

Regular Session, 2012

SENATE BILL NO. 111

BY SENATOR JOHNS

PUBLIC RECORDS. Authorizes the Louisiana Board of Pharmacy to access expunged records under certain circumstances. (8/1/12)

1 AN ACT

2 To amend and reenact R.S. 44:9(F) and (G), relative to the Public Records Law; relative to
3 records of violations of municipal ordinances and of state statutes classified as a
4 misdemeanor or felony; to provide the Louisiana Board of Pharmacy with access to
5 expunged records under certain circumstances; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 44:9(F) and (G) are hereby amended and reenacted to read as
8 follows:

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

11 * * *

12 F. For investigative purposes only, the Department of Public Safety and Corrections
13 may maintain a confidential, nonpublic record of the arrest and disposition. Upon specific
14 request therefor and on a confidential basis, the information contained in this record may be
15 released to the following entities who shall maintain the confidentiality of such record: any
16 law enforcement agency, criminal justice agency, the Louisiana State Board of Medical
17 Examiners, the Louisiana State Board of Nursing, the Louisiana State Board of Dentistry,

1 the Louisiana State Board of Examiners of Psychologists, **the Louisiana Board of**
 2 **Pharmacy**, the Louisiana State Board of Social Work Examiners, the Emergency Medical
 3 Services Certification Commission, Louisiana Attorney Disciplinary Board, Office of
 4 Disciplinary Counsel, the Louisiana Supreme Court Committee on Bar Admissions, or any
 5 person or entity requesting a record of all criminal arrests and convictions pursuant to R.S.
 6 15:587.1.

7 G. "Expungement" means removal of a record from public access but does not mean
 8 destruction of the record. An expunged record is confidential, but remains available for use
 9 by law enforcement agencies, criminal justice agencies, the Louisiana State Board of
 10 Medical Examiners, the Louisiana State Board of Nursing, the Louisiana State Board of
 11 Dentistry, the Louisiana State Board of Examiners of Psychologists, **the Louisiana Board**
 12 **of Pharmacy**, the Louisiana State Board of Social Work Examiners, the Emergency Medical
 13 Services Certification Commission, the Louisiana Attorney Disciplinary Board, Office of
 14 Disciplinary Counsel, the Louisiana Supreme Court Committee on Bar Admissions, or any
 15 person or entity requesting a record of all criminal arrests and convictions pursuant to R.S.
 16 15:587.1.

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The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Lauren Bailey.

DIGEST

Present law provides the following list of entities to whom the Department of Public Safety and Corrections (DPS&C) may release confidential records of arrest or conviction which has been expunged: any law enforcement agency, criminal justice agency, the La. State Board of Medical Examiners, the La. State Board of Nursing, the La. State Board of Dentistry, the La. State Board of Examiners of Psychologists, the La. State Board of Social Work Examiners, the Emergency Medical Services Certification Commission, the La. Attorney Disciplinary Board, Office of Disciplinary Counsel, the La. Supreme Court Committee on Bar Admissions, or any entity requesting a record of all criminal arrests and convictions pursuant to present law R.S. 15:587.1.

Proposed law retains present law and adds the Louisiana Board of Pharmacy to the list of entities who have access to DPS&C's confidential records of arrest or conviction which has been expunged.

Effective August 1, 2012.

(Amends R.S. 44:9(F) and (G))