

Regular Session, 2012

SENATE BILL NO. 111

BY SENATOR JOHNS

PUBLIC RECORDS. Authorizes the Louisiana Board of Pharmacy and the office of financial institutions 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 and the office  
5 of financial institutions with access to expunged records under certain circumstances;  
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

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

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

12 \* \* \*

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

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

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

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The original instrument was prepared by Lauren Bailey. The following digest, which does not constitute a part of the legislative instrument, was prepared by Alan Miller.

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#### DIGEST

Johns (SB 111)

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 have 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 and the office of financial institutions to the list of entities which have access to DPS&C's confidential records of arrest or conviction which have been expunged.

Effective August 1, 2012.

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

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Adds the office of financial institutions to the list of entities which have access to DPS&C's confidential records of arrest or conviction which have been expunged.