that if the record is requested from a law enforcement agency, the Bureau of Criminal Identification and Information shall receive \$10, and the law enforcement agency shall receive \$16. Provides that no law enforcement agency shall be held liable in damages for any reason related to providing such records.

Effective July 1, 2011.

(Adds R.S. 44:3(I))