CRIMINAL RECORDS. Provides for access to criminal history records and identification files by the office of technology services. (8/1/22)

AN ACT

To amend and reenact R.S. 15:587(A)(1)(a) and to enact R.S. 15:587(A)(1)(m) and 587.5(B)(3), relative to criminal history records and identification files; to provide for access to criminal history records and identification files by the office of technology services; to provide for responsibilities of division of administration, office of technology services; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:587(A)(1)(a) is hereby amended and reenacted and R.S. 15:587(A)(1)(m) and 587.5(B)(3) are hereby enacted to read as follows:

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

A.(1)(a) The bureau shall make available upon request, or at such other times as the deputy secretary shall designate, to any eligible criminal justice agency and the division of administration, office of technology services, Louisiana Department of Education, the Louisiana Department of Health, the state fire marshal when reviewing applications for licensure, the Louisiana Manufactured Housing Commission when reviewing applications for licensure, the Department of Children
and Family Services, the Department of Insurance, the Louisiana State Racing
Commission, the Senate and Governmental Affairs Committee, the House and
Governmental Affairs Committee, the secretary of the Louisiana Workforce
Commission or his designee, the Board of River Port Pilot Commissioners, the
Office of Financial Institutions in the office of the governor, the office of the
disciplinary counsel of the Louisiana Attorney Disciplinary Board of the Louisiana
State Bar Association; however, as to any licensed attorney such this information
shall be provided only after the issuance of a formal charge against the attorney, the
Louisiana Supreme Court Committee on Bar Admissions, the municipal or parish
department or personnel responsible for reviewing applications for alcoholic
beverage outlet permits, and the legislative auditor any information contained in the
criminal history record and identification files of the bureau. The Department of
Children and Family Services may provide information secured pursuant to this
Subsection to all federal and state agencies providing child support enforcement
services.

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(m) The division of administration, office of technology services, is
entitled to the criminal history record and identification files of the bureau for
any person for which a fingerprint request is submitted pursuant to R.S.
15:578.5 and 587.6 and R.S. 39:15.1.2. The bureau may submit fingerprints to
the Federal Bureau of Investigation to be retained in the FBI rap back system
for the purpose of being searched in future submissions to the FBI rap back
system, including latent fingerprint searches. The bureau shall make available
to the division of administration, office of technology services, rap backs for
requests made pursuant to R.S. 15:587.5 and 587.6 and R.S. 39:15.1.2.

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§587.5. Agencies with access to federal tax information; criminal history information

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B.(1)

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Coding: Words which are struck through are deletions from existing law; words in boldface type and underscored are additions.
(3) In addition to the requirements of Paragraphs (1) and (2) of this Subsection, for requests made pursuant to R.S. 39:15.1.2, the bureau may submit fingerprints to the Federal Bureau of Investigation to be retained in the FBI rap back system for the purpose of being searched in future submissions to the FBI rap back system, including latent fingerprint searches. The bureau shall make available to the division of administration, office of technology services, rap backs for requests made pursuant to R.S. 39:15.1.2. Any recipient of information as provided in this Paragraph shall maintain the confidentiality of the criminal history information in accordance with applicable state or federal law.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Thomas L. Tyler.

DIGEST

Present law requires that the Louisiana Bureau of Criminal Identification and Information, upon request of certain enumerated entities, provide the information contained in the bureau's criminal history records and identification files.

Proposed law adds the division of administration, office of technology services, to the list of entities available to request this information.

Present law provides that agencies with access to federal tax information may require that any current or prospective employee, contractor, or subcontractor submit to a criminal history records check and fingerprints to the Louisiana Bureau of Criminal Identification and Information. Requires the bureau to forward these fingerprints to the FBI when a national criminal history records check is requested.

Proposed law retains these provisions in the present law but authorizes the bureau to submit fingerprints to the FBI for retention in the FBI rap back system. Requires the bureau to make rap back requests available to the division of administration, office of technology services. Requires that any recipient of this information maintain the confidentiality of these records.

Effective August 1, 2022.

(Amends R.S. 15:587(A)(1)(a); adds R.S. 15:587(A)(1)(m) and 587.5(B)(3))