

2016 Regular Session

HOUSE BILL NO. 830

BY REPRESENTATIVE SEABAUGH

CHILDREN/CARE: Provides relative to criminal background checks for owners, employees, volunteers, and inspectors of early learning centers

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

1 for or convicted of or pled nolo contendere to any crime or crimes, the crime or  
2 crimes of which he has been arrested for or convicted or to which he has pled nolo  
3 contendere, and the date or dates on which they occurred. The report provided  
4 pursuant to the provisions of this Subsection shall include arrests, convictions, or  
5 other dispositions, including convictions dismissed pursuant to Code of Criminal  
6 Procedure Articles 893 and 894.

7 \* \* \*

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

12 \* \* \*

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

15 §407.42. Criminal History Review

16 \* \* \*

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

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

29 \* \* \*

1 Section 3. This Act shall become effective when the State Board of Elementary and  
 2 Secondary Education promulgates rules providing for implementation procedures by which  
 3 the state Department of Education shall conduct employment eligibility determinations for  
 4 staff members of child care providers or on September 30, 2017, whichever is earlier.

#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 830 Reengrossed

2016 Regular Session

Seabaugh

**Abstract:** Provides relative to criminal history information for personnel of early learning centers.

Present law prohibits any person who has been convicted of or has pled nolo contendere to certain crimes, including sex crimes and crimes against children, from directly or indirectly owning, operating, or participating in the governance of an early learning center, being hired by an early learning center as a volunteer or employee of any kind, or being hired by the state Dept. of Education (DOE) if the position includes the performance of early learning center licensing inspections. Proposed law retains present law.

Present law requires BESE to establish by regulation, requirements, and procedures consistent with the provisions of present law (R.S. 15:587.1) under which the owner or operator of an early learning center may request information concerning whether or not any center owner or volunteer, applicant, or employee of any kind, including contractors, has been arrested for or convicted of or pled nolo contendere to any criminal offense.

Proposed law authorizes DOE rather than owners and operators to request criminal history information for these individuals. Also authorizes DOE to collect the processing fees charged for state and federal criminal history reports when it receives a request for an employment eligibility determination and requires that DOE timely submit these fees to the Bureau of Criminal Identification and Information.

Proposed law shall become effective when BESE promulgates rules providing for implementation procedures by which DOE shall conduct employment eligibility determinations or on September 30, 2017, whichever is earlier.

(Amends R.S. 15:587.1(B)(1) and (C)(intro. para.) and R.S. 17:407.42(B)(1)(a))

#### Summary of Amendments Adopted by House

##### The House Floor Amendments to the engrossed bill:

1. Authorize DOE to collect processing fees for criminal history reports and require DOE to timely submit such fees to the Bureau of Criminal Identification and Information.
2. Provide for proposed law effectiveness on Sept. 30, 2017, or when BESE promulgates rules relative to implementation, whichever is sooner.