

SENATE BILL NO. 406

BY SENATOR MCPHERSON

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AN ACT

To amend and reenact R.S. 15:587.1(B) and R.S. 44:9(F), (G) and (I), and to enact R.S. 15:587(A)(1)(f), relative to criminal records; to amend provisions regarding criminal background checks; to provide entities with access to criminal history information; to provide for the type of information available to those entities; to provide for confidentiality; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:587.1(B) is hereby amended and reenacted and R.S. 15:587(A)(1)(f) is hereby enacted to read as follows:

§587. Duty to provide information; processing fees; Louisiana Bureau of Criminal

Identification and Information

A.(1) \* \* \*

**(f)(i) If the request for information and records is made to the bureau by any eligible criminal justice agency, the bureau shall include in its report any information concerning arrests and convictions of an individual, including convictions in which a judgment of dismissal of the prosecution was granted pursuant to the provisions of Articles 893 and 894 of the Code of Criminal Procedure.**

**(ii)(aa) When an individual's record contains information which has been expunged, the bureau shall include in its report to the requesting entity the date of the arrest and a notation that the individual's record contains information which has been expunged and that the requesting entity may contact the bureau in order to obtain further information regarding the expunged information.**

**(bb) The bureau shall establish policies and procedures by which the entities enumerated in this Subparagraph may be furnished with expunged information. These policies and procedures shall not require the requesting entity to personally appear at the office of the bureau in order to obtain access**

1 to the expunged information.

2 (cc) The requesting entity, upon receiving the expunged information,  
3 shall maintain the confidentiality of the information as provided by law and the  
4 expunged information shall not be deemed a public record.

5 (dd) The information may be used or admitted as evidence in any court  
6 proceeding or employment or disciplinary hearing in which the receiving  
7 agency is an authorized participant.

8 \* \* \*

9 §587.1. Provision of information to protect children

10 \* \* \*

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

22 The report provided pursuant to the provisions of this Subsection shall  
23 include arrests, convictions, or other dispositions, including convictions  
24 dismissed pursuant to Code of Criminal Procedure Articles 893 and 894.

25 (2)(a) When an individual's record contains information which has been  
26 expunged, the bureau shall include in its report to the requesting person or  
27 entity the date of the arrest and a notation that the individual's record contains  
28 information which has been expunged and that the requestor may contact the  
29 bureau in order to obtain further information regarding the expunged  
30 information.



1           ~~receiving law enforcement agency, criminal justice agency, 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 Emergency Medical Services Certification Commission, the Louisiana Attorney~~  
 5           ~~Disciplinary Board, Office of Disciplinary Counsel, or the Louisiana Supreme Court~~  
 6           ~~Committee on Bar Admissions shall maintain the confidentiality of such record.~~

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

17                                               \*       \*       \*

18                       I. Except to those ~~agencies~~ **entities** listed in Subsection G of this Section, no  
 19          person whose record of arrest and conviction has been expunged pursuant to the  
 20          provisions of this Section shall be required to disclose that he was arrested or  
 21          convicted for the subject offense or that the record of the arrest and conviction has  
 22          been expunged, unless otherwise provided in this Section.

\*       \*       \*

\_\_\_\_\_  
PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_