

ACT No. 646

2016 Regular Session

HOUSE BILL NO. 830

BY REPRESENTATIVE SEABAUGH

1 AN ACT

2 To amend and reenact R.S. 15:587.1(B)(1) and (C)(introductory paragraph) and R.S.
3 17:407.42(B)(1)(a), relative to the Department of Education; to authorize the
4 department to request criminal history information on certain personnel of early
5 learning centers; to provide requirements relative to the state Bureau of Criminal
6 Identification and Information upon the receipt of such requests; to provide relative
7 to fees; to provide relative to effectiveness; to provide relative to implementation;
8 and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 15:587.1(B)(1) and (C)(introductory paragraph) are hereby amended
11 and reenacted to read as follows:

12 §587.1. Provision of information to protect children

13 * * *

14 B.(1) Upon receiving a request pursuant to the provisions of R.S. 17:15,
15 407.42, and 407.71, and R.S. 46:51.2 when authorized by R.S. 15:587, that meets the
16 requirements of Subsection A of this Section, the bureau of criminal identification
17 and information shall survey its criminal history records and identification files and
18 make a simultaneous request of the Federal Bureau of Investigation for like
19 information from other jurisdictions. The bureau of criminal identification and
20 information shall provide a report promptly and in writing, but provide only such
21 information as is necessary to specify whether or not that person has been arrested
22 for or convicted of or pled nolo contendere to any crime or crimes, the crime or
23 crimes of which he has been arrested for or convicted or to which he has pled nolo

1 contendere, and the date or dates on which they occurred. The report provided
2 pursuant to the provisions of this Subsection shall include arrests, convictions, or
3 other dispositions, including convictions dismissed pursuant to Code of Criminal
4 Procedure Articles 893 and 894.

5 * * *

6 C. The provisions of R.S. 15:825.3, R.S. 17:15, 407.42, and 407.71, R.S.
7 46:51.2 and 1441.13, and Children's Code Article 424.1 shall govern the
8 employment of persons who have been convicted of, or pled guilty or nolo
9 contendere to, any of the following crimes:

10 * * *

11 Section 2. R.S. 17:407.42(B)(1)(a) is hereby amended and reenacted to read as
12 follows:

13 §407.42. Criminal History Review

14 * * *

15 B.(1) The State Board of Elementary and Secondary Education shall
16 establish by regulation, requirements and procedures consistent with the provisions
17 of R.S. 15:587.1 under which:

18 (a) ~~The owner or operator of an early learning center~~ department may shall
19 request information concerning whether or not any owner or volunteer, applicant, or
20 employee of any kind including contractors, of an early learning center has been
21 arrested for or convicted of or pled nolo contendere to any criminal offense. The
22 department may collect the processing fees charged by the Bureau of Criminal
23 Identification and Information for a state criminal history report and the Federal
24 Bureau of Investigation for a federal criminal history information report when it
25 receives a request for an employment eligibility determination and shall timely
26 submit the processing fees to the Bureau of Criminal Identification and Information.

27 * * *

28 Section 3. This Act shall become effective when the State Board of Elementary and
29 Secondary Education promulgates rules providing for implementation procedures by which

1 the state Department of Education shall conduct employment eligibility determinations for
2 staff members of child care providers or on September 30, 2017, whichever is earlier.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____